



County Council Meeting Beaufort County, SC

This meeting was held in person at the Buckwalter Recreation Center, 905 Buckwalter Pkwy, Bluffton SC.

Monday, November 14, 2022
6:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/189519>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 6:00 PM.

PRESENT

Chairman Joseph F. Passiment
Vice Chairman D. Paul Sommerville
Council Member Logan Cunningham
Council Member Brian Flewelling
Council Member York Glover
Council Member Chris Hervocho
Council Member Alice Howard
Council Member Mark Lawson
Council Member Lawrence McElynn
Council Member Stu Rodman

ABSENT

Council Member Gerald Dawson

2. MOMENT OF SILENCE FOR MAYOR SAMUEL E. MURRAY

Chairman Passiment asked for a Moment of Silence for the passing of Mayor Samuel Murray.

3. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance, and Council Member Rodman led the Invocation.

4. FOIA

Chairman Passiment noted that public notification of this meeting has been published, posed, and distributed in compliance with the South Carolina Freedom of Information Act.

5. APPROVAL OF AGENDA

Motion: It was moved by Council Member Rodman, seconded by Council Member McElynn, to approve the agenda.

Motion to Amend: It was moved by Council Member McElynn, seconded by Council Member Cunningham, to institute a program for paid leave cash out for employees to receive compensation during the period between Thanksgiving and Christmas for any leave that they would turn in, with a maximum of 60 hours.

The Vote - The motion to amend was approved without objection.

The Vote - The main motion was approved without objection.

Council Member Flewelling and Chairman Passiment discussed the placement of the item on the agenda as new item number 15A.

6. APPROVAL OF MINUTES

Motion: It was moved by Council Member Howard, seconded by Council Member Rodman, to approve the minutes from October 24, 2022.

The Vote - The motion was approved without objection.

7. ADMINISTRATOR'S REPORT

Please watch the video stream available on the County's website to view the complete report.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=315>

County Administrator Eric Greenway discussed the green space program's approval by the voters, including the next steps for how to handle board appointments and the bonding mechanism.

Council Member Cunningham and County Administrator Greenway discussed why Council Member Howard was the only Council Member directly invited to attend the County's staff meeting on the green space program.

Council Member Glover and County Administrator Greenway discussed the green space committee's start date.

8. PRESENTATION OF THE GOLDEN PALMETTO AWARD TO THE BEAUFORT COUNTY DISABILITIES AND SPECIAL NEEDS DIVISION

Please watch the video stream available on the County's website to view the complete presentation.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=459>

Mr. Barry D. Malphrus and Mr. Eddie L. Miller recognized the Beaufort County DSN Board, South Carolina Department of Disabilities and Special Needs (SCDDSN), presented the Golden Palmetto Award to County Council, and thanked the County for its commitment to people with disabilities.

9. PRESENTATION OF THE J. MITCHELL GRAHAM AND BARRETT LAWRIMORE TROPHIES

Please watch the video stream available on the County's website to view the complete presentation.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=826>

Tim Winslow, Executive Director of the South Carolina Association of Counties, presented the Barrett Lawrimore and J. Mitchell Graham awards received by Beaufort County for its design manual for stormwater management and its decal system for convenience centers.

10. PRESENTATION OF A PROCLAMATION FOR GULLAH/GEECHEE - SIERRA LEONE CONNECTION DAY

Please watch the video stream available on the County's website to view the complete presentation.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=1192>

Council Member Glover presented a Proclamation to Pearlie Sue, who highlighted the upcoming visit by Sierra Leone’s tourism officials, Sierra Leone students enrolled in the University of South Carolina at Beaufort, and a December 1st cultural symposium.

11. PRESENTATION ON WATER DEMANDS AND IRRIGATION MANAGEMENT

Please watch the video stream available on the County's website to view the complete presentation.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=1617>

Joe Mantua, General Manager at BJWSA, provided background on the provision of water and wastewater services, the Savannah River as the major source of drinking water, daily water demands, master plan development, planned projects and funding, customers served, management of water use peaks in the summer months – changing irrigation patterns,

Chairman Passiment commented on water usage volumes in Sun City.

Council Member Glover commented that we must consider conservation community-wide and start creating water-focused education initiatives.

Council Member Flewelling and Mr. Mantua discussed water transmission and treatment capacity.

Council Member Rodman and Mr. Mantua discussed reprocessed water systems and residential and irrigation uses of water.

Council Member Hervochon asked about the headwaters of the Savannah River.

