



County Council Meeting Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, March 27, 2023
4:00 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/222849>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 4:00 PM.

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman Lawrence McElynn
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover
Council Member Alice Howard
Council Member Mark Lawson
Council Member Thomas Reitz
Council Member Anna Maria Tabernik

2. PLEDGE OF ALLEGIANCE AND INVOCATION

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

3. FOIA

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

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Cunningham, seconded by Vice-Chairman McElynn, to approve the agenda.

The Vote - The motion was approved without objection.

5. ADMINISTRATOR'S REPORT

County Administrator Greenway highlighted three employees, Lori Sexton, Stacey Inman, and Natalie Garvin.

6. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/222849?ts=198>

1. Michael Karamus
2. Grant McClure

EXECUTIVE SESSION

Motion: It was moved by Council Member Tabernik, seconded by Council Member Brown, to enter into an executive session at 4:10 PM.

The Vote - The motion was approved without objection.

7. PURSUANT TO S. C. CODE §30-4-70(A)(2): RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (POTENTIAL SETTLEMENT OF CLAIMS AGAINST ADDITIONAL OPIOID LITIGATION DEFENDANTS)

The item was discussed in the executive session.

8. PURSUANT TO S. C. CODE §30-4-70(A)(2): RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (MEDIATION OF PENDING LITIGATION)

The item was discussed in the executive session.

9. PURSUANT TO S.C. CODE SEC. 30-4-70 (A) (1) DISCUSSION OF APPOINTMENTS OF PERSONS TO A PUBLIC BODY (GREEN SPACE ADVISORY COMMITTEE)

The item was discussed in the executive session.

10. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Cunningham, that Beaufort County participate in settlements with the opioid manufacturer defendants Teva and Allergen, that it participate in the settlements with the retailer defendants Walmart, Walgreens, and CVS (collectively referred to as "new settlements") as presented to us in executive session and further that the County Administrator receive authorization to execute any and all documents which are necessary to participate in such settlements.

The Vote – The motion was approved without objection; Council Member Glover was absent from the vote.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Tabernik, that County Council agree to enter into the 2023 amended South Carolina Opioid Settlement Allocation Agreement as presented in executive session and that the County Administrator receive authorization to execute any and all documents which are necessary to effectuate this agreement.

The Vote – The motion was approved without objection. Council Member Glover was absent from the vote.

Motion: It was moved by Council Member Tabernik, seconded by Council Member Cunningham, that County Council appoint the following persons to the Green Space Advisory Committee: Ms. Alice Hoard to serve as the member from Council County; Senator Tom Davis to serve as the member from Beaufort County's Legislative Delegation; Mr. Mike McShane to serve as the member who is knowledgeable about the geography and conditions of Beaufort County's land; Mr. Timothy L. Evans to represent the northern

geographical region; Ms. Laurel Rhoten to represent the eastern geographical region; Ms. Carmen Avon Manning to represent the western geographic region; and for the southern geographic region, Council further moves that the task force reopen the application period, interview candidates, and update Council on its efforts at the April meeting of the Finance, Administration, and Economic Development Committee.

The Vote – The motion was approved without objection. Council Member Glover was absent from the vote.

11. LIASION AND COMMITTEE REPORTS

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

<https://beaufortcountysc.new.swagit.com/videos/222849?ts=1105>

Council Member Tabernik provided updates from the County Transportation Committee meeting, the School Board meeting, and the Lowcountry Council of Government's orientation meeting for new officials.

Council Member Reitz provided updates on the Airports Board meeting.

Council Member Howard provided updates on the Rural and Critical Lands Board and Technical College of the Lowcountry retreats.

Council Member Lawson discussed consent agenda items originating from the Finance, Administration, and Economic Development Committee.

12. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Lawson, to approve the consent agenda.

The Vote - The motion was approved without objection.

13. TIME-SENSITIVE ITEM ORIGINATING FROM THE MARCH 27TH PUBLIC FACILITIES AND SAFETY COMMITTEE - APPROVAL OF A RESOLUTION RECOGNIZING FAIR HOUSING MONTH

Motion: It was moved by Council Member Howard, seconded by Council Member Brown, to approve a resolution recognizing Fair Housing Month.

The Vote - The motion was approved without objection.

14. FIRST READING OF AN ORDINANCE FOR TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTIONS 3.1.60 (CONSOLIDATED USE TABLE), 3.2.60 (T2 RURAL CENTER (T2RC) STANDARDS), AND 4.1.220 (RESIDENTIAL STORAGE FACILITY) TO CONDITIONALLY ALLOW THE USAGE OF RESIDENTIAL STORAGE FACILITY IN T2 RURAL CENTER

Motion: It was moved by Council Member Howard, seconded by Council Member Tabernik, to approve the first reading of an ordinance for text amendments to the Community Development Code (CDC): Sections 3.1.60 (Consolidated Use Table), 3.2.60 (T2 Rural Center (T2RC) Standards), and 4.1.220 (Residential Storage Facility) to conditionally allow the usage of residential storage facility in T2 Rural Center.

The Vote - The motion was approved without objection.

15. FIRST READING OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 1 ACRE (R600 036 000 0369 0000) AT 3 BENTON LANE FROM T3 EDGE TO T2 RURAL CENTER

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

<https://beaufortcountysc.new.swagit.com/videos/222849?ts=1576>

Motion: It was moved by Council Member Cunningham, seconded by Council Member Bartholomew, to approve the first reading of an ordinance for a zoning map amendment/rezoning request for 1 acre (R600 036 000 0369 0000) at 3 Benton Lane from T3 Edge to T2 Rural Center.

Discussion: Council Member Brown advocated for Council to approve this item and commented on Dr. Campbell's request to build a medical office.

Council Member Cunningham commented on commercial development and rezoning in the area and his support for rezoning this property to meet community needs.

Council Member Lawson commented on spot zoning and the request from residents to slow down development in the area.

Chairman Passiment asked for a definition of spot zoning. County Administrator Greenway commented that spot zoning in South Carolina is zoning a property or a portion of the property contrary to the surrounding area's character. Mr. Greenway suggested that Council instruct staff evaluate the area and bring forward a recommendation on amending the Comprehensive Plan to alleviate concerns about spot zoning.

Vice-Chairman McElynn and County Administrator Greenway discussed whether there would be an impact on property values if the Comprehensive Plan is amended.

Council Member Bartholomew and Director Merchant discussed if T2RC allows for mix-use properties.

Council Member Cunningham and Director Merchant discussed what is allowed under T3 Edge.

Council Member Howard suggested a meeting with the community about the Comprehensive Plan occur before a vote on this item.

Council Member Tabernik commented on the proposed workforce housing above the medical office and confirmed with Director Merchant that a mixed-use property would not be possible.

Motion to Refer: It was moved by Council Member Howard, seconded by Council Member Glover, to refer the item to the Community Services and Land Use Committee for further study and action.

Discussion: The Council and County Administrator Greenway discussed gathering public input on changes to the Comprehensive Plan to allow for commercial development.

The Council and County Administrator Greenway discussed keeping the item on the Council agenda instead of referring it to the Community Services and Land Use Committee.

Council Member Howard and Council Member Glover withdrew their motions to refer the item to the committee.

The Council discussed amending the main motion to allow public input on the area's zoning and a Comprehensive Plan amendment before the second reading.

Motion to Amend: It was moved by Vice-Chairman McElynn, seconded by Council Member Brown, to make an addition to the main motion to instruct staff to process a Comprehensive Plan amendment for the appropriate zoning of this area before the second reading.

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

The Vote – Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Lawson, and Council Member Reitz. Voting Nay: Council Member Glover, Council Member Howard, and Council Member Tabernik. The motion, as amended, passed 8:3.

16. FIRST READING OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 2.81 ACRES (R600 008 000 0625 0000) AT THE INTERSECTION OF OKATIE HIGHWAY (170) AND LOWCOUNTRY DRIVE (462) FROM T2 RURAL (T2R) TO C4 COMMUNITY CENTER MIXED-USE (C4CCMU)

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Cunningham, to approve the first reading of an ordinance for a zoning map amendment/rezoning request for 2.81 acres (R600 008 000 0625 0000) at the intersection of Okatie Highway (170) and Lowcountry Drive (462) from T2 Rural (T2R) to C4 Community Center Mixed-Use (C4CCMU).

Discussion: Council Member Bartholomew asked if there were plans for the property.

The Vote – The motion was passed by 10:1. Council Member Glover objected.

17. PUBLIC HEARING AND APPROVAL OF A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH BEAUFORT COUNTY MEMORIAL HOSPITAL, OR ITS DESIGNEE, THE REAL PROPERTY LOCATED AT 114 ELLIOTT STREET

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

<https://beaufortcountysc.new.swagit.com/videos/222849?ts=3413>

Motion: It was moved by Council Member Howard, seconded by Council Member Glover, to approve the public hearing and a resolution authorizing the County Administrator to enter into a lease agreement with Beaufort County Memorial Hospital, or its designee, the real property located at 114 Elliott Street.

Discussion: Council Member Cunningham asked if the contract includes a restriction on how much can be charged for rent so that Beaufort Memorial Hospital cannot profit from the discounted lease rate. County Attorney Ward replied that Beaufort Memorial Hospital agreed to set a rental rate amount to ensure they would not be making any money but would have funding for small maintenance fees.

Council Member Cunningham and County Attorney Ward discussed the two-year term of the lease agreement.

The Vote - The motion was approved without objection.

Chairman Passiment opened the floor for public comment.

No one came forward.

Chairman Passiment closed the public comment.

18. APPROVAL OF A RESOLUTION TO ACCEPT A GRANT FROM THE SC DEPARTMENT OF AGRICULTURE IN THE AMOUNT OF \$50,000 FOR THE COMBINED PROJECTS OF PROJECT PACKET AND PROJECT LAWN

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

<https://beaufortcountysc.new.swagit.com/videos/222849?ts=3540>

Motion: It was moved by Council Member Dawson, seconded by Council Member Tabernik, to approve a resolution to accept a grant from the SC Department of Agriculture in the amount of \$50,000 for the combined projects of Project Packet and Project Lawn.

Discussion: Council Member Tabernik commented on discussions at the committee level, which means that the Council does not have to discuss items before a vote.

Vice-Chairman McElynn commented that meeting packets contain summaries on agenda items that provide an overview of previous actions taken and staff recommendations.

The Vote - The motion was approved without objection.

19. CITIZEN COMMENT

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

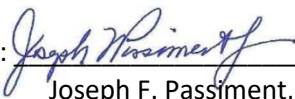
<https://beaufortcountysc.new.swagit.com/videos/222849?ts=3626>

1. Robert New
2. Paula Galane
3. Tom Donahue
4. Arnold Brown
5. Walter Gay
6. Elaine Scott

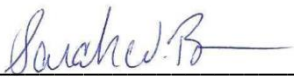
20. ADJOURNMENT

Adjourned: at or around 6:05 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:

 _____
Sarah W. Brock, Clerk to Council

Ratified: May 8, 2023