



**REGULAR MEETING OF FLORENCE CITY COUNCIL  
MONDAY, APRIL 10, 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; 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**

Ms. Taylor Ford with WBTW was 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 April 10, 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.

**ADDITION OF EMERGENCY ITEM TO THE AGENDA**

Pro tem Jebaily made a motion to add this item to the agenda and Councilwoman NeSmith-Jackson seconded the motion. Council voted unanimously (7-0) to add this item to the agenda.

Mayor Ervin said a special meeting scheduled to follow the regular meeting today will need to be postponed. The special meeting agenda included a hearing for a commissioner of the Housing Authority and that individual's attorney has fallen ill and will not be able to attend the hearing.



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Pro tem Jebaily made a motion to postpone and reschedule the hearing and Councilwoman Barnes seconded the motion.

Mr. Jim Peterson, City Attorney, reported the attorney hired by Mrs. Linda Becote has notified him that he will be unable to attend the hearing this afternoon due to illness and has requested postponement of the hearing.

Pro tem Jeabily made a motion to postpone the meeting and have staff coordinate schedules for an alternative date. Council voted unanimously to postpone the meeting.

**ADDENDUM TO THE AGENDA**

**Resolution No. 2023-20**

**A Resolution to recognize April as Black Women’s History Month.**

Councilwoman NeSmith-Jackson made a motion to add Resolution No. 2023-20 to the agenda and Councilwoman Barnes seconded the motion. Council voted unanimously (7-0) to add Resolution No. 2023-20 to the agenda.

**APPROVAL OF MINUTES**

Councilwoman Barnes made a motion to adopt the minutes of the March 13, 2023 regular meeting and the March 31, 2023 special meeting and Councilwoman NeSmith-Jackson seconded the motion. The minutes were unanimously adopted.

**APPEARENCES BEFORE COUNCIL**

**My Brother’s Keeper**

Minister Marcus Simmons, Mr. Henry Badie, Mrs. Cassandra Simmons and Ms Andrea Jackson gave a presentation on My Brother’s Keep (MBK) Shelter. MBK was formed in 2019 to serve those in need by providing essential services. The speakers went over the history of MBK Shelter and spoke of future collaborations, partnerships and needs of the organization. MBK Shelter thanked Council and asked for continuous support from the City.

Each Council Member spoke and expressed their gratitude and appreciation for the efforts of MBK Shelter in the community.

**Florence Downtown Development Corporation**

Mrs. Hannah Davis, Downtown Development Manager, reported Florence, South Carolina received the Great American Main Street Award, which can only be given to a community one time. Florence was awarded based on the City’s commitment to inclusivity and the City’s commitment to economic development and a wide range of programs the City has been working on over twenty years.

**PUBLIC HEARING**

**A Public Hearing will be held to receive citizen’s input on the allocation of \$304,546 in Community Development Block Grant funds awarded from the U. S. Department of Housing and Urban Development.**



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Mayor Ervin opened the public hearing at 1:37 p.m.

Mr. Scotty Davis, Deputy City Manager, reported the City is an entitlement city in which they receive CDBG funds each year. The City will receive \$304,546 in CDBG allocations for Fiscal Year 2023-2024. The CDBG formula allocation is based on total population, percentage of low to moderate income persons, and the unemployment rate of a jurisdiction. Each eligible activity must meet one of three national objectives: benefit low-to-moderate income persons, aid in the elimination of slum or blight, and/or meeting a need having particular urgency. There is a 20% cap of total allocation for planning and administration expenses and a 15% cap of total allocation for public service, which includes subrecipients. Mr. Davis summarized previous budget allocations, other activities done in the past with CDBG funds, and past subrecipients of CDBG funds. Mr. Davis also discussed the requests for funding from several community organizations and requests from subrecipients.

There being no other requests to speak, Mayor Ervin closed the public hearing at 1:41 p.m.

**ORDINANCES IN POSITION**

**Bill No. 2023-09 – Second 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.**

Pro tem Jebaily made a motion to adopt Bill No. 2023-09 on second reading and Councilwoman Barnes seconded the motion.

Councilwoman NeSmith-Jackson acknowledged that this property has extensive damage and asked for clarification that the City will not have to expend any monies. Mr. Clint Moore, Assistant City Manager of Development, replied the City was able to conduct the Phase I environmental site assessment on the property through an EPA brownfield grant.

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

**Bill No. 2023-10 – Second 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.**

Councilwoman Barnes made a motion to adopt Bill No. 2023-10 on second reading and Councilwoman NeSmith-Jackson seconded the motion.

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

**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.**

Mayor Ervin said it is notated on the agenda for this item to go into Executive Session in order to receive legal advice. Councilman Braddock indicated he would like to have discussion on the bill before it goes into Executive Session. Councilwoman NeSmith-Jackson made a motion to pass Bill No. 2023-07 and Councilman Smith seconded the motion.



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Councilman Braddock addressed several statements made regarding the rezoning request. First, he said it was stated there is not any current flooding on Dexter. Councilman Braddock said the reason is because there are currently no homes there. Second, he said it was stated the Council is impeding development. Councilman Braddock responded to this statement by saying as the property stands now in its current zoning, four homes could be built. Third, it was stated that the flooding issues in this area wasn't an issue until the rezoning request was submitted. Councilman Braddock responded to this statement by saying it has been an issue for a number of years. Lastly, there are 140 signatures from neighbors in the area that have been burdened by flooding for years. Councilman Braddock concluded by saying he is not in favor of any change.

Pro tem Jebaily made a motion to discuss Bill No. 2023-07 to Executive Session and Councilwoman Barnes seconded the motion. Bill No. 2023-07 will be discussed in Executive Session.

**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.**

Mayor Ervin said the applicant has asked to defer this item.

**Bill No. 2023-11 – First Reading**

**An Ordinance authorizing and directing the City of Florence to enter into an intergovernmental agreement relating to South Carolina local revenue services; to participate in one or more local revenue service programs; to execute and deliver one or more participant program supplements; and other matters relating thereto.**

Pro tem Jebaily made a motion to pass Bill No. 2023-11 on first reading and Councilman Smith seconded the motion.

Mr. Davis reported the South Carolina Business License Tax Standardization Act was enacted in 2020. The City of Florence adopted an ordinance in 2021 to comply with the requirements of the Standardization Act. Currently, the Municipal Association of South Carolina collects business license tax for the City through what has historically been known as the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Collection Program. The Municipal Association has recently rebranded these programs as Local Revenue Services and renamed the three business license programs as the Insurance Tax Program, the Brokers Tax Program, and the Telecommunication Tax Program. As a result of the Local Revenue Services rebranding and the adoption of the new local business license ordinance under Act 176, the Municipal Association is required to update the ordinance and agreement with the City of Florence in order to continue participation in Local Revenue Services.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-11 was passed on first reading.

**Bill No. 2023-12 – First Reading**

**An Ordinance to repeal Ordinance No. 2022-24 dated October 10, 2022 and enact a new Ordinance to amend Article I and II of Chapter 12 of the City of Florence Code of Ordinances entitled "Municipal Utilities".**

Pro tem Jebaily made a motion to pass Bill No. 2023-12 on first reading and Councilman McCall seconded the motion.



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Mr. Michael Hemingway, Director of Utility Planning and Economic Development, reported City Council recently adopted an ordinance to update City code in order to be consistent with changes implemented by the EPA and SCDHEC. In January 2023 all City Ordinances adopted in 2022 were submitted to Municode for codification, at which point discrepancies were discovered between current code and the adopted ordinance. This ordinance will replace the ordinance in which discrepancies were found and make the corrections that were intended initially.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-12 was passed on first reading.

**Bill No. 2023-13 – First Reading**

**An Ordinance to annex and zone RG-3 parcels located off East Crawford Avenue, identified as Florence County Tax Map Numbers 00179-01-006, 00179-01-007, and 90132-03-015.**

Pro tem Jebaily made a motion to pass Bill No. 2023-13 on first reading and Councilwoman NeSmith-Jackson seconded the motion.

Mr. Moore reported this annexation request has been submitted by the developer. The property is intended to be developed as a single-family residential subdivision. City water and sewer services are not currently available; however, the developer is required to extend water and sewer services to the property for development.

Planning Commission held a public hearing for the RG-3 zoning and voted unanimously to recommend the zoning upon annexation.

Councilwoman NeSmith-Jackson inquired on the surrounding zoning and Mr. Moore replied the surrounding area is currently unzoned in the county.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-13 was passed on first reading.

**Bill No. 2023-14 – First Reading**

**An Ordinance to annex and zone RG-3 Phase I of Smith's Field subdivision located off Smith Drive, identified as Florence County Tax Map Numbers 00100-01-265 through -313, previously a portion of Florence County Tax Map Parcel 00100-01-093.**

Councilman Smith made a motion to pass Bill No. 2013-14 and Pro tem Jebaily seconded the motion.

Mr. Moore reported this annexation request is for Phase I of three phases of Smith's Field Subdivision. Each phase will be annexed once the development process is completed. Water and sewer services are currently available.

Councilwoman NeSmith-Jackson asked why the developer is annexing in phases instead of all at once. Mr. Moore replied the developer has already gone through the permitting and planning process with Florence County. They will continue construction and inspections approval with the County and then annex as completed.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-14 was passed on first reading.

**Bill No. 2023-15 – First Reading**



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**An Ordinance to enter into a Development Agreement for Phase I of Smith’s Field subdivision located off Smith Drive, identified as Florence County Tax Map Number 00100-01-093 and 00100-01-265 through -313.**

Pro tem Jebaily made a motion to pass bill No. 2023-15 and Councilman Smith seconded the motion.

Mr. Moore said the City will be entering into a development agreement with the developers of Smith’s Field subdivision. The development agreement will lock in zoning for the development of this subdivision and ensures that the developer’s plans and funding established are secured and also ensures that the property will be annexed into the city upon completion of the development. The agreement also ensures the infrastructure will be at City’s standards even though it is being developed in the County.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-15 was passed on first reading.

**INTRODUCTION OF RESOLUTIONS**

**Resolution No. 2023-14**

**A Resolution of Recognition for the Florence 14U All Star Boys Basketball team for winning the South Carolina Recreation and Parks Association State SCAP Championship.**

Councilman McCall made a motion to pass Resolution No. 2023-14 and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-14 was passed.

**Resolution No. 2023-15**

**A Resolution of Recognition for the Florence 8U All Star Boys Basketball team for winning the South Carolina Recreation and Parks Association State SCAP Championship.**

Councilman McCall made a motion to pass Resolution No. 2023-15 and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-15 was passed.

**Resolution No. 2023-16**

**A Resolution of Recognition for the contributions of Lila’s Full Court in the community.**

Councilwoman Barnes made a motion to pass Resolution No. 2023-16 and Councilwoman NeSmith-Jackson seconded the motion.

Councilwoman NeSmith-Jackson presented the Resolution to Ms. Shelanda Deas, founder, and thanked her for contributions to the community.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-16 was passed.

**Resolution No 2023-17**

**A Resolution of Recognition for the contributions of Royaltz Finest in the community.**

Councilwoman Barnes made a motion to pass Resolution No. 2023-17 and Councilwoman NeSmith-Jackson seconded the motion.



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Councilwoman NeSmith-Jackson presented the Resolution to representatives of the organization and thanked them for work in the community.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-17 was passed.

**Resolution No. 2023-18**

**A Resolution of Recognition for the contributions of Four Giving Hearts in the community.**

Councilwoman Barnes made a motion to pass Resolution No. 2023-18 and Councilwoman NeSmith-Jackson seconded the motion.

Councilwoman NeSmith-Jackson presented the Resolution to representative of the organization and thanked them for work in the community.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-18 was passed.

**Resolution No. 2023-19**

**A Resolution to proclaim April as Fair Housing Month**

Pro tem Jebaily made a motion to pass Resolution No. 2023-19 and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-19 was passed.

**Resolution No. 2023-20**

**A Resolution to recognize April as Black Women's History Month.**

Councilwoman Barnes made a motion to pass Resolution No. 2023-20 and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-20 was passed.

**REPORTS TO COUNCIL**

**Appointments to Boards and Commissions**

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

**Civic Center Commission**

Being no applicants, Councilwoman Barnes deferred her nomination to this board.

**Housing Authority**

Mayor Ervin deferred her nomination to this board.

**2023 NLC Congressional City Conference report**



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Councilwoman Barnes said several members of Council attended the conference in Washington, DC. They were able to tour the Capital and meet with several members of Congress to advocate for monies to come back to Florence.

**MAYORAL REPORT**

Mayor Ervin congratulated Florence and the Florence Downtown Development Corporation for receiving the 2023 Great American Main Street Award and thanked the community for their support. Mayor Ervin also welcomed the Post and Courier to the City. Also upcoming is a celebration of life the Senator Hugh Leatherman and this event will occur on Mother's Day. Mayor Ervin mentioned a marker will be placed at 712 Wilson Street to signify the Ebony House.

**COMMITTEE REPORTS**

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

Pro tem Jebaily said the Committee received an update from staff on elements of the Comprehensive Plan. They also had discussions on some activities happening with particular developments including the connector to extend the rail trail from The Grove subdivision to the Soccer Complex.

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

Councilwoman Barnes said the Committee received a report on demolitions. Thirteen homes have been demolished, four homes are out for bid, five homes are under review, and twenty-eight homes are on the demolition list. The Committee also discussed some beautification efforts that will be occurring in May. Councilwoman Barnes also mentioned that the City is still in search of an Executive Director to the Community Development Corporation.

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

Councilwoman NeSmith-Jackson reported the Committee discussed the development of an annexation plan and working for smart growth.

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

Councilman McCall said the Committee did not meet, therefore he does not have anything to report.

**EXECUTIVE SESSION**

Mayor Ervin said Council will be entering into Executive Session to receive legal advice.

Without objection, Council entered into Executive Session at 2:26 p.m.

Council resumed open session at 3:15 p.m. and took action on the following items:

**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.**





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There is currently a motion on the floor by Councilwoman NeSmith-Jackson to pass Bill No. 2023-07 and a second by Councilman Smith.

Mayor Ervin said an individual has signed up to speak and invited Mr. Piyush Mehta, developer, to the podium to address Council. Mr. Mehta said he has been working to have the property rezoned since January and he's provided all he has been asked, yet he is still having a difficult time. He said the flooding that occurred with the most recent storm did not flood his property and the area that was affected by the storm is 0.6 miles away from the Dexter property. The news media reported flooding on many parts of the City with none reported on Dexter Drive, yet his development is still being stopped.

Councilman McCall stated he feels as though Mr. Mehta is alleging that Council is discriminating against him with this particular development; however, that is false. There are many people in the surrounding community going through flooding issues and these individuals are depending on Council to make the proper decision. Councilman McCall said he is often fighting for developers so they can move forward and have equitable rights, sometimes against the wishes of citizens. Councilman McCall said they are simply listening to the concerns of the residents and making sure they are doing what is right in the City.

Mr. Mehta said he has submitted engineering drawings, among other things, to the City to ensure flooding won't be an issue with this property. He restated that he has provided everything that has been asked of him.

Pro tem Jebaily said the request to increase the density of a property in an area that has flooding issues is what is concerning Council. Pro tem Jebaily made a motion to amend the current motion and send this matter back to the Planning Commission to have an evaluation done of the impact the density would have on this area and bring back a recommendation and Councilman McCall seconded the motion.

Council voted unanimously (7-0) on the amendment. The amendment passed.

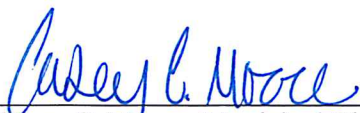
Councilwoman NeSmith-Jackson made a motion to approve the motion, as amended and send this matter back to the Planning Commission to have an evaluation done of the impact the density would have on this area and bring back a recommendation and Councilwoman Barnes seconded the motion. Council voted unanimously (7-0) on the motion, as amended. The motion, as amended, passed.


Mr. Moore said staff will work with the applicant to address the concerns of Council and provide all information to Planning Commission at their next meeting. Planning Commission will then bring back a recommendation to Council.

**ADJOURN**

Without objection, the April 10, 2023 Regular meeting of City Council was adjourned at 3:35 p.m.

Dated this 8<sup>th</sup> day of May 2023.

  
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Casey C. Moore, Municipal Clerk

  
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Teresa Myers Ervin, Mayor