



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, MARCH 13, 2023 – 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, Councilman Chaquez T. McCall, Councilman Bryan A. Braddock, Councilwoman LaShonda NeSmith-Jackson and Councilman J. Lawrence Smith, II

ALSO PRESENT

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

MEDIA PRESENT

Mr. Christian Smith with the Florence Morning News and Mrs. Tonya Brown with WPDE NewsChannel 15 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 March 13, 2023 regular meeting of Florence City Council to order at 1:00 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

Councilwoman Barnes made a motion to adopt the minutes of the January 26-27, 2023 work retreat and the February 13, 2023 regular meeting and Councilwoman NeSmith-Jackson seconded the motion. The minutes were unanimously adopted.



SPRING 2023 CITY UNIVERSITY GRADUATION

Mrs. Amanda Pope, Director of Marketing, Communications and Municipal Services, said City University (CityU) is a program created as an additional communications tool to enhance transparency and strengthen civic engagements with the citizens of Florence. CityU is a six-week course where participants were offered the opportunity to visit different City facilities and hear presentations from the various City departments. CityU is an educational opportunity for local citizens who are interested in learning about city operations and provides a behind the scenes look at daily operations. Mayor Ervin presented certificates to the individuals who completed the City's first CityU.

APPEARENCES BEFORE COUNCIL

Mrs. Jennifer Robinson

Mrs. Jennifer Robinson appeared before Council to request funding for the Be Civil Legacy Organization. Mrs. Robinson said the family and friends of the Honorable Taft Guile, Jr. are working diligently to leave an active legacy. A committee has been formed and they are working to create a fundraiser to be held annually – the Legacy Gala. Mrs. Robinson said the Committee is requesting the City sponsor a portion of the gala by helping to secure the Florence Center to have an event in order to raise money for the students of Florence School Districts One and Two.

Mr. Don Strickland, Executive Director - PDRTA

Mr. Don Strickland appeared before Council to provide a transit update. The PDRTA covers six counties and is the largest RTA territory in South Carolina and the third largest RTA in the U.S. Mr. Strickland provided an update on PDRTA service. Timmonsville services plan to begin late spring with the Honda workforce and connections to Florence. PDRTA is working with MUSC to provide service from Cades/Lake City to Florence with a focus on workforce and medical access. A workforce route to the Pee Dee Commerce Park located on Highway 327 will begin in April. Also, Harbor Freight and other industry is requesting a Florence to Dillon commuter service, which may be possible when local funding is established. Mr. Strickland then spoke of future developments with PDRTA. There is currently a great need for public restroom facilities at the Florence Transit Center as well as a driver break area. There is a need for increased frequency of service and moving to 30-minute headways.

Mr. Strickland also presented Pro tem Jebaily with the 2023 Urban Service Board Member of the Year from the Transportation Association of South Carolina.

ORDINANCES IN POSITION

Bill No. 2022-38 – Second Reading

An Ordinance to annex and zone Commercial General three parcels located at 401, 409, and 411 Pamplico Highway, identified as Florence County Tax Map Parcels 90109-01-002, 90109-01-003, and a portion of 90108-05-001.

Pro tem Jebaily made a motion to adopt Bill No. 2022-38 on second reading and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2022-38 was adopted on second reading.

Bill No. 2023-06 – Second Reading



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An Ordinance to annex and zone NC-6.3 the parcels located 707 and 709 South Church Street, Florence County Tax Map Parcel Numbers 90104-02-015 and 90104-02-030.

Pro tem Jebaily made a motion to adopt Bill No. 2023-06 on second reading and Councilwoman Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-06 was adopted on second reading.

INTRODUCTION OF ORDINANCES

Bill No. 2023-07 – First Reading

An Ordinance to rezone a parcel located on Dexter Drive from Neighborhood Conservation-15 to Neighborhood Conservation-6.1, identified as Florence County Tax Map Number 00150-01-140.

Councilman McCall made a motion to pass Bill No. 2023-07 on first reading and Councilwoman NeSmith-Jackson seconded the motion.

Mr. Clint Moore, Assistant City Manager of Development, reported Planning Commission held a public hearing on this matter and voted 4-1 to recommend the rezoning. Water and sewer services are currently available to the property. Based upon the property's location and surrounding zoning designations, City staff recommends a NC-6.1 zoning designation as opposed to the requested NC-6.3 zoning designation by the applicant. This project will require full stormwater review regardless of if the rezoning is approved.

Pro tem Jebaily said many surrounding neighbors have expressed their concerns with this rezoning. Neighbors did indicate they would be willing to compromise on the zoning designation of NC-10 and Pro tem Jebaily asked if the developer considered this option. Mr. Moore responded the developer was provided with information on the various zoning designations. The developer wanted to stay with the denser zoning designations due to property potentially needing to be set aside for stormwater control. Pro tem Jebaily asked if the stormwater plan had been submitted yet and Mr. Moore said it has not.

Councilman Braddock said the main concern with the rezoning is stormwater and asked if the City's upcoming stormwater project on Mauldin Drive and Brandon will help mitigate the stormwater issues this property is currently experiencing. Mr. Moore said the City will conduct a stormwater review prior to development and as part of that review, the post development runoff rate will not exceed the pre development stormwater rate. Mr. Moore further said the Mauldin Drive stormwater project is in its early phases, but he does not anticipate the project to impact this development. Mr. Moore reiterated that the property can be developed into four lots in its current zoning without taking stormwater improvements into account. Six to seven lots could be developed in the proposed zoning.

Councilwoman Barnes said she has photos of one of the newer homes developed in this area and its yard floods every time there is a hard rain. She said she has concerns because this property, being a new build, was developed to the same stormwater standards yet still floods.

Discussion continued with Council on stormwater concerns and the potential development of this property in various zoning designations.

Several individuals signed up to speak on this item and Mayor Ervin recognized Mr. Yancey Stokes to speak first. Mr. Stokes spoke in opposition of the rezoning request and spoke of the character of the neighborhood, and part of the appeal of Kirkwood Subdivision is the 100 foot lot widths. The decision



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made about the zoning of the proposed property will also set the precedent for the other vacant lot directly across the street. He also spoke of the stormwater issues that neighborhood experiences and stated the water isn't draining the way it is supposed to and water backs up everywhere.

Mayor Ervin called on Mr. Richard Smith next. Mr. Smith also spoke in opposition of the rezoning request and shared his concerns of flooding and stormwater. He explained the flooding paths in the neighborhood and said the lowest point in the neighborhood is the bottom of Dexter and Attwood Drive causing the property in question to act like a retention pond.

Next, Mayor Ervin called Mr. John and Mrs. Kathy Britton to the podium. Mr. Britton also spoke in opposition of the rezoning request. He also spoke of the movement of water along Dexter, Attwood and Ansley. He said the ditches and current stormwater systems are not draining the water out of the neighborhood but are actually converging the water towards the property in question. Pro tem Jebaily addressed Mr. Britton and asked if the neighbors would find it beneficial to have had a stormwater plan presented today in conjunction with the rezoning request. Mr. Britton responded yes.

The developer, Mr. Piyush Mehta, spoke next in favor of the rezoning request. He acknowledged the flooding problem but said it would be addressed prior to development by working with the City and his engineer. Councilwoman NeSmith-Jackson asked what the use of the property will be, to which Mr. Mehta replied single-family homes will be constructed, hopefully with 60-foot lots. He elaborated on the 60-foot lots, saying this is what the market is demanding now. Pro tem Jebaily addressed Mr. Mehta, saying he had knowledge of its current zoning when he acquired the property. Pro tem Jebaily said he would like to see a stormwater or development plan before he approves of a zoning that would create more density and it would be irresponsible to approve of a higher density zoning without any knowledge of the plan or its implementation. Mr. Mehta responded and spoke of the high cost of the requested plans. He also said he can't present a development plan until he knows what zoning and lots sizes to plan for.

Mayor Ervin said Council has met with and heard the community's concerns, and they are also taking Planning Commission's recommendation into consideration. She asked if there was any further discussion.

Councilman McCall made a motion to amend the motion and table Bill No. 2023-07 until a proper stormwater plan is in place and Pro tem Jebaily seconded the motion.

Council voted unanimously (7-0) in favor of the motion, as amended. Bill No. 2023-07 was tabled.

Bill No. 2023-08 – First Reading

An Ordinance to rezone 400 East Pine Street from Planned Development (PDD-C) to Activity Center (AC), identified as Florence County Tax Map Numbers 90103-11-022 and 90103-11-025.

Councilwoman NeSmith-Jackson made a motion to pass Bill No. 2023-08 on first reading and Councilwoman Barnes seconded the motion.

Mr. Moore replied this is the property that previously housed the administrative offices for the Housing Authority. The rezoning request is necessary in order to redevelop the property into a proposed 64 townhome-style multifamily affordable housing. This property was zoned Planned Development by City Council in 1979; however, over the years the Planned Development records have been lost, necessitating a rezoning for redevelopment.



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Mayor Ervin stated that she recalls some drainage issues with this particular property. Mr. Moore concurred, saying there is a significant drainage ditch that runs along the property line. Prior to redevelopment, a stormwater plan will be established. Mr. Scotty Davis, Deputy City Manager, came forward and said there is a large stormwater pipe that runs through the property and there has been issues with the pipe in the past. Mr. Davis confirmed the piping situation will be addressed during the redevelopment process.

Mr. Esperone Huggins, Director of Facilities Management with the Housing Authority, spoke on the proposed development project. He said the drainage issues have been discussed with the developer and the infrastructure will need to be corrected before construction can begin. Mayor Ervin asked if the townhome apartments would have opportunity for homeownership. Mr. Huggins said there is potential for homeownership with other properties, but this particular property will be rentals. Councilman Braddock said this is another situation in which Council is being asked to make a decision without knowing what they are voting on. Additionally, there is an opportunity in this neighborhood to increase homeownership and this property at seven acres will be a benchmark for the direction this neighborhood shifts to.

Pro tem Jebaily asked for clarification on the requirements for development under property's current zoning and the proposed zoning. Mr. Moore said the stormwater review and land disturbance applies to all zoning designations. Mr. Moore reminded everyone that the development standards for the property's current zoning were lost. In order for any development to happen on the property a new planned development would need to be adopted or the property could get rezoned to an appropriate zoning designation, which is what is being proposed.

Councilman Smith made a motion to amend the motion and defer Bill No. 2023-08 and Mayor Ervin seconded the motion.

Council voted unanimously (7-0) in favor of the motion, as amended. Bill No. 2023-08 was deferred.

Bill No. 2023-09 – First Reading

An Ordinance to annex and zone Light-Industrial (IL) the property located at 1100 South Church Street, identified as Florence County Tax Map Number 00149-01-005.

Councilwoman NeSmith-Jackson made a motion to pass Bill No. 2023-09 on first reading and Councilman McCall seconded the motion.

Mr. Moore said this property was gifted to the City and the City wishes to annex the property and zone it Light-Industrial. Councilwoman NeSmith-Jackson asked what the intended use of the property is. Mr. Randy Osterman, City Manager, approached the podium and said this property has been exposed to a brownfields type situation and the current plan is for the City to seek grants to help clean up the property. The future of the site will be unknown until the property can be cleaned and evaluated.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-09 was passed on first reading.

Bill No. 2023-10 – First Reading

An Ordinance to correct clerical errors made in the assignment of zoning designations during the adoption of the Unified Development Ordinance by correcting the City of Florence zoning atlas.

Pro tem Jebaily made a motion to pass Bill No. 2023-10 on first reading and Councilwoman NeSmith-Jackson seconded the motion.



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Mr. Moore said most of the properties were previously zoned R-5 along with R-2 but a clerical error resulted in the application of the incorrect zoning designation of commercial general for these parcels with the adoption of the Unified Development Ordinance.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-10 was passed on first reading.

INTRODUCTION OF RESOLUTIONS

Resolution No. 2023-07

A Resolution of Recognition of Henry Bryant by City Council.

Councilwoman Barnes made a motion to adopt Resolution No. 2023-07 and Councilman Braddock seconded the motion.

Councilwoman Barnes presented the Resolution to Mr. Henry Bryant and thanked him for his positive impact to the community.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-07 was adopted.

Resolution No. 2023-08

A Resolution instructing city staff to issue notice to a Housing Authority Commissioner that a hearing will be held before the City Council of Florence to determine whether the member shall be removed as a Commissioner for inefficiency, neglect of duty, or misconduct in office.

Councilwoman Barnes made a motion to adopt Resolution No. 2023-08 and Councilwoman Jackson seconded the motion.

Councilman McCall made a motion to discuss this matter in Executive Session and Pro tem Jebaily seconded the motion. Council voted unanimously to discuss this matter in Executive Session.

Resolution No. 2023-09

A Resolution to recognize March as Women's History Month in the City of Florence.

Councilman Braddock made a motion to adopt Resolution No. 2023-09 and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-09 was adopted.

Resolution No. 2023-10

A Resolution adopting the Reclaiming Our Communities Initiative.

Pro tem Jebaily made a motion to adopt Resolution No. 2023-10 and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-10 was adopted.

Resolution No. 2023-11

A Resolution of Recognition for the Wilson High School Mock Trial Team.



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Councilwoman NeSmith-Jackson made a motion to adopt Resolution No. 2023-11 and Pro tem Jebaily seconded the motion.

Councilwoman NeSmith-Jackson presented the Resolution to the mock trial team and team instructor and congratulated them on a job well done.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-11 was adopted.

Resolution No. 2023-12

A Resolution authorizing staff to negotiate a Grant Agreement with an applicant in compliance with the South Carolina Opioid Recovery Act.

Resolution No. 2023-13

A Resolution authorizing staff to negotiate a Grant Agreement with an applicant in compliance with the South Carolina Opioid Recovery Act.

Mayor Ervin stated both Resolution No. 2023-12 and Resolution No. 2023-13 are to be discussed in Executive Session. Without objection Resolution Nos. 2023-12 and 2023-13 will be discussed in Executive Session.

REPORTS TO COUNCIL

Appointments to Boards and Commissions

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

City-County Memorial Stadium Commission

Councilman McCall made a motion to recommend that Robert Prigden be appointed to the Memorial Stadium Commission, pending approval from Florence County Council. City Council voted unanimously to recommend that Robert Prigden be appointed to the City-County Memorial Stadium Commission with a term to expire on November 30, 2025, pending approval of Florence County Council.

Design Review Board

Pro tem Jebaily made a motion to appoint Kyle Gunter in the role of a general contractor. Without objection, Kyle Gunter was appointed to the Design Review Board for a term to begin immediately and expire on June 30, 2023.

Mr. Clint Moore, Assistant City Manager of Development

Mr. Clint Moore provided an update regarding downtown projects. Contracts have been signed with the contractor for the Urban Square parking deck. The City has also received funding from the developer to partner with them in the grading of the site to accommodate the apartments. A kickoff meeting will be held on April 5th to meet and discuss the project with the contractors. It is anticipated that work will begin 45-60 days following the kickoff meeting.

MAYORAL REPORT



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Mayor Ervin spoke of a trip that she along with Mr. Osterman and Mr. Davis took to Washington, DC to meet with federal representatives to discuss the needs of the City and funding opportunities. Mayor Ervin took the opportunity to present a service recognition to Mr. Osterman for 15 years of service to the City of Florence. Mayor Ervin said it is time for the annual evaluation for the City Manager and she asked Councilwoman Barnes and Councilwoman NeSmith-Jackson to serve on the Evaluation Committee alongside her.

COMMITTEE REPORTS

Business Development Committee, Chaired by Pro tem Jebaily

Pro tem Jebaily said the Committee received an update from staff on current projects and spoke of the new Hope Health rehabilitation project. The Committee also had discussions on the Comprehensive Plan.

Community Development Committee, Chaired by Councilwoman Barnes

Councilwoman Barnes said the Committee did not meet but she has great news to share. The Florence Neighborworks CDC 501-c3 has been approved.

Marketing and Public Relations Committee, Chaired by Councilwoman NeSmith-Jackson

Councilwoman NeSmith-Jackson reported the Committee discussed annexation at the previous meeting and a proactive approach to the City's doughnut holes. The Committee also discussed impact fees.

Finance, Audit and Budget Committee, Chaired by Councilman McCall

Councilman McCall said the Committee received an update on the weatherization program and had discussion regarding the opioid settlement funding.

EXECUTIVE SESSION

Mayor Ervin said Council will be entering into Executive Session to receive legal advice on the removal of a member of the Housing Authority Board, for a discussion related to a contractual matter, for a discussion related to a contractual matter and for a personnel matter.

Without objection, Council entered into Executive Session at 3:20 p.m.

Council resumed open session at 5:30 p.m. and took action on the following items:

[Pro tem Jebaily exited Council Chambers.]

Resolution No. 2023-08

A Resolution instructing city staff to issue notice to a Housing Authority Commissioner that a hearing will be held before the City Council of Florence to determine whether the member shall be removed as a Commissioner for inefficiency, neglect of duty, or misconduct in office.

Councilman Smith recused himself due to a conflict of interest. (The recusal statement is attached to and made part of the minutes.)



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There is currently a motion on the floor by Councilwoman Barnes with a second by Councilwoman NeSmith-Jackson to adopt Resolution No. 2023-08.

Councilwoman Barnes made a motion to amend the motion to insert the date and time in the Resolution for the hearing as March 31, 2023 at 10:00am and Councilwoman NeSmith-Jackson seconded the motion.

Council voted 5-0 in favor of the motion to amend with Pro tem Jebaily being absent from the vote and Councilman Smith having recused himself. The amendment passed.

[Pro tem Jebaily joined the meeting.]

Councilwoman NeSmith-Jackson made a motion to adopt Resolution No. 2023-08, as amended and Councilwoman Barnes seconded the motion. Council voted 6-0 in favor of the motion, as amended, with Councilman Smith having recused himself. Resolution No. 2023-08 was adopted, as amended.

Resolution No. 2023-12

A Resolution authorizing staff to negotiate a Grant Agreement with an applicant in compliance with the South Carolina Opioid Recovery Act.

Councilman Braddock recused himself due to a conflict of interest. (A copy of the recusal statement is attached to and made part of these minutes.)

Pro tem Jebaily made a motion to adopt Resolution No. 2023-12 and Councilman McCall seconded the motion.

Council voted 6-0 in favor of the motion, with Councilman Braddock having recused himself. Resolution No. 2023-12 was adopted.

Resolution No. 2023-13

A Resolution authorizing staff to negotiate a Grant Agreement with an applicant in compliance with the South Carolina Opioid Recovery Act.

Mayor Ervin made a motion to table Resolution No. 2023-13 and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-13 was tabled.

ADJOURN

Without objection, the March 13, 2023 Regular meeting of City Council was adjourned at 5:35 p.m.

Dated this 10th day of April 2023.

Casey C. Moore, Municipal Clerk

Teresa Myers Ervin, Mayor

RECUSAL STATEMENT

Member Name: Councilman Bryan Braddock

Meeting Date: March 13, 2023

Agenda Item: Section Resolutions Number: 2023-12

Topic: A Resolution authorizing staff to negotiate a grant agreement with an applicant in compliance w/ the SC Opioid Recovery Act.

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

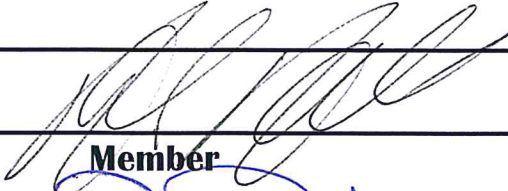
X

Professionally employed by or under contract with principal

Owens or has vested interest in principal or property

Other: _____

Date: 3/13/23



Member

Approved by Parliamentarian: 

RECUSAL STATEMENT

Member Name: J. Lawrence Smith, II

Meeting Date: 3.13.23

Agenda Item: Section Resolution Number: 2023-08

Topic: Removal of Housing Authority Commissioner

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: When the investigation was launched

I was currently a commissioner of the Housing Authority.

Date: 3-13-2023 JLS
Member

Approved by Parliamentarian: [Signature]