

# REGULAR MEETING OF FLORENCE CITY COUNCIL MONDAY, NOVEMBER 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. Benjamin T. Zeigler, City Attorney; Mrs. Casey Moore, Municipal Clerk; Mr. Clint Moore, Assistant City Manager of Development; Chief Allen Heidler, Florence Police Department; Mr. Michael Hemingway, Director of Utility Planning and Economic Development; Mr. Jerry Dudley, Director of Utilities; Mrs. Jennifer Krawiec, Director of Human Resources; Mrs. Amanda Pope, Director of Marketing/Communications and Municipal Services; Mr. Adam Swindler, Director of Public Works and Mr. Kevin Rawlinson, Chief Financial Officer

#### **MEDIA PRESENT**

Mr. Christian Smith with the Florence Morning News, Mr. Seth Taylor with the Post and Courier, 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 November 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 NeSmith-Jackson made a motion to adopt the minutes of the October 9, 2023 Regular Meeting and Councilwoman Barnes seconded the motion. The minutes were unanimously adopted.



#### **FALL 2023 CITY UNIVERSTIY GRADUATION**

Mrs. Amanda Pope, Director of Marketing, Communications and Municipal Services, introduced the graduates of the fall 2023 CityU class. Due to public interest in the program, CityU will continue in the spring of next year. Mayor Ervin presented certificates to the individuals who completed the City's CityU fall session.

#### **SPECIAL RECOGNITION**

Mayor Ervin said the City of Florence, South Carolina has been designated as a regional site for the observance of Veterans Day, 2023 by the Veterans Day National Committee. Mayor Ervin thanked the Veterans Park Committee and Mr. Barry Wingard, Chairman, for their work and commitment to the Veterans Park.

#### APPEARANCES BEFORE COUNCIL

#### **Scott Garner**

Mr. Scott Garner appeared before Council to speak on fentanyl. He said he has learned that the way deaths associated with fentanyl are reported are not consistent and are often not correct, and this needs to be addressed. Mr. Garner spoke of number of deaths caused by fentanyl. He expressed frustration that fentanyl is not mentioned within the City's website or on its social media. Mr. Garner ended by asking Council what they are going to do about the fentanyl epidemic.

Mayor Ervin thanked Mr. Garner for being a voice to make change. She said there are many organizations in Florence that work with addiction and Florence has some of the best health care facilities in the state that provide treatment services. Mayor Ervin said, as a governing body, Council is doing all they can do and it will take support from the community and family members to make change.

Councilman McCall spoke of how the City is helping to fight, as well as spread awareness on, the opioid crisis. He explained that the City has just allocated funding from the opioid settlement to organizations fighting the opioid addiction.

Councilman Braddock said the City can utilize the website and social media to spread awareness on fentanyl and its dangers and he encouraged families to keep fentanyl test strips and Narcan in their homes.

#### **ORDINANCES IN POSITION**

#### Bill No. 2023-35 – Second Reading

An Ordinance to name the pocket park next to 218 North Dargan Street, identified as a portion of Florence County Tax Map Number 90170-04-002.

Councilwoman NeSmith-Jackson made a motion to adopt Bill No. 2023-35 on second reading and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-35 was adopted.



#### Bill No. 2023-36 - Second Reading

An Ordinance to rezone a portion of 2000 Marsh Avenue, identified as Florence County Tax Map Number 90043-02-001, from CA to NC-15.

Pro tem Jebaily made a motion to adopt Bill No. 2023-36 on second reading and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-36 was adopted.

#### Bill No. 2023-37 – First Reading

An Ordinance to amend Chapter 12 of the City of Florence Code of Ordinances to provide for the creation and administration of a Round Up program that would apply to a utility customer's monthly bill.

Mayor Ervin made a motion to make an amendment to the ordinance to allow customers that wish to optin to the program can do so in writing. The motion failed due to a lack of a second.

Councilman McCall made a motion to adopt Bill No. 2023-37 on second reading and Councilwoman Barnes seconded the motion.

Mayor Ervin said she was contacted by many residents that would prefer to have the ability to opt-in to the program instead of being automatically enrolled in it. She said this is the reason she made the motion to amend and is the reason she will be voting against the ordinance.

Pro tem Jebaily referenced a recent article in the Morning News by Cameron Campbell, President of the United Way. The United Ways of South Carolina recently unveiled its first statewide ALICE Report. ALICE households are asset limited, income constrained, employed and are individuals that earn above the federal poverty level but less than the amount required to afford basic necessities. According to the Florence County ALICE Report, the top request for assistance was electric payment assistance, followed by rent payment assistance. Pro tem Jebaily said providing water service is one of the most basic services needed by the community. The round-up program is a way to provide assistance to those living paycheck to paycheck and he is proud to vote in favor of the Ordinance.

Councilman Braddock spoke of a recent water bill situation with a local retired teacher who had no means to address the financial situation with her bill. He said he feels that more situations will arise due to the economy and inflation in which people need help. The most anyone would contribute to program over the course of a year is \$11.88. The program is also only able to help those enrolled in the program. Councilman Braddock said opting out of the program will be made simple and customers will have six months to do so.

Councilwoman Barnes said this program will allow a customer to be eligible for up to \$300 per year in assistance on their water bills. This program will help alleviate a burden for some and it is about helping those in need.

Councilman McCall said he has attended several community meetings since first reading of the Ordinance and this program was well received. He said the success of this program depends on the marketing of it and the word needs to get out to more people. The program will not go into effect for six months allowing time for people to opt-out.

Mayor Ervin agreed that it is a wonderful program, her only issue is not giving people the right to choose.



Council voted 6-1 in favor of the motion, with Mayor Ervin voting against. Bill No. 2023-37 was adopted.

#### INTRODUCTION OF ORDINANCES

#### Bill No. 2023-34 – First Reading

An Ordinance to amend the budget for the City of Florence, South Carolina, for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024.

Councilman McCall made a motion to pass Bill No. 2023-34 on first reading and Councilman Braddock seconded the motion.

Mr. Kevin Rawlinson, Chief Financial Officer, reported the funds are being re-appropriated from fiscal year 2022-23 to complete projects and purchases which were not finalized at the end of the fiscal year.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-34 was passed on first reading.

#### Bill No. 2023-38 - First Reading

An Ordinance to amend Article II of Chapter 2 of the Code of Ordinances of the City of Florence to add provisions relating to committees of City Council.

Mayor Ervin made a motion to pass Bill No. 2023-38.

Councilman McCall raised a point of order and asked who sponsored this Ordinance. Mayor Ervin said this Ordinance has been in process since the establishment of the Committees in 2021. She said the former City Attorney was working on the Ordinance and she asked the new City Attorney, Ben Zeigler, to proceed with the Ordinance when he came on board. Mayor Ervin said she isn't necessarily sponsoring the Ordinance, but the Committees need guidelines in order to know how to operate.

Mayor Ervin asked if there was a second to the motion. The motion failed due to a lack of a second.

Councilwoman Barnes raised a point of information and asked if having Council Committees is new. Mr. Zeiger said a point of information is only valid if there is something pending, but he would be glad to answer the question if the Mayor will allow it. Mayor Ervin said this information was shared with Council prior to the meeting. She asked Mr. Zeigler to clarify how long ago it was sent it and he responded several months ago. She said this information is not new to Council and Mr. Zeigler has actually met with some of the members to discuss this.

Pro tem Jebaily raised a point of order. He said the rules of procedure Council has adopted is Robert's Rule of Order. He asked if the Mayor, as a member of Council, is equal to every other member of Council Under Robert's Rules of Order. Mr. Zeigler said Robert's Rules of Order handles conduct and meeting procedure, but under the City's form of government, the Mayor is the default Chair of the meeting. Mr. Zeigler further clarified, that unless Council decides otherwise, under the Council-Manager form of government, the Mayor presides over the meetings. Pro tem Jebaily spoke of a point of order, asking if a point of order is raised, is it not addressed to the attorney. Mr. Zeiger clarified that a point of order is addressed to the Chair when it is raised. The Chair then rules on the point of order; however, the member seeking the ruling may appeal from the Chair to the body and the decision will be made by the whole Council. Pro tem Jebaily asked if it is correct that when a point of order is raised, it takes precedence, no matter who is speaking, and should be addressed immediately and Mr. Zeigler said that is correct.



Councilwoman Barnes asked for an appeal so that Mr. Zeigler can address her question raised earlier regarding the Committees. Mr. Zeiger said there has to be a procedural determination by the chair in order to make an appeal. Mr. Zeigler clarified the situation that occurred. A motion was made and there shouldn't have been any discussion prior to a second being made. Once anyone began speaking without a second, that would have been the time to raise a point of order.

Councilman Smith raised a point of order. He said since there should have been no discussion without a second, technically the statements that were made should not be part of the record. Mr. Zeigler said there is an argument for that but once draft minutes are presented, Council may strike any discussion from the record.

Bill No. 2023-38 failed due to a lack of a second.

#### Bill No. 2023-39 – First Reading

An Ordinance to update Appendix A and Appendix B of the City's current Business License Ordinance as required by section 6-1-400 to -420 of the Suth Carolina Code of Laws.

Pro tem Jebaily made a motion to pass Bill No. 2023-39 and Councilwoman Barnes seconded the motion.

Mr. Rawlinson reported every two years, the City is required adopt, by Ordinance, the latest standardized business license class schedule.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-39 was passed on first reading.

#### Bill No. 2023-40 - First Reading

An Ordinance to update Section 20-22(a) to align the date of taxicab inspections with business license renewals.

Councilman McCall made a motion to pass Bill No. 2023-40 on first reading and Councilwoman Barnes seconded the motion.

Mr. Rawlinson reported this Ordinance is to align taxicab inspections in conjunction with the business license renewal and conform to the renewal date established by the standardization act in city code. Inspections will be conducted in April and October of each year.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-40 was passed on first reading.

#### Bill No. 2023-41 - First Reading

An Ordinance to annex and zone CG 700 South Parker Drive, identified as Florence County Tax Map Number 90004-01-018.

Councilwoman Barnes made a motion to pass Bill No. 2023-41 on first reading and Pro tem Jebaily seconded the motion.

Mr. Clint Moore, Assistant City Manger of Development, reported this property is adjacent to the parking lot of the Housing Authority. Planning Commission held a public hearing on this matter and recommended the zoning request of CG, Commercial General. City water service is currently available. City sewer service is unavailable, and the property is served by a lift station that is owned and operated by a private party. The property owner has signed an agreement and release regarding responsibility for the sewer service.



Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-41 was passed on first reading.

#### **INTRODUCTION OF RESOLUTIONS**

#### Resolution No. 2023-47

A Resolution to proclaim Friday, December 1, 2023 as Arbor Day in the City of Florence.

Pro tem Jebaily made a motion to adopt Resolution No. 2023-47 and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-47 was adopted.

#### Resolution No. 2023-48

A Resolution to honor the contributions of Top Hat Special-Teas to the efforts to revitalize Downtown Florence.

Councilman McCall made a motion to adopt Resolution No. 2023-48 and Pro tem Jebaily seconded the motion.

Mayor Ervin presented the Resolution to Ms. Laurie Crouse, owner of Top Hat Special-Teas.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-48 was adopted.

#### Resolution No. 2023-49

A Resolution approving an amendment to the Conditional Grant and Development Agreement dated November 10, 2022 between the City of Florence and 127 West Evans Historic, LLC.

Mayor Ervin said this item is to be discussed in Executive Session. Without objection, this item 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.

#### **Design Review Board**

Councilwoman NeSmith-Jackson deferred her nomination to the Board.

#### Public Safety Citizen's Review Board

Mayor Ervin deferred her nomination to the Board.

#### **Planning Commission**

Councilman Smith deferred his nomination to the Board.



#### **Accommodations Tax Advisory Committee**

Mr. Chad Patterson, Chairman, presented on behalf of the Accommodations Tax Advisory Committee and provided the recommendation of the Committee for distribution of Accommodations Tax funds for FY 2023-24. The Committee is tasked with the responsibility of recommending the expenditure of the 65% of the Accommodations Tax funds that are received by the state. This year, the funds are estimated to be \$999,600 and are available to be distributed for tourism promotion. Based on state laws and City guidelines, the Committee reviewed proposals from 21 organizations and events based on their past, present, and future abilities to bring tourists to the community. The Committee was able to fund approximately 80% of the \$1,253,000 in requests and the Committee is confident that the allocations recommended are fiscally responsible investments back into the community.

Pro tem Jebaily made a motion to send the Accommodations Tax Advisory Committee's recommendation of the FY 2023-24 distribution of Accommodations Tax funds to the Finance, Audit and Budget Committee for review and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) in favor of the motion. The motion passed.

#### MAYORAL REPORT

Mayor Ervin acknowledged the Veterans Park and the national recognition it continues to receive. Mayor Ervin thanked everyone that attended the Veterans Day Ceremony this year. The Pecan Festival was also a success and she recognized former City Councilwoman Pat Gibson-Hye Moore, who was a founder of the Pecan Festival. She thanked everyone that has been and is currently involved in the festival to make it a success.

#### **COMMITTEE REPORTS**

#### Business Development Committee, Chaired by Pro tem Jebaily

Pro tem Jebaily thanked everyone that helped make the Pecan Festival a successful event. He reported that the Business Development Committee received an update on the stormwater masterplan, as well as an update on Urban Square. The parking garage is currently being constructed and land clearing is occurring for the apartment building. Also discussed were the corridor enhancement projects, specifically the East Palmetto Corridor. Pro tem Jebaily referenced an article in Diversity Works. A copy of this article is attached to and made part of these minutes.

Mr. Hemingway provided an update on stormwater projects. Currently out to bid is the Pennsylvania and the Cedar/McQueen projects. The Masterplan is currently on schedule and will be before Council in June, 2024. The City has \$18,000,000 in stormwater projects with \$7,000,000 coming from the bond monies and \$11,000,000 in grants.

Pro tem Jebaily thanked City staff for being diligent in securing \$11,000,000 in grant funding for additional stormwater projects.

#### Community Development Committee, Chaired by Councilwoman Barnes

Councilwoman Barnes congratulated Pro tem Jebaily on a successful Pecan Festival. Other than Pro tem Jebaily, she said she is the only other member currently on Council that worked with the Pecan Festival when it first started, having served on the Downtown Revitalization Board. She thanked Pat Gibson-Hye



Moore, Jeanne Downing and Pro tem George Jebaily for making the Pecan Festival come to fruition and for their continued hard work over the years to make it a success.

Councilwoman Barnes reported the Committee discussed the need for a study on housing. She said there is a need for affordable housing and the desire is to make it attainable housing. Councilwoman Barnes acknowledged that the study cannot be budgeted in this fiscal year but the Committee will go before Council to ask that the study be included in next fiscal year's budget.

Mayor Ervin spoke of the Pecan Festival. She said, as a matter of clarification, Pat Gibson-Hye Moore had the idea for the Pecan Festival and took her idea to Jeanne Downing, and she is recognized by the state as being the founder of the Pecan Festival. She further said nothing of the caliber like the Pecan Festival can be done without a team. Pro tem Jebaily raised a point of order. He said Councilwoman Barnes gave her report on her Committee and it is not appropriate for independent discussion unless there is a question about the report. Mayor Ervin thanked Councilwoman Barnes for her report.

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

Councilwoman NeSmith-Jackson reported the Committee received an update on the new bot and more information should be released soon. Councilwoman NeSmith-Jackson said she has been serving on Council for a year and she thanked Council for their support and expertise and she looks forward for more years to impact the community.

#### Finance, Audit and Budget Committee, Chaired by Councilman McCall

Councilman McCall reported the Committee discussed the monthly financial packet. Also discussed was the round-up program and how to ensure proper notice is given to the customers. Lastly, the Committee discussed the Accommodations Tax and having a representative from the Accommodations Tax Advisory Committee attend their meeting to discuss their recommendations.

#### **EXECUTIVE SESSION**

Mayor Ervin said Council will be entering into Executive Session for a discussion related to a proposed Economic Development project, for a discussion related to a proposed Economic Development project, for legal advice, for legal advice, and for a personnel matter.

Councilwoman Barnes made a motion to enter into Executive Session and Councilwoman NeSmith-Jackson seconded the motion. Council voted unanimously (7-0) to enter into Executive Session at 2:30 p.m.

Council resumed open session at 4:00 p.m. and took action on the following items:

#### Resolution No. 2023-49

A Resolution approving an amendment to the Conditional Grant and Development Agreement dated November 10, 2022 between the City of Florence and 127 West Evans Historic, LLC.

Councilwoman NeSmith-Jackson made a motion to adopt Resolution No. 2023-49 and Councilman McCall seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-49 was adopted.



#### Legal Advice

Councilman Braddock made a motion for the City of Florence to opt-out of the multi-district litigation lawsuit and for Council to make the decision on legal representation and Councilwoman NeSmith-Jackson seconded the motion.

Pro tem Jebaily said there is already an evaluation process underway with the City Attorney working with the City Manager. He said there is a deadline to opt-in or opt-out of the lawsuit and asked for clarification on the process to choose the attorney. Councilman Braddock said it will be similar to how they choose a City Attorney and the Interim City Manager. Councilman Braddock said a decision that is going to affect the City's water customers should be made by Council as opposed to an outgoing City Manager that wouldn't be left of the ramifications of the decision.

Mr. Zeigler clarified the situation before Council. The issue is that the City will either need to opt-in or opt-out of the PFAS forever chemical multi-district litigation lawsuit settlement. The first part of the motion indicates that the City wishes to opt-out of the multi-district litigation lawsuit. The City will need to retain counsel to pursue its own action against the defendants who are currently in the PFAS settlement. The second part of the motion indicates that Council would like to make the decision on the attorney itself in lieu of the City Manager. Councilman Braddock said that is correct.

Pro tem Jebaily said he understands a process to review attorney applications is underway. He asked if Council is agreeable to receiving recommendations from staff on qualified applicants and then choosing representation based off staff recommendations. Councilman Braddock indicated that he is agreeable to that process.

Councilman McCall inquired on the applicant pool and the request for proposals from the applicants. Mr. Zeigler said they identified twelve firms initially and found six that were interested and qualified. Request letters were sent to the six firms and three proposals were received.

Councilwoman NeSmith-Jackson inquired on the qualifications in the proposal. Mr. Zeigler said they asked each entity to provide who will be involved both regionally and locally, how costs will be handled and funded, their experience in PFAS litigation and any public clients they have represented.

Council voted unanimously (7-0) in favor of the motion. The motion passed.

#### Legal Advice

Councilwoman NeSmith-Jackson made a motion to designate the City Manager as the hearing officer for the hearings and appeals according to Sections 13-15 and 13-16 of City Code for the remainder of this calendar year and Councilman Smith seconded the motion.

Council voted unanimously (7-0) in favor of the motion. The motion passed.

#### **Personnel Matter**

Mayor Ervin said a personnel matter was also discussed, but no action is needed.

#### **ADJOURN**

Without objection, the November 13, 2023 Regular meeting of City Council was adjourned at 4:08 p.m.



Dated this 11th day of December 2023.

Casey C. Moore, Municipal Clerk

### MOVING FLORENCE FORWARD By Les Echols



A big part of moving Florence, South Carolina forward for the past 20 years has been public and private investment in downtown redevelopment. With more jobs. people and activities coming to the area, community development has been addressed as an equally important item to work on. Two City of Florence Councilmen, Mayor pro-tem George Jebaily and Lawrence "Chippa" Smith, began to investigate a way to use the same redevelopment strategies to help develop one underserved community in Florence.

With a 60 percent poverty rate and several dilapidated areas, the US 76 corridor of East Palmetto Street is an area that has needed redevelopment for years. One of the biggest issues, according to Jebaily, was figuring out where to begin. "There was a dilapidated motel with all sorts of illicit activities taking place, which was immediately next to a park with children, that had not been addressed for decades. As a community, we all knew that something needed to be done to solve this problem. The first step was to get partner funding to purchase the motel and tear it down. which would then allow for the redevelopment of Levy Park." Utilizing grants from multiple partnership sources provided the initial funding needed for the purchase of the motel and to clear the site.

"McLeod Health and the Drs. Bruce and Lee Foundation became big supporters and partners in the project with their purchase of the motel and subsequent donation of the land to the city to expand Levy Park. With a commitment by the city of utilizing Federal grant money, along with a commitment by the County to assist with the demolition of

the abandoned motel. the property was cleaned and properly abated," said Jebaily. The next step was a redesign process to beautify and reimagine the park, making it safe for children and bystanders. "Safety for one, was a huge factor in the redesign,' states Smith, whose constituents live in the Levy Park community. "The Pine Street extension, which currently cuts through the middle of the park, will curve behind the park, so children would not be in danger from vehicles." continued Smith. He added that ideally, this same model of

accessing grants and partnerships can be used in the redevelopment of other parks and communities in the city.

According to Jebaily, the opportunity for redevelopment funding was spurred on through an outreach conversation. "I spoke with Holly Beaumier of The Florence Convention Visitors Bureau, and she directed us to the U.S. Parks Service Legacy Program for a grant that might be able to assist. The threshold of the grant had been dropped so that a city with a population of 30,000 could apply, this making Florence eligible," said Jebaily. "Because it is a 1:1 matching grant, with an estimated \$18 million total cost of

construction, we needed to raise an additional \$9 million dollars through our community partners to be in a position to submit the grant application," Jebaily continued.

The next step was to try and secure the additional funding needed to bring the project to fruition. Both Smith and Jebaily spoke about the critical support of the partners who are involved in the project. "County Council members Schofield, Mumford, Bradley and Moore combined to commit half a million dollars from Florence County towards the project. With a major contribution of \$2.75 million from the State of SC through the efforts of State Representatives Alexander and Lowe, an additional commitment from McLeod Health, along with commitments from Duke Energy and Francis Marion University, and an anonymous private commitment of \$3 million dollars, the local match of \$9 million dollars was finally achieved in a race against the clock putting the city in a position to finally submit the application."

"The Levy Park Reimagination Project, as it is called, could change the face and image of our entire community," Smith states. "Amenities such as interactive activities, a dog park and an inclusive park area will make sure everyone can enjoy themselves regardless of physical ability," Smith continued.

Both Jebaily and Smith also acknowledged that they were moved by the outpouring of support from the entire Florence community. "This is a transformative project, and aside from continued input from the Florence community, the one thing we are asking for is prayers for this project to become a reality," concluded Jebaily. As of October 2023, approval of the U.S. Parks Service Legacy grant is still pending.



LEVY PARK CONCEPTUAL MASTER PLAN CITY OF FLORENCE, SC