



County Council Meeting Beaufort County, SC

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

Monday, September 25, 2023
5:00 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.gov/council/council-committee-meetings/index.html>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 5:00 p.m.

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 Anna Maria Tabernik
Council Member Thomas Reitz

2. PLEDGE OF ALLEGIANCE AND INVOCATION

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

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 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 Vice-Chairman McElynn, seconded by Council Member Dawson, to approve the agenda.

The Vote – The motion was approved without objection.

5. APPROVAL OF MINUTES - August 14, 2023

Motion: It was moved by Council Member Tabernik, seconded by Council Member Cunningham, to approve the minutes of August 14, 2023.

The Vote – The motion was approved without objection.

6. ADMINISTRATOR'S REPORT

Interim County Administrator Robinson updated the Council on a new workflow system for processing documents that require signature to ensure compliance with the County's rules and regulations. Interim County Administrator Robinson also recognized Heather Dorrell and Eddie Schroeder with Beaufort County EMS, Tyrone Jenkins with Solid Waste and Recycling, and Director Robert Cartner with Mosquito Control.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375?ts=3275>

7. PROCLAMATION RECOGNIZING NATIONAL HISPANIC HERITAGE MONTH

Vice-Chairman McElynn presented a proclamation recognizing National Hispanic Heritage Month.

8. PROCLAMATION RECOGNIZING THE BEAUFORT COUNTY DIXIE JUNIOR BOYS BASEBALL TEAM

Council Member Lawson presented a proclamation recognizing the Beaufort County Dixie Junior Boys Baseball Team.

9. PROCLAMATION RECOGNIZING THE BEAUFORT COUNTY DIXIE BOYS BASEBALL TEAM

Council Member Cunningham presented a proclamation recognizing the Beaufort County Dixie Boys Baseball Team.

Vice-Chairman McElynn also commented on National Family Day.

10. CITIZEN COMMENT PERIOD - 15 MINUTES TOTAL

Anyone who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to AGENDA ITEMS ONLY and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language. In accordance with Beaufort County's Rules and Procedures, giving of a speaker's time to another is not allowed.

The following individuals made citizen comments:

1. Roberts Vaux
2. John Kammer
3. Derek Stetter
4. Scottie Daniel
5. Terry Laseter

Motion: It was moved by Council Member Bartholomew, seconded by Council Member Cunningham, to extend the public comment.

Citizen Comment was extended and Felice Lamarca made the final comments.

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

<https://beaufortcountysc.new.swagit.com/videos/272375>

11. LIASION AND COMMITTEE REPORTS

Council Member Reitz provided an update on the Airports Board, including the Hilton Head Airport terminal contract, St. James Church, and the Ambassador's Club.

Council Member Tabernik discussed the Library Board of Trustees, including an update on the Port Royal Library, options for a new branch in Pritchardville, and a Gullah Geechee Trail. Council Member Tabernik also discussed updates from the County Transportation Committee, including the resurfacing and pavement preservation projects, work on SC 170, and repairs to Bluffton Parkway.

Council Member Howard highlighted the final reading of the Greenspace Committee Ordinance.

Council Member Lawson commented on the Southern Carolina Regional Development contract renewal item originating from the Finance, Administration, and Economic Development Committee.

Chairman Passiment commented on the County Council's attendance at the South Carolina Association of Counties meetings on September 19 and 20, 2023.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

12. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member Cunningham, seconded by Council Member Lawson, to approve the consent agenda.

The Vote – The motion was approved without objection.

13. TIME SENSITIVE ITEM FROM THE 9.25.2023 PUBLIC FACILITIES AND SAFETY COMMITTEE MEETING - APPROVAL OF THE PROPOSED MEMBERS DISCUSSED DURING THE PUBLIC FACILITIES AND SAFETY COMMITTEE MEETING TO THE SALES TAX COMMITTEE

Motion: It was moved by Council Member Cunningham, seconded by Council Member Howard, to appoint UnTron Solomon from St Helena Island (District 3), Carol Ruff from Lady's Island (District 2), and Tom Lennox from Hilton Head Island (District 11) to the Tax Advisory Committee in accordance with South Carolina Code Section 4-10-320.

Discussion: Chairman Passiment commented on the makeup and purpose of the Committee.

The Vote – The motion was approved without objection.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

14. PUBLIC HEARING AND THIRD READING OF AN ORDINANCE TO AMEND BEAUFORT COUNTY'S BUDGET ORDINANCE FOR FISCAL YEAR 2024 (ORDINANCE 2023/22) TO APPROPRIATE \$350,000 TO COUNTY COUNCIL TO COVER COST OF REVIEWS, AUDITS, AND INVESTIGATIONS

First Reading by Title only on August 28, 2023 - 10:0

Second Reading on September 11, 2023 - 10:0

Motion: It was moved by Council Member Bartholomew, seconded by Council Member Brown, to approve the public hearing and third reading of an ordinance to amend Beaufort County's Budget Ordinance for Fiscal Year 2024 (Ordinance 2023/22) to appropriate \$350,000 to County Council to cover the cost of reviews, audits, and investigations.

Chairman Passiment opened the floor for public comment.

Joyce Hamm spoke regarding the investigation.

The Chairman closed the public comment.

Discussion: In response to Ms. Hamm’s questions, Council Member Cunningham stated that an outside consultant was being hired to conduct audits and investigations to ensure no misappropriation of funds or interference by anyone in the County.

Council Member Bartholomew noted that while Council was potentially appropriating \$350,000, the total amount would not necessarily be spent.

The Vote – The motion was approved without objection.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

15. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND PROVIDE FUNDING FOR THE PURCHASE OF REAL PROPERTY IDENTIFIED AS 34 ULMER ROAD

Vote at First Reading on July 10, 2023- 11:0

Vote at Public Hearing and Second Reading on August 14, 2023: Postpone until September 25, 2023- 11:0

Motion: It was moved by Council Member Lawson, seconded by Council Member Cunningham, to approve the public hearing and second reading of an ordinance authorizing the Interim County Administrator to execute the necessary documents and provide funding for the purchase of real property identified as 34 Ulmer Road.

Chairman Passiment opened the floor for public comment.

Joyce Hamm spoke regarding the county buying land and asked if it would ever be given back to the citizens.

The Chairman closed the public comment.

Discussion: Council Member Howard noted that the property was discussed during a Rural and Critical Lands Preservation Board meeting and that the due diligence vote failed. Council Member Howard also voiced her objection to the motion.

Council Member Lawson commented that the purchase would be made through the General Fund. Council Member Lawson also highlighted the seller’s reduction in price to \$2.5 million if the County could close on the property in 30 days.

Council Members Howard and Cunningham discussed whether the property could have ball fields.

Passive Parks Director Nagid provided background on the adjacent Baliey Memorial Park property and the interest in the property from a habitat connectivity and water quality standpoint. Director Nagid added while the property may not be suitable for parks and recreation because of the wetlands and existing cell tower, she did think it would make a good passive park with the proximity to downtown Bluffton.

Council Member Glover asked for clarification on the Rural and Critical Lands Preservation Board’s decision not to proceed with this property. Director Nagid said that half of the Board was interested in having a conservation appraiser perform a second appraisal, but there was a motion to deny the project. Director Nagid also mentioned concerns about the long-term lease on the cell tower and the low development pressure.

Interim County Administrator Robinson reiterated that the funding would be supplied through the General Fund and explained that there would need to be a budget amendment to approve the appropriation. County Attorney Ward clarified that the funding appropriation was included in this ordinance.

Director Nagid commented that a second appraisal would take a couple of weeks but that the County could ask for an expedited appraisal.

Council Member Bartholomew asked if the cell tower on the property could be moved. Council Attorney Ward replied that it would stay in the same location.

Council and County Attorney Ward discussed the possibility of having a second appraisal, the previous appraisal completed in July, and the dropped price if the County can close on the property in 30 days.

Council and Interim County Administrator Robinson also discussed the balance of the General Fund and the Rural and Critical Lands Program, which are around 60 million and 2.6 million, respectively.

The Vote – Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Lawson, Council Member Reitz, and Council Member Tabernik. Voting Nay: Council Member Glover and Council Member Howard. The motion passed by 9:2.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

16. FIRST READING OF AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 62, SOLID WASTE, BEAUFORT COUNTY CODE OF ORDINANCE

Motion: It was moved by Council Member Cunningham, seconded by Council Member Howard, to approve the first reading of an ordinance adopting amendments to Chapter 62, Solid Waste, Beaufort County Code of Ordinances.

The Vote – The motion was approved without objection.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

17. FIRST READING OF AN ORDINANCE ADOPTING AMENDMENTS TO CH 38. ARTICLE II. TRASH AND LITTER CONTROL OF THE BEAUFORT COUNTY CODE OF ORDINANCES

Motion: It was moved by Council Member Dawson, seconded by Council Member Glover, to approve the first reading of an ordinance adopting amendments to Chapter 38, Article II, Trash and Litter Control of the Beaufort County Code of Ordinances.

The Vote – The motion was approved without objection.

Council Member Dawson excused himself from the meeting.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

18. FIRST READING OF AN ORDINANCE FOR A PROPOSED TEXT AMENDMENT TO ARTICLE 7, DIVISION 7.4, SECTION 7.4.50 (PUBLIC HEARING SCHEDULING AND NOTICE) AND SECTION 7.4.70 (PUBLIC HEARING PROCEDURES) TO CLARIFY THAT PUBLIC COMMENT IS NOT TAKEN FOR APPEALS TO THE PLANNING COMMISSION OR THE ZONING BOARD OF APPEALS

Motion: It was moved by Council Member Tabernik, seconded by Vice-Chairman McElynn, to approve the first reading of an ordinance for a proposed text amendment to Article 7, Division 7.4, Section 7.4.50 (Public Hearing Scheduling and Notice) and Section 7.4.70 (Public Hearing Procedures) to clarify that public comment is not taken for appeals to the Planning Commission or the Zoning Board of Appeals.

The Vote – The motion was approved without objection.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

19. **FIRST READING OF AN ORDINANCE FOR A ZONING MAP AMENDMENT/REZONING REQUEST FOR 71.54 ACRES (R600 013 000 0008 0000 AND R600 013 000 0050 0000), LOCATED AT 1691 OKATIE HIGHWAY, FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD (T3N) USING A VILLAGE PLACE TYPE OVERLAY (PTO) (ARTICLE 3 DIVISION 4 SECTION 80, ARTICLE 7 DIVISION 3 SECTION 50).**

Item failed at the Community Services and Land Use Committee on September 11, 2023: 5/5

Motion: It was moved by Council Member Howard, seconded by Council Member Glover, to send the item back to the Community Services and Land Use Committee, where more work can be done and give more opportunities for the public to have input.

Discussion: Council Member Brown noted that constituents asked the Council to vote no on this item, not that it should be sent back to the committee for further review.

Council Member Howard explained that if the Council voted no on the item, it would be a year before it could come up again.

Council Member Reitz advocated for the Council to move forward with the vote on the item.

Council Member Cunningham discussed how the schools and roads are overpopulated and how that should be the County's focus. Council Member Cunningham added that the area does not have the infrastructure yet to support the addition of 400 homes.

Council Member Howard explained how sending the item back to the committee allows timing and infrastructure development requirements to be negotiated. Council Member Howard also noted that the potential developer changed the proposal to have 20% of the homes be workforce housing, which could also be further negotiated.

Council Member Lawson commented that the Council is trying to limit growth so it is more palatable and that sending the item back to the committee would allow for continued discussion of all available options.

Council Member Tabernik asked what would be built on the property under the current zoning. Chairman Passiment replied that it would be one house per three acres.

Chairman Passiment commented that the Council does not have the right to stop growth but does have the right to manage growth in the County. Chairman Passiment also explained that the property would connect with surrounding properties to create a village-type, walkable community.

Council Member Glover asked about potential annexation by another County. ACA Atkinson replied that he was unsure about the growth boundary but that staff could contact Hardeeville. ACA Atkinson added that the opportunity is unique because the County could change the zoning and enter into development agreements to determine the type of development on the property.

Council further discussed whether the item should be sent back to the committee.

The Vote - Voting Yea: Chairman Passiment, Council Member Glover, Council Member Howard, Council Member Lawson, and Council Member Tabernik. **Voting Nay:** Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, and Council Member Reitz.

The motion failed 5:5.

Council made no second motion and Council Member Cunningham stated the item fails by doing such.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

20. FIRST READING OF AN ORDINANCE RATIFYING THE SALARIES FOR VARIOUS ELECTED OFFICIALS AND TO AMEND SECTION 2-347 OF THE BEAUFORT COUNTY CODE OF LAWS ESTABLISHING THE SALARIES FOR VARIOUS ELECTED AND APPOINTED OFFICIALS

Main Motion: It was moved by Council Member Cunningham, seconded by Council Member Bartholomew, to approve the first reading of an ordinance ratifying the salaries for various elected officials and to amend Section 2-347 of the Beaufort County Code of Laws establishing the salaries for various elected and appointed officials.

Discussion: County Attorney Ward presented the current salaries for the Auditor and Coroner, the suggested amended salary rates based on the July 2019 proposal, and the amount of money retroactively owned to both officials.

Vice-Chairman McElynn and County Attorney Ward discussed reelection bonuses and the removal of those bonuses when a new person is elected to the position.

Chairman Passiment clarified that Vice-Chairman McElynn proposed to update the salaries of elected officials in 2019 but that the ordinance was never adopted. Chairman Passiment also asked for clarification on the salary calculations.

County Attorney Ward explained that the Coroner and Auditor had been paid at the 2015 salary rate and would be retroactively compensated for the 2019 rate other elected officials received. County Attorney Ward also noted that this ordinance puts the 2019 salary rates on the books so that the 2015 salary rate would no longer be used.

Chairman Passiment and County Attorney Ward discussed the breakdown of COLAs applied to the positions.

Subsidiary Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Howard, to send the item back to the Finance, Administration, and Economic Development Committee.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Brown, Council Member Howard, Council Member Tabernik, and Council Member Reitz. **Voting Nay:** Council Member Bartholomew, Council Member Cunningham, Council Member Glover, and Council Member Lawson.

The motion passed by 6:4.

To watch the full discussion please click on the video link below.

<https://beaufortcountysc.new.swagit.com/videos/272375>

21. APPROVAL OF A RESOLUTION TO ACCEPT A GRANT FOR PROJECT COMIDA

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Bartholomew, to approve a resolution to accept a grant for Project Comida.

The Vote – The motion was made without objection.

22. APPROVAL OF PURCHASE AND PAYMENT OF HANDICAP ACCESSIBLE PLAYGROUND EQUIPMENT AT BEAUFORT COUNTY'S PORT ROYAL CENTER IN THE AMOUNT OF \$799,052.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Howard, to approve the purchase and payment of handicap-accessible playground equipment at Beaufort County's Port Royal Center in the amount of \$799,052.

Discussion: Council Member Brown commented that the County should negotiate the price and pay only half the bill.

Council Member Bartholomew asked about the cost of removing the unapproved equipment and sending it back to the provider. Assistant County Administrator Atkinson replied that he was uncertain about the removal cost.

Council Member Bartholomew also raised concerns about how the unapproved equipment got installed in the first place and highlighted a September 25 article in The Island News that covered the matter. Vice-Chairman McElynn commented that personnel matters cannot be discussed in the open session.

Council Member Lawson noted that the County paid less than the going rate for the equipment. Council Member Lawson added that the vendor did what was asked of them and that the issue is that County staff did not follow the procurement process.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Cunningham, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member Tabernik, and Council Member Reitz. **Voting Nay:** Council Member Bartholomew and Council Member Brown.

The motion passed by 8:2.

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23. CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

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The following individuals made citizen comments:

1. Lillie Harris
2. Theresa White
3. Robert Adams
4. Roy Brown
5. Marlyn Hemmingway

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Bartholomew, to extend the citizen comment period. The motion to extend was approved without objection.

6. Willie Turrall
7. Tade' Oyeilumi

24. PURSUANT TO S. C. CODE SEC. 30-4-70(A)(1) TO DISCUSS EMPLOYMENT, APPOINTMENT, COMPENSATION, PROMOTION, DEMOTION, DISCIPLINE, OR RELEASE OF A PERSON REGULATED BY A PUBLIC BODY.

Motion: It was moved by Vice-Chairman McElynn, seconded by Council Member Brown, to go into executive session.

The Vote – The motion was approved without objection.

25. MATTERS ARISING OUT OF EXECUTIVE SESSION

No matters arose out of the executive session.

26. ADJOURNMENT

The Chairman adjourned the meeting at 7:30 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY



BY: _____

Joseph F. Passiment, Jr., Chairman

ATTEST:



Sarah W. Brock, Clerk to Council

Ratified: November 13, 2023