



County Council Meeting Beaufort County, SC

This meeting was held in person at the Hilton Head Library, 11 Beach City Road, Hilton Head Island, and virtually through Zoom.

Monday, September 12, 2022
6:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's entire discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/184191>

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. PLEDGE OF ALLEGIANCE AND INVOCATION

Vice Chairman Sommerville led the Pledge of Allegiance and the invocation.

A moment of silence was observed for the passing of Council Member Dawson's wife.

3. FOIA

Chairman Passiment stated that this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

4. APPROVAL OF AGENDA

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=238>

Motion: It was moved by Council Member Rodman, Seconded by Council Member Cunningham, to approve the agenda.

Motion to Amend: It was moved by Council Member Flewelling, Seconded by Council Member Glover, to amend the motion for approval to add an agenda item regarding the change of zoning and map amendments for Spring Island.

Discussion: Chairman Passiment provided background on Council Member Flewelling's proposal.

Council Member Howard stated that each landowner should bring the request for accessory buildings forward to be publicly vetted.

Council Member McElynn agreed with Council Member Howard that there is a process and procedure in place and a more appropriate way to address the issue.

Council Member Flewelling stated that Council Members are arguing the point of the motion, not the amendment.

The Vote - Voting Yea: Council Member Cunningham, Council Member Flewelling, Council Member Glover, Council Member Hervochon, Council Member Lawson, and Council Member Rodman. Voting Nay: Chairman Passiment, Vice Chairman Sommerville, Council Member Howard, and Council Member McElynn. The motion to amend failed 6:4.

The Vote - The agenda was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Rodman, Seconded by Council Member McElynn, to approve the minutes of August 8, 2022.

The Vote - The motion was approved without objection.

6. ADMINISTRATOR'S REPORT

An administrator's report was not provided.

7. PRESENTATION OF A PROCLAMATION RECOGNIZING SEPTEMBER AS RECOVERY MONTH

Council Member McElynn presented the Proclamation recognizing September as Recovery Month to members of the County's First Responder Team.

Council Member McElynn discussed opioid abuse and read a statement of an individual helped by the County's First Responders Project that began in October 2021.

8. PRESENTATION OF A PROCLAMATION HONORING ELEANOR LIGHTSEY

Council Member McElynn presented a Proclamation honoring Eleanor Lightsey for her dedication to public service to the State of South Carolina and the communities of Columbia, Hilton Head, and greater Beaufort County.

9. PRESENTATION OF A PROCLAMATION HONORING THOMAS BARNWELL, KEVIN CARTER, AND JR & LESLIE RICHARDSON FOR THEIR EFFORTS TOWARDS ATTAINABLE HOUSING

Council Member McElynn presented a Proclamation honoring Thomas Barnwell, Kevin Carter, and JR and Leslie Richardson for their efforts to create affordable and attainable housing for their employees and other members of the Hilton Head community.

10. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=2628>

Chairman Passiment read a statement about Highway 278:

For the last four years, Beaufort County and Hilton Head have gathered initial thoughts, conducted multiple studies, listened to community input, and were presented 17 alternatives to address the US 278 corridor between Moss Creek Drive in Bluffton and Spanish Wells Road on Hilton Head Island. As a result of the vetting process one alternative was chosen.

That one preferred alternative was then further refined based on more community feedback and incorporated most of the recommendations from a study commissioned by the Town of Hilton Head.

So where are we now? Beaufort County is the lead agency for the project and has signed an IGA (intergovernmental Agreement) that holds the County responsible for starting the project by 2024 and completing the project by 2028. Two thirds of the County project cannot and will not be changed, no matter how many additional studies we do. The bridge will start at Moss Creek, travel across the intercoastal waterway to Pickney Island, cross Skull Creek, and proceed to Windmill Harbor. The federal guidelines are non-negotiable since this project crosses the Intercostal Waterway and the Pinckney Island National Wildlife Refuge.

We do have the flexibility for the final mile of the project within town limits. We believe the current plan for the one-mile stretch through the Stoney community is good. As the project moves forward, we are willing to continue to accept more feedback through the design phase and will work with local and state representatives to secure the extra funding for any changes that will be necessary.

The end-to-end study proposed by the Town of Hilton Head will only strengthen the corridor from Windmill Harbor through the Cross Island Expressway. We welcome this feedback for inclusion during the final design phase and to identify future projects that will continue to improve the commute times of ALL Beaufort County residents living, working, and playing on Hilton Head.

However, we CANNOT hold this project up any longer. It is time to move forward and stay on the current timeline. We cannot risk hundreds of millions of dollars when Beaufort County voters approved this County project in 2018. Currently, 95% of the population approves, is indifferent or wants to get to work on time.

A final attempt is being made by the staff of the County and the Town of Hilton Head to finalize a Memorandum of Understanding that will allow this County project to move forward with feedback from the Town of Hilton Head. Since the final MOU was not completed in time for the Beaufort Council to take any action at this meeting, there is no item on the agenda regarding this matter. The Beaufort County Council will discuss the proposed MOU at the September 19 Public Facilities meeting and, if approved, will move to the full Council on September 26.

I call on the elected leaders of Hilton Head to read every line of the proposed MOU and see that compromises have been made and the proposed MOU strengthens the relationship between the two professional staffs and creates the best possible outcome for all our residents.

I hope to see this new MOU on the next Town Council Agenda for discussion and approval, so that we can move forward with this critically important project for all Beaufort County citizens.

Beth McIntyre discussed the logistics of Daufuskie Island life, the ferry's role as a critical link for health care, emergency services, food, and other necessities, and the importance of considering the perspectives of people that ride the ferry.

Leanne Coulter discussed the Daufuskie Island Council's vote to support Beaufort County's effort to obtain ownership of Melrose Landing and that it is critical for the landing to remain publicly owned.

John Schartner asked for Council to delay their decision on the condemnation of Melrose Landing and discussed a proposal he submitted about the development of his own embarkation center for the County.

Frank Babel commented on agenda item 20 and highlighted that the Bluffton pathways were designed for pedestrians and cyclists, the disruptive nature of motorized vehicles, and safety concerns.

Karen Heitman voiced her objection to agenda item 20 and discussed Peachtree City, Georgia, as an example of the downside of allowing motorized vehicles on pathways used by pedestrians and cyclists.

Linda Hills commented on agenda item 18, as she owns a private road, and requested clarity on the ordinance.

Ray Cipollini discussed opposition to agenda item 20, including safety concerns, the paths' width, the original intent of the pathways, speed issues, and costs of creating ramps at intersections.

Council Member Cunningham commented on the lack of access golf carts have roads with speed limits over 35 mph.

11. LIASION AND COMMITTEE REPORTS

Council Member Rodman discussed items from the Public Facilities Committee, including the congestion on SC 170, design services for pathways projects, and identification of engineering firms.

Council Member Lawson discussed items from the Finance Committee, including the approval of an award for First Tryon Advisors, the approval of an award to buy replacement ambulances, and the approval of ARPA Good Neighbor Program municipality funding requests.

12. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member Howard, Seconded by Council Member McElynn, to approve the consent agenda.

The Vote - The motion was approved without objection.

13. MATTERS ARISING OUT OF CAUCUS EXECUTIVE SESSION

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard, to authorize the County Administrator to execute any and all documents necessary to sell two properties owned by the County, 1407 King Street, and 600 Wilmington Street, as part of an effort for county government to work with private industry to look at workforce housing as well as affordable housing in the City of Beaufort.

Discussion: Council Member Hervochoch objected to the motion.

Council Member Flewelling asked about the appraised value of the properties. County Administrator Greenway stated that the properties were put out for bid, per Council's direction, and a high bid was brought forth to Council and approved. Deputy Attorney Ward provided the appraisal ranges for the King Street and Wilmington properties.

The Vote - The motion was approved by 9:1.

14. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO APPROPRIATE FUNDS IN ORDER TO ESTABLISH PUBLIC OWNERSHIP OF THE REAL PROPERTY WITH TMS NO. R800 021 000 006C 0000 AND R800 021 000 006B 0000 COLLECTIVELY COMMONLY KNOWN AS MELROSE LANDING. FISCAL IMPACT: Funds from use of General Fund – Fund balance account. Funding not to exceed \$900,000 plus closing costs and legal fees

Motion: It was moved by Council Member Lawson, Seconded by Council Member Glover, to approve the third reading of an ordinance to appropriate funds in order to establish public ownership of real property with TMS No. R800 021 000 006C 0000 and R800 021 000 006B 0000 collectively commonly known as Melrose Landing.

