



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, DECEMBER 14, 2020 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA
MEETING CONDUCTED THROUGH ZOOM VIDEO CONFERENCING**

MEMBERS PRESENT

Mayor Teresa Myers Ervin, Councilman George Jebaily, Councilwoman Pat Gibson-Hye Moore, Councilwoman Lethonia Barnes and Councilman Chaquez T. McCall.

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Amanda P. Pope, Municipal Clerk; Mrs. Casey Moore, Assistant City Clerk; Mr. Scotty Davis, Deputy City Manager; Mr. Clint Moore, Assistant City Manager of Development; Mr. Kevin Yokim, Assistant City Manager of Administration/Finance; Chief Allen Heidler, Florence Police Department; Mr. Michael Hemingway, Director of Utilities; Mr. Chuck Pope, Director of Public Works; and Mr. Jerry Dudley, Director of Planning.

MEDIA PRESENT

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 December 14, 2020 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.

APPROVAL OF MINUTES

Councilman Jebaily made a motion to adopt the minutes of the November 9, 2020 Regular City Council meeting and Councilwoman Moore seconded the motion. The minutes were unanimously adopted.

ELECTION OF MAYOR PRO TEMPORE

Mayor Ervin said at the last Council meeting, the previous Council deferred the election of Mayor Pro Tempore until the new Council was seated at this meeting. Mayor Ervin noted that the city currently has only five Councilmembers and is missing representatives from Districts One and Three. Mayor Ervin made a motion to elect an interim Mayor Pro Tempore to serve until the two vacant seats are filled at the March 30th Special Election. Councilman Jebaily called on Jim Peterson, City Attorney for clarification



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on the City Code of Ordinances, Section 2-23 and said he does not believe the city ordinance allows for this action to occur. Councilman Jebaily said the ordinance specifies the term for Mayor Pro Tempore.

Mr. Peterson took the podium and said SC State Code section 5-7-190 says the municipal council “shall elect from its membership a mayor pro tempore for a term of not more than two years.” Mr. Peterson further said a past council adopted an ordinance, outlined in section 2-23 of city code stating “the council shall, at the first meeting of the newly constituted council after any general election for city council, elect one of its members as mayor pro tempore for a term of two years.” Mr. Peterson said this section of code can be read two different ways:

- 1) City code says Council shall “elect one of its members as mayor pro tempore for a term of two years,” this interpretation has no leeway;
- 2) City code says, “at the first meeting of the newly constituted council after any general election for city council.” Mr. Peterson further elaborated that the March 30th election is a general election and would constitute a new council by filling the vacancies. This interpretation of city code could mean that the election of Mayor Pro tem could happen in April.

Mr. Peterson said the city is in an unusual situation and either of these interpretations would not be unlawful. He said he has been the city attorney since 1994 and has never seen this situation with two vacancies on City Council. Mr. Peterson acknowledged that he is not giving a very direct answer. He understands the reading that Councilman Jebaily is interpreting and it is difficult get around the very direct language in code that says “Council shall elect one of its members as mayor pro tempore for a term of two years.”

Councilman Jebaily mentioned the alternative (interpretation #2) approach. His understanding is that this would lead to another newly constituted council anytime a councilmember resigned, et cetera and this same issue would come up again and again. Councilman Jebaily said, historically, any time a councilmember has left council for any reason there has never been a revote on the Pro tem. In the past, once a Pro tem was elected, they served for two years.

Mr. Peterson said he believes what Councilman Jebaily says is correct and it is his guess that the thought of the previous Council that passed the ordinance was that after a general election in the fall, it would be two years before the next general election.

Councilman Jebaily said he thinks it would be appropriate to have a consultation with the newly elected councilmembers to see if they want to see a revote or if they are comfortable with the elected Pro tem. He said the clear reading of the statute is that the Pro tem serves for two years and historically it has never been for less than two years. If we were to change that now, we could see multiple elections for Pro tem as members come and go.

[Break due to power outage 1:17p.m. – 1:27p.m.]

Councilman Jebaily continued with his comments once the meeting resumed. He said he fully understands the Mayor’s concern with the two vacancies and said this is a practical matter as opposed to a legal matter – the practical matter being there are two councilmembers absent from the vote. He does not feel that it is legal to put into a motion language that would limit the term; however, he does feel that it is



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appropriate to consult with the members once elected to see if they wish for a revote and address it at that time.

Mayor Ervin stated there are individuals that have requested to speak on this matter.

Mr. Bryan Braddock connected to the meeting and said he is speaking on behalf of the constituents of District Three of which he is one of and is a candidate for the City Council seat. He said he likes what was initially presented by Mayor Ervin, which is to elect an interim Pro tem. He wants to make sure the citizens of Districts One and Three would have a voice in determining the Mayor Pro tem since it has such an impact on the whole city in the event of the Mayor's absence. He said it is his wish to see the election of Mayor Pro tem happen after the election in March.

Mr. Braddock asked what the process would be to initiate a new vote and if there was precedent for that to be done. Mayor Ervin said there is no precedent. Since there was objection to her initial motion to elect an interim Pro tem, the 5-member Council will move forward with electing a Pro tem today. She further explained that the individual elected to Pro tem would have to step down in April to allow for a new vote once District One and District Three seats are filled. Mayor Ervin asked the City Attorney if this is a correct interpretation.

Mr. Peterson said that is correct. If the Pro tem is elected to a two-year term, they would have to voluntarily resign their position in April to allow for a revote; however, this person would still have the opportunity to be re-elected as Pro tem.

Mr. Braddock requested that the elected Pro tem go on record stating they would be willing to resign in April to allow the other two districts the opportunity to add their voice in the determination of Mayor Pro tem.

Mr. William Schofield connected to the meeting and said he is also in favor of electing an interim Pro tem, as he does not feel there is a constituted Council. He referenced Section 2-20 of city code, which defines the composition of Council as "seven members, one of whom shall be the mayor." He said it is unprecedented for there to be only five members of council with two districts not being represented. Mr. Schofield also asked that the Pro tem go on record stating they would be willing to step down if the representatives of District One and District Three do not agree with the decision.

Councilman McCall said constituents of Districts One and Three also voted in the general election for the elected at-large positions. He asked Mr. Schofield if he believes voter's voices will not be heard from the three elected at-large members. Mr. Schofield stated an at-large position is just that, they represent the city as a whole; whereas, the district seats represent that specific district.

Councilman McCall inquired on the precedent that is being set, and asked Mr. Schofield if we should always ask the Pro tem to resign every time a vacant seat is filled on City Council. Mr. Schofield replied no. What he is suggesting is that we wait to elect a Pro tem after the two vacant seats are filled and the Pro tem will serve the two full years, regardless on if any other vacancies occur. Councilman McCall further asked Mr. Schofield if he thinks the Pro tem should be the longest running member of Council. Mr. Schofield replied the Pro tem has been the longest running member in the past, but it is not always the case.

Councilwoman Moore spoke, referencing all the talk around specific districts. She said she was elected to District Two, but in her heart, she serves all of Florence. Councilwoman Moore said she can not only



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worry about District Two, because then she would not be doing her job as a public servant. She further said when Council is voting on items or issues, they aren't voting by district but are voting as a whole.

Councilwoman Barnes spoke, saying she believes a precedent has already been set. She said the public has elected them to do a job and Council still must govern themselves and move forward even in unprecedented times. There will be times where Council sees deficiencies and people aren't in place, but Council must still govern themselves accordingly. She said they may get themselves into a mess by taking people's opinions on what should be done, when the ordinance in place states what Council should do. Councilwoman Barnes said she thinks Council needs to move forward and handle this business in hopes that the individual elected steps down in order to give the new councilmembers an opportunity.

Mayor Ervin opened the floor for nominations. Councilwoman Barnes nominated Councilman Jebaily and Councilman McCall nominated Councilwoman Moore.

Councilwoman Moore commented, stating she would be willing to step down at the April meeting after the election in the event she is elected. She further stated that she would serve in an interim capacity and would not accept being re-nominated at the April meeting.

Councilman McCall stated he wants to be unequivocal on the situation at hand. He said establishing precedent is very important in moving forward in a collaborative way, and politics should not be involved in who should be the next Mayor Pro tem. He further said the individual elected to Pro tem should step down and allow those of Districts One and Three to have a voice. He wants it to be unequivocal and on the record that the individual elected will resign. Councilman McCall noted Councilwoman Moore's willingness to resign as Pro tem and stated that he wants to vote for the longest running member of Council, but he wants it on record that this person will in fact resign if elected.

Councilman Jebaily said he also endorses the position of allowing members of Districts One and Three to participate and he has no problem resigning the position, but he would be honored to be re-nominated and elected to serve for the entirety of the two year term.

Mayor Ervin reminded Council of her initial motion, which was for Council to elect an interim Mayor Pro tem who would serve from December 2020 to April 2021, but there was objection to this motion. She said Council will be voting on a Mayor Pro tem for a term of 2 years and there is not anything to legally bind the elected individual into resigning.

Mayor Ervin closed the floor for nominations and called for a vote.

Voting yay for Councilman Jebaily were Councilwoman Barnes, Councilman Jebaily, and Councilman McCall.

Councilman Jebaily was elected to Mayor Pro Tempore by majority vote.

APPEARANCES BEFORE COUNCIL

Frank J. "Buddy" Brand II, Councilman, Florence County Council

Councilman Brand began by greeting the new Council and stated he never recalls a Florence County Councilman ever appearing before City Council throughout his entire 15-year service, but this Council will be seeing him frequently. He then challenged Council to work with the county to make for a much



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better working team. He said Florence is competing with Charleston, Greenville, Columbia and the rest of the southeast and the county, and the city must work together to compete with these. He said Florence has low cost housing, plenty of people that want to work, and two great educational facilities with Francis Marion University and Florence Darlington Technical College. He noted that Florence drives the county and said the relationship between the city and the county has faltered and needs to get back on track. He said we need to work together, not just for the city or for the county, but for the entire Pee Dee Region.

Councilman Brand stated that, in his first County Council meeting, he asked that the City-County Conference Committee be re-established, which is important in moving things forward.

Mayor Ervin thanked Councilman Brand for his appearance and agreed on the importance of the re-establishment of the City-County Conference Committee.

Councilman McCall expressed his enthusiasm in working with Councilman Brand and County Council, stating it will benefit everyone because if the City of Florence grows, the County grows, and the Pee Dee grows. He said he is particularly interested in working together to enhance the corridors into Florence.

Pro tem Jebaily thanked Councilman Brand and referenced an email dated December 3, 2020 from the City Manager stating that he was informed by Councilman Brand that certain streets located within the city limits will be paved using County Council infrastructure funds of \$1.2 million. The roads to be completed with these funds are Baker Lane, Lafayette Circle, Manchester Avenue, Lynwood Drive, Wisteria Drive, Brockington Drive, and Maynard Avenue. Councilman Brand said he can't take credit for this. He said this was penny money that James Schofield had not used and when asked by county management, Councilman Brand decided to use it on the worst streets.

Councilwoman Moore said she now has good working relationships with several members of County Council: Brand, Bradley, Mumford, Dorriety, Caudle as well as the Administrator, "Rusty" Smith.

Councilwoman Barnes said she is also looking forward to working with Councilman Brand, as well as County Council.

Community Members – To speak on the Black Lives Matter Mural

Mayor Ervin said there are several community members signed up to speak on the Black Lives Matter mural.

Ms. Martha Nance spoke first. She thanked Council for allowing her the opportunity to express her concerns. In expressing her concerns, she said the efforts, struggle and feelings of others are not being cast aside. Ms. Nance said a public road has been used for expression without the forethought that other groups or entities may desire to express their views or concerns on other public streets. She asked if a precedent has been set, or are we changing rules and creating new ones? She said that markings on public roads are for giving directions to drivers and pedestrians; whereas art is to be. Art on roads can be distracting to drivers as well as pedestrians, presenting a safety hazard which could result to harm in individuals and litigation against the City of Florence. Ms. Nance said prior to this, about 8-10 years ago, she also voiced her concerns on the markings of public roads, i.e. Jackson and Calhoun, to Mayor Wukela. She asked if the agreement to use non-permanent paint was ignored, and if the mural remains, then are we telling our citizens that they do not have to adhere to the original permits? She noted a lack of transparency prior to the painting of the mural and asked if the proposal was presented to the entire Council and was it open to the community for discussion before or after being submitted to the City



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Manager. Ms. Nance said public roads are funded by all taxpayers, therefore all representatives on City Council should be consulted and presented with proposals and all constituents should be given an opportunity for input.

Mr. Christopher McCray spoke next. He said he was speaking on behalf of the community, as well as the activist team and movement that placed the mural on Barnes Street. He said he is an active community member that wants to see Florence move forward. He said this art project was approved by a partnership of City Council Members, the City Manager and those that created the project. They followed all rules, regulations and protocol when it came to the materials used to complete the project. He said they followed the timeline presented by Council, the City Manager, and the Assistant City Manager who ensured they were in compliance with the rules and regulations with city and county legislation. This project was presented to the city by the citizens and for no reason did they believe this project would be temporary based on the life span of the materials used that were predetermined to be okay by the city. The project, based on the time, energy, effort and financial burden, was set to be an art fixture that would last based on the life of the materials used, not to be removed aside from the natural wear caused from traffic, elements and weather and he asked that Council vote on its permanency.

Mr. Wyleek Cummings spoke last. He said he is speaking on behalf of the entirety of the organizers, participants, and community members involved in the placing of the art. He said the artwork, designed by Florence native Mel Howard, was expressly and explicably initiated in the spirit of collaboration. The collaborative art project has brought together artists from the City of Florence, the Pee Dee and the southeastern region, community organizers, local and state politicians, and citizens of the city. Mr. Cummings said they are against any effort to remove the mural, other than the natural wear of traffic, weather, and elemental erosion. He acknowledged the city's desire to place a speed bump on the street and said it should not be an impediment to the mural. He said as citizens and constituents of the city, they too are desirous of equity in this matter. He noted that a full council is not yet in place but will be after the special election in March. He asked for a continuance on this matter and to allow the mural to remain at least until a full council is in place.

Mayor Ervin asked Mr. Cummings if he was the originator of the email that was sent to request the mural, to which Mr. Cummings replied yes. Mayor Ervin further asked if, within writings and sentiments expressed to the city, was it not presented/conveyed that the mural would wash away within 3-4 natural rain events. Mayor Ervin asked Mr. Osterman, City Manager if he had the letter available, to which Mr. Osterman replied he did.

Mr. Osterman approached the podium and read from the 2-page request: "the materials used to complete the project are biodegradable and are not meant to be a permanent fixture." Mr. Osterman said in the meetings they had with Mr. Cummings, it was asked what was meant by "not meant to be a permanent fixture." Mr. Osterman asked Mr. Cummings if he recalled saying that it would be temporary and would wash away with 3-4 rain events. Mr. Cummings said there was a misunderstanding and his interpretation of temporary and not permanent meant that natural traffic wear, weather and elemental erosion would impact the mural/paint. He said he didn't recall there being a specific period in which the mural would dissolve or go away. He further said there was never any consideration to use any material such as chalk that would wash away. Mr. Cummings said they met too many times throughout this process for it to be misunderstood or misinterpreted on anyone's part. He stated it wasn't until there were unnecessary concerns over the mural that sparked the need to go through the process of making it permanent. He reiterated his desire to wait until there is a full council to make a decision on the mural.



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Mayor Ervin addressed Mr. Cummings and said that in their personal conversations regarding the mural, one of the questions she asked him was on the temporariness of the mural and he stated to her that it would go away within 3-5 rain cycles. Mayor Ervin said if it were meant to be a permanent fixture, there was procedure that would have had to be followed. The reason he did not have to go through with that permitting and procedure is because it was expressed, both verbally and in writing, that the mural would not be a permanent fixture in the meetings with the City Manager, staff and former Mayor Wukela. Mayor Ervin apologized if this information was not comprehended. Mayor Ervin also referred to the speed bumps and said that project was factored in prior to the mural and they are for the safety of the children and pedestrians who utilize the Barnes Street campus. With no further comments, Mayor Ervin thanked Mr. Cummings for his appearance.

Mayor Ervin added that, based on the desire of the artists in the community, she has commissioned a Cultural Arts Committee that will be working together with business and educational leaders and will also include some of the artists that participated on the Black Lives Matter mural. They will be working on developing inclusive artwork that will be representative of Florence citizens to continue moving the community forward.

ORDINANCES IN POSITION

Bill No. 2020-37 – Second Reading

An ordinance to grant Florence County a permanent right-of-way easement on Dargan Street for the construction of a sidewalk.

Councilwoman Moore made a motion to adopt Bill No. 2020-37 on second reading and Pro tem Jebaily seconded the motion.

Council voted unanimously (5-0) to adopt Bill No. 2020-37.

Bill No. 2020-38 – Second Reading

An ordinance to annex and zone 2 acres on Jody Road, identified as Florence County Tax Map Parcels 00123-01-152 and 00123-01-R/W, and portions of Florence County Tax Map Parcels 00123-01-005 and 00123-01-006.

Councilwoman Moore made a motion to adopt Bill No. 2020-38 on second reading and Pro tem Jebaily seconded the motion.

Council voted unanimously (5-0) to adopt Bill No. 2020-38.

Bill No. 2020-39 – Second Reading

An ordinance to annex and zone 3553 Texas Road, identified as Florence County Tax Map Parcel 00741-01-007, and 695 Florida Drive, identified as Florence County Tax Map Parcel 00741-01-008.

Councilwoman Barnes made a motion to adopt Bill No. 2020-39 on second reading and Councilwoman Moore seconded the motion.

Council voted unanimously (5-0) to adopt Bill No. 2020-39.



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Bill No. 2020-40 – Second Reading

An ordinance to annex and zone 234 Shenandoah Lane, identified as Florence County Tax Map Parcel 90113-01-120.

Councilwoman Moore made a motion to adopt Bill No. 2020-40 on second reading and Councilwoman Barnes seconded the motion.

Council voted unanimously (5-0) to adopt Bill No. 2020-40.

INTRODUCTION OF ORDINANCES

Bill No. 2020-41 – First Reading

An ordinance to rezone from NC-15 to NC-10 a parcel located on Marion Avenue, identified as Florence County Tax Map Parcel 90067-03-014.

Councilwoman Moore made a motion to pass Bill No. 2020-41 on first reading and Councilwoman Barnes seconded the motion.

Mr. Dudley reported this parcel is currently zoned Neighborhood Conservation-15 (NC-15), which is characterized by single-family detached development with 15,000 square feet minimum lot areas and 100-foot lot widths. The proposed zoning of NC-10 is still characterized by single-family detached development but allows for smaller lots with 10,000 square feet minimum lot areas and 80-foot lot widths.

Mr. Dudley explained the flood plain issues with the site. Part of the parcel is located within the floodway in which no development can occur. Through local ordinance, there is also a riparian buffer of 20 feet outside of the floodway in which there could also be no development. Part of the parcel is also located within the 100-year floodplain and would be subject to floodplain development regulations, meaning the structure to be constructed is at least one foot above the base flood elevation. The remainder of the parcel is located outside the flood zone.

The purpose for the rezoning is to allow the subdivision of the property into three lots with two, smaller lots completely outside of the regulated Special Flood Hazard Area (SFHA) and a third, larger lot that would be subject to floodplain development regulations. Current zoning only allows for two lots, with only one lot being completely out of the floodplain.

Mr. Dudley spoke on concerns that were raised at the November meeting regarding sewer. He said the site was inspected and the sewer is approximately 7 feet in depth. Sewer at this location would place a negligible demand on the system.

Pro tem Jebaily asked for clarity on the proposed development of the third parcel. Mr. Dudley said development could happen on the third parcel, but it would have to meet floodplain development regulations. Pro tem Jebaily asked if all three parcels have equal ability to move sewer from the location. Mr. Michael Hemingway, Utilities Director, approached the podium to address the question. He said with the sewer being approximately 7 feet in depth, there is enough elevation for the sewer to not be impacted. Based on the elevation, stormwater is more likely to have an impact at this location rather than sewer.



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Pro tem Jebaily said he is all for the rezoning and construction on these parcels, but he does not want to approve something that will cause issues later on. He said Council needs know that staff has looked at this carefully and can say that stormwater and sewer will not be an issue at this location. Mr. Hemingway said there will be issues from a stormwater perspective to the third lot. Councilman Jebaily asked if Council can authorize the subdivision of two lots. Mr. Dudley said if the lot stays in its current zoning of NC-15, only two parcels would allow development. These plats can be approved administratively and do not require the approval of Council. Mr. Dudley explained lots one and two would become a little larger, with 15,000 square foot minimum lot.

Councilwoman Moore said citizens have come before Council over stormwater issues before and she doesn't want to create another problem for themselves by allowing the third lot to potentially be developed upon. She asked to defer this matter so the applicant can present them with something else.

Mr. Peterson approached the podium to make a few clarifications. He said if Council only wants to allow two lots, all they need to do is vote against the current rezoning request; it will not need to come back before Council unless more study is being requested. He further said that, from a zoning standpoint, it is perfectly legal for Council to accept the rezoning request. The third, potential lot is concerning because at least part of that home would be located in the flood zone. By allowing the rezoning, Council is allowing the developer to understand he's building a home that is at least partially located within the 100-year floodplain and all the problems that go along with that.

Pro tem Jebaily thanked Mr. Peterson for the clarification and reiterated his concerns and asked if staff has the confidence that the third lot can be developed in such a way that it's not going to be a problem for City Council or staff in the future. Mr. Dudley said the intent of the floodplain ordinance is to try to prevent as much construction in the floodplain as possible. If development does occur, it has to meet certain guidelines to prevent life loss and property loss. With the unprecedented rainfall that has occurred over the last several years, it is difficult to predict where flooding will occur in the city. Flooding in the city is very unpredictable and is localized, and it is difficult to predict if problems will occur on the third lot. Councilman Jebaily asked if staff has a recommendation on this proposal. Mr. Dudley said staff stayed neutral going through Planning Commission but the intent of the floodplain ordinance, as well as the Jefferies Creek Overlay District, is to prevent development within the floodplain.

Mayor Ervin said Mr. Louie Hopkins, the applicant, is on the line to speak on this matter and welcomed him to the meeting. Mr. Hopkins said he purchased the property about six months ago and spoke with the city about building 2-3 single family residences that matched the neighborhood. Mr. Hopkins said he's here today to hopefully get the two lots that have infrastructure and road access zoned to meet the neighborhood standards. At a later time, he may try to get approval for a third lot if he is able to get infrastructure to it.

Councilman McCall said he understands Mr. Hopkins is only wanting to develop lots one and two at this time. He asked Mr. Dudley if it is correct that if the zoning is approved, then the developer will not have to come back before Council to build on the third lot. Mr. Dudley said that is correct.

Council voted unanimously (5-0) to deny the rezoning request.



Bill No. 2020-42 – First Reading

An Ordinance to annex and zone 15 acres on West Sumter Street and Pisgah Road, identified as a portion of Florence County Tax Map Parcel 00097-01-008.

Councilwoman Moore made a motion to pass Bill No. 2020-42 on first reading and Councilman McCall seconded the motion.

Mr. Dudley reported the proposed zoning is General Residential-3 (RG-3). City water and sewer services are currently unavailable but will be provided by the developer as part of the Cedar Crest extension/lift station project. The RG-3 zoning is in agreeance with the future land use map designation of Residential Suburban.

On November 10, 2020 the City of Florence Planning Commission held a public hearing on this matter and voted unanimously (9-0) to recommend the zoning request of RG-3, pending annexation.

City Staff recommends the annexation and concurs with the Planning Commission's recommendation to zone the property RG-3 as requested.

Council voted unanimously (5-0) to pass Bill No. 2020-42.

Bill No. 2020-43 – First Reading

An Ordinance to grant an easement on a portion of Florence County Tax Map Parcel 00102-01-161 to Duke Energy Progress, LLC, specifically 15 feet wide along the northern most property line fronting Alligator Road.

Pro tem Jebaily made a motion to pass Bill No. 2020-43 on first reading and Councilwoman Moore seconded the motion.

Mr. Clint Moore, Assistant City Manager of Development reported Duke Energy has requested this easement in relation to the Alligator Road widening project. This easement is approximately 15 feet in depth along the northern most property line adjacent to Alligator Road and will allow Duke Energy to have access to their utility lines in the event any maintenance is required. The property is the location of the Alligator Road water plant owned and operated by the City of Florence.

Council voted unanimously (5-0) to pass Bill No. 2020-43.

[Break: 3:10pm – 3:17pm]

REPORTS TO COUNCIL

Presentation of Audited Financial Statements

Mr. Kevin Yokim, Assistant City Manager of Finance/Administration said Council received a copy of the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2020. He said connected to the meeting via Zoom is Mr. Tracy Huggins of Burch, Oxner, Seale Company, CPA's, PA. Mr. Huggins reported for the fiscal year ending June 30, 2020 the city had budgeted revenues of \$32,324,660 and actual revenues of \$35,633,900 in the General Fund. This resulted in a positive variance of \$3,309,240. Budgeted expenditures were (\$44,086,160) and actual expenditures were (\$46,007,513), leaving a negative variance of (\$1,921,353). The net other financing sources budgeted were \$11,761,500, which



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gives a zero budget. Actual net other financing sources were \$13,253,846 resulting in a positive variance of \$1,492,346. This leaves an actual excess in this year's budget of \$2,880,233. 54% of general fund revenue came from property tax credits and business licenses and franchise fees. The Governmental Funds fund balance analysis which details the unassigned fund balance in the general fund of \$18,301,481, an increase of \$591,705. Unassigned General Fund fund balance represents 40% of general fund expenditures. Total General Fund balance increased 10.5% over the past year.

Enterprise Funds: Operating revenues last year were \$39,613,664; operating expenses were (\$29,744,230); net non-operating expenses were (\$7,293,423); capital contributions were \$3,347,746; and net transfers out were (\$3,888,000) leaving a net income in the Enterprise Fund of \$2,035,757.

There being no questions, Council thanked Mr. Huggins for his report.

Mr. Yokim said some concerns arose over the financial situation of the city with the retirements of several key individuals. The city's auditor has given the city an unqualified opinion on its financial statements for the fiscal year ended June 30, 2020; and, as the audit report states, the city is in a strong financial position. He said the city is required by state law to have an audit of its financial statements performed annually by a certified public accountant. In addition, since the city annually spends more than \$750,000 in federal grant funds, federal law also requires the city to have an audit.

Annually, the city prepares a Comprehensive Annual Financial Report (CAFR). A CAFR includes much more than just the city's financial statements and the notes to those statements. The city annually submits its CAFR to the Government Finance Officers Association in order to be considered for the Certificate of Achievement for Excellence in Financial Reporting. The city has received this Certificate for the last 22 years in a row.

The city's CAFR is broken down into five sections: Introductory Section, Financial Section, Other Financial Information Section, Statistical Section, and Uniform Guidance Section. Mr. Yokim expanded on the Financial Section, stating that this section includes city's financial statements, the notes to the financial statements, and other required supplementary information. Some readers of these statements may get concerned when they see the negative unrestricted net position of (\$19,529,042) of the city's Governmental Activities; however, this is the result of the net pension liability of \$30,738,280, which represents the city's share of the SC Retirement System's liability. The city is required to disclose this liability even through it has no control over it. The city's more important numbers are the city's positive unassigned General Fund balance of \$18,301,481 which represents 40% of the city's General Fund expenditures; the city has a policy to have the general fund balance represent at least 30% of the city's General Fund expenditures.

Appointments to Boards and Commissions

FLATS Committee

Mayor Ervin deferred the appointment to this board until the two vacant Council seats are filled.

Design Review Board

Councilwoman Moore made a motion to appoint Joseph Healy to the Design Review Board. The motion carried unanimously.



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Construction and Maintenance Board of Adjustments and Appeals

Mayor Ervin made a motion to appoint Joe Linder to the Construction and Maintenance Board of Adjustments and Appeals. The motion carried unanimously.

EXECUTIVE SESSION

Council entered into Executive Session at 3:35 p.m. for a discussion related to a personnel matter and to provide an update on a proposed economic development project located within the downtown area.

Council reconvened Open Session at 3:58 p.m.

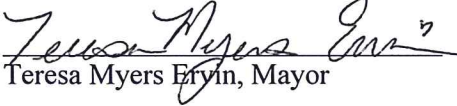
Mayor Ervin said there is no action required following Executive Session.

ADJOURN

Without objection, the Regular meeting of City Council was adjourned at 4:00 p.m.

Dated this 11th day of January 2021.


Amanda P. Pope, Municipal Clerk


Teresa Myers Ervin, Mayor