12. CITIZEN COMMENTS

Please watch the video stream available on the County's website to view the complete comments.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=2859>

Gloria Wilson

Gail

Aaron Sutton

Anna Maria Tabernick

Jessie White

13. LIASION AND COMMITTEE REPORTS

Please watch the video stream available on the County's website to view the complete reports.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=3780>

Council Member McElynn commented on the Community Services Committee meeting in December, which will have a discussion of a report on the maintenance of private unpaved roads.

Council Member Cunningham asked about the status of Rainbow Road pavement.

Council Member Glover commented on his appreciation of the County staff’s work on a tennis court and pool dedication.

Council Member Howard reported on the redevelopment plans for Ribaut Road to improve economic development potential.

Council Member Lawson commented on a consent agenda item for the third reading of an ordinance for the authorities and duties of the Purchasing Director and Chief Financial Officer.

Chairman Passiment commented on the results of the November 8th election and highlighted the incoming Council Members. Council Member Flewelling asked about the staggering of Council Member terms.

14. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member Glover, seconded by Council Member Rodman, to approve the consent agenda.

The Vote - The motion was approved without objection.

15. MATTERS ARISING OUT OF THE CAUCUS EXECUTIVE SESSION

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=4192>

Council Member McElynn discussed the cost-of-living allowance to be in effect the first pay period of January 2023 and funded by the Administrator's budget.

Motion: It was moved by Council Member McElynn, seconded by Council Member Howard, to provide the current County Administrator the five percent cost of living allowance, which was voted by Council for Council and other elected and appointed officials and all other County employees in April of this year, to be effective in the first pay period of January 2023, and the funds will come from the Administrator's budget.

Discussion: Council Member Cunningham voiced his opposition to the motion, highlighting the County Administrator's status as a contracted employee, the salary and car allowance rates, and the timeline of the item.

Council Member Lawson commented on his support for a salary raise due to inflation.

Council Member Rodman discussed the distinction between salaries and the cost of living.

The Vote - The motion passed by 9:1. Council Member Cunningham voted nay.

15A. APPROVAL OF A PROGRAM FOR PAID LEAVE CASH OUT DURING THE PERIOD BETWEEN THANKSGIVING AND CHRISTMAS

Motion: It was moved by Council Member McElynn, seconded by Council Member Cunningham, to instruct the Beaufort County Administrator to institute through immediate action the paid leave cash-out program for eligible Beaufort County employees, and the program should be structured so that a maximum amount of sixty hours of leave is eligible for the paid leave cash-out program.

Discussion: Council Member Glover commented on the funding impact and his support for the item.

Council Member Hervochon commented that the program is additional cash out the door and his plan to abstain from the vote.

Council Member Lawson voiced his agreement that the program is an expense. Deputy County Administrator Richland discussed the salaries and benefits budget trend, gapped position savings, and budget estimates.

County Attorney Keaveny clarified that the item was not discussed in the executive session.

The Vote - The motion passed by 9:0. Council Member Hervochon abstained.

16. FIRST READING BY TITLE ONLY OF AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, SECTION 2-28 OF THE BEAUFORT COUNTY CODE OF ORDINANCES BY DELETING AND REPLACING A PORTION OF THE CURRENT TEXT

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=4841>

Motion: It was moved by Council Member McElynn, seconded by Council Member Cunningham, to approve the first reading by title only of an ordinance to amend Chapter 2, Article II, Section 2-28 of the Beaufort County Code of Ordinances by deleting and replacing a portion of the current text.

Discussion: Council Member McElynn provided background on the item, highlighting the legal validity of previously adopted ordinances that authorized members of the County Council to receive Beaufort County's annual cost of living adjustment.

Council Member Howard voiced her opposition to the motion, as she does not believe a cost-of-living adjustment is needed.

Council Member Cunningham commented that he supports the motion to attract the best people to serve on the Council.

Council Member Glover stated that he has never supported a pay increase and that he will not support the motion.

The Vote -Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Flewelling, Council Member Glover, Council Member Hervocho, Council Member Howard, and Council Member Lawson. The motion failed by 5:5.

17. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE TO AMEND THE ZONING MAP OF BEAUFORT COUNTY TO CHANGE 175 FORDING ISLAND ROAD (PARCEL ID NUMBER R600 022 000 011A 0000) FROM T2 RURAL TO C5 REGIONAL CENTER MIXED USE

Motion: It was moved by Council Member Howard, seconded by Council Member Rodman, to approve the public hearing and second reading of an ordinance to amend the zoning map of Beaufort County to change 175 Fording Island Road (Parcel ID Number R600 022 000 011A 0000) from T2 Rural to C5 Regional Center Mixed Use.

