



**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 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

**Monday, April 27, 2020 at 6:00 PM (Virtual Meeting)**

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

### 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

### CALL TO ORDER

Chairman Passiment called the meeting to order at 6:10 p.m.

### PLEDGE OF ALLEGIANCE AND INVOCATION

Vice Chairman Sommerville led the Pledge of Allegiance and gave the 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

Motion: It was moved by Council Member McElynn, seconded by Council Member Flewelling, to approve the agenda. The vote: YEAS - Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson and Council Member Flewelling. The motion passed 11:0.

### APPROVAL OF MINUTES

Motion: It was moved by Council Member Rodman, seconded by Council Member Hervochon, to approve the minutes for March 9, 2020 and March 16, 2020. The vote: YEAS - Chairman Passiment, Vice Chairman Sommerville,

Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson and Council Member Flewelling. The motion passed 11:0.

### **CHAIRMAN'S MINUTE**

Chairman Passiment received a resume for the position on the Beaufort County Housing Authority and will forward to Council Members so action can be taken.

### **CITIZEN COMMENT**

The Clerk to Council Sarah Brock advised the Chairman that there are two emails to be read for citizen comments.

Vice-Chairman Sommerville read the emails for the record. One email is regarding beach access and tourism on the beach and grocery stores. The other email is regarding the Council implementing a requirement for everyone to wear masks.

Mrs. Brock also asked that Chairman Passiment address the noise ordinance and when it will be brought to Council again per several emails received. Chairman Passiment stated the noise ordinance will be postponed until participation and public input can be given at Council.

Council Member Covert read Facebook Live comment: no to sales tax, that is what reserve is for and noise ordinance is very badly worded and against it as it stands.

Council Member McElynn asked if the noise ordinance was going to be read at a committee or Council meeting. Chairman Passiment clarified that the ordinance will be going through Council for public comment but has been postponed due to COVID19 and wants the public to be able to participate and comment.

### **LIAISON AND COMMITTEE REPORTS**

Council Member Howard shared that TCL's graduation will be virtual and would like for our County Broadcasting to be involved. The Nursing Program completed 52% of its classes and the Surgery Tech program had issues because of the elective surgeries being postponed. The Foundation purchased 100 laptops and raised emergency funds for students that have lost their jobs. There is free access to WIFI at the parking lots in Beaufort, Hampton and New River Campus. The Library Board has a master plan for reopening, still giving out free temporary cards and opening up the book return so that citizens can return their books.

Council Member Hervochon reported from the Finance Committee that the budget book was very informative and he will be summarizing questions, comments, and concerns from the Council and sharing with Administration to get those addressed. During May he would like to have each elected official present their budget. He expects an updated budget book next week and will meet several times in May. Mr. Hervochon thanked Alicia Holland for all her hard work as he hears she is leaving at the end of this week.

Chairman Passiment wanted to commend Council Members for being involved and submitting questions to understand the budgeting process.

Council Member McElynn is looking for an agenda review on the calendar for Community Services. It is very important that the Election Board is present and the Administrator presents on how to help Hungry Hearts. He asked that the Administrator send out an email to develop agenda items for Wednesday's review.

The Clerk to Council, Mrs. Brock, responded that agenda review will be at 2:00 p.m. on Wednesday but is waiting on clarification.

## **TIME SENSITIVE ITEMS**

### **First Reading of an Ordinance authorizing the County Administrator to enter into lease agreements with the current tenants occupying property acquired due to the expansion project at the Hilton Head Island Airport- Jon Rembold, Airports Director**

An Ordinance authorizing the County Administrator to enter into lease agreements with the current tenants occupying property acquired due to the expansion project at the Hilton Head Island Airport. The plan is to offer a very fair lease rate (anticipate that it will be below market rate) until such time as FAA funding becomes available (we are then obligated to charge not less than market rate) or until December 31, 2020.

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member McElynn, to approve an Ordinance Authorizing the County Administrator to enter into lease agreements with the current tenants occupying property acquired due to the expansion project at the Hilton Head Island Airport. The vote: YEAS: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson and Council Member Flewelling. The motion passed 11:0.

### **Consideration of Volaire Aviation Consulting Agreement for Service Development (ASD) consulting as well as Marketing consulting- Jon Rembold, Airports Director**

Annual contract renewal with Volaire- combined agreement for both services provided by the consultant. Volaire was selected via RFQ 011518 and is funded through the Hilton Head Island Airport Operating Revenue.

#### **Discussion:**

Council Member Flewelling asked if this is reimbursable by the State or the FAA. John Rembold, Airport Director, addresses the question and that the agreement is done without FAA funds and is strictly funded by the Airport Operating Revenue.

Council Member Rodman asked how much this costs and if it was a renewal contract. John Rembold stated that it is about \$50,000 and, in the past, it was two separate contracts and now been combined into one document for administration purposes.

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Covert, to authorize the consideration of Volaire Aviation Consulting Agreement for Service Development (ASD) consulting as well as Marketing consulting. The vote: YEAS - Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson and Council Member Flewelling. The motion passed 11:0.

Council Member McElynn commended John Rembold and his staff for recovering an extremely valuable piece of property through security and Hilton Head Airport and made sure her property was returned.

## **CONSENT AGENDA**

- 1. Third and Final Reading of an Ordinance amending Beaufort County Ordinance Number 1975-2, EMS Service Fees.**
- 2. Third and Final Reading of an Ordinance authorizing the conveyance of real property associated with boundary of 50' Right of Way known as Fiddler Drive located on Lady's Island.**
- 3. Third Reading of an Ordinance authorizing the County Administrator to execute a Facility Use Agreement encumbering property owned by Beaufort County known as Fort Fremont Preserve.**

**4. Third Reading of an Ordinance authorizing the County Administrator to execute the Widgeon Point Preserve 2020 Joint Ownership and Operating Agreement with the Beaufort County Open Land Trust.**

**Consent Agenda Main Motion:** It was moved by Vice-Chairman Sommerville, seconded by Council Member Howard, to approve the consent agenda. The vote: YEAS - Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson and Council Member Flewelling. The motion passed 11:0.

**ACTION ITEMS**

**First Reading of a Stormwater Ordinance that would include the exemption of private roadways that are not shown as a separate parcel of land but are used by more than one property owner to access their property and update the ordinance to provide clarification and reflect organizational changes.**

Currently, the ordinance includes an exemption for improved private roadways that are shown as a separate parcel of land on the most current Beaufort County tax maps and are used by more than one property owner to access their property. Amendment to the ordinance is needed to include an exemption for improved private roadways that are not shown as a separate parcel of land on the most current Beaufort County tax maps but are used by more than one property owner to access their property. This will allow fair and equitable assessment of stormwater fees. Other proposed revisions are to reflect organizational changes and provide clarification in regards to Beaufort County Stormwater Utility's jurisdiction. Consistent application of Stormwater fees for roadways used by more than one property owner to access their property. Presented to Stormwater Management Utility Board on February 12, 2020, and the Board recommends the proposed changes to the ordinance. This amendment was approved by the Executive Committee on April 13, 2020. This will allow the Stormwater rate structure to be more defensible and consistently applied.

**Motion:** It was moved by Council Member Glover, seconded by Council Member Flewelling, to approve the Stormwater Ordinance that would include the exemption of private roadways that are not shown as a separate parcel of land but are used by more than one property owner to access their property and update the ordinance to provide clarification and reflect organizational changes. The vote: YEAS - Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson and Council Member Flewelling. The motion passed 11:0.

**Consideration of a Resolution authorizing the County Administrator to execute the necessary documents for the purchase of certain development rights on approx. 227 acres of real property known as tax map serial numbers TMS# R300 035 000 0138 0000, R300 035 000 0139 0000, R300 035 000 0140 0000, R300 035 000 0141 0000, R300 035 000 0142 0000, R300 035 000 0143 0000, R300 035 000 0144 0000, R300 035 000 0145 0000, R300 035 000 0146 0000, R300 035 000 0147 0000, R300 036 000 0001 0000 (excluding marsh), R300 036 000 0066 0000, R300 036 000 0067 0000, R300 036 000 0068 0000, R300 036 000 0069 0000, R300 036 000 0070 0000, R300 036 000 0071 0000, R300 036 000 0072 0000, R300 036 000 0075 0000, R300 036 000 0076 0000 and R300 036 000 0077 0000 and also known as Longwood Drive.**

The acquisition of development rights on 227 forested upland acres between Lands' End Road and Seaside Road on St. Helena Island for \$360,000 in Rural and Critical Program land acquisition funds. Project Summary Sheet and Purchase and Sale contract (including Grant of Conservation Easement) attached. Rural and Critical Land Preservation Board unanimously recommended approval on February 13, 2020, Council's Executive Committee recommended approval on April 13, 2020. Development rights being purchased at 50% of fair market value. The 21 parcels under consideration comprise a significant assemblage of undeveloped land on the southern end of St. Helena Island and also protect 42 acres of intertidal salt marsh. The Beaufort County Open Land Trust will hold a conservation easement on Longwood to protect the natural resources of the

property in perpetuity. Land acquisition cost from Rural and Critical Program funds = \$360,000. County has expanded \$10,650 in identifiable due diligence expenses, additional attorney costs expected for closing including title search and closing costs. Property tax collection reduction to County estimated at \$525/year. No long-term operations/maintenance cost for Beaufort County Open Land Trust is responsible for annual monitoring of the conservation easement.

**Motion:** It was moved by Council Member Glover, seconded by Council Member Howard, to approve Consideration of a Resolution authorizing the County Administrator to execute the necessary documents for the purchase of certain development rights on approx. 227 acres of real property known as tax map serial numbers TMS# R300 035 000 0138 0000, R300 035 000 0139 0000, R300 035 000 0140 0000, R300 035 000 0141 0000, R300 035 000 0142 0000, R300 035 000 0143 0000, R300 035 000 0144 0000, R300 035 000 0145 0000, R300 035 000 0146 0000, R300 035 000 0147 0000, R300 036 000 0001 0000 (excluding marsh), R300 036 000 0066 0000, R300 036 000 0067 0000, R300 036 000 0068 0000, R300 036 000 0069 0000, R300 036 000 0070 0000, R300 036 000 0071 0000, R300 036 000 0072 0000, R300 036 000 0075 0000, R300 036 000 0076 0000 and R300 036 000 0077 0000 and also known as Longwood Drive. The vote: YEAS: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn and Council Member Dawson. The vote: NAYS - Council Member Flewelling. The motion passed 10:1.

**Public Hearing and Second Reading of an Ordinance regarding a Local Option Sale Tax Referendum Ordinance.**

This ordinance would call for a referendum to be held this November 3, 2020. The question asks whether the voters approve a one percent sales and use tax to be imposed on all appropriate sales in Beaufort County and its municipalities. The collection of the tax would begin in May 2020. The proceeds of the tax would be distributed 71% to the Property Tax Credit Fund and 29% to the County/Municipal Revenue Fund. The State Treasurer shall distribute the revenues monthly. Tax relief and county/municipal revenue support are the hallmarks of this tax. This is a revenue-generating measure.

Chairman Passiment proposes to make a motion to postpone this matter until May 11, 2020 Council Meeting.

Council Member Howard asked Chairman Passiment for clarification on why this matter is being postponed. The Chairman explained that all the Mayors of the municipalities haven't been contacted to weigh in on this matter.

Council Member McElynn does not object to the postponement but wants to go on the record that he is unalterably opposed to this proposal.

Council Member Covert reiterated Council Member McElynn's comment that he doesn't support this proposal and has an amended version that may be more palatable. Council Member Rodman asked that Council Member Covert reveal his amended proposal. Chairman Passiment asked that Council Member Covert wait until May 11, 2020. Council Member Flewelling stated that he has a point of privilege to read his recommended amended proposal.

Chairman Passiment gave Council Member Covert the floor to discuss the amended proposal. Council Member Covert's recommends that the verbiage to say 100% should go into property tax relief if it is such a good idea. Council Member McElynn believes that the original numbers are controlled by State Statute. Council Member Covert, after speaking with ACEC that it is appropriate to change.

Council Member Hervochon mentioned that marginal tax on a citizen making between \$30,000 - \$50,000 that is renting is \$471. That is putting an extra \$471 for those in the income bracket that we are trying to help with affordable housing. If sales tax revenue decreases during an economic downturn, like what we are in now. What is the refund rate on the property tax that we are supposed to give back during an economic downturn? Some questions need to be answered.

Council Member McElynn asked if this can be discussed at a Committee Meeting. Chairman Passiment stated that this could be discussed at a Committee meeting.

Council Member Rodman believes this is a lot of money that is being dealt with and it would be helpful for someone to put in a pro forma. Historically, it is good to let the people vote and the timing is bad on this. Comments that this is reducing advalorem taxes on those who can afford it and putting it on those who can't.

**Motion:** It was moved by Council Member Flewelling, seconded by Council Member Hervochon, to approve a Public Hearing and Second Reading of an Ordinance regarding a Local Option Sale Tax Referendum Ordinance. Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson and Council Member Flewelling. The motion passed 11:0.

**Public Hearing and Third Reading of an Ordinance authorizing the County Administrator to Execute the Necessary Documents for the purchase of approximately 12 Acres of Real Property known as the Port Royal Island Battlefield.**

The fee simple acquisition of +/- 12 acres on US Highway 21 (3020,3026, and 3030 Trask Parkway) for \$544,537 in Rural and Critical land acquisition funds, acceptance of 1.7 acres of donated property, sale of restrictive easement and grant of a conservation easement of purchased and donated property. Project summary sheet, Restrictive Easement, conservation easement, and purchase contracts are attached. Rural and Critical Land Preservation Board unanimously recommended approval on January 9, 2020. Natural Resources Committee recommended approval 5 to 1 on March 2, 2020, with some discussion, that was no part of the motions, regarding potentially using H-tax funding towards some of the expenses for the purchase. The properties are currently under contract for purchase by the Battleground Preservation Trust, which will be assigned to the County if the purchase is approved. Property being purchased below fair market value. The three parcels under consideration comprise a significant portion of the battlefield of the 1779 Revolutionary War Battle of Port Royal Island. One tract includes an existing 22,000 sf. commercial building. SC Conservation Bank and DoD/Marine Corps Air Station Beaufort are cost-share partners. Marine Corps Air Station Beaufort purchasing a Restrictive Easement on the property with limitations on public access and use of the commercial building. the SC Battleground Preservation Trust will hold a conversation easement to protect historic resources. County would be the sole owner of purchased and donated property. The property could be established as a site on the South Carolina Liberty Trail. Land acquisition cost from Rural and Critical program funds = \$544,537. Other cost-share funds are MCAS Beaufort \$897,5000, and SC Conservation Bank \$352,963. County has expended \$18,235 in identifiable due diligence expenses, further costs expected for closing including a survey of the donated parcel and closing costs. Post-closing costs for County listed in the Project Summary Sheet. The existing building is a liability consideration.

Update from Council Member Howard, there was an error on the vote and it was unanimous by the Rural and Critical Lands Board.

**Motion:** It was moved by Council Member Howard, seconded by Council Member McElynn, to approve an Ordinance authorizing the County Administrator to Execute the Necessary Documents for the purchase of approximately 12 Acres of Real Property known as the Port Royal Island Battlefield. The vote: YEAS - Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochon, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn and Council Member Flewelling. The vote: NAY - Council Member Dawson. The motion passed 10:1.

## **BOARDS AND COMMISSIONS**

### **Discussion of appointment of a member of council to serve on the Beaufort Housing Authority.**

Chairman Passiment recommends appointing Mr. Dan Reidel to the Beaufort Housing Authority.

Council Member Howard would like to confirm that he is no longer involved with any affordable housing groups within Beaufort County.

Clerk to Council, Sarah Brock, informs Council Member Howard that his resume has been reviewed and approved by the Beaufort County Housing Authority.

**Motion:** It was moved by Vice Chairman Sommerville, seconded by Council Member Howard, to appoint Mr. Dan Reidel to serve on the Beaufort Housing Authority. The vote: YEAS - Chairman Passiment, Vice Chairman Sommerville, Council Member Covert, Council Member Glover, Council Member Hervochoch, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, Council Member Dawson and Council Member Flewelling. The motion passed 11:0.

## **CITIZEN COMMENT**

(Every member of the public who is recognized to speak shall limit comments to three minutes - Citizens may email sbrock@bcgov.net, comment on our Facebook Live stream or call 843-255-2041 to participate in Citizen Comment)

No Citizen Comments via Clerk to Council Sarah Brock or via Facebook Live per Council Member Covert.

## **ADJOURNMENT**

The Meeting adjourned at 6:59 p.m.

Ratified: