



**County Council of  
Beaufort County  
Special Meeting of  
County Council**

**Chairman**

Joseph F. Passiment, JR.

**Vice Chairman**

D. Paul Sommerville

**Council Members**

Michael E. Covert  
Gerald Dawson  
Brian E. Flewelling  
York Glover, SR.  
Chris Hervochon  
Alice G. Howard  
Mark Lawson  
Lawrence P. McElynn  
Stu Rodman

**County Administrator**

Ashley M. Jacobs

**Clerk to Council**

Sarah W. Brock

**Administration Building**

Robert Smalls Complex  
100 Ribaut Road

**Contact**

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# County Council Minutes

## County Council of Beaufort County

Wednesday, July 01, 2020 at 4:00 PM

VIRTUAL

### CALL TO ORDER

Chairman Passiment Called the meeting to Order at 4:00 pm

### PRESENT

Chairman Joseph F. Passiment  
Vice Chairman D. Paul Sommerville  
Council Member Michael Covert  
Council Member York Glover  
Council Member Chris Hervochon  
Council Member Stu Rodman  
Council Member Alice Howard  
Council Member Mark Lawson  
Council Member Lawrence McElynn  
Council Member Gerald Dawson  
Council Member Brian Flewelling

### PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance and Invocation.

### FOIA

Chairman stated that this meeting was in compliance with FIOA

### APPROVAL OF THE AGENDA

**Motion:** It was moved by the Council Member Dawson, seconded by Council Member Flewelling to approve the agenda. Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling. Absent during vote: Council Member Glover. Motion passed.

### CITIZEN COMMENTS

Councilman Covert asked that Council have a moment of silence in memory of the Airforce Pilot from Shaw Air force Base in Sumter SC at adjournment.

Chairman Passiment stated that citizen comments have been received by all Council and totaled over 137 comments. 93 were for passing the Ordinance and 44 have asked not to pass the Ordinance. Chairman Passiment also pointed out that he received 82 personal emails, 80 for passing the Ordinance, and 2 against. Council Member Dawson stated that he received personal

emails and the majority of the emails were for passing the Ordinance. Council Member Flewelling and Council Member Hervochon read pertinent comments from Facebook Live.

## **ACTION ITEMS**

### **DISCUSSION OF AN EMERGENCY ORDINANCE TO REQUIRE THE USE OF FACE MASKS IN CERTAIN PLACES WHERE INDIVIDUALS WILL NOT BE ABLE TO SOCIAL DISTANCE**

**Discussion:** Council Member Glover stated that he supports the Ordinance requiring a mask. The Ordinance that is presented is outlined to have businesses take the responsibility to enforce the mask requirement.

Council Member McElynn addressed issues that put citizens' health and the County's economy at risk without implementing a mask Ordinance.

Council Member Flewelling pointed out that only 16 patients were currently at Beaufort Memorial being treated for COVID-19 and feels that the curve has flattened and the resources are there for future cases. The focus should be limiting the interference in citizens' daily lives.

Council Member Hervochon presented points to make the mask Ordinance suitable for every day and the data showing its effectiveness. How is it affecting the schools? What are we trying to accomplish, could it be a Resolution instead of an Ordinance?

Council Member Covert feels that this Ordinance is taking away citizen's freedom and it should be each individual's responsibility to make the decision for themselves. Does not support the incarceration aspect of the Ordinance and that it could be made into a Resolution. His issue not about the mask, it is about the politics enforcing the mask.

Vice-Chairman Sommerville supports mandatory masking where citizens don't have a choice to go; grocery store, pharmacy, etc.. and businesses should require employees to wear a mask. He also disagrees with arresting those who don't wear a mask.

Council Member Lawson spoke about legislative laws such as seat belts and vaccines which save people's lives but is not a big fan of government telling citizens what to do and considers this an overreach. He doesn't like the Ordinance they way it is currently written and feels there is room for negotiation and changes of the Ordinance in which he can agree upon.

Council Member Rodman presented written thoughts and stated that the Ordinance needs some refinement but will support the Ordinance but does not support criminal penalties.

Council Member Howard would like to hear from the Sheriff regarding the penalties regarding not wearing a mask as it pertains to the Ordinance and will be in favor of the Ordinance after his remarks.

Council Member Dawson feels that not wearing a mask of any type is like playing Russian Roulette and feels that beds in the Hospital will be quickly filled. An Ordinance was passed to protect the turtles by banning plastic bags and hopes that this Ordinance will pass to protect the citizens.

Chairman Passiment spoke to his thoughts regarding the Ordinance and feels that the Council has the responsibility to protect the citizens and the visitors of the County. His hopes, after hearing from the Sheriff is that there will be no penalties. Businesses should have the right to implement a mask policy for the employees and patrons and needs to be addressed in the Ordinance.

Sheriff Tanner stated that Deputies are only allowed to write cases for criminal offenses not civil. Therefore the Ordinance will have to be made enforceable by a criminal offense for the Sheriff's Department to implement penalties. There are some conflicting things in the draft that would need to be reworded and cleaned up. It may be palatable for the County to start out with an Ordinance to encourage citizens to wear a face mask and have businesses enforce the policy and police it with the understanding that repeated offenses could have action taken.

**Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member McElynn to approve the Ordinance as listed, subject to amendments. The Vote: Voting Yea: Council Member McElynn, Vice-Chairman**

Sommerville, Council Member Dawson, Council Member Glover, Council Member Hervochoch, Council Member Howard, Council Member Rodman, Chairman Passiment. Voting Nay: Council Member Flewelling, Council Member Lawson. The motion passed. 8:2. Absent: Council Member Covert.

**Motion to amend:** It was moved by Vice-Chairman Sommerville, seconded by Council Member Flewelling to amended item number 2: all persons entering into a building opened to the public in Beaufort County shall comply with posted requirements for masking and social distancing. All businesses must post the policy of their establishment in a clear manner and in an accessible location. The Vote: Yea: Vice-Chairman Sommerville, Council Member Flewelling, Council Member Hervochoch, Council Member Lawson. Nay: Council Member Dawson, Council Member Glover, Council Member Howard, Council Member McElynn, Council Member Rodman, Chairman Passiment. The motion was defeated. 4:6. Absent: Council Member Covert.

**Motion to amend:** It was moved by Council Member Glover, seconded by Council Member Howard to Amend Item number 2: All persons entering any Commercial or Public building open in the County with exceptions below in Section 9 must wear a face covering and maintain social distancing where possible while inside the building. The Vote: Voting Yea: Council Member Glover, Council Member Howard, Council Member Dawson, Council Member Lawson, Council Member Rodman, Vice-Chairman Sommerville, Chairman Passiment. Voting Nay: Council Member Flewelling, Council Member Hervochoch. The motion passed 8:2. Absent: Council Member Covert.

**Motion to amend:** It was moved by Council Member Howard, seconded by Council Member Hervochoch to add the following language to item number 3: adding or at the discretion to the parents, guardian, or custodian. The Vote: Voting Yea: Council Member Howard, Council Member Hervochoch, Council Member Dawson, Council Member Flewelling, Council Member Lawson, Council Member Rodman, Vice-Chairman Sommerville, Chairman Passiment. The motion passed. 10:0. Absent: Council Member Covert.

**Motion to amend:** It was moved by Council Member Flewelling, seconded by Council Member Glover to amend item number 3 by adding the following language: except as noted in Section 9. The Vote: Voting Yea: Council Member Flewelling, Council Member Glover, Council Member Dawson, Council Member Hervochoch, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Rodman, Vice-Chairman Sommerville, Chairman Passiment. The motion passed. 10:0 Absent: Council Member Covert.

**Motion to Amend:** It was moved by Council Member Flewelling, seconded by Council Member Hervochoch to amend item number 5 by removing everything except for the following sentence: Education and voluntary compliance are the desired means of enforcement. The Vote: Voting Yea: Council Member Flewelling, Council Member Hervochoch, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Rodman, Vice-Chairman Sommerville, Chairman Passiment. The motion passed. 10:0. Absent: Council Member Covert.

**Motion to amend:** It was moved by Council Member McElynn, seconded by Council Member Flewelling to change item number 7 to read: Business Owners and Operators shall have responsibility for informing patrons of the above requirements and shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance. The Vote: Voting Yea: Council Member McElynn, Council Member Flewelling, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member Lawson, Vice Chairman Sommerville, Chairman Passiment. Voting Nay: Council Member Hervochoch. The motion passed. 9:1. Absent: Council Member Covert.

**Motion to amend:** It was moved by Council Member Flewelling, Seconded by Council Member Rodman to change the original number 9 to number 10 and add a new number 9 explaining exceptions referenced in item numbers 2 and 3. Number 9 now reading as; Exceptions: Child care facilities; schools; and Churches or gymnasiums where social distancing policies are in place; patrons that are actively consuming food and beverages inside a restaurant and/or bar; persons receiving medical treatment; persons actively swimming in an indoor swimming pool. The Vote: Voting Yea: Council Member Flewelling, Council Member Rodman, Council Member Glover, Council Member Hervochoch, Council Member Howard, Council Member Lawson, Council Member Rodman, Vice-Chairman Sommerville, Chairman Passiment. Voting Nay: Council Member Dawson. 9:1. Absent: Council Member Covert.

**Motion to amend:** It was moved by Council Member Flewelling, Seconded by Council Member Hervochoch to change item number 10 to state thirty-first day instead of sixty-first day. The votes: Voting Yea: Council Member Flewelling, Council Member Hervochoch, Council Member Rodman. Voting Nay: Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, Vice-Chairman Sommerville, Chairman Passiment. The motion was defeated: 3:7. Absent: Council Member Covert.

**Motion to Amend:** It was moved by Council Member Flewelling, Seconded by Council Member Rodman to amend item number 10 by changing the expiration date from the sixty-first day to August 11, 2020. The Vote: Voting Yea: Council Member Flewelling, Council Member Rodman, Council Member Dawson, Council Member Lawson. Voting Nay: Council Member Glover, Council Member Hervochoch, Council Member Howard, Council Member McElynn, Vice-Chairman Sommerville, Chairman Passiment. The motion was defeated. 6:5. Absent: Council Member Covert.

**Main Motion:** It was moved by Vice-Chairman Sommerville, seconded by Council Member McElynn to approve the Ordinance as listed, subject to amendments. The Vote: Voting Yea: Council Member McElynn, Vice-Chairman Sommerville, Council Member Dawson, Council Member Glover, Council Member Hervochoch, Council Member Howard, Council Member Rodman, Chairman Passiment. Voting Nay: Council Member Flewelling, Council Member Lawson. The motion passed. 8:2. Absent: Council Member Covert.

## **ADJOURNMENT**

Chairman Passiment adjourned the meeting at 7:26 in remembrance of the F16 Airforce Pilot from Shaw Air force Base in Sumter SC.