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

The Vote - The motion was approved without objection.

18. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.11.60 (RIVER BUFFER) TO CLARIFY PENALTIES FOR REMOVING TREES FROM THE RIVER BUFFER WITHOUT APPROPRIATE PERMITS

Motion: It was moved by Council Member Howard, seconded by Council Member Flewelling, to approve the public hearing and second reading of an ordinance for a text amendment to the Community Development Code (CDC): Section 5.11.60 (River Buffer) to clarify penalties for removing trees from the river buffer without appropriate permits.

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

The Vote - The motion was approved without objection.

19. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AMENDING THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 74 – BUILDING AND BUILDING REGULATIONS, SECTION 74-64, ADOPTION

OF BUILDING CODES (AMENDS CODE OF ORDINANCES TO ADOPT THE 2021 STATE MANDATED CODE EDITIONS)

Motion: It was moved by Council Member Howard, seconded by Council Member Glover, to approve the public hearing and second reading of an ordinance amending the Beaufort County Code of Ordinances, Chapter 74 - Building and Building Regulations, Section 74-64, Adoption of Building Codes (amends Code of Ordinances to adopt the 2021 state-mandated code editions).

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

Discussion: Council Member Rodman asked what would happen if the Council voted against something mandated by the State.

The Vote - The motion was approved without objection.

20. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.3.20 (ARCHITECTURAL STANDARDS AND GUIDELINES APPLICABILITY) AND APPENDIX, DIVISION A.1.20 (COMMUNITY PRESERVATION DISTRICTS - RELATIONSHIP TO THE COMMUNITY DEVELOPMENT CODE) TO RESTRICT THAT A SHIPPING CONTAINER OR OTHER SIMILAR PORTABLE STORAGE CONTAINER IS NOT CONSIDERED A DWELLING

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=5762>

Motion: It was moved by Council Member Rodman, seconded by Council Member Howard, to approve the public hearing and second reading of an ordinance for a text amendment to the Community Development Code (CDC): Section 5.3.20 (Architectural Standards and Guidelines Applicability) and Appendix, Division A.1.20 (Community Preservation Districts - Relationship to the Community Development Code) to restrict that a shipping container or other similar portable storage container is not considered a dwelling.

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

Discussion: Council Member Flewelling commented on the equal application of standards and thanked ACA Atkinson for his explanation of the issue during the caucus meeting.

Council Member Hervochon commented on his opposition to the motion, given liability property owner rights considerations. Council Member Cunningham also voiced opposition to the motion.

Council Member Lawson commented on his support for the motion and code enforcement. Council Member Glover also voiced his support for the motion but mentioned reservations because other communities are engaging in container homes.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Flewelling, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Cunningham and Council Member Hervochon. The motion passed by 8:2.

21. APPROVAL OF A RESOLUTION TO SWAP IDENTIFIED PROPERTIES BETWEEN BEAUFORT COUNTY AND THE RURAL AND CRITICAL LANDS PROGRAM IN ORDER TO BUILD AN ADDITIONAL LIBRARY, ADDITIONAL

PARKS AND RECREATION FIELDS AND A SOLID WASTE MATERIAL RECOVERY FACILITY IN SOUTHERN BEAUFORT COUNTY

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=6153>

Motion: It was moved by Council Member Cunningham, seconded by Council Member Howard, to approve a resolution to swap identified properties between Beaufort County and the Rural and Critical Lands Program in order to build an additional library, additional parks and recreation fields, and a solid waste material recovery facility in southern Beaufort County.

Discussion: Council Member McElynn asked whether all the necessary information had been provided. ACA Atkinson commented on the choice to postpone the appraisal process until the Council confirms its support.

ACA Atkinson provided an overview of the Rural and Critical Lands Program properties, the proposal to split the parcels and remove portions from the RCLP for a library and recreation fields, and the transfer into the RCLP of the Camp St. Mary's and Bluffton Parkway properties.

Council Member Howard asked about the value of the Bluffton Parkway property to the Rural and Critical Lands Program. ACA Atkinson commented on the plan for a passive park.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Hervocho, to continue past the 8 o'clock hour.

The Vote – The motion passed by 8:2. Council Members Flewelling and Glover voted nay.

Discussion: Council Member Howard asked about the next steps if the resolution were to pass.

Council Member Glover commented on his preference for the Rural and Critical Lands Board to be able to provide input before a vote is conducted and his support of the land swap for conservation.

