



County Council of Beaufort County

County Council Meeting

Chairman

Joseph F. Passiment, JR.

Vice Chairman

D. Paul Sommerville

Council Members

Logan Cunningham

Gerald Dawson

Brian E. Flewelling

York Glover, SR.

Chris Hervocho

Alice G. Howard

Mark Lawson

Lawrence P. McElynn

Stu Rodman

Interim County Administrator

Eric Greenway

Clerk to Council

Sarah W. Brock

Administration Building

Robert Smalls Complex

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County Council Meeting Minutes

County Council of Beaufort County

Monday, January 11, 2021 at 6:00 PM

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05]

CALL TO ORDER

Chairman Passiment called the meeting to order at 6:25 PM

PRESENT

Chairman Joseph F. Passiment

Vice Chairman D. Paul Sommerville

Council Member Logan Cunningham

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

Vice-Chairman Sommerville led the Pledge of Allegiance and Invocation.

FOIA

Chairman Passiment stated that public notification of this meeting had been published, posted and distributed in compliance with the South Carolina Freedom of Information Act.

APPROVAL OF AGENDA

Motion to Amend: It was moved by Council Member Howard, seconded by Vice-Chairman Sommerville to amend the agenda to include an item called "First Reading of an ordinance to enter into a lease agreement for the maintenance of Fort Fredrick" as an action item. The motion was approved without objection.

Motion to Amend: It was moved by Council Member Rodman, seconded by Vice-Chairman Sommerville to add an item titled "Consideration of a trial run contract with a Parliamentarian for 3 months." The motion was approved without objection.

Motion to Amend: It was moved by Council Member Cunningham, seconded by Council Member Flewelling to add an item regarding moving future County Council meetings to in-person. The motion was approved without objection.

Motion to Amend: It was moved by Chairman Passiment, seconded by Council Member Flewelling to amend the agenda to include an item regarding retiree litigation settlement. The motion was approved without objection.

Motion to Amend: It was moved by Council Member Flewelling, Seconded by Vice-Chairman Sommerville to add an executive session to this agenda. The motion was approved without objection.

Main Motion: It was moved by Vice-Chairman Sommerville, seconded by Council Member Cunningham to approve the agenda as amended. The motion is approved without objection.

ADMINISTRATOR'S REPORT

Interim County Administrator Eric Greenway recognized the following County employees for their dedication and service to the county: Katie Godowns, Cherie Scoggins, and James "Ben" Boswell.

CITIZENS COMMENTS

There were no citizen comments.

PROCLAMATIONS AND PRESENTATIONS

RECOGNITION OF GARDENIA SIMMONS-WHITE

Council Member McElynn presented a proclamation honoring Gardenia Simmons-White for her 22 years of service to the Disabilities and Special Needs Board and Beaufort County.

To see the full presentation and hear Mrs. Simmons-White's acceptance speech click the link below.

<https://beaufortcountysc.new.swagit.com/videos/111361>

LIAISON AND COMMITTEE REPORTS

Finance Committee Chair, Mark Lawson, reviewed all of the finance items on the consent agenda.

Public Facilities Committee Chair, Stu Rodman, reviewed all of the Public Facilities items on the consent agenda.

Council Member Glover stated concerns for the dirt road paving list and changes there were made to it.

Natural Resources Committee Chair, Alice Howard, reviewed all of the Natural Resources items on the consent agenda.

CONSENT AGENDA

Motion: It was moved by Council Member Howard, seconded by Council Member Dawson to approve the consent agenda minus item number 2 (two) - Second Reading of an Ordinance regarding a Tax Anticipation Note - which will be taken up during the action item portion of the meeting. Motion approved without objection.

To see a list of consent agenda items click here: <https://beaufortcountysc.new.swagit.com/videos/111361>

ACTION ITEMS

FIRST READING OF AN ORDINANCE TO ENTER INTO AN MOU LEASE AGREEMENT WITH THE TOWN OF PORT ROYAL FOR THE MAINTENANCE OF FORT FREDRICK.

Motion: It was moved by Council Member Howard, seconded by Council Member Glover to approve the First Reading of an ordinance to enter into an MOU with the Town of Port Royal for the maintenance of Fort Frederick.

Discussion: Stefanie Nagid, Passive Parks Planner, presented the item and stated this agreement is much like the one the county has in place for White Hall. She further stated this is a 30-year agreement with the Town of Port Royal.

Motion approved without objection.

CONSIDERATION TO ENTER INTO A CONTRACT WITH HELEN MCFADDEN FOR PARLIAMENTARIAN SERVICES FOR 3 MONTHS.

Motion: It was moved by Council Member Rodman, seconded by Council Member McElynn to approve a 3-month contract with Helen McFadden for Parlimentarian services.

Discussion: Council Member Hervochon stated he thinks this move is a bad look for the public and he does not know why this is coming up now.

Council Member Flewelling stated this is against the County's rules and procedures since no funds have been identified and he shares Council Member Hervochon's concerns.

Council Member Howard asked how much this would cost. Chairman Passiment said around \$3,000.

Council Member Flewelling again expressed his concern and stated he believed this was deficit spending.

The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Dawson. Voting Nay: Council Member Cunningham, Council Member Glover, Council Member Hervochon, and Council Member Flewelling. The motion passed 7:4.

CONSIDERATION TO MOVE FUTURE COUNCIL MEETINGS TO IN PERSON.

Motion: It was moved by Council Member Cunningham, seconded by Council Member Flewelling to move to in-person meetings.

Discussion: Council Member McElynn stated he feels like forcing in-person meetings is foolish.

Council Member Howard stated she would feel more comfortable with a hybrid option.

Council Member Cunningham stated he was agreeable to that change.

Council Member Dawson stated he would remain virtual and cautioned all members of the council to not be too quick to force in-person meetings and stated he would vote against the motion.

Council Member Glover mentioned we have done hybrid meetings so he feels continuing hybrid would be ok.

Council Member Hervochon stated he feels we have proved that we can go back to in-person or hybrid without issue.

Vice-Chair Sommerville stated it is his understanding we already have a hybrid situation so he does not understand this discussion.

Council Member Flewelling said he is very in favor of this as virtual meetings were put in place during the state of emergency but this is not an emergency anymore but a fact of life so moving towards in-person meetings is a good goal.

Council Member Rodman asked if this (meeting virtually) sunsets when the emergency ordinance sunsets and also stated it sounds like what the County has in place allows for hybrid meetings without a further vote. County Attorney Kurt Taylor stated once the state of emergency is over the virtual meeting resolution expires as well. Chairman Passiment stated since it is the will of members of council to make every council meeting a hybrid meeting that is what shall be done.

CONSIDERATION OF APPROVING AN AMOUNT OF \$125,000 TO SETTLE LAWSUIT REGARDING 83 CURRENT EMPLOYEES.

Motion: It was moved by Council Member McElynn, seconded by Council Member Howard to approve the settlement amount of \$125,000. Motion approved without objection.

Motion: It was moved by Council Member Dawson, Seconded by Council Member Glover to approve the Second Reading of a Tax Anticipation Note.

Discussion: Council Member Rodman stated he wanted to pull this item from the consent agenda because it was his opinion the School District should request the TAN not the County, and further stated he planned to vote against this item.

CFO Whitney Richland responded to those comments stating if the County does not need the money, then they will not draw it.

Council Member Flewelling requested the Treasurer be present at Third Reading to answer questions and discuss any liquid assets the County could use as opposed to borrowing.

Motion to Amend: It was moved by Council Member Rodman, seconded by Council Member Flewelling, to postpone the second reading for two weeks due to the borrowing amount not being known.

Mrs. Richland stated upon discussions with Bond Counsel, the ordinance states "not to exceed \$50 Million," therefore an amount is known.

Council Member Rodman and Council Member Flewelling then withdrew their motion.

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

LOWCOUNTRY COUNCIL OF GOVERNMENTS NEEDS ASSESSMENT

Kimberly Mullinax presented the Lowcountry Council of Government's annual needs assessment.

EXTEND PAST 8 O'CLOCK

Motion: It was moved by Council Member Howard, seconded by Council Member Sommerville to extend the meeting past 8 o'clock. The Vote - Voting Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Cunningham, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Dawson. Voting Nay: Council Member Hervochon, Council Member Rodman, and Council Member Flewelling. The motion passed 8:3.

Ms. Mullinax continued with her presentation and requested the County have their priority list in by March 1st. Mr. Greenway stated staff would have recommendations ready to present at the next Community Services Meeting.

APPROVAL ANNUAL PEDDLERS AND HAWKERS FEE ORDINANCE.

Motion: It was moved by Council Member Flewelling, seconded by Council Member Lawson to approve the annual Hawkers and Peddlers Ordinance. It was approved without objection.

APPROVAL OF ORDINANCE AND DOCUMENTS FOR THE SETTLEMENT OF LITIGATION WITH WHITEHALL HOLDINGS, LLC REGARDING THE RESIDENTIAL AND COMMERCIAL DEVELOPMENT KNOWN AS "WHITEHALL" IN THE CITY OF BEAUFORT.

Motion: It was moved by Council Member Flewelling, Seconded by Council Member McElynn to approve an ordinance and documents for the settlement of litigation with Whitehall Holdings. The Vote - Voting Yea: Chairman Passiment, Council Member Rodman, Council Member Lawson, Council Member McElynn, Council Member Flewelling and Council Member Cunningham. Voting Nay: Vice Chairman Sommerville, Council Member Glover, Council Member Hervocho, Council Member Howard, Council Member Dawson. The motion passed 6:5.

SECOND READING OF AN ORDINANCE REPEALING AND REPLACING BEAUFORT COUNTY ORDINANCE 2020/36 REGARDING NOISE.

Motion: It was moved by Council Member McElynn, Seconded by Vice-Chairman Sommerville to approve the ordinance replacing and repealing the current noise ordinance. The Vote - Voting Yea: Chairman Passiment, Vice-Chairman Sommerville, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Dawson. Voting Nay: Council Member Glover, Council Member Hervocho, Council Member Flewelling, and Council Member Cunningham. The motion passed 7:4.

CITIZEN COMMENTS

There were no citizen comments.

It was decided executive session was not needed at this time.

ADJOURNMENT

Meeting adjourned at 8:10PM.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified: March 22, 2021