



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, JANUARY 10, 2022 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT

Mayor Teresa Myers Ervin, Mayor Pro Tempore George Jebaily, Councilwoman Lethonia Barnes, Councilwoman Pat Gibson-Hye Moore, Councilman Chaquez T. McCall, Councilman Bryan A. Braddock and Councilman C. William Schofield.

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. James W. Peterson, Jr., City Attorney (via phone); Mrs. Casey Moore, Municipal Clerk; Mr. Clint Moore, Assistant City Manager of Development; Mr. Kevin Yokim, Assistant City Manager of Administration/Finance; Chief Allen Heidler, Florence Police Department; Chief Shannon Tanner, Florence Fire Department; Mr. Jerry Dudley, Director of Planning; Mrs. Jennifer Krawiec, Director of Human Resources; Mr. Michael Hemingway, Director of Utilities; Mrs. Amanda Pope, Director of Marketing/Communications and Municipal Services; and Mr. Chuck Pope, Director of Public Works.

MEDIA PRESENT

Mr. Matthew Christian of the Florence Morning News and Ms. Lacey Lee of WBTW News were present for the meeting.

Notices of this regular meeting of City Council were provided to the media and individuals requesting a copy of the agenda informing them of the date, location and time of the meeting.

CALL TO ORDER

Mayor Ervin called the January 10, 2022 regular meeting of Florence City Council to order at 1:05 p.m.

INVOCATION

Mayor Ervin gave the invocation for the meeting. The pledge of allegiance to the American Flag followed the invocation.

REMARKS BY COUNCILWOMAN MOORE

Councilwoman Moore stated a rumor went out to the media that she was dead. She expressed her annoyance with this rumor and spoke of the detriment it could have had on her family.

APPROVAL OF MINUTES



FLORENCE CITY COUNCIL REGULAR MEETING – JANUARY 10, 2022

Councilwoman Barnes asked Jim Peterson, City Attorney, for clarification on the process for a recusal. Mr. Peterson said a conflict of interest as prescribed by the Code of Ethics requires that a written document be filed with the Municipal Clerk stating in writing the basis of the conflict of interest. Councilwoman Barnes said there was a recusal at last month's meeting and asked if the minutes can be approved without an explanation of the conflict of interest. Mr. Peterson said there is no requirement that the minutes be approved today and suggested taking the steps necessary to codify the basis of the conflict of interest in writing. Mr. Peterson said the minutes can be approved on the condition that the explanation be written or defer approval of the minutes until the explanation has been written.

Councilwoman Barnes made a motion to defer approval of the minutes in order to obtain the written statement of the conflict of interest and Pro tem Jebaily seconded the motion.

Councilwoman Barnes said Council voted on \$6 million going to the community last month and there was a recusal for this item, and it was never stated the reason why.

Mayor Ervin stated she completed the recusal statement, included in the agenda packet, indicating there was a conflict of interest. The Community Redevelopment Committee appointed people to serve on the Community Development Corporation. One of the members appointed is an individual that worked on her campaign and she had an ethical conflict in voting on the appointment of a member to serve on a Board that will receive money from the City. She added she will complete the written statement.

Councilwoman Barnes said the Board members will not be paid. Many of the Board members that were appointed are the same Board members that were named to be on the CDC in the initial attempt to start the CDC several years ago.

Pro tem Jebaily said the motion to defer is on the table, but Mayor Ervin has given her explanation verbally and asked Councilwoman Barnes if she still desired a deferral. Councilwoman Barnes asked Mr. Peterson if Mayor Ervin's explanation of the conflict is a basis for recusal. Mr. Peterson said the Ethics Commission has always given great leeway to the Councilmember to decide at what level they feel they are unable to vote on something due to a conflict of interest. If the verbal explanation Mayor Ervin provided had been written on the recusal statement, it would likely have been sufficient to justify a recusal.

Mayor Ervin stated she spoke with the City Attorney prior to the recusal last month and she will complete the form in more detail today.

Councilwoman Barnes withdrew her original motion to defer and made a motion to adopt the minutes of the December 13, 2021 Regular Meeting, contingent on the addition of the written statement from Mayor Ervin, and Pro tem Jebaily seconded the motion. The minutes were unanimously adopted.

APPEARANCE BEFORE COUNCIL

Ms. Mindy Taylor, Duke Energy

Ms. Mindy Taylor, on behalf of Duke Energy, appeared before Council and presented a \$50,000 donation for the construction of a new picnic shelter at Iola Jones Park to the City of Florence. Council expressed their gratitude to Ms. Taylor and Duke Energy for their contributions to the community.

ORDINANCES IN POSITION



FLORENCE CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2022

Bill No. 2021-41 – Second Reading

An Ordinance to zone NC-15, pending annexation, 2468 Parsons Gate; identified as Florence County Tax Map Parcel 01221-01-323.

Pro tem Jebaily made a motion to adopt Bill No. 2021-41 on second reading and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) to adopt Bill No. 2021-41

Bill No. 2021-42 – Second Reading

An Ordinance to abandon the City of Florence’s interest in the undeveloped portion of public right-of-way for Honey Hill Drive located behind 1911 through 1923 Hayden Court.

Councilwoman Moore made a motion to adopt Bill No. 2021-42 on second reading and Councilman McCall seconded the motion.

Council voted unanimously (7-0) to adopt Bill No. 2021-42.

INTRODUCTION OF ORDINANCES

Bill No. 2021-12 – First Reading

An Ordinance to annex and zone a portion of Lake Oakdale and the Lake Oakdale dam, identified as a portion of Florence County Tax Map Parcel 00751-01-049.

Mayor Ervin stated this item is to be deferred. Without objection, this item was deferred.

Bill No. 2021-39 – First/Final Reading

An Emergency Ordinance to replace the existing Emergency Ordinance 2021-30 in response to the COVID-19 emergency.

Councilman McCall made a motion to adopt Bill No. 2021-39 on first/final reading and Councilwoman Barnes seconded the motion.

Mr. Randy Osterman, City Manager, reported this ordinance will mandate masks throughout the city if adopted instead of just city owned buildings as the current ordinance mandates.

Pro tem Jebaily said there are two items on the agenda that relate to mask mandates. This proposed ordinance will mandate masks throughout the city, whereas the resolution coming up on the agenda will extend the current mask mandate in city facilities. He asked what happens with the proposed Resolution further in the agenda if this ordinance passes. Mr. Osterman replied the upcoming Resolution will extend the provisions of the existing emergency ordinance. This Emergency Ordinance will replace the existing emergency ordinance, making the upcoming Resolution a moot point.

Councilman Braddock said the City of Columbia has maintained a mask mandate throughout the entirety of the pandemic and their numbers don’t indicate any difference in terms of rates of cases than any other cities that aren’t mandating masks. COVID is immune to mandates and the citizens of Florence are doing their part and mandates will only stress business owners and the Police.



**FLORENCE CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2022**

Councilwoman Moore said people are not doing the right thing and the vaccine does not exempt people from getting sick. Council should vote for the mask mandate and for success and if there is improvement, they can lift the mandate.

Pro tem Jebaily said this Emergency Ordinance has a 60-day terminus built in unless it is extended by Resolution.

Councilman McCall said the numbers have spiked and it is time to mandate masks again.

Council voted 5-2 to adopt Bill No. 2021-39. Voting yea were Mayor Ervin, Councilwoman Moore, Councilwoman Barnes, Councilman McCall, and Pro tem Jebaily. Voting nay were Councilman Braddock and Councilman Schofield.

Bill No. 2022-01 – First Reading

An Ordinance adopting a redistricting plan for the three single member districts of City of Florence, South Carolina in accordance with the Federal Decennial Census of 2020.

Pro tem Jebaily made a motion to defer this item and Councilman Schofield seconded the motion.

Councilman McCall made a motion to move this item to Executive Session in order to receive legal advice and Mayor Ervin seconded the motion.

Mr. Clint Moore, Assistant City Manager of Development, reported staff has developed three separate options for redistricting following meetings with City Council. City staff is now planning to move forward with public hearings.

Without objection, Bill No. 2022-01 will be discussed in Executive Session.

Bill No. 2022-02 – First Reading

An Ordinance to annex and zone 1146 Annelle Drive; identified as Florence County Tax Map Parcel 01794-03-010.

Councilwoman Moore made a motion to pass Bill No. 2022-02 on first reading and Councilman Schofield seconded the motion.

Mr. Jerry Dudley, Planning Director, reported this property is located in the Pine Forest Community and is a single-family home. The proposed zoning is in agreement with surrounding properties and water and sewer is currently available.

Planning Commission held a public hearing on this matter and voted unanimously to recommend the zoning request of NC-10.

Council voted unanimously (7-0) to pass Bill No. 2022-02.

INTRODUCTION OF RESOLUTIONS

Resolution No. 2021-41

A Resolution to allow the City of Florence to lease city-owned property located at 719 Walnut Street to the Pee Dee Community Action Agency Partnership as part of their homeless prevention program.



FLORENCE CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2022

Mayor Ervin stated it is requested that this item be deferred. Without objection, this item was deferred.

Resolution No. 2022-01

A Resolution authorizing the expenditure of American Rescue Plan Act funds for Corridor Enhancements and Gateway Improvements by the City of Florence.

Mayor Ervin said it is notated on the agenda that this item may be discussed in Executive Session. Pro tem Jebaily said the City Manager has an amendment to the Resolution prepared and ask that it be presented.

Councilwoman Barnes made a motion to adopt Resolution No. 2022-01 and Councilman Schofield seconded the motion.

Mr. Osterman said the original Resolution was prepared at the request of the Business Development Committee to utilize up to \$1 million in American Rescue Act funds for corridor enhancements and gateway improvements. During discussion with Councilmembers, there was concern on committing that amount of American Rescue Plan Act money down one avenue. The amended Resolution authorizes the expenditure of up to \$700,000 of American Rescue Plan Act funds for corridor enhancements and gateway improvements and authorizes the expenditure of up to an additional \$300,000 from other city funds for corridor enhancements and gateway improvements during the 2021-22 and 2022-23 fiscal years.

Pro tem Jebaily made a motion to amend Resolution No. 2022-01 to replace the original copy with the amended version and Councilman Braddock seconded the motion.

Pro tem Jebaily said decaying corridors has been a focus for the city for many years and is an obstacle for future development in the city. Mr. Moore approached the podium and gave a brief presentation on city gateways. Several of the City's plans have addressed the various gateways into Florence. The Comprehensive Plan of 2010 identified four major corridors into the city needing improvement: the I-95/US-52 Interchange, East Palmetto Street, West Palmetto Street, and South Irby Street. Additionally, in 2018, the City partnered with Florence County to develop the 76 Gateway Study with a focus on the entryway into the City from Francis Marion University. The 2020 Comprehensive Plan also speaks to the four major corridors into the city, and the 2020 Downtown Masterplan speaks directly to the Irby Street and Palmetto Street entryways leading into the Central Business District. Solutions for corridor improvements have been identified through the various plans: zoning, partnerships, redevelopment projects and gateway projects. Mayor Ervin asked if any costs for these projects have yet been identified. Mr. Moore said the plans have identified the concept (where they exist and solutions), the feasibility and costs of the projects are determined once an opportunity arises. Mayor Ervin stated North Irby Street is also a gateway into the City and requested that it be included in the areas identified for improvement.

Pro tem Jebaily called the question on the motion to amend. Council voted 5-2 in favor of the motion to amend Resolution No. 2022-01, with Mayor Ervin and Councilwoman Moore voting in opposition.

Council voted 6-1 to adopt Resolution No. 2022-01, as amended, with Mayor Ervin voting in opposition.

Resolution No. 2022-02

A Resolution authorizing the expenditure of American Rescue Plan Act funds for demolition of abandoned houses in the City of Florence.

Mayor Ervin said this item will be discussed in Executive Session unless there is objection. Without objection, this item will be discussed in Executive Session.



**FLORENCE CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2022**

Resolution No. 2022-03

A Resolution pursuant to Section 10 of Emergency Ordinance No. 2021-30 to extend the emergency term and application of said Ordinance by an additional sixty (60) days.

No action is required due to the adoption of Bill No. 2021-39.

Resolution No. 2022-04

A Resolution committing City of Florence staff to participate in the Municipal Association of South Carolina Retail Recruitment Training Program upon the City's acceptance into the program and supporting the City's application thereto.

Councilwoman Barnes made a motion to adopt Resolution No. 2022-04 and Mayor Ervin seconded the motion.

Mr. Osterman said the Municipal Association of South Carolina is offering a retail recruitment training program and the City desires to make application to the program. Part of the application process is for City Council to adopt a Resolution in support of the City's application to the program.

Council voted unanimously (7-0) to adopt Resolution No. 2022-04.

REPORTS TO COUNCIL

Appointments to Boards and Commissions

Mr. Osterman presented the packet of appointments to Boards and Commissions to Council.

Board of Zoning Appeals

Councilwoman Barnes made a motion to reappoint Nathaniel Poston to a 3-year term to begin immediately and expire on June 30, 2024. Council voted unanimously to reappoint Nathaniel Poston.

Construction & Maintenance Board of Adjustments and Appeals

Being no applicants, remaining appointments were deferred

Aesthetics Advisory Committee

Being no applicants, remaining appointments were deferred.

Resilience and Sustainability Advisory Committee

Being no applicants, remaining appointments were deferred.

COMMITTEE REPORTS

Business Development Committee, Chaired by Pro tem Jebaily

Pro tem Jebaily said Stephanie Bosch with Florence County Economic Development attended the last meeting and gave a presentation on the status of Economic Development in Florence. The County has seen a lot of growth from new businesses, as well as expansion from current businesses, creating many new high-quality jobs. Innovative Construction Group has announced its location to the Pee Dee



FLORENCE CITY COUNCIL REGULAR MEETING – JANUARY 10, 2022

Commerce Park with an initial investment of \$35.6 million, creating 179 new jobs. The success of the City's water utility system has been instrumental in attracting industry, such as Niagra, to Florence. The initial investment of Niagra was \$150 million and created 200+ jobs. Ms. Bosch also provided an update on product development and identifying sites, buildings and locations that are available for industry and businesses. The goal of Economic Development in Florence is to solicit and attract industry and businesses that can bring in new jobs that provide at least \$20.00 per hour. Pro tem Jebaily said the Resolution adopted earlier will greatly benefit Florence and economic development, as the corridors and gateways into Florence are currently a hinderance to economic development.

Community Development Committee, Chaired by Councilwoman Barnes

Councilwoman Barnes said the Community Development Corporation (CDC) has been established and Board members have been appointed. The first meeting will be held on January 20, 2022 to adopt the by-laws and hear the concerns of the blighted areas. The Committee is continuing to discuss the demolition of abandoned homes and cleaning up neighborhoods, as well as educating youth to provide them with skills to succeed.

Marketing and Public Relations Committee, Chaired by Councilman McCall

Councilman McCall reported Holly Beaumior, Executive Director for the Florence Convention and Visitors Bureau (CVB), attended the Committee's December meeting and gave a presentation. They discussed ways for the CVB and the City to continue their partnership and move the City forward. The development of a City-wide communication strategy was also discussed, as well as a civic pride campaign. Mr. Jerry Dudley will be attending the next meeting to speak on annexation and a potential annexation strategy.

Banking Services Evaluation and Recommendation Committee

Mr. Kevin Yokim, Assistant City Manager of Finance/Administration, reported the current banking services contract expires January 31, 2022. The City issued a Request for Proposals for banking services to local banks and three proposals were received. These three proposals were given to the Banking Services Evaluation and Recommendation Committee, comprised of Councilman Braddock, Councilman McCall and Councilman Schofield. A recommendation to City Council will be presented by Councilman Schofield, Chairman of the evaluation committee. Councilman Schofield reported it is the Committee's recommendation for the City to maintain its current financial institution for the next five years. Council voted unanimously (7-0) on the Banking Services Evaluation and Recommendation Committee's recommendation to maintain the city's current financial institution.

EXECUTIVE SESSION

Mayor Ervin said Council will be entering into Executive Session to receive legal advice on redistricting, as well as a discussion of a proposed economic redevelopment project and to receive legal advice related to the expenditure of American Rescue Plan funds. Without objection, Council entered into Executive Session at 2:25 p.m.

Council reconvened open session at 4:02 and took action on the following items:

Bill No. 2022-01 – First Reading

An Ordinance adopting a redistricting plan for the three single member districts of City of Florence, South Carolina in accordance with the Federal Decennial Census of 2020.



**FLORENCE CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2022**

Mayor Ervin said there is currently a motion and second to defer action on this item to the February Council meeting. The motion to defer failed. Voting in favor were Pro tem Jebaily, Councilman Braddock and Councilman Schofield and voting in opposition were Mayor Ervin, Councilwoman Barnes, Councilwoman Moore and Councilman McCall.

Councilman McCall made a motion to defer this matter until after the November 2022 General Election and Councilwoman Barnes seconded the motion. Pro tem Jebaily expressed concerns, saying redistricting is extremely important to the community. Staff has already indicated that public hearings were to be scheduled to gain public input on a variety of topics, including the option to defer until after the General Election. Council is now taking action without seeking public input. The option to defer until next month would have still allowed for public input at the scheduled public hearings.

Councilman McCall referenced the redistricting that occurred from the 2010 census. He said at that time, there was no action taken until after the election. Following the election, public hearings were still conducted. The only way to keep the integrity of the upcoming election is to take this issue up after the election in November 2022. The public will still have the ability to participate in public hearings. The City is currently in the legal guidelines and no change in the district lines is necessary.

Mayor Ervin said there is no legal requirement to redistrict at this time. Deferring this matter until after the General Election in November will keep any kind of change or conflict with this year's election from occurring. Public hearings will still be held and the public will have input.

Pro tem Jebaily asked Mr. Peterson for clarification on the motion before them. He asked if the motion is to defer first reading or if there is an amendment to the ordinance. Mr. Peterson replied before Council is a procedural motion to defer consideration of redistricting until after the November election. Pro tem Jebaily said he understands that a deferral can only be for a month, and he is not aware of an instance where an item was deferred beyond the period of one month. Mr. Peterson replied it is the norm to defer until the following month; however, Council does have the ability to defer for a specific period of time. Pro tem Jebaily asked if it would be a better procedural approach for Council to vote first reading of the ordinance up or down. Mr. Peterson said this option would have the effect of defeating the ordinance that is presently before Council and the ordinance can be introduced later. Mr. Peterson further explained that it takes two readings to pass an ordinance, but not to defer. Mr. Peterson said the same thing can be accomplished by voting the ordinance down and later introducing a new ordinance or deferring until after the November election.

Bill No. 2022-01 was deferred until after the November 2022 General Election. Council voted 4-3 in favor of the motion to defer with Councilman McCall, Mayor Ervin, Councilwoman Moore and Councilwoman Barnes voting in favor and Councilman Braddock, Pro tem Jebaily and Councilman Schofield voting in opposition.

Resolution No. 2022-02

A Resolution authorizing the expenditure of American Rescue Plan Act funds for demolition of abandoned houses in the City of Florence.

Mayor Ervin made a motion to adopt Resolution No. 2022-02 and Councilwoman Moore seconded the motion.

Councilwoman Barnes made a motion to amend the Resolution to authorize the \$500,000 for the demolition of homes in accordance with the funding previously allocated to city staff for neighborhood



**FLORENCE CITY COUNCIL
REGULAR MEETING – JANUARY 10, 2022**

redevelopment efforts by Resolution No. 2021-46, adopted at the December 2021 Council meeting, and Councilman Braddock seconded the motion.

Council voted 5-2 in favor of the motion to amend with Councilman Braddock, Councilwoman Barnes, Pro tem Jebaily, Councilman McCall, and Councilman Schofield voting in favor of the motion and Mayor Ervin and Councilman Moore voting in opposition.

Mayor Ervin said the City of Florence has had an issue with dilapidated homes for many years. The Community Services Department utilizes monies from the Community Development Block Grant funds to demolish homes. Over 100 homes in the City need demolishing and there is currently only approximately \$20,000 in funding available for demolition. The original Resolution proposed \$500,000 of American Rescue Plan funds to be allocated to the Community Services Department. \$500,000 would allow the City to demolish approximately 50 homes. Regardless of the vote to adopt the original Resolution or the amended Resolution, these funds will still go to the Community Services Department to assist with the demolition of homes in the community. Mayor Ervin requested that the Community Development Committee seek information on what the City can do with homes that have burned down in the community and what legal action can be done to help get the homes removed.

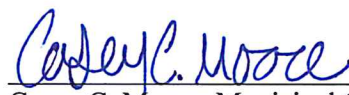
Councilwoman Barnes said monies were already allocated for this very act last month. She said she made the motion to amend the Resolution because the Committee is already in the process of working for this very reason and Council already allotted money to staff for demolition. Mayor Ervin said they are two separate items and that is why the Resolution was brought forth. There is no conflict on the funds allocated last month. This Resolution was simply to direct funding for ongoing projects from American Rescue Plan Act funds.

Council voted unanimously (7-0) to adopt Resolution No. 2022-02, as amended.


ADJOURN

Without objection, the January 10, 2022 Regular meeting of City Council was adjourned at 4:35 p.m.

Dated this 14th day of February 2022.



Casey C. Moore, Municipal Clerk



Teresa Myers Ervin, Mayor