



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

Chairman

Joseph F. Passiment, JR.

Vice Chairman

D. Paul Sommerville

Council Members

Michael E. Covert
Gerald Dawson
Brian E. Flewelling
York Glover, SR.
Chris Hervocho
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

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County Council Minutes

County Council of Beaufort County

Monday, June 08, 2020 at 6:00 PM

VIRTUAL MEETING

CALL TO ORDER

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

PRESENT

Chairman Joseph F. Passiment
Vice Chairman D. Paul Sommerville
Council Member Michael Covert
Council Member York Glover
Council Member Chris Hervocho
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

Council Member McElynn led the Pledge and gave the invocation.

FOIA

Chairman Passiment stated that public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina FOIA.

Before approval of the agenda Chairman Passiment recognized Council Member Dawson to speak.

Council Member Dawson stated he wished to request that Council take a moment to pause in silence to pay respects for George Floyd and his family as they grieve the loss of their loved one.

Moment of Silence for George Floyd.

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Glover to suspend normal rules so the Chairman can authorize the passage of motions properly made without objection. The Vote: Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervocho, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling.

APPROVAL OF AGENDA

Motion: It was moved by Council Member Flewelling, Seconded by Dawson to approve the agenda without objection. Motion was approved without objection.

APPROVAL OF MINUTES

Motion: It was moved by Council Member Howard, Seconded by Council Member Flewelling to approve minutes from March 23rd and May 11th. Motion was approved without objection.

PROCLAMATIONS AND PRESENTATIONS

PROCLAMATION FOR GULLAH / GEECHEE NATION APPRECIATION WEEK

Vice-Chair Sommerville read the Proclamation honoring Gullah/Geechee Nation Appreciation Week. Queen Quet accepted the Proclamation and stated that she would love to help Council by forming a citizen's panel for Beaufort to deal with racial injustices and various things that can help our county get better.

PROCLAMATION HONORING BOB BENDER

Council Member Alice Howard read a Proclamation honoring Bob Bender for all the work he as done to better Beaufort County.

CITIZEN COMMENTS

Nancy Phillips emailed requesting her name be added to the petition list of retirees wishing to take part in the lawsuit settlement.

Morris Campbell emailed requesting the same stating there are many who were not given the opportunity to be a part of the lawsuit.

Jessie White, South Coast Office Director, mailed in a letter regarding the proposed ordinance to amend Article 1, Section 1.3.50 of the Beaufort County Community Development Code urging the County to incorporate limitations in the proposed amendment that ensures it will not create a loophole for unwisely sited development projects in the future.

There was a citizen comment regarding mail in voting and urged Council to consider a resolution petitioning the Governor to have mail in voting for the November 3rd Election.

Scott, a Baynard Park Resident, emailed stating he is concerned about the Island West Golf Course and is asking Council to consider the needs, wants and desires of residents before decisions are made.

Council Member Covert stated there was a comment on Facebook from Mrs. Huckabee thanking Council Member Howard for recognizing Bob Bender.

There were several emails from "Peaceful Protest" regarding Social Injustice and calling for Council Action that were read. You can read these emails by looking at the backup materials for this meeting.

Council Member Glover requested a moment of privilege and suggested some of the comments get forwarded to the School Board as they pertain to education.

LIAISON AND COMMITTEE REPORTS

Council Member Howard stated the Town of Port Royal had their meeting last week and she commended County staff for working with the Town to help them with rezoning decisions.

Council Member McElynn discussed contracts that his committee heard and voted to approve that will now come to council due to the dollar amount and stated Beaufort Jasper Hampton Comprehensive Health gave an update on COVID 19 testing efforts and lastly Phil Foot, Assistant County Administrator, gave an update on Detention Center Operations and how they are handling COVID.

Council Member Glover stated he attended the Beaufort Jasper Sewer Water Authority Board Meeting and they are focusing on Hurricane Preparedness by installing a pipe to be able to turn off the main waterline on specific causeways to prevent water loss.

ACTION ITEMS

FIRST READING OF AN ORDINANCE REGARDING AN AMENDMENT TO THE PEPPER HALL AND OKATIE RIVER PARK JOINT DEVELOPMENT AGREEMENT

Discussion: Eric Greenway, Planning and Zoning Director, stated the proposed DA Amendment amends and restates certain section of the original Development Agreement in order to more clearly detail each party's obligations and rights as far as the construction of Graves and the Park Access Road are concerned as well as clarifying the details associated with creation of the Improvement District. Reimburse Mr. Graves for the cost of doing the legal work in setting up the improvement district on this property.

Motion: It was moved by Council Member Rodman. It was not seconded and therefore it fails.

A RESOLUTION OF THE COUNTY COUNCIL OF BEAUFORT COUNTY, SOUTH CAROLINA, DESCRIBING THE OKATIE RIVER IMPROVEMENT DISTRICT AND THE OKATIE RIVER IMPROVEMENT PLAN TO BE EFFECTED THEREBY, THE PROJECTED TIME SCHEDULE FOR THE ACCOMPLISHMENT OF THE OKATIE RIVER IMPROVEMENT PLAN, THE ESTIMATED COST OF THE IMPROVEMENTS AND THE AMOUNT OF SUCH COSTS TO BE DERIVED FROM ASSESSMENTS OR OTHER FUNDS; SETTING FORTH THE PROPOSED BASIS AND RATES OF ASSESSMENTS TO BE IMPOSED WITHIN THE OKATIE RIVER IMPROVEMENT DISTRICT; ORDERING A PUBLIC HEARING; AND OTHER MATTERS RELATED THERETO.

Discussion: Mr. Greenway stated the proposed resolution lays out the commitment by Beaufort County for setting up the Graves/Pepperhall Neighborhood Improvement District. This resolution specifies the acreage, the covered improvements, the proposed time schedule for adoption, the projected cost of improvements, and the basis for the established rates.

Council expressed concern that these items did not get vetted by a committee before coming to full council.

Motion: It was moved by Council Member Flewelling, Seconded by Council Member McElynn to move items 10 and 11 to the appropriate committees. The Vote: Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. Voting Nay: Council Member Dawson Council Member Covert was absent.

FIRST READING OF AN ORDINANCE APPROVING A NONEXCLUSIVE PARKING EASEMENT AGREEMENT WITH CSD MYRTLE PARK, LLC

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Glover to approve First Reading of an ordinance approving a nonexclusive parking easement agreement with CSD Myrtle Park, LLC.

The motion passed without objection.

PUBLIC HEARING AND SECOND READING OF AN ORDINANCE ADOPTING BEAUFORT COUNTY'S FY 2021 OPERATING BUDGET

Motion: It was moved by Council Member Hervochon, Seconded by Council Member Dawson to approve public hearing and second reading of an ordinance adopting Beaufort County's FY 2021 operating budget. The Vote: Voting Yea: Chairman Passiment, Council Member Glover, Council Member Hervochon, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling. Voting Nay: Vice Chairman Sommerville, Council Member Rodman, Council Member McElynn. Council Member Covert was absent. The motion passed.

PUBLIC HEARING AND SECOND READING OF AN ORDINANCE ADOPTING BEAUFORT COUNTY SCHOOL DISTRICTS FY 2021 OPERATING BUDGET

Motion: It was moved by Council Member Flewelling, Seconded by Council Member Howard public hearing and second reading of an ordinance adopting Beaufort County School Districts FY 2021 operating budget.

The Chairman opened the floor for Public Comment. There were no public comments.

The Vote: Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling Council Member Covert was absent. The motion passed.

PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A FOUR-YEAR CONTRACT EXTENSION WITH MORRISON FORESTRY FOR THE IMPLEMENTATION OF THE FOREST MANAGEMENT PLAN AND ACTIVITY SCHEDULE ON SELECTED PASSIVE PARK PROPERTIES

Motion: It was moved by Council Member Howard, Seconded by Council Member Glover to approve public hearing and second reading of an ordinance authorizing the county administrator to execute a four-year contract extension with Morrison Forestry for the implementation of the forest management plan and activity schedule on selected passive park properties.

The Chairman opened the floor for Public Comment. There were no public comments.

This motion passed without objection.

PUBLIC HEARING AND SECOND READING OF AN ORDINANCE REGARDING A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 1, SECTION 1.3.50 APPLICABILITY AND JURISDICTION – EXEMPTIONS TO ADDRESS COUNTY PUBLIC SERVICE USES

Motion: It was moved by Council Member Howard, Seconded by Council Member McElynn to approve public hearing and second reading of an ordinance regarding a text amendment to the community development code (cdc): article 1, section 1.3.50 applicability and jurisdiction – exemptions to address county public service uses.

The Chairman opened the floor for Public Comment. There were no public comments.

The Vote: Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling Voting Nay: Council Member Hervochon, Council Member Rodman. Council Member Covert was absent. The motion passed.

PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING, PURSUANT TO TITLE 12, CHAPTER 44 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AGREEMENT BY AND BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA AND TRASK EAST SOLAR, LLC TO PROVIDE FOR FEE-IN-LIEU OF AD VALOREM TAXES INCENTIVES AND CERTAIN SPECIAL SOURCE REVENUE CREDITS; AND OTHER RELATED MATTERS

Motion: It was moved by Council Member Dawson, Seconded by Council Member Flewelling to approve public hearing and second reading of an ordinance authorizing, pursuant to title 12, chapter 44 of the code of laws of South Carolina 1976, as amended, the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Beaufort County, South Carolina and Trask East Solar, LLC to provide for fee-in-lieu of ad valorem taxes incentives and certain special source revenue credits; and other related matters.

