



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

Chairman

Stu Rodman

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
Joseph F. Passiment, Jr.

County Administrator

Ashley M. Jacobs

Clerk to Council

Sarah W. Brock

Administration Building

Robert Smalls Complex
100 Ribaut Road

Contact

Post Office Drawer 1228
Beaufort, South Carolina 29901-1228
(843) 255-2180
www.beaufortcountysc.gov

County Council Minutes

Monday, March 09, 2020 at 6:00 PM

Large Meeting Room, Hilton Head Island Branch Library
11 Beach City Road, Hilton Head Island

PRESENT

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

CALL TO ORDER

Chairman Rodman Called the meeting to order at 6:00PM

PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Rodman led Council in the Pledge of Allegiance followed by an invocation.

FOIA COMPLIANCE

Sarah W. Brock, Clerk to Council, confirmed that public notification of the meeting was published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

APPROVAL OF AGENDA

The Chairman stated he believed council had come to a point where they needed to hold elections again and that he would address that topic at the end of the meeting then asked for a motion to approve the agenda.

Motion: It was moved by Council Member Flewelling, seconded by Council Member Howard to approve the agenda. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member McElynn, Council Member Flewelling, and Council Member Dawson. The Motion Passed 10:0

APPROVAL OF MINUTES

Motion: It was moved by Council Member Passiment, seconded by Council Member Flewelling to approve the Minutes. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert,

Council Member Glover, Council Member Hervochoon, Council Member Rodman, Council Member Howard, Council Member McElynn, Council Member Flewelling, and Council Member Dawson. Council Member Lawson was not in attendance at this time. The Motion Passed 10:0

CITIZEN COMMENTS

Frank Gibson, Beaufort County Resident, stated he supports the HTAX for funding the purchase of the Battlefield in Port Royal.

Sandy Thompson, Beaufort County Resident, spoke in support of the Loud Vehicle Noise Ordinance.

Mike Thompson, Beaufort County Resident, spoke in support of the Loud Vehicle Noise Ordinance and begged Council to take action. He also stated how disruptive it is in their home at all hours of the day and night.

LIAISON AND COMMITTEE REPORTS

Council discussed the upcoming Budget Work Session scheduled for March 26th and decided to move it to 9:00am on Monday, March 30th.

CONSENT AGENDA

1. **Approval of two (2) Olsen Tract Lease Agreements for Grazing Fields and Dwelling Unit**
2. **Approval of the Recommendations Report from the Communications and Transparency Committee**
3. **Approval of a Resolution supporting certifications and assurances to the SCDOT on behalf of the DSN Department**
4. **First Reading of an Ordinance amending the Beaufort County Code of Ordinances, Section 74-64, Adoption of Building Codes**
5. **Reappointment of Wayne Corley, Bruce Doneff, Kenneth Joy, & Stephen Kock to Board of Assessment Appeals**
6. **First Reading of an Ordinance to appropriate grand awards to local entities from the County's Local (3%) Accommodations Tax and Local Hospitality Tax Collections for the year ending June 30, 2019 in the amount of \$4,000,000**
7. **First 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**
8. **Adoption of the 2019 Annual Report for Rural and Critical Land Preservation Program**
9. **Louanne Howard, District 1 to the KBCBB as a substitute for District 4**
10. **Reappointment of Lawrence Bryan, District 5 to the Solid Waste and Recycling Board**
11. **First Reading of an Ordinance conveying real property (right of way) from Beaufort County to SCDOT - For the Boundary Street Renovation Project**

Chairman Rodman asked Council if there were any items they would like to lift off the Consent Agenda. Council Member Flewelling asked to remove items 6 and 7 from the Consent Agenda.

6 - First Reading of an Ordinance to appropriate grand awards to local entities from the County's Local (3%) Accommodations Tax and Local Hospitality Tax Collections for the year ending June 30, 2019 in the amount of \$4,000,000

Motion to amend: It was moved by Council Member Flewelling, seconded by Council Member Dawson, to amend the ATAX recommendations listed for the Black Chamber of Commerce's Advertising Expenses to make all 4 line items equal to \$25,000 each.

Discussion: Discussion ensued regarding the ATAX and HTAX Award process and as well as the application process and documents required for consideration. It was then decided to send this item back to the Finance Committee where the Amount recommended for the Black Chamber of Commerce's Advertising Expenses can be discussed.

Council Member Flewelling and Council Member Dawson withdrew their motion.

7 - First 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

Discussion: Council Member Flewelling asked Eric Greenway, Director of Community Development, to address whether the County would be exempt from these zoning requirements. Mr. Greenway stated they were not going to exempt the County from any development standards or regulations but this would allow Council to hold a public hearing on the establishment of certain uses and certain zoning districts on a permanent basis.