Council Member Rodman echoed concerns about bypassing the Rural and Critical Lands Boards and advocated for the postponement of the item.

Council Member Cunningham commented on the preservation of Camp St. Mary's and the stormwater pond, the benefit of additional fields for youth sports, and his support for the motion.

Council Member Flewelling commented on the input of the Rural and Critical Lands Board, Camp St. Mary's restrictive covenants, and the preservation of assets. Mr. Flewelling also requested a favorable vote by the Rural and Critical Lands Board and the Natural Resources Committee.

County Administrator Greenway discussed the timeline of the item, the purchase of the RCLP parcels, and the lack of covenants and restrictions on Camp St. Mary's.

Motion to Postpone: It was moved by Council Member Hervocho, seconded by Council Member Glover, to postpone the item until the December 12th County Council meeting.

The Vote – The motion was approved without objection.

22. APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON TAX MAP SERIAL NUMBER R700 037 000 0131 0000 AND ALSO KNOWN AS LOBECO FARMS

Motion: It was moved by Council Member Glover, seconded by Council Member Howard, to approve a resolution authorizing the County Administrator to execute the necessary documents and provide funding for the purchase of the development rights on tax map serial number R700 037 000 0131 0000 and also known as Lobeco Farms.

The Vote - The motion was approved without objection.

23. APPROVAL OF A RESOLUTION TO THE AMENDED OYSTER FACTORY PARK MASTER PLAN (2022 OYSTER FACTORY PARK MASTER PLAN) AND SITE LAYOUT PLAN

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=7898>

Motion: It was moved by Council Member Lawson, seconded by Council Member Howard, to approve a resolution to the amended Oyster Factory Park Master Plan (2022 Oyster Factory Park Master Plan) and site layout plan.

Discussion: Council Member Howard commented on collaboration with the Town of Bluffton.

The Vote - The motion was approved without objection.

24. APPROVAL OF A RESOLUTION TO UPDATE POLICY 19- ACQUISITION OF STORMWATER DRAINAGE EASEMENTS

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=7939>

Motion: It was moved by Council Member Howard, seconded by Council Member Glover, to approve a resolution to update Policy 19 - Acquisition of Stormwater Drainage Easements.

Discussion: Council Member Glover asked staff to consider ways to address stormwater drainage issues on Heir's property.

The Vote - The motion was approved without objection.

25. APPROVAL OF A RESOLUTION TO ADOPT A COUNTY-OWNED REAL PROPERTY LEASE POLICY (*Fiscal Impact: No immediate fiscal impact. If adopted the County would receive the monthly lease rates moving forward*)

Please watch the video stream available on the County's website to view the complete discussion.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=8031>

Motion: It was moved by Council Member Cunningham, seconded by Council Member McElynn, to approve a resolution to adopt a county-owned real property lease policy.

Discussion: Council Member Flewelling commented on discounted leases non-profit corporations to ensure continued engagement in the community.

Motion: It was moved by Council Member Flewelling, seconded by Council Member Glover, to amend Section 3C under type of tenant so non-profits would receive lease deductions of ninety-nine percent.

Discussion: Council Member Glover commented on standards for lease agreements and the contributions of non-profits to the community.

Council Member Hervochon voiced his opposition to the motion, given the facility and space issues that could come from leasing property outside of county operations.

Vice Chairman Sommerville commented that the non-profits need to be self-supporting and the availability of subsidies and grants.

Council Member Howard echoed the sentiments of Council Member Hervochon and Vice Chairman Sommerville.

The Vote - Voting Yea: Council Member Flewelling and Council Member Glover. Voting Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member Hervochon,

Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. The motion to amend failed by 2:8.

Discussion: Council Member Cunningham encouraged people to view the discussion of this item during the Natural Resources Committee meeting.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Flewelling, Council Member Glover, and Council Member Hervochoch. The motion passed by 7:3.

26. CITIZEN COMMENTS

Please watch the video stream available on the County's website to view the complete comments.

<https://beaufortcountysc.new.swagit.com/videos/189519?ts=8472>

Kate Schaffer

27. ADJOURNMENT

County Administrator Greenway announced that the position of County Attorney for Administration and Department Heads was offered to Brittany Ward and that she accepted the offer. She will replace Kurt Taylor and serve with Tom Keaveny.

Chairman Passiment requested that the County Administrator inform the Council of the names of Beaufort County's contract employees and whether they have received COLA benefits.

Council Member Hervochoch clarified that it would be everyone receiving a W2.

Adjourned: 8:25 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified: