



**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 Hervocho

Alice G. Howard

Mark Lawson

Lawrence P. McElynn

Stu Rodman

County Administrator

Ashley Jacobs

Clerk to Council

Sarah W. Brock

Administration Building

Robert Smalls Complex

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Special Meeting of County Council Minutes

County Council of Beaufort County

Monday, October 9, 2020 at 6:00 PM

[This meeting is being held virtually in accordance with Beaufort County Resolution 2020-05] CITIZEN COMMENTS AND PUBLIC HEARING COMMENTS WILL BE ACCEPTED IN WRITING VIA EMAIL TO THE CLERK TO COUNCIL AT SBROCK@BCGOV.NET OR PO DRAWER 1228, BEAUFORT SC 29901. CITIZENS MAY ALSO COMMENT DURING THE MEETING THROUGH FACEBOOK LIVE

CALLED TO ORDER

Chairman Passiment called the meeting to order at 6:00 P.M.

PRESENT

Chairman Joseph F. Passiment

Vice Chairman D. Paul Sommerville

Council Member Michael Covert

Council Member Gerald Dawson

Council Member Brian Flewelling

Council Member York Glover

Council Member Stu Rodman

Council Member Chris Hervocho

Council Member Alice Howard

Council Member Mark Lawson

Council Member Lawrence McElynn

PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance and gave the invocation.

FOIA

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.

APPROVAL OF AGENDA

Motion: It was moved by Council Member McElynn, seconded by Council Member Lawson to approve the agenda. The Votes: without objection. The motion passed. 11:0

Chairman Passiment stated that this special meeting tonight is because several actions need to be taken as a result of what we thought was the approval of Emergency Ordinance 2020/07 on October 5, 2020. 1st the emergency

ordinance that was approved did not meet the council's required votes of 2/3 being present and the votes 7 yes and 4 no and 8 votes were required.

2nd the ordinance as written and approved did not comply with what is required by rule 4.6 titled Rules and Ordinances of Beaufort County Rules and Procedures. This rule requires the Ordinance to automatically expire after the 61st day of enactment.

This meeting is to correct the actions taken on October 5, 2020.

CITIZEN COMMENTS

There were no citizen comments per Sarah Brock, Clerk to Council.

ACTION ITEMS

Consideration of an Ordinance extending the State of Emergency in Beaufort County.

Motion: It was moved by Council Member McElynn, seconded by Council Member Glover.

Council Member Covert has questions for legal, stating that he had someone ask for clarification and was unable to find it, where 4.9.130 in the SC Code of Laws, calls for the extension of an emergency ordinance but from his understanding, they cannot be extended rather renewed or a new emergency ordinance would be passed and would like clarification.

Mr. Taylor stated that the enactment of each of these emergency ordinances is the extension. Council had to pass another ordinance after the expiration of the earlier ones in order to extend it, but that is a separate standalone ordinance and that's what Council has been doing.

Council Member Covert asked the Chairman, if the ordinance gets approved the next piece would be to amend the ordinance to meet the rules and procedures requirement and would like everyone to understand what does this State of Emergency do for the Beaufort County Council.

Chairman Passiment responded that it allows the council to meet remotely and without this Ordinance passed this way, Council would have no authority to meet remotely.

Council Member Covert stated that he had the pleasure of meeting with several people today and they mentioned two things that actually made a lot of sense. Recently there was a meeting about Bay Point with the ZBOA and the final meeting was held open and in public, with a crowd larger than Council has even on the most contentious nights, but yet County Council can't meet in public. Also, recently the property tax sale was held by the Treasurer and they had a crowd six to seven times than the reported size of the bay point meeting. His question is, why Council cannot meet in an open public setting, observing all the social distancing protocols, etc. and allow the public to have face to face conversations with Council?

Chairman Passiment stated that Council would have to have every meeting, not just of county council, but every committee meeting, during covid-19 without proper, protocols in place and that puts employees at risk.

Council Member Covert stated that the Bay Point meeting and the Property Tax sale didn't do that.

County Administrator, Ashley Jacobs addressed Council Member Covert stating that the ZBOA meeting was held in public, in comparison, because they needed to get input from the public and a virtual meeting was just not going to be sufficient for that type of even, same with the Tax Sale, that just wasn't possible to be done virtually. She also stated that Council could meet in person with the public and could maintain social distancing by spreading out seats and having dividers along with other protective measures.

Council Member Hervochon stated that the ordinance is not necessarily all that compelling by itself to go through all this, if it is only for the purpose of Council meeting virtually, and has a few questions. One, for the ZBOA meeting and for the Tax Sale, what were the precautionary measures put in place so that the employees were protected as the set up for the meeting? Two, is his concern for how the public comment is being handled. If Council is to go forward with

this, there needs to be an adequate policy and procedure in place so that the public can give public comment in a way that is meaningful.

Chairman Passiment stated that he has already discussed with Administration, a new protocol and procedure of how public will address the Council and they are working on that now and will take this up as soon as possible.

Council Member Hervochon also addressed his concern for the population that aren't technology savvy.

Chairman Passiment stated that they will be able to call in.

Council Member Covert asked if that is going to be instituted strictly for virtual meetings or is being put together for all other meetings too?

Chairman Passiment stated that he suspects that if it is on the County website, any meeting will have that feature and the public would be able to participate in a virtual meeting.

Council Member Covert asked if there are any intentions of going back to a physical meeting anytime soon?

Chairman Passiment stated that if there was something so pressing that Council had to have public input, it would be considered.

Council Member Covert expressed his concerns for the public in the more rural parts of the county who don't have internet or cell service and therefore cannot participate. This has been since March, and believes that people are being inconvenienced and Council is doing it for their own good and doesn't agree.

Motion: It was moved by Council Member Flewelling, seconded by Council Member McElynn to approve the proposed amendments to Ordinance 2020/07.

Discussion: (See back up material for redlined items being removed and what is being inserted to replace redlined items)

Council Member Flewelling stated that although he is the maker of this motion he has an issue with the whole purpose of the Ordinance. Its purpose is to address an Emergency and since COVID-19 has been around since January, it can no longer be considered an emergency. He suggests that Council needs to address the issues that need to be fixed by a way of a permanent Ordinance, that's three readings and a public hearing so that Council can conduct business whatever way is needed too, in this situation that is not an emergency and there is nothing urgent about it anymore. He further stated that he was going to vote against this and believes it to be bad policy.

Council Member Rodman stated he had two questions, First, at a prior meeting it was voted to make the Ordinance to run concurrent with the Governor's State of Emergency and expiration and wanted to know if that was in the current language.

Chairman Passiment stated that it is not in the language and cannot be because the rules and procedures specifically say, which is why it needed to be change, that it has to automatically expires as of the 61st day following the date of enactment.

Council Member Hervochon stated that he was going to vote against this, that meeting virtually is not a compelling reason to pass this and would like to know what needs to happen for things to back to normal. At some point there needs to be some facts and circumstances that Council is willing to accept to migrate back to normalcy.

Council Member Lawson stated that he is confused on where everyone is coming from because we want to protect the public. Meetings need to be held in public in a place where everyone can show up, and doesn't think Council can limit the number of people that comes to the meetings, which would mean a new venue would be needed. This Ordinance would allow as many people as possible to attend, without having to attend in person, it would be to do it virtually. He also understands where everyone is coming from when thinking that Council needs to meet in person so the public can show up however, if the public is worried about the COVID virus, and worried about catching it or giving it to someone, then they would not be coming to those meetings. He believes that there needs to be a way Council can hear the public in a way the public can still voice their opinion. The Council can choose anytime to meet in person, this Ordinance doesn't make it where Council can only meet virtually. Council is not being limited with this.

Council Member Coverts stated that this type of Ordinance is supposed to protect the citizens by yet want Council to find a way to meet together but not have the citizens there in front for Council, sounds like both sides of the fence. He also stated that he doesn't really believe that anyone expects the public to believe that the Council will meet in person and believes as long as this Ordinance is in effect, Council will continue to meet virtually.

Call to question:

Motion: It was moved by Council Member Flewelling, seconded by Council Member McElynn to approve the proposed amendments to Ordinance 2020/07. The Votes: Yea: Council Member McElynn, Council Member Dawson, Council Member Howard, Council Member Lawson, Council Member Lawson, Council Member Rodman, Vice-Chairman Sommerville, Chairman Passiment. Nay: Council Member Flewelling, Council Member Covert, Council Member Hervochoch. The motion passed. 8:3.

Council Member Rodman goes back to his second question and suggested the way to move forward is to start to meet face to face. He understands that the public doesn't have to be present if they are not comfortable and is also give Council Members the opportunity to participate virtually if they are not comfortable and would like to see how Council can get to that point.

Chairman Passiment feels that meeting in person without the public there would defeat the purpose.

Council Member Rodman mentioned that he thought the County Administrator said Council could in fact meet in person and exclude the public.

Ms. Jacobs explained that she didn't see any reason why Council couldn't meet in person and just restrict the public access and make is accessible to the public through broadcasting and through the form that was created.

Motion: It was moved by Council Member McElynn, seconded by Council Member Glover to extended Emergency Ordinance 2020/07 as amended. The Votes: Yea: Chairman Passiment, Vice Chairman Sommerville, Council Member Rodman, Council Member Rodman, Council Member Howard, Council Member Lawson, Council Member Dawson. Voting Nay: Council Member Covert, Council Member Hervochoch, Council Member Flewelling. The motion passed. 8:3.

ADJOURNMENT

The meeting adjourned at 6:41 p.m.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

Ratified: December 14, 2020