Council Member Flewelling stated his concern is if it is in the Comprehensive plan it is not under any circumstances Spot Zoned and asked Mr. Greenway to clarify that with the legal department.

Council Member Hervochon asked Mr. Greenway how this ordinance would impact preservation districts. Mr. Greenway stated this would allow Council to look at the use of that particular property and then hold a public hearing to permanently establish use on that property.

Council Member Lawson stated he was for the ordinance and would like to see the requirements pertaining to Council vote stay a simple majority.

Council Member Hervochon asked Mr. Greenway to state what he views may be the unintentional consequences of this ordinance and Mr. Greenway stated he has thought about that question and he cannot come up with anything because again, Council will get to make the decision after a public hearing to take public input just as you would a rezoning request it just will take less time because you won't have to give that issue three readings and would not have to go through planning commission.

Council Member Howard stated the County can't always go by the comp plan for everything, ideally yes, but there are times when there may be a need for an emergency spot on county land.

Council Member Flewelling said yes but this permanently changes zoning.

Mr. Greenway stated this would not permanently change the zoning but rather permanently establish a use.

Motion: It was moved by Council Member Sommerville, seconded by Council Member Howard to approve first 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 Vote - Voting Yea: Council Member Glover, Council Member Howard, Council Member Passiment, Council Member Sommerville, Council Member McElynn, Council Member Lawson and Council Member Dawson. Voting Nay: Council Member Hervochon, Council Member Flewelling, Council Member Covert, Council Member Rodman. The motion passed 7-4.

Consent Agenda Main Motion: It was moved by Council Member Passiment, seconded by Council Member Flewelling to approve the Consent Agenda with the understanding that the ATAX/HTAX item will go back to Finance for further discussion and minus item 7. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling and Council Member McElynn. Motion passed 11:0.

ACTION ITEMS

Public Hearing and Third Reading of an Ordinance authorizing the conveyance of real property known as Automobile Place to the Town of Hilton Head Island

Discussion: Council Member Flewelling stated the Town of Hilton Head asked Council to convey this property to them so that they can redesign an intersection. He requested the deed included an amendment regarding a reverter clause so that the Town of HHI would have to re-convey the property back to Beaufort County if they ever decided to sell.

Chairman Rodman opened the floor for Public Hearing.

No one came forward and public hearing was closed.

Motion: It was moved by Council Member Flewelling, seconded by Council Member Passiment to approve Third Reading of an Ordinance authorizing the conveyance of real property known as Automobile Place to the Town of Hilton Head Island. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member McElynn, Council Member Flewelling, Council Member Lawson and Council Member Dawson. The Motion Passed 11:0

Public Hearing and Third Reading of an Ordinance Regarding a Text Amendment to LICP and LIEHB Districts to limit residential density to developments not located on public sewer.

Discussion: Council Member Howard stated this was recommended and approved by the Lady's Island Plan Implementation Committee as well as approved by the Natural Resources Committee.

Chairman Rodman opened the floor for Public Hearing.

Juliana Smith, South Carolina Coastal Conservation League, stated this was one of those responsible growth recommendations that help to responsibly manage growth on Lady's Island and benefits would be homeowners.

Public hearing was closed.

Motion: It was moved by Council Member Passiment, seconded by Council Member Flewelling to approve Third Reading of an Ordinance Regarding a Text Amendment to LICP and LIEHB Districts to limit residential density to developments not located on public sewer.

Council Member Lawson stated he planned to vote against this because of the unintentional consequences this ordinance could have as it will limit folks who have owned property for decades from being able to cut pieces off and give it to their children.

Council Member Glover asked if this ordinance would impact the cultural overlay district. Mr. Greenway stated he did not feel this would impact it in a negative way but in fact it would help regulate high density development.

Council Member Sommerville stated that the family compound would protect the folks Council Member Lawson is concerned about.

The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Dawson, Council Member Flewelling and Council Member McElynn. Voting Nay: Member Lawson. Motion passed 10:1.

Public Hearing and Third Reading of an Ordinance regarding Text amendment to T4 Hamlet Center District (T4HC) to allow Recreation Facility: Commercial Indoor (Article 3, Section 3.2.100)

Discussion: Council Member Howard stated this amendment would allow for commercial indoor in this district such as an indoor playground.

Council Member Flewelling stated he feels this exactly fits the T4 Hamlet Center concept and what needs to go in there.

Motion: It was moved by Council Member Passiment, seconded by Council Member Flewelling to approve Public Hearing and Third Reading of an Ordinance regarding Text amendment to T4 Hamlet Center District (T4HC) to allow Recreation Facility: Commercial Indoor (Article 3, Section 3.2.100). The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Hervocho, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling and Council Member McElynn. Motion passed 11:0.

First Reading of an Ordinance declaring loud and unnecessary vehicular noise a Public Nuisance and providing that violations are a Misdemeanor

Motion: It was moved by Council Member Passiment, seconded by Council Member McElynn to approve First Reading of an Ordinance declaring loud and unnecessary vehicular noise a Public Nuisance and providing that violations are a Misdemeanor.

Council Member Glover stated that there are areas of Beaufort County that are still rural which this issue impacts.

Council Member Flewelling thanked the Thompsons for bringing this issue to Councils attention and hopes they see their government is at work.

Council Member Dawson stated he was going to support this ordinance but as he advised council previously, there is an additional step needed to address gun noise for firing ranges etc. and asked council to not just stop here but to include gun noises.

The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Glover, Council Member Hervocho, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling and Council Member McElynn. Voting Nay: Council Member Covert. Motion passed 10:1.

TIME SENSITIVE ITEMS ORIGINATING FROM EXECUTIVE COMMITTEE

Council Member Flewelling inquired as to if Council was going to take these items individually or as a group and Chairman Rodman stated as a group.

Approval of Securitas Security Services at Hilton Head Island Airport

Discussion: Jon Rembold, Airports Director, stated the scope of services Securitas will provide includes keeping vehicular traffic out of the terminal flowing, provide an extra set of eyes and ears around the terminal, and notify sheriff deputies if need be.

Council Member McElynn stated he knows a little bit about Securitas and this is a quality security company.

Gate Reassignment Project - United Airlines

Discussion: Jon Rembold, Airports Director, stated this does not require any dollars to be expended by the airport and emphasized they are strictly acting a broker regarding this issue.

Approval of a Resolution authorizing the County Administrator to negotiate and execute the documents necessary for the purchase of properties for the expansion project at the Hilton Head Island Airport

Discussion: Jon Rembold, Airports Director, stated this is a resolution that gives the County Administrator sign for and negotiate for the purchase of properties for the expansion project at the Hilton Head Island Airport

Motion: It was moved by Council Member Flewelling, seconded by Council Member Passiment to approve items 13, 14 and 15 on the agenda. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling and Council Member McElynn. Motion passed 11:0.

Beaufort Memorial Hospital Board of Trustees Appointments and Reappointments

Discussion: Chairman Rodman stated Eugene Richardson LaBruce had been nominated to fulfill the expired term of David Tedder on the Beaufort Memorial Hospital Board of Trustees and David House is up for Reappointment.

Motion: It was moved by Council Member Sommerville, seconded by Council Member Howard to approve Eugene Richardson LaBruce and David House to the Beaufort Memorial Hospital Board of Trustees. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling and Council Member McElynn. Council Member Hervochon was not in the room. Motion passed 10:0.

CITIZEN COMMENT

William Smith, Secretary for the Beaufort County School Board, requested a meeting between Beaufort County School Board and County Council to discuss how they can better serve the citizens. He also stated that on St Helena, the ditches are filled with water and he hopes County Council addresses this and gives the citizens what they pay for.

CHAIRMAN'S MINUTE

Chairman Rodman stated he felt it was time to have a re-election for Chairman as there was a split Council and there has been since Council voted last January. Chairman Rodman stated people have been critical of him and he believes he has the right to confront his accusers and recommended Council Member McElynn contact each council member individually to identify if there are any member that feel he has done something that is unprofessional or has done something that is detrimental to the County in any way. He also stated he wanted to ask Council Member Howard to contact the Administrator to schedule a meeting to sit and have the same conversation to see if he has done anything wrong.

Council Member Covert stated he had a question of privilege.

Motion: It was moved by Council Member Covert, seconded by Council Member Hervochon to amend the Rules of Procedure by adding the words "or until a successor is elected" to the first sentence of the first paragraph of Chapter 1, Section A and adding as the last paragraph of section A "notwithstanding the provisions above or below the Chairman or Vice-Chairman may be removed by a majority vote of those Councilmembers present and voting at any Regular or Special meeting of Council. Upon the Removal of the Chairman or Vice-Chairman the successor will be elected immediately to fill the unexpired term which will require 6 vote. He then asked for a roll call vote.

Chairman Rodman stated this was out of order as the agenda was not amended and the Chairman then referred to the Roberts Rules of Order and the formal process for removing the Chair and stated what Councilman Covert is recommending is not in line with Roberts Rules and Ruled Councilman Covert out of order.

Chairman Rodman then attempted to adjourn the meeting.

Council Member Covert stated he appeals the comments of the Chair.

Council Member Flewelling stated he is of the opinion that matters regarding internal governance are not required to be put on the agenda ahead of time and disagrees with the Chair's ruling.

Council Member Covert stated this was not an agenda item but it was a question of privilege.

Council Member Flewelling stated Council should have a vote whether to sustain the decision of the Chair and it would take a simple majority to sustain the decision of the Chair.

Chairman Rodman called for a vote regarding sustaining the decision of the Chair not to allow Council Member Covert's motion.

The Vote - Voting Yea: Council Member Rodman, Council Member Sommerville, Council Member McElynn, Council Member Lawson. Voting Nay: Council Member Hervochon, Council Member Glover, Council Member Howard, Council Member Passiment, Council Member Flewelling, Council Member Covert, Council Member Dawson. The decision of the Chair fails 4:7.

Council Member McElynn asked if there was any evidence to be presented.

Council Member Covert stated it was not a criminal trial.

Council Member Lawson stated he does not agree with the language "simple majority" because if someone does not show up to a meeting you could change the Chairman minus council members.

Council Member McElynn stated he feels this is public humiliation for selfish purposes.

Council Member Dawson stated the argument is Council is trying to change the leadership of Council without cause and he does not feel that is the case. The Administrator made it known the problem she has with the Chairman as well as Council Member Glover and Council Member McElynn did not follow through on those and report his findings.

Motion: It was moved by Council Member Hervochon, seconded by Council Member Flewelling to extend past the 8 o'clock hour. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Rodman, Council Member Howard, Council Member Hervochon, Council Member Lawson, Council Member Dawson, Council Member Flewelling and Council Member McElynn. Motion passed 11:0.

Council Member Hervochon stated he feels there needs to be immediate certainty for the public, for council and for administration. There is plenty of evidence Council needs to make a move.

Conversation ensued regarding Roberts Rules of Order.

Council Member Passiment stated this conversation is troublesome and then encouraged the Chairman to resign and then Council can have a motion to elect a new Chairman. Council should not go through making changes they could regret.

Chairman Rodman stated it was his intention to submit a resignation contingent upon electing a replacement and having to opportunity to confront his accusers.

Council Member Flewelling stated the Chairman canceled a called meeting of council unilaterally and arbitrarily and no one was consulted regarding that decision and is a violation of a resolution of this Council.

Council Member Hervochon expressed his frustration regarding the Jenkins Island project and items being conducted in secret and Chairman Rodman knew of his frustration and he asked that the Chairman resign.

Council Member McElynn stated he feels the Chairman should resign; the seat should be given to Council Member Sommerville and then hold an election as soon as possible.

Council Member Howard stated Council Member Coverts motion is extreme and feels council should move forward with what Council Member Passiment stated.

Council Member Covert said he would withdraw his motion if the Chairman moved forward with Council Member Passiment's suggestion.

Further discussion ensued regarding Chairman Rodman's behavior between Chairman Rodman and Council Member Hervochon and then between Chairman Rodman and Council Member Flewelling.

(to view the discussion further go to https://beaufort.granicus.com/player/clip/4681?view_id=15 2:26:17)

Council Member Covert stated the temperature at the Administration building is horrific and stated he has heard how the Chairman spoke to the Administrator and how he spoke to Councils Clerk and this County is in such a bad spot so for the sake of the County resign and move forward.

Chairman Rodman called for a 5-minute recess.

Meeting was called back to order.

The Chairman Rodman resigned and passed the gavel to Vice-Chair Sommerville.

Council Member Flewelling stated the rules of order state the vice-chair shall rise and fill the unexpired term of the chair, so he suggested either modify the rules or have the Vice-Chair resign as well.

County Attorney Kurt Taylor stated the Rules state in the event the Chairman should be unable to serve the Vice-Chairman shall serve as Chairman in his stead.

Chairman stated he is resigning and Vice-Chair Sommerville is temporarily serving as chair until a new Chair can be elected.

Chairman Sommerville called for an election to elect a new chair and asked for nominations.

Motion: It was moved by Council Member McElynn, seconded by Council Member Howard to nominate Joseph Passiment as Chair. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling Council Member Hervochon and Council Member McElynn. Motion passed 11:0.

Council Member Covert and Council Member Hervochoch withdrew their earlier motion.

Chairman Passiment called for adjournment.

Motion: It was moved by Council Member McElynn, seconded by Council Member Sommerville to adjourn the meeting. The Vote - Voting Yea: Council Member Passiment, Council Member Sommerville, Council Member Covert, Council Member Glover, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson, Council Member Flewelling Council Member Hervochoch and Council Member McElynn. Motion passed 11:0.

The meeting adjourned at 8:52pm

Ratified on: April 27, 2020