Chairman Passiment opened the floor for public comment.

Roberts Vaux spoke as a representative for the Melrose Dock land owner and contested condemnation of the property.

Chairman Passiment closed the public comment.

Discussion: Council Members Hervochon and Cunningham opposed the motion because of expense and condemnation concerns.

Council Member Lawson voiced his view that condemnation in this instance is the best option for the good of public use.

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

15. FIRST READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 4.1.330 (ECOTOURISM) TO CLARIFY GUIDING PRINCIPLES FOR ECOTOURISM DEVELOPMENT AND ESTABLISH BASE SITE AREA CALCULATIONS FOR ECOTOURISM DEVELOPMENT

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover, to approve the first reading of an ordinance for a text amendment to the Community Development Code (CDC): Section 4.1.330 (Ecotourism) to clarify guiding principles for ecotourism development and establish base site area calculations for ecotourism development.

The Vote - The motion was approved without objection.

16. FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 99/10 TO FURTHER ACCEPT DETAILS OF THE CONDUCT OF MUNICIPAL ELECTIONS FROM THE CITY OF BEAUFORT BY THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF BEAUFORT COUNTY

Motion: It was moved by Council Member Howard, Seconded by Council Member Flewelling, to approve the first reading of an ordinance amending Ordinance 99/10 to further accept details of the conduct of municipal elections from the City of Beaufort by the Board of Voter Registration and Elections of Beaufort County.

The Vote - The motion was approved without objection.

17. FIRST READING OF AN ORDINANCE TO ALLOCATE THE PROCEEDS FROM THE SALE OF THE MYRTLE BUSINESS PARK TO THE ECONOMIC DEVELOPMENT SITE AND JOB FUND. FISCAL IMPACT: \$631,376.19 (proceeds from sale and interest)

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=4766>

Motion: It was moved by Council Member Rodman, Seconded by Council Member Glover, to approve the first reading of an ordinance to allocate the proceeds from the sale of the Myrtle Business Par to the Economic Development Site and Job Fund.

Motion to Amend: It was moved by Council Member Hervochon, Seconded by Council Member McElynn, to refer this item to the Finance Committee.

Discussion: Council discussed the reasoning behind the item's referral to the Finance Committee.

County Administrator Greenway stated that additional information had been brought to light, and the Committee could potentially reconsider its recommendation to Council.

Council discussed the potential for reconsideration of the item at the Finance Committee meeting.

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

18. FIRST READING OF AN ORDINANCE TO PROVIDE MAINTENANCE WORK ON PRIVATE ROADS

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=5097>

Motion: It was moved by Council Member Glover, Seconded by Vice Chairman Sommerville, to approve the first reading of an ordinance to provide maintenance work on private roads.

Discussion: Council Member Glover commented that the objective of the maintenance work is to improve the conditions of certain roads so that they are accessible by emergency vehicles.

Council Member Lawson voiced opposition to the motion because of the lack of a funding limit and the view that public money should not be spent on private roads.

Council Member Hervochon expressed concerns about the expenditure of public funds for private property and the lack of a red line for what conditions need to be met for the County to conduct maintenance work.

Council Member Howard commented on the work of County staff to outline seven conditions for when they will and when they will not engage in maintenance work.

Council Member Rodman stated that the ordinance violates South Carolina law because public funding cannot be spent on private property and his opposition to the motion.

Council Member McElynn and County Attorney Keaveny discussed statutory prohibition.

Vice Chairman Sommerville commented on the County's obligation to provide emergency services and the belief that the ordinance has enough fail-safes to ensure the private owner cannot game the system.

County Administrator Greenway addressed the Council's concerns about South Carolina law and the limited application of the maintenance work as a one-time obligation to bring certain roads up to a passable standard.

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

19. FIRST READING OF AN ORDINANCE AUTHORIZING THE CONVEYANCE OF RIGHT OF WAY KNOWN AS 16TH STREET EXTENSION AND A RELATED DRAINAGE EASEMENT TO THE TOWN OF PORT ROYAL

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover, to approve the first reading of an ordinance authorizing the conveyance of the right of way known as 16th Street Extension and a related drainage easement to the Town of Port Royal.

