



County Council Meeting Beaufort County, SC

This meeting was held in person at the County Council Chambers, 100 Ribaut Road, Beaufort, and virtually through Zoom.

**Monday, December 12, 2022
5:30 PM**

MINUTES

Watch the video stream available on the County's Website to hear the whole discussion or presentation on a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/190955>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 5:30 PM.

PRESENT

Chairman Joseph F. Passiment
Council Member Logan Cunningham
Council Member Gerald Dawson (arrived late)
Council Member Brian Flewelling
Council Member York Glover
Council Member Chris Hervocho
Council Member Alice Howard
Council Member Mark Lawson (arrived late)
Council Member Lawrence McElynn

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance, and Council Member McElynn led the invocation.

3. FOIA

Chairman Passiment noted that 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

Motion: It was moved by Council Member Flewelling, seconded by Council Member Rodman, to approve the agenda.

Council Member Howard highlighted her plan to postpone item 10 to allow the Rural and Critical Lands Board time to conduct their analysis and provide input.

Chairman Passiment and Council Member Rodman discussed whether the public hearing for item 10 could still be held. Council Member Hervochon clarified that audience members could speak on item 10 during the citizen comments portion of the meeting.

The Vote - The motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Flewelling, seconded by Council Member Glover, to approve the minutes of November 14, 2022.

The Vote - The motion was approved without objection.

6. ADMINISTRATOR'S REPORT

Please watch the video stream available on the County's website to view the entire report.

<https://beaufortcountysc.new.swagit.com/videos/190955?ts=304>

County Administrator Greenway thanked the outgoing Council Members for their service, announced that the South Carolina Department of Veterans Affairs awarded 3.3 million dollars to Beaufort County for the pathway between the Marine Corps Air Station and the US Marine Corps Laurel Bay military housing area, and discussed the planned submission of the draft Comprehensive Annual Financial Report in compliance with state deadlines.

7. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/190955?ts=563>

Thomas Curtis Monroe Jr. thanked the Council Members for their service and commented on Hilton Head's drainage issues and the need for the Highway 78 extension.

Grant McClure commented on item 10 by discussing the need to scrutinize property transfers and uphold the original intent of including those properties in the Rural and Critical Lands Program. Mr. McClure also advocated for an analysis of the natural resource values lost and gained in the exchange and for the vote on this item to be postponed.

8. LIASION AND COMMITTEE REPORTS

Please watch the video stream available on the County's website to view the entire report.

<https://beaufortcountysc.new.swagit.com/videos/190955?ts=903>

Council Member Rodman briefed Council on consent agenda item 5.

Council Member McElynn commented on the recommendation to appoint Marilyn Harris to the Beaufort Housing Authority.

9. APPROVAL OF CONSENT AGENDA

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

The Vote - The motion was approved without objection.

10. PUBLIC HEARING AND APPROVAL OF A RESOLUTION TO SWAP IDENTIFIED PROPERTIES BETWEEN BEAUFORT COUNTY AND THE RURAL AND CRITICAL LANDS PROGRAM IN ORDER TO BUILD AN ADDITIONAL LIBRARY, ADDITIONAL PARKS AND RECREATION FIELDS AND A SOLID WASTE MATERIAL RECOVERY FACILITY IN SOUTHERN BEAUFORT COUNTY

Please watch the video stream available on the County's website to view the entire discussion.

<https://beaufortcountysc.new.swagit.com/videos/190955?ts=1129>

Motion to Postpone: It was moved by Council Member Howard, seconded by Council Member Hervochon, to postpone action on this item until the County Council meeting on January 23, 2023.

Council Member Flewelling commented on his preference to vote against the motion but recognized that this is the desired path forward.

Council Member Cunningham asked if the public hearing on the item could be conducted since the notice was published, and County Attorney Keaveny replied that it could still be held.

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

Council Members Cunningham and Howard discussed the previous postponement of the item.

Council Member Cunningham expressed his opposition to the 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, and Council Member Rodman. Voting Nay: Council Member Cunningham, Council Member Dawson, and Council Member Flewelling. The motion passed 8:3.

11. PUBLIC HEARING AND APPROVAL OF A RESOLUTION TO APPROVE A COMMERCIAL PROPERTY LEASE AGREEMENT BETWEEN BEAUFORT COUNTY - 36 HUNTER ROAD, HILTON HEAD ISLAND, SC 29926 - AND AVIS BUDGET GROUP

Motion: It was moved by Council Member Rodman, seconded by Council Member McElynn, to approve the public hearing and a resolution to approve a commercial property lease agreement between Beaufort County - 36 Hunter Road, Hilton Head Island, SC 29926 - and Avis Budget Group.

Chairman Passiment opened the floor for public comment.

No one came forward.

The Chairman closed the public comment.

The Vote - The motion was approved without objection.

12. THIRD READING OF AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): SECTION 5.3.20 (ARCHITECTURAL STANDARDS AND GUIDELINES APPLICABILITY) AND APPENDIX, DIVISION A.1.20 (COMMUNITY PRESERVATION DISTRICTS - RELATIONSHIP TO THE COMMUNITY DEVELOPMENT CODE) TO RESTRICT THAT A SHIPPING CONTAINER OR OTHER SIMILAR PORTABLE STORAGE CONTAINER IS NOT CONSIDERED A DWELLING

Please watch the video stream available on the County's website to view the entire discussion.

<https://beaufortcountysc.new.swagit.com/videos/190955?ts=1531>

Motion: It was moved by Council Member Dawson, seconded by Council Member Howard, to approve the third reading of an ordinance for a text amendment to the Community Development Code (CDC): Section 5.3.20 (Architectural Standards and Guidelines Applicability) and Appendix, Division A.1.20 (Community Preservation Districts - Relationship to the Community Development Code) to restrict that a shipping container or other similar portable storage container is not considered a dwelling.

Council Member Lawson commented on the safety issues of storage containers.

Council Member Lawson and Assistant County Administrator Atkinson the appeal process for a zoning ordinance and the possibility for someone to appeal for a variance to build with storage containers.

Council Member Glover and Assistant County Administrator Atkinson confirmed that the amendment would not impact agriculture.

Council Members Cunningham and Flewelling voiced their opposition to the motion.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman Sommerville, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. Voting Nay: Council Member Cunningham, Council Member Flewelling, and Council Member Hervochon. The motion passed 8:3.

13. **THIRD READING OF AN ORDINANCE TO PROVIDE MAINTENANCE WORK ON PRIVATE ROADS**

Please watch the video stream available on the County's website to view the entire discussion.

<https://beaufortcountysc.new.swagit.com/videos/190955?ts=1741>

Motion: It was moved by Council Member Flewelling, seconded by Council Member Glover, to approve the third reading of an ordinance to provide maintenance work on private roads.

Council Member McElynn provided an update on the following:

- the legal discoveries related to this item, including the constitutional restrictions on the use of public funds to improve private property if the improvement is for the exclusive use of the property owners
- the processes and procedures in place for public funding of private road maintenance if the property owners reimburse the County or donate the road to the County
- the potential authorization of an illegal ordinance if this item was positively voted on
- the request for studies to be conducted by the Community Services Committee and staff to determine short-term and long-term actions, including the potential purchase of four-wheel drive ambulances

Council Member Flewelling thanked Council Member McElynn for his suggestions and asked if the item could be referred to a committee.

Motion to Refer to Committee: It was moved by Council Member Flewelling, seconded by Council Member Glover, to return the item to the Community Services Committee for reconsideration and amendment of their proposed ordinance to be more in compliance with state law.

Council and County Administrator Greenway discussed whether the item would be brought back to Council as second or third reading.

County Administrator Greenway highlighted potential changes to the structure of committees, which might include changes to the name of the Community Services Committee.

Council Member Cunningham commented on the previous decision to refer the item to a committee due to concerns that the action was illegal. He asked if voting against the motion and starting over was the better option.

Council Member Glover commented that the ordinance only deals with road maintenance necessary for emergency purposes only.

Vice-Chairman Sommerville discussed his opposition to the vote's postponement because the work on this issue should start over with a different perspective.

Council Member Dawson commented that staff members are put in a difficult situation during emergencies if they cannot provide services on private roads.

Council Member Rodman outlined how the Council would be better served by taking a fresh approach and engaging in more legal discussions on this matter.

Council Member Howard commented on her preference for starting over and for staff to think of alternative ways to address the issue.

Council Member McElynn commented that the current ordinance should be disposed of and that a new effort should be undertaken to find a way to improve private roads in line with the constitution.

The Vote - Voting Yea: Council Member Dawson, Council Member Flewelling, and Council Member Glover. Voting Nay: Chairman Passiment, Vice-Chairman Sommerville, Council Member Cunningham, Council Member Hervocho, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. The motion failed 3:8.

Council Member Rodman discussed the creation of a special tax district to pay for maintenance.

Council Member Glover highlighted that those in need might not have the resources to pay for road maintenance.

The Vote - Voting Yea: Council Member Flewelling and Council Member Glover. Voting Nay: Chairman Passiment, Vice-Chairman Sommerville, Council Member Cunningham, Council Member Dawson, Council Member Hervocho, Council Member Howard, Council Member Lawson, Council Member McElynn, and Council Member Rodman. The motion failed 2:9.

14. A RESOLUTION DECLARING THE RESULTS OF A REFERENDUM TO IMPOSE A ONE (1) PERCENT SALES AND USE TAX SUBJECT TO THE REFERENDUM CALLED FOR BY ORDINANCE 2022/36

Motion: It was moved by Council Member Cunningham, seconded by Council Member Howard, to approve a resolution declaring the results of a referendum to impose a one (1) percent sales and use tax subject to the referendum called for by Ordinance 2022/36.

Council Member Cunningham highlighted the opportunities over the next two years to accomplish the objectives of the referendum.

The Vote - The motion was approved without objection.

15. SPECIAL RECOGNITION OF OUTGOING COUNTY COUNCIL MEMBERS

Please watch the video stream available on the County's website to view the entire discussion.

<https://beaufortcountysc.new.swagit.com/videos/190955?ts=3389>

Council Members Hervocho, Flewelling, Sommerville, and Rodman were recognized for their service on Beaufort County Council with the presentation of a plaque and the opportunity to provide statements.

Council also recognized Assistant County Administrator Phil Foot's retirement and thanked him for his service to Beaufort County.

16. CITIZEN COMMENTS

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

<https://beaufortcountysc.new.swagit.com/videos/190955?ts=4102>

Leanne Coulter thanked Council for supporting the residents of Daufuskie Island.


Mr. Campbell thanked Council for addressing issues faced by retired employees.

James Williams thanked Council for cooperating with the Beaufort-Jasper Economic Opportunity Commission.

17. ADJOURNMENT

Adjourned: 6:43 PM

COUNTY COUNCIL OF BEAUFORT COUNTY

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

ATTEST:



Sarah W. Brock, Clerk to Council
Ratified: January 23, 2023