The Chairman opened the floor for Public Comment. There were no public comments.

The motion passed without objection.

RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE TOWN OF BLUFFTON REGARDING THE SHARING OF RESPONSIBILITY OF MINIMUM CONTROL MEASURES

Motion: It was moved by Council Member Howard, Seconded by Council Member Flewelling to approve a resolution authorizing the county administrator to execute a memorandum of agreement with the Town of Bluffton regarding the sharing of responsibility of minimum control measures.

The motion passed without objection.

CONSENT AGENDA

THIRD READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY ORDINANCE 2019/32, FY 2019-2020 BEAUFORT COUNTY BUDGET, TO APPROPRIATE \$695,000.00 FROM THE GENERAL FUND TO PROVIDE FUNDS TO SETTLE LITIGATION CAPTIONED 2019-CP-07-01642.

Council Member Glover stated he was going to vote against the ordinance due to the fact there are still so many retired employees this ordinance does not include.

Motion: It was moved by Council Member McElynn seconded by Council Member Howard to approve third reading of an ordinance to amend Beaufort County ordinance 2019/32, FY 2019-2020 Beaufort County budget, to appropriate \$695,000.00 from the general fund to provide funds to settle litigation captioned 2019-cp-07-01642. The Vote: Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Flewelling. Voting Nay: Council Member Glover, Council Member Dawson. Council Member Covert was absent.

The motion passed.

THIRD READING OF AN ORDINANCE TO ESTABLISH AN ENTERPRISE FUND FOR SOLID WASTE AND RECYCLING FOR THE PURPOSE OF PLANNING, DESIGNING, CONSTRUCTING, FUNDING AND MAINTAINING SOLID WASTE AND RECYCLING PROGRAMS, PROJECTS, FACILITIES AND OTHER MATTERS RELATED TO SOLID WASTE MANAGEMENT.

Motion: Motion made by Council Member Flewelling, Seconded by Council Member Howard to third reading of an ordinance to establish an enterprise fund for solid waste and recycling for the purpose of planning, designing, constructing, funding and maintaining solid waste and recycling programs, projects, facilities and other matters related to solid waste management. The Vote: Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson, Council Member Flewelling. Council Member Covert was absent.

The motion passed.

BOARDS AND COMMISSIONS

CONSIDERATION OF THE REAPPOINTMENT OF GARDENIA SIMMONS-WHITE TO THE DISABILITIES AND SPECIAL NEEDS BOARD AND CONSIDERATION OF THE REAPPOINTMENT OF CHAIRWOMAN ELLIS AND TREASURER HARVEY-PALMER TO THE LADY'S ISLAND FIRE DISTRICT

Motion: It was moved by Council Member Flewelling, Seconded by Vice Chairman Sommerville to approve the reappointment of Gardenia Simmons-White to the Disabilities and Special Needs Board and the reappointment of Eellis and Harvey-Palmer to the Lady's Island Fire District.

The motion passed without objection.

CITIZEN COMMENTS

Ms. Wilson sent in an email thanking Council and Staff on their efforts to reduce spending of tax dollars and stated her curbside pickup payments are included in her BJWSA bills and is in favor of the County turning these expenses over to the Town of Hilton Head.

Melissa Hincer, a history teacher, emailed in stating As a history teacher, I always talk with my classes about social groups and how they interact with each other/are treated. Whether I'm teaching ancient history or modern US, we have to recognize social divisions and potential inequalities in order to make students more aware and socially responsible. It's important for kids to have an understanding of human behaviors throughout time and place to be able to recognize patterns and fight against abuse or prejudice. I know the Young Leaders program is designed to get kids involved in local government but I think it could be a broader reach (right now I believe it's 4 students per school per year) and more engaging with maybe leaders visiting schools, whole school activities, things like poster and speech contests to get kids involved.

Susan Brown and Elizabeth Hargrove (both educators) also emailed in addressing the issues listed above.

Amanda Flake emailed in regarding the Proclamation for Bob Bender stating that she met Bob a long time ago when I worked for him at the Lowcountry Estuarium. He was amazing at capturing students attention and giving wonderfully informative tours to school groups. Then a few years later I was fortunate enough to be working for Beaufort County when he became a member on the Rural and Critical Land Preservation Board. It has been a privilege working with him these last seven years and his knowledge and love of the environment will be sorely missed.

(you can listen to the full citizen comment portion of the meeting by clicking on the link below)

<https://beaufortcountysc.new.swagit.com/videos/64716>

ADJOURNMENT

Meeting adjourned before the 8 o'clock hour.

Ratified: July 13, 2020