



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, MARCH 8, 2021 – 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, Mayor Pro Tempore 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; Chief Shannon Tanner, Florence Fire 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 March 8, 2021 regular meeting of Florence City Council to order at 1:08 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

Pro tem Jebaily made a motion to adopt the minutes of the February 8, 2021 Regular City Council meeting and Councilwoman Barnes seconded the motion. The minutes were unanimously adopted.

APPEARANCE BEFORE COUNCIL

Ms. Jenny Boulware, Municipal Association of South Carolina

Ms. Boulware spoke on behalf of Main Street South Carolina. She congratulated the city and downtown Florence for becoming the fifth city in South Carolina to receive State and National Main Street America accreditation.



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Pro tem Jebaily said he is excited about the future of the city and downtown Florence. State and national accreditation is an expression of recognition for how far the city has come.

ORDINANCES IN POSITION

Bill No. 2021-01 – Second Reading

An Ordinance to adopt a model business license ordinance in accordance with the business license bill (H4431) passed by the South Carolina Legislature in September 2020.

Councilman McCall made a motion to adopt Bill No. 2021-01 on second reading and Councilwoman Moore seconded the motion.

Council voted unanimously (5-0) to adopt Bill No. 2021-01.

Bill No. 2021-03 – Second Reading

An Ordinance to declare surplus and authorize the conveyance of real estate known as Florence County Tax Map Parcel 90076-04-016 to Silver Leaf Investments.

Councilwoman Barnes made a motion to adopt Bill No. 2021-03 on second reading and Councilman McCall seconded the motion.

Council voted unanimously (5-0) to adopt Bill No. 2021-03.

Bill No. 2021-04 – Second Reading

An Ordinance to amend Sections 2-6.1.1 and 6-19.3.2 of the Unified Development Ordinance regarding setbacks in the CG district.

Councilwoman Moore made a motion to adopt Bill No. 2021-04 on second reading and Councilman McCall seconded the motion.

Council voted unanimously (5-0) to adopt Bill No. 2021-04.

INTRODUCTION OF ORDINANCES

Bill No. 2021-05 – First/Final Reading

An Emergency Ordinance to extend emergency measures put in place previously by Emergency Ordinance Nos. 2020-12, 2020-13, and 2020-20, as consolidated in Emergency Ordinance No. 2020-28, to include the requirement established that individuals wear face coverings in establishments open to the public and foodservice establishments, and other matters related in response to the COVID-19 emergency.

Councilwoman Moore made a motion to adopt Bill No. 2021-05 on the first and final reading and Councilwoman Barnes seconded the motion.

Pro tem Jebaily said mask wearing is working and making a difference. While South Carolina has begun the process of vaccinations, the medical community has cautioned that it is not the time to back off and become complacent. The South Carolina Department of Health and Environmental Services (SCDHEC) has provided a vaccination dashboard on their website which displays information regarding the



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distribution of the vaccine. Councilman Jebaily requested that a link for this dashboard be placed on the city website.

Councilwoman Barnes expressed concern for the businesses and the confusion that could arise when the city is still requiring face masks, but the state is opening back up. Mr. Jim Peterson, City Attorney, said nothing has really changed on the state level. Throughout the entirety of the COVID-19 pandemic, the state never mandated a mask order. The state targeted specific businesses and buildings (restaurants and state buildings) in which masks were required. The state lifted this requirement; however, from the beginning of the pandemic, it has been individual cities taking the lead on mask mandates. From a legal standpoint, the continuance of a face covering ordinance is completely valid.

Councilwoman Moore voiced her support of the mask ordinance and requested for the media to report that the mask mandate is still in effect.

Mayor Ervin encouraged the community to continue wearing masks. Even though vaccinations have started, Coronavirus can mutate and cause various strains to arise. Mayor Ervin said this is a medical crisis, not a political science debate.

Council voted unanimously (5-0) to adopt Bill No. 2021-05.

Bill No. 2021-06 – First Reading

An Ordinance to replace the existing Emergency Ordinance (Bill No. 2021-05) and to extend emergency measures put in place previously by Emergency Ordinance No. 2020-28, which consolidated Emergency Ordinance Nos. 2020-12, 2020-13 and 2020-20 in response to the COVID-19 emergency.

Councilwoman Barnes made a motion to pass Bill No. 2021-06 on first reading and Councilman McCall seconded the motion.

Council voted unanimously (5-0) to pass Bill No. 2021-06.

Bill No. 2021-07 – First Reading

An Ordinance to annex and zone the parcel located at 1541 Palomar Parkway, identified as Florence County Tax Map Parcel 90113-01-067.

Councilwoman Moore made a motion to pass Bill No. 2021-07 on first reading and Councilwoman Barnes seconded the motion.

Mr. Jerry Dudley, Planning Director, reported this property plans to zone Neighborhood Conservation-6.1 (NC-6.1) which is in congruence with the surrounding zoning. City water and sewer services are currently available.

A public hearing was held on February 9, 2021 regarding this matter in which Planning Commission voted unanimously to recommend the zoning request of NC-6.1.

Council voted unanimously (5-0) to pass Bill No. 2021-07.



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Bill No. 2021-08 – First Reading

An Ordinance to rezone three parcels located at 900 Oakland Avenue and 607 Maxwell Street, identified as Florence County Tax Map Parcels 90114-13-001, 90114-13-002, and 90114-13-013.

Councilman McCall made a motion to pass Bill No. 2021-08 on first reading and Councilwoman Moore seconded the motion.

Mr. Dudley reported these parcels are located adjacent to Iola Jones Park. Two of the parcels currently have buildings: an existing convenience store on one and an abandoned garage on the other, and the third lot is vacant. The adjacent developed properties are a mixture of single-family detached homes, multi-family homes, institutional, recreational, and commercial uses.

The current zoning is NC-6.1 which is characterized by single-family detached development with 6,000 square feet minimum lot areas and 60 feet minimum lot widths. Prior to the adoption of the Unified Development Ordinance, the lots were zoned B-2, Convenience Business District and have historically contained a small convenience store. The existing use of the convenience store is considered an existing nonconforming use and may continue per the nonconforming use requirements of the Unified Development Ordinance.

The applicant's original rezoning request was for the properties to be rezoned Commercial General (CG) to conditionally permit a fueling station; however, site limitations, adjacent land uses, and buffering requirements severely limited the feasibility of this request. The applicant's new request is to rezone to Commercial Reuse (CR) in order to demolish the existing building and construct a new convenience store on the combined lots. The CR district is intended to provide for low-impact commercial uses that are small-scale and may be appropriate in certain residential settings, as well as adaptive re-use of residential buildings for limited commercial uses along major corridors. The new construction would require compliance with the Unified Development Ordinance including setbacks, parking, landscaping, and bufferyards.

Planning Commission held a public hearing on this matter on February 9, 2021 and voted 4-2 to recommend the rezoning request of CR.

Mayor Ervin said there are some individuals that have called in to speak on this matter and recognized Mr. Raj Patel, the applicant. Mr. Patel said they are grandfathered in and are able to continue running the store as is; however, their intent is to demolish the current building and construct a new one in its place. They will provide the same services as the current convenience store, but the rezoning will allow them to construct a new building.

Councilman McCall asked the applicants if they had any intent on placing any sort of club or private club on the site, to which the applicant replied no. Councilman McCall asked if the purpose of the rezoning is simply to renovate and improve the current building, which is seemingly in a dilapidated state. Mr. Patel replied yes, the current building is inefficient, and he wishes to provide a better space.

Councilwoman Moore asked what they intend to do with the adjacent property, currently the location of an abandoned building. Mr. Patel replied it would stay as is for the time being, but their intent is to open a laundry mat in the future. Councilwoman Moore asked Mr. Patel if he would be willing to put into writing and in a contract that their only intent with the adjacent property is a laundry mat. Mr. Patel replied yes, they would be willing to submit to the City a contract indicating their intentions.



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Councilman McCall asked what they would do with the convenience store should Council deny their rezoning request. Mr. Patel said he's invested in the business and they would still operate the convenience store, but they would prefer to renovate the building. Councilman McCall addressed Mr. Dudley and asked if they would still be able to sell beer and wine if the rezoning request is denied. Mr. Dudley said they would, they are permitted as a convenience/retail store and can sell beer and wine for off premises consumption as long as alcohol sales aren't their primary (more than 50%) service. If the rezoning request is denied, the applicant would not be able to demolish the current building and rebuild it as a convenience store. If they demolished the building in the current zoning, the zoning converts back to the underlying zoning of Neighborhood Conservation-6.1 (NC-6.1) and a convenience store would not be permitted. Current zoning would, however, allow for limited interior renovations of the current building.

Pro tem Jebaily said the zoning for the entire block is zoned NC-6.1 and all the other properties surrounding the parcels in question are all single-family residential. Rezoning these parcels would be introducing the CR zoning to the block. Councilman Jebaily expressed concern with the sale of alcohol across from the Iola Jones Park and asked Mr. Peterson if limitations could be placed in a deed for the property in the event the property is sold to prevent the future use of a private club, for example. While the current owners have not expressed interest in opening a private club, that use would be allowed if the property is rezoned. For clarity, Pro tem Jebaily asked Mr. Dudley if the serving of alcohol would be allowed in a private club if rezoned to CR. Mr. Dudley said it does not totally exclude alcohol from being served but there are limitations. Mr. Dudley then referenced the Unified Development Ordinance which defines a private club as "organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Examples of private clubs include (but are not limited to) 4-H Clubs, veterans organizations, Boy Scout and Girl Scout facilities, Elks Lodges, YMCA, YWCA, private community clubhouses, golf clubhouses, and fraternities and sororities that do not include residential facilities. The phrase "private club" does not include organizations with a principal purpose of serving alcoholic beverages to its members or others."

Pro tem Jebaily said across the street on Oakland Avenue the zoning is CR and a club was operating there in which alcohol was being served, so the change in zoning could allow for alcohol to be served on-premises, as opposed to sold for off-premises consumption. Pro tem Jebaily said the current owners have agreed to enter into a contract indicating their intended use of the property and asked Mr. Peterson if it were possible for the agreement to carry with the property in the event it is sold. Mr. Peterson said he has always advised Council to look at what's allowed under the rezoning and be sure they would be comfortable with any of those uses before they approve it. He said he will do some research and see if he can come up with a mechanism that would allow for limitations.

Pro tem Jebaily made a motion to defer to allow Mr. Peterson to conduct research on the matter and to allow for the contractual arrangement with Mr. Patel. Mayor Ervin said she would like to hear from the other caller before any discussion of motions are made.

Councilman McCall said he endorses the idea of a mechanism that will control the future use of the property and noted that he is perplexed by the situation. He said he understands the argument against the rezoning in order to protect the future use of the property; however, this is potentially one of the first investments in this neighborhood and denying the rezoning would stifle that investment. He said the store is more than likely always going to be there, whether the zoning is changed or not, and right now, there is a potential investor with intentions to improve the property.

Mayor Ervin thanked Mr. Patel and invited Mr. Tim Waters into the meeting.



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Mr. Waters said he is against the rezoning request, not against the store itself. He said the lot is zoned NC and the proposed zoning is CR. According to the Unified Development Ordinance, a private club is permitted in the CR zoning district. Mr. Waters said that, while the current owners may intend to continue operating a store, the zoning change would allow for a private club. He said making an exception this time would open up Pandora's Box and allow other zoning districts into neighborhoods. He said the neighborhood just got a brand-new Community Center and the neighborhood is on the rise, to change the zoning to CR could be detrimental to the community. He further said every African American park in the city is inundated with ABC stores or allows zoning that is negative for the community.

Councilman McCall referenced the zoning maps attached in Council's agenda packet and said there is currently a CR zoning designation right across Oakland Avenue from the parcels in question. Councilman McCall asked Mr. Dudley if it were possible to find out when that block was rezoned to CR, as they were not initially that zoning. He further asked for clarification on the zoning districts in which private clubs are permitted. Mr. Dudley said private clubs are also allowed in Residential districts. Even if the rezoning request is denied, a private club could still be conditionally permitted. Mr. Dudley referenced the conditions in the Unified Development Ordinance and said private clubs are permitted if it is demonstrated that:

1. The use will be operated in accordance with all applicable laws, and if a state permit is required, such permit shall be obtained prior to beginning operation;
2. The use will be operated in accordance with all other applicable provisions of the city's Code of Ordinances; and
3. Primary access to the site is from a collector or arterial street.

Mr. Dudley said number three of the conditions is the most limiting to the site. He said Oakland Avenue would be considered a collector or arterial street, but not necessarily Maxwell Street.

Councilman McCall referenced the attached zoning maps again and noted the current CG zoning designation along the block on the corner of Oakland Avenue and Roughfork Street. He said these are residential homes and asked if Council approved the CG zoning at some point. Mr. Dudley said the zoning was applied in the conversion to the Unified Development Ordinance. Councilman McCall expressed concern with the CG zoning in the middle of a residential neighborhood. He said Council is arguing over the rezoning of a business that has been part of the neighborhood for over 20 years, when they should be more concerned with the CG zoning across the street. Councilman McCall asked Mr. Dudley if a club would be permitted in the CG district to which Mr. Dudley replied yes, an establishment with on-site alcohol consumption would be allowed.

Mr. Waters spoke again and said Council should look at what is best for the community when considering zoning and rezoning requests. Mr. Waters said he owns property in the area that he has attempted to clean-up over the last five years to do something positive for the community and rezoning the property in question will be detrimental to the community. He said the fringes of every African American district are converted into commercial uses and he would like to see them return to residential zoning in order to build up the community with single family homes.

Councilwoman Moore said the property should be upgraded, but she doesn't want to see the zoning changed. Council would be taking a chance on rezoning and that isn't necessary to upgrade the property. She said she had been advocating for a community center at Iola Jones park for over 25 years and she doesn't want to see the zoning changed. Economic Development should benefit the community, not just the property owner.



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Pro tem Jebaily made a motion to defer to allow staff the opportunity to research and explore the ability to put in place the necessary language that was agreed upon verbally by the applicant to prevent the future use of the property, should Council approve of the rezoning.

Mayor Ervin summarized the situation at hand and reiterated that the store will be able to continue its operation of a convenience store in its current zoning of NC.

Mayor Ervin asked if there is a second to Pro tem Jebaily's motion to defer. Councilwoman Moore made a motion to amend the motion to defer to also request that staff prepare for Council what all would be permitted under a CR district in the event the current owners decide to sell and Pro tem Jebaily seconded the motion to amend. Council voted unanimously (5-0) to defer Bill No. 2021-08, as amended.

Bill No. 2021-09 – First Reading

An Ordinance to rezone the parcel located at 607 Second Loop Road, identified as Florence County Tax Map Parcel 90079-03-008.

Councilwoman Moore made a motion to pass Bill No. 2021-09 on first reading and Pro tem Jebaily seconded the motion.

Mr. Dudley reported this property is currently zoned Commercial Reuse (CR) and the proposed zoning is Commercial General (CG) and is the site of the newly constructed Bela Dentistry office. The primary purpose for the proposed rezoning is to allow for signage along the street that is more in line with the CG district.

A public hearing was held on February 9, 2021 regarding this matter and Planning Commission voted 6-0 to recommend the rezoning request contingent upon the dental office increasing their buffers to meet the CG requirements if they do change their sign.

Councilman McCall said this is a business district and he is perplexed as to how CG zoning is being allowed along Second Loop Road in a highly residential area. Mayor Ervin said this is commercial zoning along a major thoroughfare and the property in question already has a commercial zoning designation; however, CG would allow for different signage in the front and buffers in the rear of the property.

Pro tem Jebaily referenced the future land use map and asked if the parcel in question is the parcel that is directly connected to the Neighborhood Conservation (NC) zoning in front of the Sheffield Drive community or if there is a lot in between. Mr. Dudley replied there is a lot on the corner of Sheffield and Second Loop currently the site of a McLeod medical facility, which was approved as part of the Sheffield community Planned Development. This lot is zoned Planned Development (PD) with an underlying future land use of NC. One lot would remain zoned CR in between the proposed CG parcel and the underlying NC future land use/PD parcel. Pro tem Jebaily said there is a half lot beside Bela Dentistry that is undeveloped and asked if this zoning request would affect that lot. Mr. Dudley clarified that the rezoning request does not include the half lot and it would remain zoned CR.

Council voted unanimously (5-0) to pass Bill No. 2021-09.



INTRODUCTION OF RESOLUTIONS

Resolution No. 2021-04

A Resolution to authorize a Memorandum of Understanding between the City of Florence and Florence School District One to facilitate the expansion of the Farm to School Program.

Resolution No. 2021-05

A Resolution to amend the Conditional Grant and Development Agreement with Swinton Builders, LLC to provide incentives for the development of new housing within the Old Carver Station subdivision project as part of the ongoing Neighborhood Redevelopment Project.

Resolution No. 2021-06

A Resolution to amend a Conditional Grant Agreement dated July 22, 2011 between the City of Florence and Downtown Hospitality Group, LLC.

Discussion for Resolution Nos. 2021-04, 2021-05 and 2021-06 will occur in Executive Session. Action will be taken once Council resumes Open Session.

Resolution No. 2021-07

A Resolution in support of the Ron James Youth Tennis Program.

Councilwoman Moore made a motion to adopt Resolution No. 2021-07 and Councilwoman Barnes seconded the motion.

Council voted unanimously (5-0) to adopt Resolution No. 2021-07.

REPORTS TO COUNCIL

Appointments to Boards and Commissions

FLATS Committee

Mayor Ervin appointed Councilwoman Moore to the FLATS Committee. There was no objection.

Housing Authority

Councilwoman Barnes nominated Linda Williams to fill the unexpired term of John Etheridge, to expire June 30, 2023. Ms. Williams was appointed by unanimous consent.

EXECUTIVE SESSION

Councilman McCall made a motion to enter into Executive Session and Councilwoman Barnes seconded the motion. Without objection, Council entered into Executive Session at 2:41 p.m. for: a discussion of matters relating to a proposed economic development project located within an Overlay District; discussion of negotiations incident to proposed contractual arrangements; discussion of matters relating to economic development incentives associated with the city's Neighborhood Redevelopment Project; discussion of matters relating to a proposed economic development project and the receipt of legal advice.



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Council reconvened Open Session at 3:21 p.m. and took action on the following item:

Resolution No. 2021-04

A Resolution to authorize a Memorandum of Understanding between the City of Florence and Florence School District One to facilitate the expansion of the Farm to School Program.

Councilwoman Moore made a motion to adopt Resolution No. 2021-04 and Councilman McCall seconded the motion.

Council voted unanimously (5-0) to adopt Resolution No. 2021-04.

Resolution No. 2021-05

A Resolution to amend the Conditional Grant and Development Agreement with Swinton Builders, LLC to provide incentives for the development of new housing within the Old Carver Station subdivision project as part of the ongoing Neighborhood Redevelopment Project.

Councilwoman Barnes made a motion to adopt Resolution No. 2021-05 and Councilwoman Moore seconded the motion.

Council voted unanimously (5-0) to adopt Resolution No. 2021-05.

Resolution No. 2021-06

A Resolution to amend a Conditional Grant Agreement dated July 22, 2011 between the City of Florence and Downtown Hospitality Group, LLC.

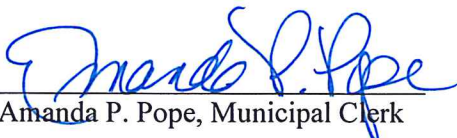
Councilwoman Barnes made a motion to adopt Resolution No. 2021-06 and Councilman McCall seconded the motion.

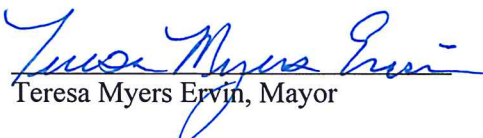
Council voted unanimously (5-0) to adopt Resolution No. 2021-06.

ADJOURN

Without objection, the March 8, 2021 Regular meeting of City Council was adjourned at 3:25 p.m.

Dated this 12th day of April 2021.


Amanda P. Pope, Municipal Clerk


Teresa Myers Ervin, Mayor