



## Beaufort County Caucus

### Chairman

JOSEPH F. PASSIMENT, JR.

### Vice Chairman

D. PAUL SOMMERVILLE

### Committee Members

LOGAN CUNNINGHAM  
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BRIAN E. FLEWELLING  
YORK GLOVER, SR.  
CHRIS HERVOCHON  
ALICE G. HOWARD  
MARK LAWSON  
LAWRENCE P. MCELYNN  
STU RODMAN

### Interim County Administrator

ERIC GREENWAY

### Clerk to Council

SARAH W. BROCK

### Administration Building

Beaufort County Government  
Robert Smalls Complex  
100 Ribaut Road

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# County Council Caucus Meeting

Monday, March 22, 2021 at 5:00 PM

This meeting will be held both in person at County Council Chambers, 100 Ribaut Road, Beaufort, and also virtually through Zoom. Please be aware that there is limited seating available for the in-person meeting and attendees must wear a face covering and practice social distancing per Beaufort County Emergency Ordinance 2021-01

## 1. CALL TO ORDER

Chairman Passiment called the meeting to order at 5:00 PM

## PRESENT

Chairman Joseph Passiment  
Council Member Logan Cunningham  
Council Member Gerald Dawson  
Council Member Brian Flewelling  
Council Member York Glover  
Council Member Chris Hervochon  
Council Member Alice Howard  
Council Member Mark Lawson  
Council Member Lawrence McElynn  
Council Member Stu Rodman

## ABSENT

Vice-Chairman Paul Sommerville

## 2. PLEDGE OF ALLEGIANCE

Council Member Gerald Dawson led the Pledge of Allegiance.

## 3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

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

## 4. APPROVAL OF AGENDA

It was moved by Council Member Rodman, seconded by Council Member Glover to "approve the agenda". 10:0 Motion carried

## UPDATES

## 5. Discussion of Minor and Necessary Amendment to Lease of 15 Haig Point Road, Daufuskie Island (Marshside Mama's)

This property is generally known as Marshside Mama's and the General Store. The Lease Agreement requires the lessor to make substantial improvements to the property and then to reopen the property under the name of Marshside

Mama's 2. The lessor has informed the County that it is legally precluded from using the name Marshside Mama's 2 and wishes to rename it to D'fuskie's.

#### **6. Litigation Update Regarding Beaufort Memorial Hospital**

Beaufort Memorial has filed a lawsuit against Beaufort County. The purpose of the lawsuit was to prevent Beaufort County Council from reinstating to the Hospital's Board of Trustees a member of the Board who previously resigned and who later rescinded her resignation. Council subsequently decided to take any action on the reinstatement. Rather than dismissing the lawsuit as moot Beaufort Memorial thereafter filed an amended complaint in which it seeks: (1) to prevent Beaufort County from reinstating any Board member who resigns; (2) prevent Beaufort County from appointing to the Board anyone who has not been nominated to the Board by the Board itself; and (3) to prevent Beaufort County Council from amending its own ordinance without the Hospital's consent.

- The issue about reinstating the Board member is moot but complaint was amended due to discussion of the County amending the Ordinance
- Glad to move forward with lawsuit to get clarification
- Frivolous lawsuit until there is something done to warrant a lawsuit and countersue BMH to reimburse Attorney fees
- No time frame for when the lawsuit is being heard and members would not be wrong to move forward with Council's decision to amend the Ordinance
- Rule is the legal fees are not reimbursable unless there is a statute or a contract that allows you to do it, under frivolous you can, and it would be a separate action and would be very hard to do
- Prepaid legal will cover the cost at 80%

#### **DISCUSSION ITEMS**

##### **7. Agenda Review**

- No questions or changes to Council Agenda

##### **8. New Business**

- Retiree litigation resolution- Executive Committee Agenda
- Deputy County Administrator position- would like some clarification; needs to be discussed in Executive Session as it is a personnel matter.

#### **EXECUTIVE SESSION**

##### **9. Section 30-4-70. (A) (2) Discussion of Negotiations Incident to Proposed Contractual Agreements Regarding Economic Development**

##### **10. Pursuant to SC Code Section 30-4-70 (A) (2) For the Receipt of Legal Advice Where the Legal Advice Relates to A Pending, Threatening, Or Potential Claim**

It was moved by Council Member McElynn, seconded by Council Member Lawson to **"move into Executive Session"**.

It was moved to Amend the motion by Council Member Rodman, seconded by Council Member Cunningham to **"not include item number 9, Section 30-4-70. (a)(2) discussion of negotiations incidents to proposed contractual agreements regarding economic development"** in executive session. 10:0 Motion carried

- Council member Sommerville is out of town and he has most of the information pertaining to this item.

It was moved by Council Member Flewelling, seconded by Council Member McElynn to **"move forward with the executive session only discussing item number 10, Pursuant to SC Code Section 30-4-70- (a)(2) for the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim"**. 10:0

- No action coming from Executive Session

**11. CITIZEN COMMENTS**

No Citizen Comments.

**12. ADJOURNMENT**

The meeting adjourned at 5:46 PM

**Ratified by Committee:**