The Vote - The motion was approved without objection.

20. FIRST READING OF AN ORDINANCE PROVIDING AUTHORIZATION FOR GOLF CARTS TO USE MULTI-USE TRAILS AND PATHS

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=6020>

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Hervocho, to approve the first reading of an ordinance providing authorization for golf carts to use multi-use trails and paths.

Discussion: Council Member Cunningham discussed aspects of the item, including safety concerns, registration requirements, the potential creation of an educational video, and connectivity and access opportunities.

Council Member Howard commented on safety concerns, the potential lowering of speed limits, and law enforcement review.

Council Member Lawson commented on his willingness to move the item forward to second reading to allow for public comment and concerns about intersections.

Council Member Cunningham and Council Member Rodman discussed golf cart safety concerns.

Council Member Glover commented on Daufuskie Island golf cart safety issues.

Council Member Flewelling commented on the difference between golf carts using pathways versus roadways and the risk posed to pedestrians and cyclists.

Council Member Hervocho stated that he would like for the item to move forward to second reading to gain public comment and for staff to reach out to law enforcement to gain their opinion.

Motion: It was moved by Council Member Hervocho, Seconded by Council Member Howard, to extend past the 8 o'clock hour.

The Vote - The motion was approved without objection.

Vice Chairman Sommerville voiced his opposition to the motion, given the width of the Buckwalter and Bluffton Parkway paths.

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

21. FIRST READING OF AN ORDINANCE ESTABLISHING THE BEAUFORT COUNTY GREEN SPACE PROGRAM ORDINANCE AND SETTING FORTH THE METHODS BY WHICH COUNTY COUNCIL INTENDS TO PROCURE OPEN LANDS AND GREEN SPACE FOR PRESERVATION SUBJECT TO A REFERENDUM WITHIN BEAUFORT COUNTY PURSUANT TO SECTION 4-10-1010 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 AS AMENDED

Motion: It was moved by Council Member McElynn, Seconded by Council Member Hervocho, to approve the first reading of an ordinance establishing the Beaufort County Green Space Program Ordinance and setting forth the methods by which the County Council intends to procure open lands and green space for preservation subject to a referendum with Beaufort County pursuant to Section 4-10-1010 et seq. of the Code of Laws of South Carolina, 1976 as amended.

Discussion: Council Member Flewelling objected to the motion and requested a roll call vote.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member Glover, Council Member Hervocho, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Flewelling. The motion passed 9:1.

22. APPROVAL OF A RESOLUTION APPROVING THE HIRING OF AN ADDITIONAL FULL-TIME EMPLOYEE IN THE PUBLIC DEFENDER'S OFFICE TO SERVE COLLETON COUNTY

Motion: It was moved by Council Member McElynn, Seconded by Council Member Glover, to approve a resolution approving the hiring of an additional full-time employee in the Public Defender's Office to serve Colleton County.

Discussion: Council Member Hervocho confirmed that Colleton County would fund the position.

The Vote - The motion was approved without objection.

23. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/184191?ts=7304>

Mary Moyden discussed the need to address traffic issues on Sam's Point Road.

Gray Smith informed Council Member Rodman of legal action being taken against him and stated his opposition to the US 278 bridge project.

Chuck Newton commented on the Sea Island Parkway proposal and opposition to widening the parkway.

Skip Hogland discussed overdevelopment and traffic issues, opposition to the US 278 bridge project, and the need for a Hilton Head Island master plan.

Frank Mangan asked about the decision to move forward with the US 278 bridge project before the new County Council members take the Oath of Office.

Chairman Passiment discussed the MOU between the Town of Hilton Head Island and Beaufort County to move forward, the need to comply with federal regulations, and the ability of the Hilton Head Island Town Council to complete the study and make aesthetic arrangements.

John Casey discussed NEPA and its role in highway expansion projects.

Kristen Luken discussed concerns about the US 278 bridge's impact on aesthetics and the Windmill Harbor area.

24. ADJOURNMENT

Adjournment 8:23 PM.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
Joseph F. Passiment, Jr., Chairman

ATTEST:


Sarah W. Brock, Clerk to Council

Ratified: