

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, JANUARY 11, 2010 - 1:00 P.M.

CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

Regular Meeting – December 14, 2009

IV. SPECIAL HONORS AND RECOGNITIONS

Retirement Recognition

Pauline Lucas – 10 years of service – September 15, 1999 – December 11, 2009

Service Certificates

Gary Green – 20 years of service – Streets and Beautification

Jeff Worthington – 20 years of service – Police

Lanny Thompson – 15 years of service - Wastewater

Citizen of the Month – Ms. Jeanne Downing

V. APPEARANCE BEFORE COUNCIL

- a. Ms. Vermelle P. Simmons, U.S. Census Bureau – to address Council regarding the 2010 U.S. Census.**

VI. ORDINANCES IN POSITION

- a. **Bill No. 2009-24 – Second Reading**
An Ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day.
- b. **Bill No. 2009-45 – Second Reading**
An Ordinance to amend Section 2-24(3)(a) of the City Code to change to the time of regular council meetings every other month and to alternate the times for the meetings between 1:00 p.m. and 6:00 p.m.
- c. **Bill No. 2009-47 –Second Reading**
An Ordinance to rezone property owned by the City of Florence, 178 E. Palmetto Street and rezone adjacent property owned by Ernest Pennell, 180 E. Palmetto Street.

VII. INTRODUCTION OF ORDINANCES

- a. **Bill No. 2009-43 – First Reading**
An Ordinance to amend Article 5, Sign Regulations in the Zoning Ordinance relating to Banners.
- b. **Bill No. 2010-01 – First Reading**
An Ordinance to rezone property owned by the City of Florence, 178 E. Palmetto Street and rezone adjacent property owned by Ernest Fennell, 180 E. Palmetto Street.

VIII. INTRODUCTION OF RESOLUTIONS

- a. **Resolution No. 2010-01**
A Resolution to designate and authorize the use of E-911 fees collected by the City of Florence effective January 2010.
- b. **Resolution No. 2010-02**
A Resolution to add Veterans Day as a City Holiday.
- c. **Resolution No. 2010-03**
A Resolution that would authorize City staff to hire a consultant to solicit and identify qualified minority applicants for the police and fire departments.
- d. **Resolution No. 2010-04**
A request for a motion to reconsider Council's decision not to reimburse Councilman Williams for a trip to Washington, DC.

X. ADJOURN

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, DECEMBER 14, 2009 – 1:00 P.M.
CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM #604
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Stephen J. Wukela called the regular meeting to order at 1:00 p.m. with the following members present: Councilman Frank J. Brand, II; Councilman Steve Powers; Councilman Edward Robinson; and Mayor Pro tem Billy D. Williams. (Councilwoman Octavia Williams-Blake arrived at 2:10 p.m.)

ALSO PRESENT: David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; Phillip Lookadoo, Director of Urban Planning and Development; Scotty Davis, Director of Community Services; Darene Stankus, Director of Human Resources; Chief Anson Shells, Florence Police Department; Drew Griffin, Director of Public Works and Utilities; Chief Randy Osterman, Florence Fire Department; Thomas Chandler, Director of Finance; and Tom Shearin, Special Services Administrator.

Notices of this regular meeting were sent to the media informing them of the date, place and time of the meeting. Traci Bridges of the Morning News and Tonya Brown of TV-15 were present for the meeting.

INVOCATION

Mr. Allie Brooks gave the invocation, which was followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

Councilman Robinson made a motion to adopt the minutes of the Regular Meeting of November 9, 2009. Councilman Robinson seconded the motion, which carried unanimously.

SPECIAL HONORS AND RECOGNITIONS

Mayor Wukela presented a certificate to Billy Ray Brown in recognition of completing 30 years of service with the City of Florence.

Eric Jacobs was presented a certificate in recognition of completing 15 years of service with the City of Florence.

Jimmy Spigner received a certificate in recognition of completing 10 years of service with the City of Florence.

Mrs. Emma J. Sellers was recognized by Mayor Pro tem Billy D. Williams as the Citizen of the Month for December 2009.

APPEARANCES BEFORE COUNCIL

REPRESENTATIVES FROM THE INNER EAST FLORENCE COMMUNITY

Councilman Robinson requested that this issue be deferred until the January, 2010 meeting.

MR. JIM SHAW, MAYOR'S COALITION AGAINST JUVENILE VIOLENCE – TO PRESENT THE COALITION'S FOCUS GROUP PLAN FOR STUDENTS.

Dr. Pam Imm reported on the results of the focus group plan that occurred in the fall. Dr. Imm stated focus groups with 11th and 12th grade students from South Florence, West Florence, Wilson High and the Alternative Schools were conducted. Focus groups were held during the school day and were designed for discussion of various issues facing students but were also meant to provide information as a follow up to the focus groups conducted in October 2006.

Key summary highlights are:

- * Students reported less concern about school and community-related gang and violence issues than did the students in 2006.
- * Students reported less “turfism” and competitiveness among the high schools than did the students in 2006.
- * In general, students were positive about their schools, their teachers, and their schools’ atmosphere.
- * Students reported little opportunity for safe places to go after school that are fun and keep their interest.
- * Students mentioned movies, skating rink, and “driving around” as major activities available for them (in addition to sports, and school events).
- * The students reported being invited to “Teen Clubs” by receiving flyers and other promotions in school and the community. Many students reported availability of alcohol and other substances at these clubs.
- * All students seemed interested in a type of Teen Center. They indicated that they could work together among all high schools to plan a Center.
- * Students brainstormed ideas about a Center’s content, location, and issues around security.
- * All students indicated that they would be interested in working with other groups (e.g., Mayor’s Coalition, City Council) to plan a Teen Center to compliment what is going on at the Barnes Center and the Boys and Girls Club.

In summary, Mr. Allie Brooks reminded City Council of the commitment they made in September 2009 to partner with the Mayor’s Coalition to make the Teen Center a reality. As a result of the information given by the students, there is a need for the Coalition and City Council to develop a schedule to fine tune the student’s ideas and translate that into budget items in terms of what it will cost for a building, the content of the building, the staffing of the building, the provision of resources for that particular location so that this can be looked at as a budget item in 2010.

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Dr. Imm spoke about how to build external and internal assets in youth. The external assets include support, empowerment, boundaries and expectations and constructive use of time. The internal assets include commitment to learning, positive values, social competencies and positive identity. The idea is for Florence to be an asset building community.

In closing, Mr. Brooks asked City Council to fulfill its commitment on partnering with the Mayor's Coalition and the students so that a meeting can be scheduled in January in order to move forward with this project.

A REQUEST FROM THE PEE DEE COMMUNITY ACTION PARTNERSHIP FOR \$10,000 TO BE USED FOR THE BOXING PROGRAM.

Mr. Freddie Jolley of the Pee Dee Community Action Partnership appeared before Council and made a request that \$10,000 be approved in funding for the boxing program that is housed at the Weed and Seed facility. Mr. Jolley stated that is an annual request made by the Partnership. The funding is used for dues to the boxing association and for travel to and from boxing events.

Councilman Robinson made a motion to approve the funding of \$10,000 for the boxing program. Councilman Williams seconded the motion, which carried unanimously.

ORDINANCES IN POSITION

BILL NO. 2009-24 – SECOND READING

AN ORDINANCE TO ESTABLISH A DAYTIME CURFEW FOR JUVENILES FROM THE AGE OF SIX (6) THROUGH SIXTEEN (16) BETWEEN THE HOURS OF 8:30 A.M. AND 2:30 P.M. ON ANY SCHOOL DAY.

An Ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day was deferred by Council until the February, 2010 City Council meeting.

Councilman Robinson made a motion to defer Bill No. 2009-24 until the February 2010 City Council meeting. Councilman Powers seconded the motion, which carried unanimously. (Councilman Bradham and Councilwoman Williams-Blake were not present).

BILL NO. 2009-39 – SECOND READING

AN ORDINANCE TO AMEND ARTICLE 2.4 TABLE II: SCHEDULE OF PERMITTED AND CONDITIONAL USES AND OFF-STREET PARKING REQUIREMENTS FOR BUSINESSES AND RURAL DISTRICTS.

An Ordinance to amend Article 2.4 Table II: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Businesses and Rural Districts was adopted on second reading.

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Councilman Brand made a motion to adopt Bill No. 2009-39 on second reading. Councilman Powers seconded the motion, which carried unanimously. (Councilman Bradham and Councilwoman Williams-Blake were not present).

BILL NO. 2009-40 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY BOISY GREGG AND PEARLIE UTLEY, 1536 MCKENNEY COURT AND 1540 MCKENNEY COURT.

An Ordinance to annex and zone property owned by Boisy Gregg and Pearlle Utley, 1536 McKenney Court and 1540 McKenney Court was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2009-40 on second reading. Councilman Robinson seconded the motion, which carried unanimously. (Councilman Bradham and Councilwoman Williams-Blake were not present).

BILL NO. 2009-41 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY LEILA RAINWATER, 1519 ROCKY WAY.

An Ordinance to annex and zone property owned by Leila Rainwater, 1519 Rocky Way was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2009-41 on second reading. Councilman Powers seconded the motion, which carried unanimously. (Councilman Bradham and Councilwoman Williams-Blake were not present for the voting).

BILL NO. 2009-42 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY JOE & CAROLYN YOUNGINER, 2678 ASCOT ROAD.

An Ordinance to annex and zone property owned by Joe and Carolyn Younginer, 2678 Ascot Road was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2009-42 on second reading. Councilman Powers seconded the motion, which carried unanimously. (Councilman Bradham and Councilwoman Williams-Blake were not present for the voting).

INTRODUCTION OF ORDINANCES

BILL NO. 2009-43 – FIRST READING

AN ORDINANCE TO AMEND ARTICLE 5, SIGN REGULATIONS IN THE ZONING ORDINANCE RELATING TO BANNERS.

An Ordinance to amend Article 5, Sign Regulations in the Zoning Ordinance relating to banners was referred back to the Planning Commission.

Mr. Phillip Lookadoo, Director of Urban Planning and Development, reported to Council that this is a proposed amendment to Section 5.5 of the City of Florence Zoning Ordinance relating to banners and non-profit organizations. Current regulations allow for banners to occur once every six months for 30 days. At the July 13, 2009 City Council meeting, Councilman Brand requested the Planning Commission review the Zoning Ordinance pertaining to banners. Subsequently, at the August 11, 2009 Planning Commission meeting, a committee was appointed to review the ordinances surrounding banners. The sub-committee met on August 26 and September 22, 2009. The sub-committee reported their findings to the Planning Commission on October 13, 2009. The Planning Commission then recommended the following to City Council for adoption. The sub-committee looked at where banners were allowed and how often they were allowed and the duration for how long they would be allowed once they were put up. Currently signs or banners are not allowed in a residential zone. The issue being that churches are sometimes located in a residential zone and would not be allowed to have these types of banners as well as other non-profit institutions that are located in a residential area. The sub-committee recommended to City Council to change that section of the code to allow temporary banners in residential zones. In relation to safety and aesthetic quality, they looked at limiting the size of banners in residential zones to 32 square feet, signs must be located 5 feet from property lines, and they must be in compliance with visibility at intersections. One sign would be allowed for every 300 feet of frontage. They recommended limiting the frequency to five events annually and for 30 days each time. The fees would be waived for all temporary signs for all non-profit organizations.

(Councilman Williams left the meeting at 1:53 p.m.)

Councilman Brand made a motion to recommit this issue to the Planning Commission and request that they address the permanent sign rule. Mayor Wukela seconded the motion and added that the commission address if there is any potential that this ordinance could be drafted in such a way that it does not treat similar situated entities differently.

Councilman Powers requested that the Planning Commission look at the size of the banner allowed and to look at allowing a 500 foot frontage instead of a 300 foot frontage.

Voting aye were Mayor Wukela, Councilman Powers, Councilman Brand and Councilman Robinson. (Councilman Williams was not present for the voting).

(Councilman Williams returned at 1:58 p.m.)

Councilwoman Williams-Blake arrived at 2:10 p.m.

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BILL NO. 2009-45 – FIRST READING

AN ORDINANCE TO AMEND SECTION 2-24(3)(a) OF THE CITY CODE TO CHANGE TO TWO REGULAR COUNCIL MEETINGS PER MONTH AND TO SET THE TIMES AND DATES FOR THE TWO MEETINGS.

An Ordinance to amend Section 2-24(3)(a) of the City Code to change to two regular council meetings per month and to set the times and dates for the two meetings was amended and passed on first reading.

Councilman Williams stated this ordinance would allow the public a chance to participate in the city council meetings. Councilman Williams proposed to keep the regular meeting at 1:00 p.m. on the second Monday of each month and to set another meeting for the last Monday in the month for either 6:00 p.m. or 6:30 p.m., to be decided by Council. At the second meeting the public would be allowed time to bring concerns or interests before Council to be discussed, resolved or solved. Councilman Williams made a motion to pass Bill No. 2009-45. Councilman Robinson seconded the motion.

Councilman Brand stated he did not disagree with having an evening meeting but does not feel that Council should have two meetings per month. Councilman Brand suggested having the regular meeting at 1:00 p.m. one month and the next month scheduling it for 6:00 p.m.

Councilman Brand made a motion to amend the original motion to have one meeting per month, except for special meetings as needed, and to alternate the times between 1:00 p.m. and 6:00 p.m. Councilman Powers seconded the motion to amend.

Voting in favor of the amendment was Mayor Wukela, Councilman Powers, Councilman Brand and Councilwoman Williams-Blake.

Voting in opposition to the amendment were Councilman Williams and Councilman Robinson.

Voting in favor of the Ordinance as amended were Mayor Wukela, Councilwoman Williams-Blake, Councilman Brand and Councilman Powers.

Voting in opposition of the amended ordinance were Councilman Williams and Councilman Robinson.

BILL NO. 2009-47 – FIRST READING

AN ORDINANCE TO REZONE PROPERTY OWNED BY THE CITY OF FLORENCE, 178 E. PALMETTO STREET AND REZONE ADJACENT PROPERTY OWNED BY ERNEST PENNELL, 180 E. PALMETTO STREET.

An Ordinance to rezone property owned by the City of Florence, 178 E. Palmetto Street and rezone adjacent property owned by Ernest Pennell, 180 E. Palmetto Street was passed on first reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported that this is a request to rezone 178 E. Palmetto Street from B-1 Limited Business District to B-3 General Commercial District. The request is being made by the owner of the property, the City of Florence. The property is shown more specifically on Florence County Tax Map 90087-06-008. There is also a request to rezone the adjacent property located at 180 E. Palmetto Street from B-6 Industrial District to B-3 General

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Commercial District. The property is shown more specifically on Florence County Tax Map 90087-05-001. The request is being made by the owner, Mr. Ernest Pennell.

The Planning Commission held a public hearing for rezoning on this request at their November 10, 2009 Planning Commission meeting. The seven members present voted unanimously to approve the request.

Councilman Brand made a motion to pass Bill No. 2009-47 on first reading. Councilman Powers seconded the motion, which carried unanimously.

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 2009-14

A RESOLUTION STATING THE CITY OF FLORENCE'S OPPOSITION TO H.3272, AMENDING POINT-OF-SALE REQUIREMENTS FOR REAL PROPERTY VALUATION.

A Resolution stating the City of Florence's opposition to H.3272, amending Point-of-Sale requirements for real property valuation was adopted by Council.

Bill H.3272 has been introduced in the South Carolina General Assembly to eliminate the current assessable transfer of interest provisions, and instead, to limit increases in assessed value after an assessable transfer of interest occurs to 15% higher than the previous assessed value, thus prohibiting properties from ever truing up to their actual fair market value. It has been estimated that the statewide impact of H.3272 will be \$44 million in a typical year. Compounded annually, this bill would have a disastrous effect on municipal, county, and school district budgets across the state for many years to come. If adopted by the state legislature, H.3272 would require local elected officials to shift the property tax burden, to the extent allowed by state-mandated millage caps, to existing residents and businesses, or alternatively, to limit and/or eliminate essential public services such as police, fire, and public schools.

Councilman Robinson made a motion to adopt Resolution No. 2009-14. Councilman Powers seconded the motion, which carried unanimously.

BREAK

Councilman Powers made a motion for Council to take a brief break at 2:22 p.m. Councilman Brand seconded the motion, which carried unanimously.

Mayor Wukela reconvened the meeting at 2:28 p.m.

RESOLUTION NO. 2009-15

A RESOLUTION TO AUTHORIZE REIMBURSEMENT OF TRAVEL EXPENSES INCURRED BY COUNCILMAN BILLY D. WILLIAMS FOR A TRIP TO WASHINGTON, DC.

A Resolution to authorize reimbursement of travel expenses incurred by Councilman Billy D. Williams for a trip to Washington, DC was denied by Council.

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Councilman Robinson made a motion to approve reimbursement to Councilman Williams. Mayor Wukela seconded the motion.

Councilman Robinson spoke in favor of adopting the Resolution to reimburse Councilman Williams for his expenses to Washington, DC.

Councilman Brand reviewed the current travel policy that was recently adopted by Council. The policy states that any member of Council that needs to travel and has depleted their allotted amount of funding should come before Council and request approval of travel expenses before the trip is taken. Councilman Brand stated that he feels approval should be made before the trip is made and not after the trip has been made and would vote against this request for that reason. Councilman Williams is requesting reimbursement on a trip that has already been taken.

Mayor Wukela stated that a point of order was raised earlier regarding Councilman Williams' eligibility to vote on a matter that is directly related to him. Mayor Wukela referred to Section 45 of Robert's Rules of Order that pertains to a person voting on a question of direct personal interest and determined that Councilman Williams would be prohibited from voting on this question.

After a discussion regarding if this was personal or business, Mayor Wukela suggested that Council vote and if the Resolution receives four votes, with Councilman Williams' vote, then it would make this issue one that Council would have to decide on as an appeal of Mayor Wukela's rule of order. If it does not receive four votes, then the matter would be moot and would not matter.

Voting in favor of Resolution No. 2009-15 were Mayor Wukela, Councilman Powers, Councilman Robinson and Councilman Williams.

Voting in opposition to Resolution No. 2009-15 were Councilwoman Williams-Blake and Councilman Brand.

Councilman Robinson appealed the ruling of the chair that Councilman Williams was not eligible to vote on this issue. Mayor Wukela seconded the appeal.

Councilman Robinson debated that this trip was for the City of Florence and not personal and that Councilman Williams should be reimbursed.

Mayor Wukela asked if there was any further debate on the issue. Hearing no further debate Mayor Wukela stated that the issue before Council is the appeal of the chair's ruling that Councilman Williams is not eligible to vote on Resolution 2009-15 based on Section 45 of Robert's Rules of Order.

Mayor Wukela asked all those in favor of upholding the ruling of the chair which prohibited Councilman Williams from voting indicate by saying aye. Voting aye were Mayor Wukela, Councilwoman Williams-Blake, Councilman Brand and Councilman Powers. Voting nay was Councilman Robinson.

Mayor Wukela stated that the ruling of the chair stands. Therefore, there were three votes in favor of Resolution No. 2009-15; Mayor Wukela, Councilman Robinson and Councilman Powers. A Resolution requires a vote of the majority to pass. Resolution No. 2009-15 failed to achieve that, therefore the Resolution failed.

REPORTS TO COUNCIL

PRESENTATION OF THE CITY OF FLORENCE, SC COMPREHENSIVE ANNUAL FINANCIAL REPORT AND AUDITED FINANCIAL STATEMENTS BY THE INDEPENDENT AUDIT FIRM OF WEBSTER ROGERS, LLP, CPAs.

Mr. Bud Addison of Webster Rogers LLP presented the report to Council. Mr. Addison noted that the General Fund had approximately \$24 million in revenues; \$27.5 million in expenses; and \$2.5 million in transfers. The General Fund operated at a positive balance of approximately \$864,000 this fiscal year. Mr. Addison added that in today's economic climate, this is a tribute to the accounting staff and City Council to be able to recognize change and be prepared for it in case of revenue reductions and other factors that are beyond control.

DISCUSSION OF THE COUNCIL REQUESTED FOLLOW-UP REPORT SUBMITTED BY THE ACCOMMODATIONS TAX ADVISORY COMMITTEE.

Mayor Wukela stated there was a memorandum in the Council agenda from the chairman of the Accommodations Tax Advisory Committee regarding a request made by Council for the Committee to review four applicants that had requested funding from the Accommodations Tax Committee but were not recommended for funding. The four applicants are South Carolina Watermedia Society Annual Exhibition, Florence County Investing in Women, Florence Area Sports Council, and Beyond February: Black History Year Round.

It was Council's desire to hear from the Tax Advisory Committee as to the eligibility of the four entities that requested funding that did not receive any recommendation for funding from the Committee. Council voted at the November 9, 2009 City Council meeting to reduce a variety of different appropriations to different organizations and to leave a balance of \$5,200 to be divided among these four applicants if they were found to be eligible for funding. The Accommodations Tax Committee found only two of the four applicants to be eligible for funding; the South Carolina Watermedia Society Annual Exhibition and the Florence Area Sports Council.

Mayor Wukela recused himself from the voting due to a potential conflict of interest.

Councilman Robinson made a motion to divide the \$5,200 among the four entities. Councilman Williams seconded the motion.

Councilman Brand made a motion to amend to defer the \$5,200 until next year at which time it would be included for consideration along with the other accommodations tax requests. Councilwoman Williams-Blake seconded the motion.

Councilman Williams made a second motion to amend to request an opinion from the Attorney General regarding the allocation of the \$5,200. Councilman Robinson seconded the motion.

Voting in favor of Councilman Williams' motion to amend were Councilman Williams and Councilman Robinson.

Voting against Councilman Williams' motion to amend were Councilman Brand, Councilman Powers and Councilwoman Williams-Blake.

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The motion to amend failed 3-2.

Voting in favor of Councilman Brand's motion to amend were Councilman Brand, Councilman Powers and Councilwoman Williams-Blake.

Voting against Councilman Brand's motion to amend were Councilman Robinson and Councilman Williams.

Councilman Brand's motion to amend passed 3-2.

A REQUEST FOR FUNDING IN THE AMOUNT OF \$6,000 FOR THE WEED AND SEED PROGRAM.

Councilwoman Williams-Blake stated that the Weed and Seed Program is experiencing financial difficulties and one of their biggest expenses is their rent. Their landlord has agreed to reduce their rent to help them out financially. Councilwoman Williams-Blake made a request that City Council approve \$6,000 to help cover rent expenses for the Weed and Seed Program for the next six months. Councilman Brand seconded the motion.

Following a discussion, Councilman Williams suggested that \$75,000 be taken from surplus funds and allocated to the Weed and Seed Program to ensure that services would continue.

Councilwoman Williams-Blake stated she did not have a problem with allocating money to the Weed and Seed Program but feels it is not the City's function to fund private organizations that do services.

The motion made by Councilwoman Williams-Blake passed with a unanimous vote.

A DISCUSSION BY COUNCILMAN ROBINSON OF FUNDING FOR LEGISLATIVE DAY.

Councilman Robinson stated that the City of Florence, Florence County and Florence County Progress each allocate \$10,000 to the Florence Legislative Day that is held annually in Columbia. Councilman Robinson stated he does not feel this is a justifiable expense.

Councilman Robinson made a motion to withdraw the funding for the Legislative Day and to use the funding for something else that is needed in the City of Florence. Councilman Williams seconded the motion.

Voting in favor of the motion were Councilman Robinson and Councilman Williams.

Voting against the motion were Councilman Powers, Councilman Brand, Mayor Wukela and Councilwoman Williams-Blake.

The motion failed 4-2.

A REPORT REGARDING CONSIDERATION OF GIVING A THIRD CHRISTMAS HOLIDAY TO CITY EMPLOYEES.

Mr. David Williams, City Manager reported that the state government and county government offices that are located in the building have been granted an additional holiday for Christmas. When this action occurs, the question always arises as to whether City Council is interested in entertaining the same

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action for city employees. The city government offices would be the only offices open in the building and operating costs would be incurred to keep the building open for city offices. The official holidays for the City are Christmas Eve and Christmas Day. The additional holiday would be the Monday after Christmas.

Councilman Williams made a motion to approve a third Christmas holiday for City employees. Councilman Brand seconded the motion.

Voting aye were Councilman Brand, Councilman Robinson, Councilman Williams and Councilwoman Williams-Blake.

Voting nay was Councilman Powers.

ADJOURN

Councilman Williams made a motion to adjourn the meeting. Councilman Brand seconded the motion, which carried unanimously.

The meeting was adjourned at 3:38 p.m.

Dated this 11th day of January, 2010.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2009
AGENDA ITEM: Ordinance No. 2009-____
DEPARTMENT/DIVISION: City Council - Councilman Robinson

I. ISSUE UNDER CONSIDERATION

The ordinance now under consideration is designed to establish a daytime curfew for juveniles age of 6 through 16 addressing there whereabouts during the hours of 8:30 a.m. to 2:30 p.m. on days when school is in session.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

This matter has been discussed on numerous occasions and has been studied in detail by a group of citizens, representatives from schools, representatives from the Police Department, representatives from DSS and Juvenile Justice, and representatives from other agencies involved with youth in Florence. After careful study and the review of data regarding problems occurring during school hours, this group recommended that this issue be presented to Council in the form of an Ordinance to allow Council to study the issues involved and take appropriate action.

III. POINTS TO CONSIDER

- (a) The attached ordinance proposes language approved by the above described committee.
- (b) The ordinance requires two readings;
- (c) Council should hold a Public Hearing to receive input and hear evidence regarding the problems that exist and the method to address the problems;
- (d) Council should receive legal advice concerning the proposed ordinance in Executive Session; prior to the election

IV. STAFF RECOMMENDATION

Staff stands ready to carry out the wishes of Council.

V. ATTACHMENTS

Copy of the proposed Ordinance 2009-____.

ORDINANCE NO. 2009 - _____

An ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day.

WHEREAS, §5-7-30 of the South Carolina Code of Laws, as amended, authorizes the City of Florence to enact regulations and ordinances relating to the health, order, and general welfare of the City and its citizens in connection with its services; and

WHEREAS, after careful study and discussions of statistics provided by the police department, this council finds that there has been an increase in incidents involving juvenile crime and school age youth loitering in the City limits during school hours on school days, when they are supposed to be in school, at home, under the supervision of an alternative school, in a supervised youth program, or otherwise in the control of their parents, guardians, or responsible adult; and

WHEREAS, this council finds, after careful study, that it is in the best interest of the City of Florence and its citizens that a "school age daytime curfew ordinance be established.

NOW, THEREFORE, be it ordained, by the Mayor and the members of the City Council of the City of Florence, South Carolina, that Chapter 14 of the Code of Ordinances of the City of Florence entitled "Offenses and Miscellaneous Provisions" be amended to add the following:

OFFENSES AND MISCELLANEOUS PROVISIONS

Daytime Curfew for School Age Juveniles, Compulsory School Attendance - Parental Duty Imposed

- A. For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.**

"Public place" means any street, highway, alley, or right-of-way, to include sidewalks; any park, playground, mall, or building open to the public; any cemetery, school yard, body of water, or watercourse; any privately or publicly owned place of amusement, entertainment, or public accommodation including parking lots and other areas adjacent thereto; and any vacant lot or land.

B. No Juvenile from the age of six through sixteen years of age shall be in any public place within the city except in attendance at school between 8:30 a.m. and 2:30 p.m. on any school day unless:

1. The juvenile has written proof from school authorities that he or she is excused from school attendance at that particular time; or
2. The juvenile attends a private school in which the attendance requirements differ from that of public school; or
3. The juvenile has been emancipated pursuant to the Laws of the State of South Carolina; or
4. The juvenile is accompanied by his or her parent or legal guardian or a responsible adult selected by the parent or legal guardian to supervise the child; or
5. The juvenile is employed pursuant to an age or schooling certificate, during actual working hours or traveling directly to or from the job site; or
6. The juvenile is receiving home education pursuant to the Laws of the State of South Carolina

A police officer shall apprehend any juvenile found violating section B of this ordinance. No juvenile will be released except into the custody of his or her parent or legal guardian, a school official, or a School Resource Officer at the offender's school. Any juvenile who violates section B of this ordinance is subject to the jurisdiction of Family Court.

C. No parent or legal guardian of a juvenile from the age of six through sixteen years of age shall negligently allow a juvenile to violate section B of this ordinance.

It shall be an affirmative defense to section C that the parent or legal guardian has initiated the jurisdiction of the Family Court against the juvenile prior to the time that the juvenile was found violating section B of this ordinance.

D. If a juvenile is suspended or expelled from school, that juvenile's parent or legal guardian shall, for the duration of the suspension or expulsion:

1. Prohibit the juvenile from being in any public place at the times that the juvenile would have been required to be in attendance at school had he or she not been suspended or expelled unless:
 - A. The juvenile is accompanied by his or her parent or legal guardian or a responsible adult selected by the parent or legal guardian to supervise the child.
 - B. The juvenile is employed pursuant to an age or schooling certificate, during actual working hours, or traveling directly to or from the job site.
2. Shall not have as a defense the inability to personally or otherwise supervise the juvenile during the suspension period.

It shall be an affirmative defense to section D that the parent or legal guardian has initiated the jurisdiction of the Juvenile Court against the juvenile prior to the time that he or she violated section D of this ordinance.

E. Penalty

Any parent or legal guardian who violates section C or D of this ordinance is guilty of a misdemeanor and upon the first offense shall be given a written warning. Second and subsequent offenses that occur during the school year shall be punishable by a fine of \$100 dollars per offense.

F. Upon notification that a juvenile has been suspended from school, officers of the Florence Police Department shall, as time permits, perform random home visits in order to assure that the juvenile is in compliance with section D of this ordinance. When performing random visits, officers shall not enter any home of any suspended juvenile without the permission of an adult present at the residence. Officers shall investigate the whereabouts of the juvenile from outside of the residence unless invited inside by an adult.

G. Parents or legal guardians violating this ordinance shall not be subject to custodial arrest, but shall be issued a summons to appear in Municipal Court.

That this Ordinance shall become effective on the ____ day of _____,
2009.

ADOPTED THIS ____ DAY OF _____, 2009.

Approved as to form:

James W. Peterson, Jr., **City Attorney**

Stephen J. Wukela, **Mayor**

Attest:

Dianne M. Rowan, **Municipal
Clerk**

FLORENCE CITY COUNCIL MEETING

DATE: January 5, 2010
AGENDA ITEM: Ordinance No. 2009-____
DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION

At the December, 2009 meeting, an ordinance to amend Section 2-24(3)(a) of the City Code to change to two regular council meetings per month and to set the times and dates for the two meetings was introduced and discussed. Pursuant to amendment from the floor, the ordinance was amended to continue the current provision for one meeting per month on the second Monday of each month, but to alternate the time of the meeting so that it alternates every other month between 1:00 pm and 6:00 pm. The attached ordinance incorporates the amendment made on first reading.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

(a) S. C. Code Ann. §5-7-250 (1976) requires council to determine its own rules and order of business, and §5-7-260 through §5-7-290 provide for the form, method of adoption, and codification of ordinances.

(b) Section 2-24 of the City Code as it now exist was adopted by council in September of 2009.

(c) This amendment as proposed to §2-24(3)(a) at the December meeting incorporated certain specific changes which included the following:

- (1) changing from one (1) regularly scheduled meeting per month to two (2) regularly scheduled meeting per month ;
- (2) leaving the first meeting per month at the same time and date as presently held (second Monday of each month at 1:00 p.m.);
- (3) setting the second regular meeting for the fourth Monday of each month at 6:00 p.m. in order to allow the public to more easily participate.

(d) The attached amendment incorporates the changes made by Council at the December meeting incorporated certain specific changes which included the following:

- (1) leaving one (1) regularly scheduled meeting per month;
- (2) leaving the first meeting per year, and all meetings in odd numbered months at the same time and date as presently held (second Monday of each month at 1:00 p.m.);
- (3) changing the time for the regular meeting in the even numbered months to 6:00 p.m. in order to allow the public to more easily participate.

III. POINTS TO CONSIDER

(a) The ordinance requires two readings, the first of which occurred at the December 14, 2009 meeting. It is before council for second reading.

(b) The setting of the time and dates of regularly scheduled Council Meetings is a policy decision placed in the discretion of Council by the applicable South Carolina Code sections.

IV. STAFF RECOMMENDATION

Staff stands ready to carry out the wishes of Council.

V. ATTACHMENTS

Copy of the proposed Ordinance 2009-____, as amended at the meeting on December 14, 2009.

ORDINANCE NO. 2010- _____

(As Amended on First Reading)

AN ORDINANCE TO AMEND SECTION 2-24(3)(a) OF THE CITY CODE TO CHANGE THE TIME OF REGULAR COUNCIL MEETINGS EVERY OTHER MONTH AND TO ALTERNATE THE TIMES FOR THE MEETINGS BETWEEN 1:00 PM AND 6:00 PM.

WHEREAS, S. C. Code Ann. §5-7-250 (1976) requires council to determine its own rules and order of business, and §5-7-260 through §5-7-290 provide for the form, method of adoption, and codification of ordinances; and

WHEREAS, it appears to Council that the efficient governing of the City requires that the meetings of council alternate between 1:00 and 6:00 in order to allow the meeting every other month to be held after regular work hours to allow for easier public involvement and input;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Florence that Section 2-24 of the City Code for Florence, South Carolina be as is hereby amended to the extent that Paragraph (3)(a) will now read verbatim and provide as follows:

“3 Meetings of Council.

(a) Regular meetings of council shall be held once per month, on the second Monday in each month, the first meeting each year in January and the regular meetings in each odd numbered month being at 1:00 p.m., the second meeting each year in February and the regular meetings in each even numbered month being at being at 6:00 p.m., unless changed by majority vote of members present at any regular or special meeting.”

Except as so amended, the remaining provisions of Section 2-24 shall remain unchanged and in full force and effect.

This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

Ordinance No. 2010 - _____
January 11, 2010

ADOPTED THIS _____ DAY OF _____, 2010.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: December 8, 2009

AGENDA ITEM: Ordinance
First Reading

DEPARTMENT/DIVISION: City of Florence Urban Planning & Development Department

I. ISSUE UNDER CONSIDERATION:

Rezone 178 E. Palmetto St. from B-1 Limited Business District to B-3 General Commercial District. Tax Map 90087-06-008. The request is being made by the owner, City of Florence. & Rezone adjacent 180 E. Palmetto St. from B-6 Industrial District to B-3 General Commercial District Tax Map 90087-05-001. The request is being made by the owner, Ernest Pennell.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

No previous action has been taken on this request. A Public Hearing for rezoning was held at the November 10, 2009 Planning Commission meeting. Planning Commission members voted to approve the requests 7-0.

III. POINTS TO CONSIDER:

This item is being introduced for first reading only.

IV. OPTIONS:

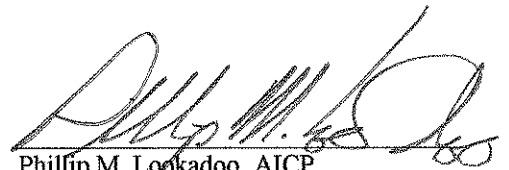
City Council may:


- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

V. PERSONAL NOTES:

VI. ATTACHMENTS:

Map showing the location of the property.
Zoning Map
Comprehensive Plan Map
Staff Report


Phillip M. Logkadoo, AICP
Urban Planning and Development Director


David N. Williams
City Manager

ZONING REQUEST PC#2009-22



140

Feet



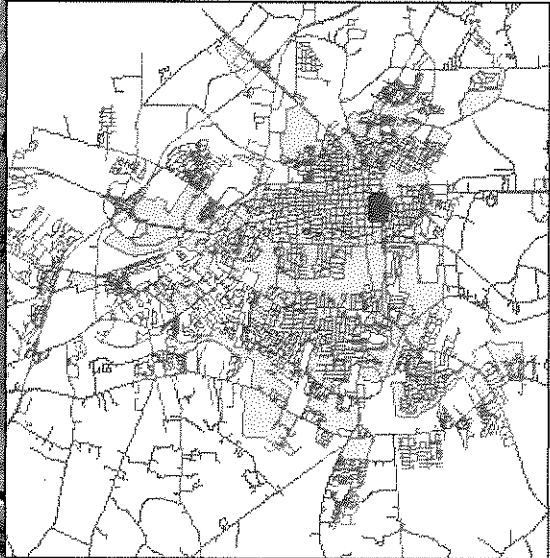
Urban Planning &
Development Department



Rezoning Request

ORIGINAL PREPARATION
This map was prepared by:
City of Florence
Urban Planning & Development Department

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ZONING REQUEST PC#2009-22



210

Feet



Urban Planning &
Development Department



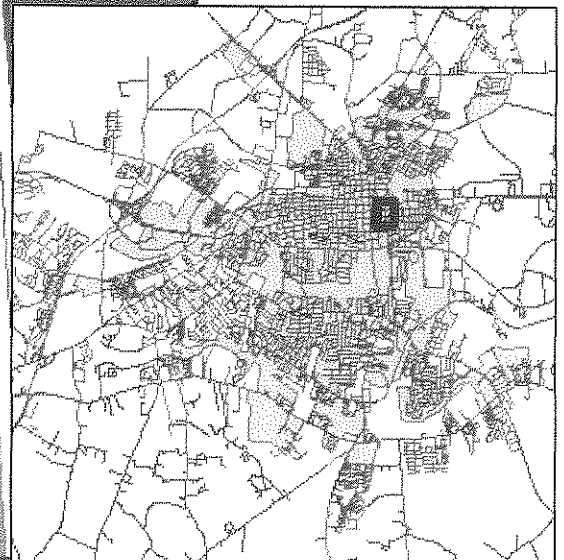
Legend

- Planning, DBO, Roads
- Planning, DBO, Parcels
- R-1, SINGLE FAMILY, LARGE LOTS
- R-2, SINGLE FAMILY, MEDIUM LOTS
- R-3, SINGLE FAMILY, SMALL LOTS
- R-4, MULTI FAMILY, LIMITED
- R-5, MULTI FAMILY
- PD, PLANNED DEVELOPMENT
- B-1, LIMITED
- B-2, CONVENIENCE
- B-3, GENERAL
- B-4, CENTRAL
- B-5, OFFICE-LIGHT INDUSTRIAL
- B-6, INDUSTRIAL
- RU-1, COMMUNITY
- RU-2, RESOURCE
- UNZONED

ORIGINAL PREPARATION
This map was prepared by:
City of Florence

Urban Planning & Development Department

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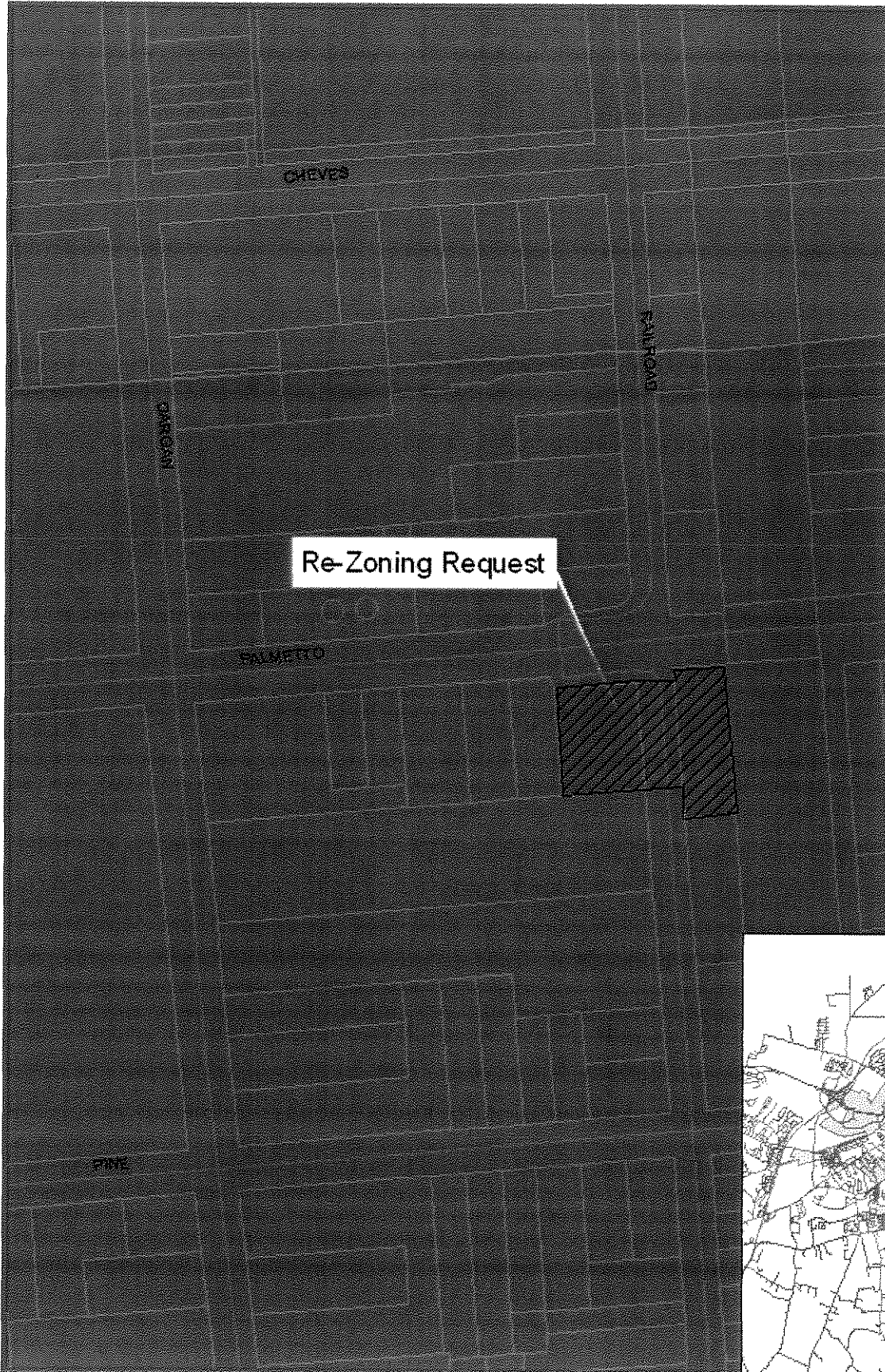
COMPREHENSIVE MAP PLAN

Rezoning Request

PC # 2009-22














Urban Planning &
Development Department



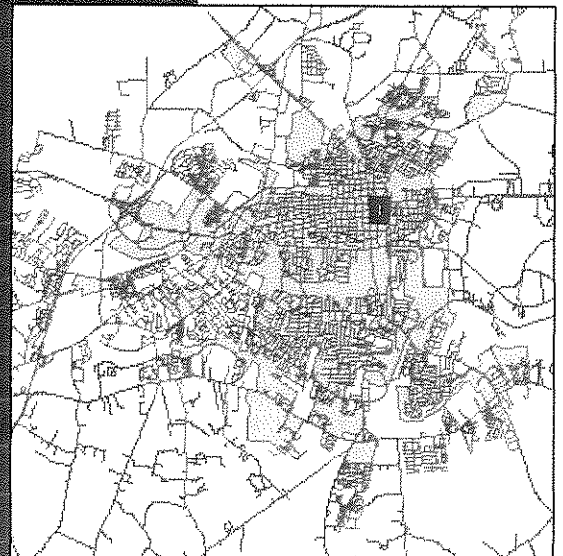
Legend

Land Use Categories

-  DVR
-  EXR
-  HEC
-  HEN
-  IB
-  LEN
-  NC
-  OPN
-  RCN
-  RRL
-  TRN

This map was prepared by:
City of Florence
Urban Planning & Development Department

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ZONING PETITION STAFF CHECKLIST

PC#22-2009

November 4, 2009

IDENTIFYING DATA

Name of Owner: City of Florence
 Address: 178 E. Palmetto
 Tax Parcel Number(s): 90087-06-008
 Proposed Zoning Change: B-1 Limited Business District to B-3 General Commercial
 Current Use: Admin Office
 Proposed Use: Admin Offices *

Name of Owner: Ernest Pennell
 Address: 180 E. Palmetto
 Tax Parcel Number(s): 90087-05-001
 Proposed Zoning Change: B-6 Industrial District to B-3 General Commercial
 Current Use: Vacant Building
 Proposed Use: Not Stated by Applicant *

**any B-3 use would be permitted, present and future*

DIMENSIONAL REQUIREMENTS

B-1 and B-3 have similar: lot size, lot width, front, rear, and side setback requirements. B-3 requires less impervious surface area coverage than B-1 and has no max floor area, whereas B-1 max floor ratio is 30%. B-1 has a 38ft height maximum and B-3 has no height restriction but does require for additional setbacks for heights greater than 38ft. B-3 requires less total lot area than B-6 and has a lesser 5ft side and rear setback. Heights for B-3 and B-6 are indeterminate but do require increased setbacks for heights greater than 38ft.

Section 2.5 Table III

District	Minimum Lot Area (a)		Lot Width (ft) (b)	Front Yard Setback	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-6	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None

d – Total floor measured as a percent of total lot area

e – There is no maximum; provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

ZONING PETITION STAFF CHECKLIST

MISCELLANEOUS PROVISIONS

Is any portion of this property in floodplain? NO

Are there any known zoning violations on this site? NO

Tax records indicate the owner(s) are: City of Florence & Ernest Pennell

This application is submitted by: the owners listed above
 an agent for the owner
 other

LAND USE PLAN CONFORMANCE

The current Land Use Plan blankets several land classifications across large portions of the City. The area along Palmetto & Railroad is classified as Industrial Business (IB). The current land use plan defines IB as follows:

“The objective of the Industrial–Business designation is twofold, (1) to create industrial and business development opportunities and (2) to protect existing industrial and business interest from incompatible development.

Areas so designated have been determined to be suitable to such development based on soil conditions, access, and infrastructure (existing or planned).”

The definition of IB to create business supports a B-3 zoning. Much of the area zoned B-3 in and around downtown is classified IB by the Land Use Plan.

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?
The Design Guidelines establish the basis for urban design criteria and recommended uses to support a vibrant downtown. A zoning change to B-3 would allow for more compatible uses within a downtown.

ZONING PETITION STAFF CHECKLIST

2. What are adjacent properties zoned, and what are adjacent land uses?

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	B-3	Meeting Hall
Northeast	B-1	Railroad
East	R-4	Railroad
Southeast	B-3	Railroad
South	B-6	Manufacturing
Southwest	B-3	Vacant
West	B-3	Fire Station
Northwest	B-3	Vacant Restaurant

3. What are development plans in the area – roads, schools, future commercial development, etc.?

The Performing Arts Center located one block to the west is under construction and serves as a focal point in downtown. There are other downtown enhancement projects ongoing.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?

The current B-6 zoning allows for mostly industrial manufacturing uses. The property owner (Ernest Pennell) wishes to expand his lease options to include other potential tenants due to economic conditions that have reduced demand for industrial space. The Fire Department Administrative office in B-1 is also a feasible use in B-3. The rezoning from B-1 to B-3 creates a more unified zoning layer.

5. List some potential uses under existing zoning.

Utility Operations	Building Construction Operations
Manufacturing	Wholesale Trades
Eating Place	Public Administration
Warehousing	Finance, Insurance, Real estate (FIREA)
Medical Labs	Parks & Playgrounds

6. List some potential uses under proposed zoning.

General Commercial less Manufacturing

ZONING PETITION STAFF CHECKLIST

7. Are any of these uses inappropriate for this location, and if so, why?
Parking requirements under current zoning are dependent on the specific use of a site. The current use of 178 E. Palmetto as an administrative support service requires 1 space per 750 sqf of gross floor area (GFA). This site does meet parking requirements.
- There is no stated use for 180 E. Palmetto and due to the size of the building, potential conflicts with use and parking may exist. The most intense parking requirement for a specific B-3 use is 1 space per 150 sqf of GFA. Per the Auditor bldg. size 7166sqf, 47 spaces would be required under the most parking intense B-3 uses.
- Shared parking is encouraged for downtown. The intent is to enhance a stronger visual urban form by reducing the need for gapping open asphalt parking areas. A parking plan would be reviewed as part an application for zoning compliance and at this time the applicant must verify adequate parking exists to support their intended use.
8. (a) What is applicant's stated reason for requesting zoning?
The applicant, Ernest Pennell, seeks more potential lease options created by the B-3 General Commercial zoning classification.
- The City re-zoning B-1 to B-3 creates more uniform zoning along the east Palmetto corridor and a more cohesive zoning layer.
9. (a) What will be the benefits to the surrounding properties?
More permitted land uses that compliment the recommended character of downtown as established by the design guidelines.
- (b) What will be the detriments to the surrounding properties?
None are readily known. Increased traffic flow on Railroad as accessed by E. Palmetto may create a point of congestion due to the 90 degree bends on Railroad.
10. Is a traffic study required for this petition?
No. These re-zoning applications do not meet The Land Subdivision Ordinance Sec 5.1 G. of projects the requiring a traffic studies
11. What does the purpose statement of the proposed zoning district say?
B-3 General Commercial District: The intent of this district is to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region in which it holds a central position.

ZONING PETITION STAFF CHECKLIST

12. Will this proposal meet the intent of the above purpose statement?
Yes. B-3 provides for more retail trade uses that accommodate an active downtown.

ORDINANCE NO. 2009 _____

AN ORDINANCE TO REZONE PROPERTY OWNED BY THE CITY OF FLORENCE, 178 E. PALMETTO ST. & REZONE ADJACENT PROPERTY OWNED BY ERNEST PENNELL, 180 E. PALMETTO ST.

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on November 10, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by the City of Florence, owner of 178 E. Palmetto St. & Ernest Pennell, owner of 180 E. Palmetto St. were presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be zoned B-3:

The property 178 E. Palmetto St. requesting zoning amendment is shown more specifically on Florence County Tax Map 90087, block 06, parcel 008 (0.38 Acres). & property 180 E. Palmetto is shown more specifically on Florence County Tax Map Tax Map 90087, block 05, parcel 001 (0.31 Acres).

WHEREAS, Florence City Council concur in the aforesaid application, findings and recommendations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence of the aforesaid properties to B-3, General Commercial District
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

ADOPTED THIS _____ DAY OF _____, 2009

Ordinance No. 2009-_____
December 8, 2009

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

VII. a.
Bill No. 2009-43
First Reading

DATE: December 14, 2009

AGENDA ITEM: First Reading, Ordinance to amend the Zoning Ordinance

DEPARTMENT/DIVISION: Urban Planning & Development

I. ISSUE UNDER CONSIDERATION

An amendment to Section 5.5 of the City of Florence Zoning Ordinance in relation to temporary signs (banners) and non-profit organizations. The current regulations do not allow banners in residential zones and where permitted, they are allowed for up to 30 days with a six month interval.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. During the July 13, 2009 City Council meeting, Councilman Buddy Brand requested that Planning Commission review the Zoning Ordinance regulations pertaining to banners.
2. At the August 11th Planning Commission meeting, Chairman Glynn Willis appointed a sub-committee to review the current ordinance and report back with recommendations.
3. The sub-committee met on August 26 and September 22 while staff provided current information on sign regulations, addressing both constitutional and legal issues.
4. On October 13, 2009, the sub-committee presented their report of recommended changes at the Planning Commission meeting.
5. After receiving legal advice, Planning Commission voted 6-0 to recommend approval of the proposed changes as shown in the attached ordinance.

III. POINTS TO CONSIDER

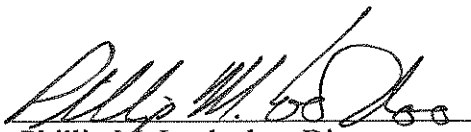
This item is being considered for first reading.

IV. OPTIONS

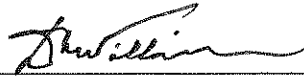
1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

V. ATTACHMENTS

1. Ordinance
2. Staff report to Planning Commission
3. Sign Sub-Committee Report



Phillip M. Lookadoo, Director
Urban Planning & Development



David N. Williams
City Manager

**CITY OF FLORENCE URBAN PLANNING & DEVELOPMENT
STAFF REPORT
TO THE
CITY PLANNING COMMISSION**

CASE NO: PC# 2009-20

DATE: October 13, 2009

SUBJECT Text Amendment to Article 5, Section 5.5,
Temporary Signs

STAFF ANALYSIS:

A sub-committee of the Planning Commission was established by Chairman, Glynn Willis. The committee met on two occasions to review and discuss Section 5.5, Temporary Signs of the Zoning Ordinance with particular reference to the regulations for temporary signage for non-profit organizations.

At these meetings, staff provided current information on signage regulations provided by the American Planning Association. Issues that were addressed included both constitutional and legal aspects.

After considering and discussing the issues, the sub-committee recommended the several amendments to the current Zoning Ordinance as shown in the attached minutes.

STAFF RECOMMENDATION:

Staff recommend that the Zoning Ordinance should continue to regulate the size, location and display duration of temporary signage for non-profits as recommended by the sign sub-committee in their report.

Staff express concern that exceptions weaken not only the intent of the Zoning Ordinance but also its overall legality.

City of Florence Planning Commission
Sign Subcommittee Report
September 22, 2009

Members Present: Mildred Welch, Simon Lee, Louie Hopkins and Ron Moore

Staff : Phillip Lookadoo, Liz Shaw, Tyrone Simon

The committee continued to review the current temporary sign regulations with particular concentration on banners in relation to non-profit organizations.

Phillip Lookadoo explained that the current ordinance was adopted in 1999 and not enforced. The previous ordinance had exempted non-profit organizations from being required to obtain a permit. Non-profit organizations have, therefore, been basically unregulated as far as temporary signage is concerned. The City of Florence took over zoning responsibilities in July 2008 and is now enforcing the current ordinance which requires permits for all temporary signs including banners.

Phillip Lookadoo also explained that signs, as a form of speech, are protected by the First Amendment. Sign ordinances should, therefore, be content neutral and not regulate the sign content. An ordinance should balance the need for signs with the need to enhance community appearance and not diminish traffic safety.

After considerable discussion the committee proposed the following:

1. Amend Article 5, Table II, Number, Dimension and Location of Permitted Signs by Zoning District to allow banners as temporary signs for institutional and non-residential uses in residential zones. Currently, they are not permitted.
2. Amend Section 5.5 Temporary Signs for non-profit organizations etc to:
 - a. limit the size of banners in residential zones to 32 s.f.
 - b. signs must be located at least 5 feet from property lines
 - c. signs must be in compliance with Section 7.5 Visibility at Intersections
 - d. one sign is allowed per 300 feet of street frontage
 - e. limit banners to 5 events annually
 - f. banners to be allowed for a maximum of 30 days
3. Amend Section 8.6 Filing Applications, Fees
 - a. On-Premise Sign Permit \$25*
 - b. * Fees shall be waived for temporary signs for non-profit organizations

The committee also suggested that entities with a need for more signage and with sufficient road frontage should be encouraged to consider an additional permanent sign with changeable copy.

These proposed amendments and suggestion would support the purposes of sign regulation in the City of Florence and also give more opportunities for the use of temporary banners for non-profit organizations.

ORDINANCE NO. 2009_____

AN ORDINANCE FOR AMEND ARTICLE 5, SIGN REGULATIONS IN THE ZONING ORDINANCE RELATING TO BANNERS

WHEREAS, the Planning Commission was directed by City Council to review the current Zoning Ordinance in relation to banners and non-profits and;

WHEREAS , the Planning Commission established a sub-committee to study this issue and report back to the Planning Commission with their findings and;

WHEREAS , the Planning Commission at their October 13, 2009 meeting recommended approval of the amendments as submitted by the sub-committee as follows:

1. Current text with changes shown by a strikethrough:

Table VII
 Number, Dimension, and Location of Permitted Signs,
 By Zoning District

Sign Type	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (3)	UZ (5)
Permanent										
Freestanding										
Billboards (4)	N	N	N	P	N	P	P	N	N	P
Other	P (1)	P (1)	P	P	P	P	P	P (1)	P	NA
Directional (6)	N	A	A	A	A	A	A	A	A	NA
Building										
Canopy	N	P	P	P	P	P	P	P	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
Directional	N	A	A	A	A	A	A	A	A	NA
Marquee	N	N	P	P	P	P	P	N	N	NA
Projecting	N	N	P	P	P	P	P	N	N	NA
Roof	N	N	P	P	P	P	P	N	N	NA
Roof, Integral	N	N	P	P	P	P	P	N	N	NA
Wall	N	P	P	P	P	P	P	P	N	NA
Window	N	A	A	A	A	A	A	A	A	NA
Temporary (2)										
A-Frame	N	N	A	A	A	A	A	N	N	NA
Banner	N	N	P	P	P	P	P	N	N	NA
Posters	A	A	A	A	A	A	A	A	A	NA
Portable	N	N	N	P	N	N	P	P	N	NA
Inflatable	N	N	P	P	N	N	P	N	N	NA
Pennant	N	N	P	P	N	P	P	N	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
Sign Characteristics										
Animated	N	N	P	P	P	P	P	N	N	NA
Changeable Copy	N	A	A	A	A	A	A	A	A	NA
Illumination Indirect	A	A	A	A	A	A	A	A	A	NA
Illumination Internal	A	A	A	A	A	A	A	A	A	NA

Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N	N	N	NA
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- 1 – Signs identifying or announcing land subdivisions, residential projects, or agricultural operations, where permitted.
- 2 – See Section 5.5
- 3 – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.
- 4 – Where permitted by Table VII, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW as defined by Table VIII and U.S. designated highways.
- 5 – Un-zoned area of County.
- 6 – Though allowed w/o prior permitting, must meet the conditional requirements of Table VIII
- NA – Regulation not applicable in un-zoned area of county.

Proposed text:

Table VII
Number, Dimension, and Location of Permitted Signs,
By Zoning District

Sign Type	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (3)	UZ (5)
Permanent										
Freestanding										
Billboards (4)	N	N	N	P	N	P	P	N	N	P
Other	P (1)	P (1)	P	P	P	P	P	P (1)	P	NA
Directional (6)	N	A	A	A	A	A	A	A	A	NA
Building										
Canopy	N	P	P	P	P	P	P	P	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
Directional	N	A	A	A	A	A	A	A	A	NA
Marquee	N	N	P	P	P	P	P	N	N	NA
Projecting	N	N	P	P	P	P	P	N	N	NA
Roof	N	N	P	P	P	P	P	N	N	NA
Roof, Integral	N	N	P	P	P	P	P	N	N	NA
Wall	N	P	P	P	P	P	P	P	N	NA
Window	N	A	A	A	A	A	A	A	A	NA
Temporary (2)										
A-Frame	N	N	A	A	A	A	A	N	N	NA
Banner	P	N	P	P	P	P	P	N	N	NA
Posters	A	A	A	A	A	A	A	A	A	NA
Portable	N	N	N	P	N	N	P	P	N	NA
Inflatable	N	N	P	P	N	N	P	N	N	NA
Pennant	N	N	P	P	N	P	P	N	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
Sign Characteristics										
Animated	N	N	P	P	P	P	P	N	N	NA
Changeable Copy	N	A	A	A	A	A	A	A	A	NA
Illumination Indirect	A	A	A	A	A	A	A	A	A	NA
Illumination Internal	A	A	A	A	A	A	A	A	A	NA
Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N	N	N	NA

- 1 – Signs identifying or announcing land subdivisions, residential projects, or agricultural operations, where permitted.
- 2 – See Section 5.5
- 3 – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.

- 4 – Where permitted by Table VII, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW as defined by Table VIII and U.S. designated highways.
- 5 – Un-zoned area of County.
- 6 – Though allowed w/o prior permitting, must meet the conditional requirements of Table VIII
- NA – Regulation not applicable in un-zoned area of county.

2. Proposed amendments are highlighted:

Section 5.5 Temporary Signs

Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	daylight hours only	off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B,H Non-profits only I,J,K,L, M
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	11 Months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	200 sq. ft.	F
Political	Unlimited	Not Applicable	6 sq. ft (Residentially zoned areas); 16 sq. ft (all other areas)	C/G

- A. A-Frame signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.
- B. Banners and pennants shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.
- C. Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five (5) feet from a street or curb.
- D. Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.
- E. Inflatable signs shall be properly anchored and shall not interfere with airport traffic.
- F. Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 5.7.
- G. Political signs shall be removed within 7 days after the election.
- H. The City Manager may declare a special event to be a special public function for a specific period of time during which temporary non-durable signs such as banners, pennants, etc. may be used. Permits are required for a special public function; however, normal fees shall be waived for governmental and eleemosynary (charitable) organizations.
- I. Banners in residential zones to be no larger than 32 square feet.

- J. Banners to be at least 5 feet from property lines.
- K. One banner allowed per 300 feet of street frontage.
- L. Banners limited to 5 events annually with a maximum of 30 days per event.
- M. Banners must be located in compliance with Section 7.5, Visibility at Intersections.

3. Current text with changes shown by a strikethrough:

Section 8.6 Filing Applications; Fees

Applications for permits shall be filed on forms provided by the Zoning Administrator, signed by the owner or developer, and shall be accompanied by the following fees:

Permit / Application	Fee
Certificate of Zoning Compliance	\$25
Repair Permit	See Building Code
Outdoor Advertising Sign Permit	See Building Code
On-Premise Sign Permit	\$25
Certificate of Occupancy	No Charge
Summary Plat Approval	\$25

Proposed text:

Section 8.6 Filing Applications; Fees

Applications for permits shall be filed on forms provided by the Zoning Administrator, signed by the owner or developer, and shall be accompanied by the following fees:

Permit / Application	Fee
Certificate of Zoning Compliance	\$25
Repair Permit	See Building Code
Outdoor Advertising Sign Permit	See Building Code
On-Premise Sign Permit	\$25 *
Certificate of Occupancy	No Charge
Summary Plat Approval	\$25

*Fees to be waived for temporary signs for non-profit organizations

WHEREAS, Florence City Council concur in the aforesaid application, findings and recommendations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. That an Ordinance is hereby adopted by amending the Zoning Ordinance as shown above.
2. That this Ordinance shall become effective immediately.

ADOPTED THIS _____ DAY OF _____, 2009

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

VII. b.
Bill No. 2010-01
First Reading

CITY OF FLORENCE COUNCIL MEETING

DATE: January 11, 2010
AGENDA ITEM: Ordinance
First Reading
DEPARTMENT/DIVISION: City of Florence Urban Planning & Development Department

I. ISSUE UNDER CONSIDERATION:

Rezone 1204 E. Cheves from B-3 General Commercial to PDD 09-03, Tax Map 90117-16-001. The request is being made by the owner, FNS Properties.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

No previous action has been taken on this request. A Public Hearing for rezoning was held at the December 8, 2009 Planning Commission meeting. Planning Commission members voted to approve the requests 7-0.

III. POINTS TO CONSIDER:

This item is being introduced for first reading only.

IV. OPTIONS:

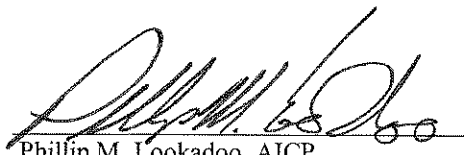
City Council may:

- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

V. PERSONAL NOTES:

VI. ATTACHMENTS:

Map showing the location of the property.
Zoning Map
Comprehensive Plan Map
Staff Report

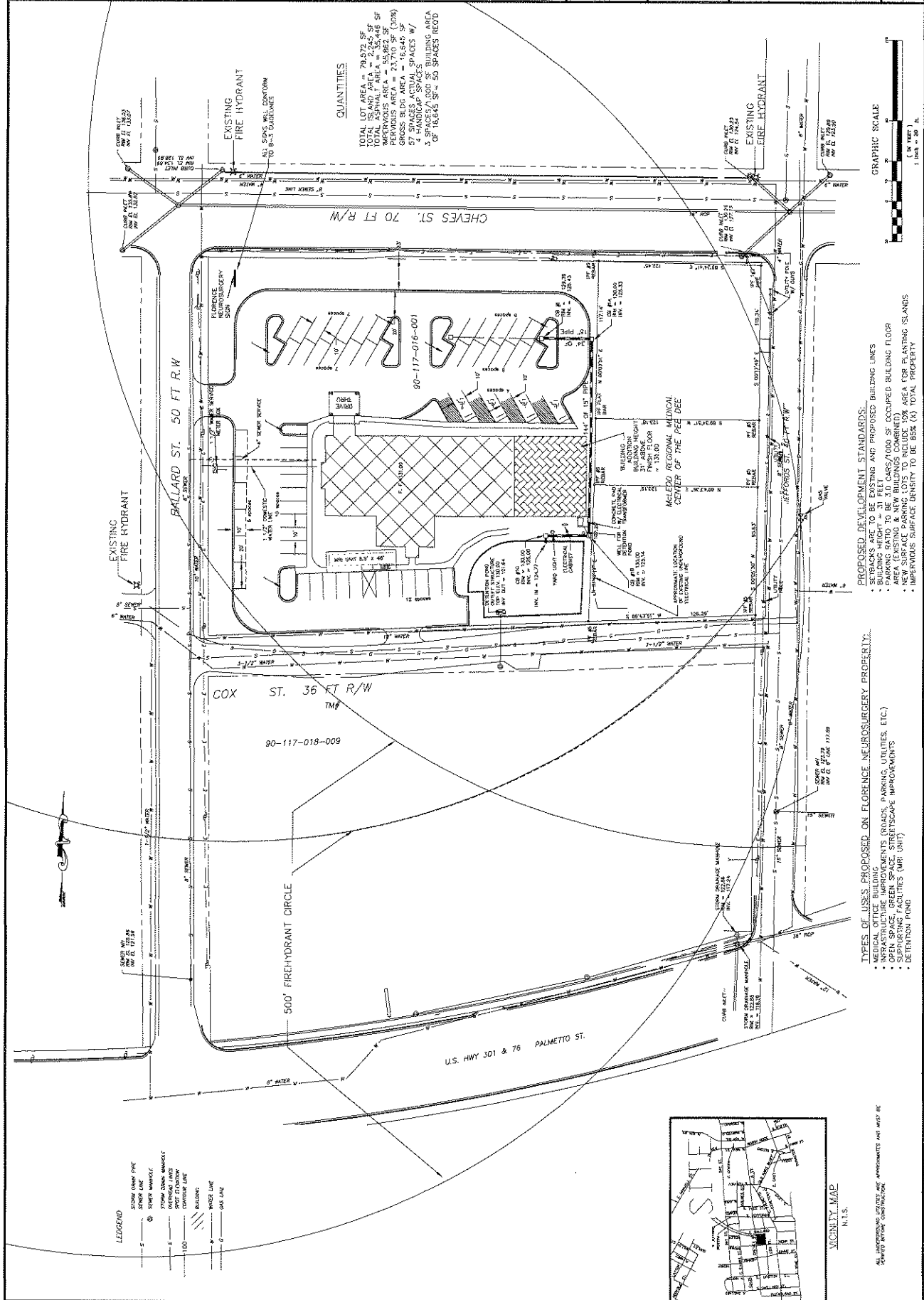


Phillip M. Lookadoo, AICP
Urban Planning and Development Director

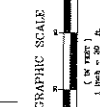


David N. Williams
City Manager

DATE	2/20/99	BY	J.M.K.
SCALE	AS SHOWN	CHECKED BY	J.M.K.
PROJECT NO.	99-001	APPROVED	
SHEET NO.	1	TOTAL SHEETS	1



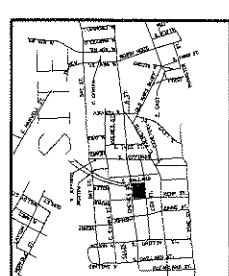
QUANTITIES
 TOTAL LOT AREA = 79,872 SF
 TOTAL ISLAND AREA = 2,245 SF
 TOTAL ASPHALT AREA = 35,448 SF
 TOTAL CONCRETE AREA = 21,710 SF (10%)
 GROSS BLDG AREA = 16,845 SF
 57 SPACES @ 300 SF/SPACE W/
 3 SPACES @ 1,000 SF BUILDING AREA
 OF 16,845 SF = 50 SPACES REQ'D



- PROPOSED DEVELOPMENT STANDARDS:**
- SETBACKS ARE TO BE EXISTING AND PROPOSED BUILDING LINES
 - BUILDING HEIGHT = 31 FEET
 - 10% OF OCCUPIED BUILDING FLOOR AREA (EXISTING & NEW BUILDINGS COMBINED)
 - NEW SURFACE PARKING LOTS TO INCLUDE 10% AREA FOR PLANTING ISLANDS
 - IMPERVIOUS SURFACE DENSITY TO BE 85% (A) TOTAL PROPERTY

- TYPES OF USES PROPOSED ON FLORENCE NEUROSURGERY PROPERTY:**
- INFRASTRUCTURE IMPROVEMENTS (ROADS, PARKING, UTILITIES, ETC.)
 - OPEN SPACE, GREEN SPACE, STREETSCAPE IMPROVEMENTS
 - SUPPLEMENTARY FACILITIES (MP UNIT)
 - DETENTION POND

- LEGEND**
- STORM DRAIN OVER
 - SEWER MANHOLE
 - STORM DRAIN MANHOLE
 - WATER MAIN
 - SPRINKLER SYSTEM
 - CONCRETE LINE
 - BUILDING
 - WATER LINE
 - Gas Line



APPROXIMATELY AND NOT BE
 GUARANTEED BY ENGINEER

ZONING REQUEST PC#2009-23



190

Feet



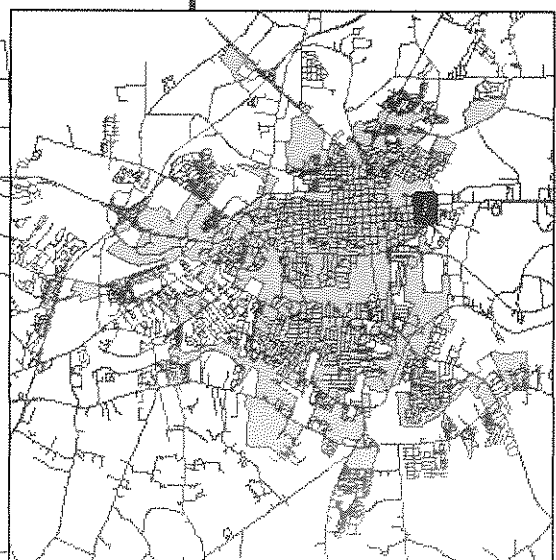
Urban Planning &
Development Department



Rezoning Request

ORIGINAL PREPARATION
This map was prepared by:
City of Florence
Urban Planning & Development Department

DISCLAIMER:
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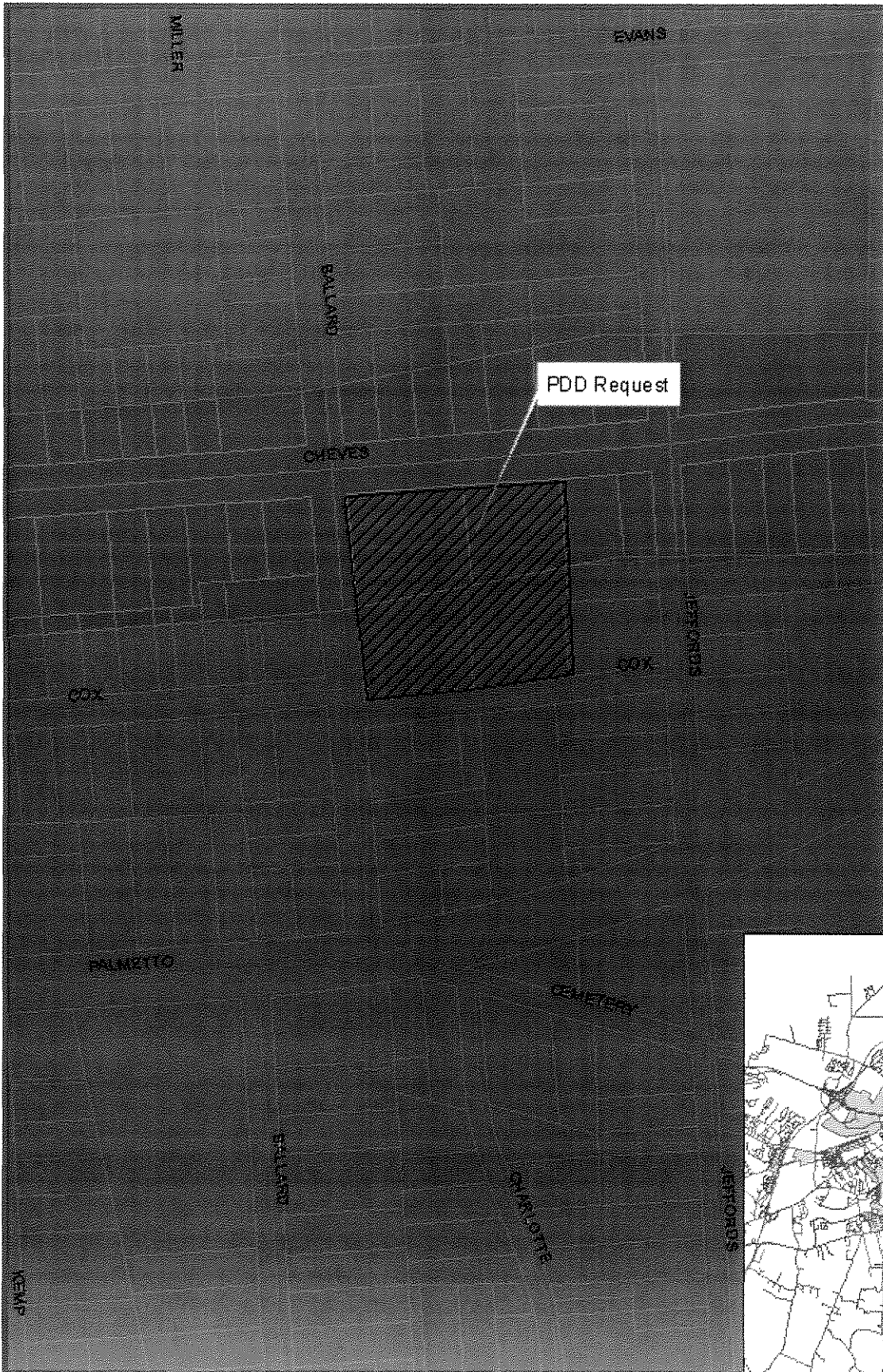
COMPREHENSIVE MAP PLAN

Planned Development Rezoning

PC # 2009-23














Urban Planning &
Development Department



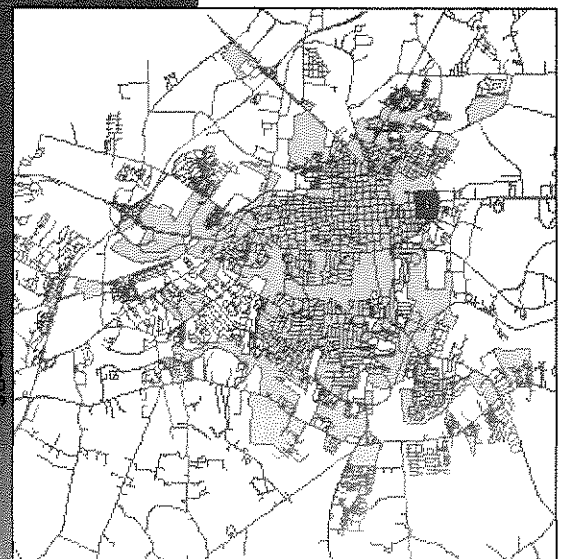
Legend

Land Use Categories

-  DVR
-  EXR
-  HEC
-  HEN
-  IB
-  LEN
-  NC
-  OPN
-  RCN
-  RRL
-  TRN

This map was prepared by:
City of Florence
Urban Planning & Development Department

DISCLAIMER:
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ZONING PETITION STAFF CHECKLIST

IDENTIFYING DATA

Name of Owner: FNS Properties

Address of Properties: 1204 E. Cheves St.

Tax Parcel Number(s): 90117-16-001

Date: November 20, 2009

GENERAL BACKGROUND DATA

McLeod Regional Medical Center, upon application for re-zoning and passed by City Council, established PDD 09-03 on September 14, 2009. PDD 09-03 covers 215 continuous parcels and totals 118.9 acres +/- owned by McLeod Regional Medical Center. The applicant, FNS properties, is seeking to re-zone and add parcel 90117-16-001 to PDD 09-03. The applicant has provided a site plan and has written in their site requirements which will be added as an amendment to PDD 09-03. The current land use of the site is office/professional, Florence Neurosurgery and Spine which has plans for an addition. Plans have been submitted in conjunction with the re-zoning request which will serve as the new zoning parameters. There will be no change in use, the site is currently a medical facility and the addition will also accommodate medical and diagnostic uses.

DIMENSIONAL REQUIREMENTS

Current Zoning

Lot Area: 5000ft

Lot Width: 50ft

Front Setback: 35ft

Side Yards: 5ft

Rear Yards: 20ft

Max. Height: 32ft

Open Space: 10%

Parking: 1sp/350sqf

Proposed Zoning

Proposed Lot Area: No Change

Proposed Lot Width: No Change

Proposed Front Setback: 5ft

Proposed Side Yards: 5ft

Proposed Rear Yards: 5ft

Proposed Max. Height: 31ft

Proposed Open Space: 15%

Proposed Parking: 3sp/1000sqf

Comments: 5 foot buffer shown on the landscaping plan.

ZONING PETITION STAFF CHECKLIST

MISCELLANEOUS PROVISIONS

Is any portion of the property in floodplain? No

Are there any known zoning violations on this site? No

If so, explain:

Tax records indicate the owner(s) as: FNS Properties

This application is submitted by: the owner listed above
 an agent for the owner
 other

If agent or other, what documentation has been provided from owner or is none required?

LAND USE PLAN CONFORMANCE

Is there any discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy?

No change in land use is proposed. The Comprehensive Plan designates the site for economic activity. The site is located in both High Intensity Economic Corridor and Industrial-Business land use classifications. The current and future use of the site does not conflict with the Future Land Use plan. The site is located in and around the McLeod Medical Campus and is complimentary to the other medical service uses in the immediate vicinity.

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?
The establishment of PDD 09-03 is the template to guide development around McLeod Regional Medical Center. The re-zoning request by FNS enables more flexibility for their proposed addition.

ZONING PETITION STAFF CHECKLIST

2. What are adjacent properties zoned, and what are adjacent land uses?

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	PDD 09-03	Medical
Northeast	PDD 09-03	Undeveloped
East	R-4/ PDD 09-03	Undeveloped
Southeast	R-4	Residential
South	R-4/B-3/ PDD 09-03	Undeveloped
Southwest	PDD 09-03	Undeveloped
West	R-4/ PDD 09-03	Res/ Undeveloped
Northwest	R-4	Undeveloped

The undeveloped adjacent parcels include smaller 0.06 to 0.2 acre lots.

3. What are development plans in the area – roads, schools, future commercial development, etc.?

There are no immediate redevelopment plans that exist in and around the McLeod Medical Center Campus with the exception of interior up fitting in existing buildings.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?

No.

5. List some potential uses under existing zoning.

The B-3 General Commercial zoning classification allows for the most flexible of land use options, including retail and medical services.

The site with addition would not change. The PDD would allow for only specified uses stated on the site plan. Redevelopment or demolition of the existing Wall Mart structure would be required to suit commercial activity.

6. List some potential uses under proposed zoning.

No change in land use would occur. The PDD 09-03 as specified on the site plan for this project would allow for only the stated use. The stated use is Medical Office Building with typical accessory uses.

7. Are any of these uses inappropriate for this location, and if so, why?

No.

8. (a) What is applicant's stated reason for requesting zoning?

The Amendment to PDD request is associated with the construction of an approximately 53'x60' 2 story addition.

ZONING PETITION STAFF CHECKLIST

9. (a) What will be the benefits to the surrounding properties?
Per the City of Florence Zoning Ordinance, the only uses that may be developed are those permitted in the PDD zoning district. The properties will be subject to the City of Florence codes and regulations.
- Reduced parking and greater impervious surface requirements naturally reduce the amount of stormwater runoff from the site.
- (b) What will be the detriments to the surrounding properties?
NA
10. Is a traffic study required for this petition?
No.
- If so, what are the recommendations of the study?
NA
11. What does the purpose statement of the proposed zoning district say?
The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.
- Within the PD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.
- In view of the substantial public advantage of “planned development”, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.
12. Will this proposal meet the intent of the above purpose statement?
Yes.

Ordinance No. 2010-_____
January 11, 2010

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

ORDINANCE NO. 2010 _____

AN ORDINANCE TO REZONE PROPERTY OWNED BY THE CITY OF FLORENCE, 178 E. PALMETTO ST. & REZONE ADJACENT PROPERTY OWNED BY ERNEST PENNELL, 180 E. PALMETTO ST.

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on December 8, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by FNS Properties, owner of 1204 E. Cheves St. was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be zoned PDD 09-03:

The property 1204 E. Cheves St. requesting zoning amendment is shown more specifically on Florence County Tax Map 90117, block 16, parcel 001 (1.42 Acres).

WHEREAS, Florence City Council concur in the aforesaid application, findings and recommendations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence of the aforesaid properties to PDD 09-03, Planned Development District
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

ADOPTED THIS _____ DAY OF _____, 2009

**VIII. a.
Resolution
No. 2010-01**

FLORENCE CITY COUNCIL MEETING

DATE: January 11, 2010

AGENDA ITEM: Resolution

DEPARTMENT/DIVISION: Police/Fire

I. ISSUE UNDER CONSIDERATION

A Resolution designating and authorizing the use of E-911 Funds to become effective immediately.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

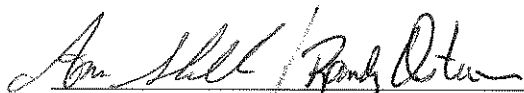
On May 12, 1997 City Council approved an ordinance to provide funding for the Enhanced 911 system as authorized by state law in the amount of 77¢ for each local exchange access in the area served by the City of Florence. E-911 fees collected have since been used to fund the lease-purchase acquisition of 800 MHz radio equipment for the Police and Fire departments, and for the acquisition of additional 800 MHz radio equipment, as well as a reimbursement to Florence County for a proportionate share of the construction of a communications tower to serve northern Florence County, including a significant section of the City of Florence.

III. POINTS TO CONSIDER

- The 800 MHz radio equipment lease-purchase was fully paid in November 2002, and the final reimbursement payment to Florence County for the communications tower construction was made in November 2009.
- The Police and Fire Departments have identified additional E-911 communications equipment needs that would improve and benefit emergency response by these departments.
- This equipment, identified in **Attachment 1**, will be funded over a period of six fiscal years for an approximate total cost of \$550,000.

IV. STAFF RECOMMENDATION

Adopt the attached resolution which authorizes the continued use of the current E-911 fee as established by ordinance in 1997 for the acquisition of additional Police and Fire department E-911 communications equipment in the approximate amount of \$550,000, over a period of six fiscal years.



Anson Shells/Randy Osterman
Police Chief/Fire Chief



David N. Williams
City Manager

RESOLUTION NO. 2010-_____

**A RESOLUTION TO DESIGNATE AND AUTHORIZE
THE USE OF E-911 FEES COLLECTED BY THE CITY OF FLORENCE
EFFECTIVE JANUARY 2010**

WHEREAS, the City of Florence approved and adopted Ordinance No. 97-12 to provide funding for the Enhanced 911 system as provided by § 23-47-40 (A) of the South Carolina Code of Laws as amended, and

WHEREAS, Ordinance No. 97-12 set an E-911 fee of \$0.77 for each local exchange access in the area served by the City of Florence, and

WHEREAS, since that time these fees have been used to fund payments for the lease-purchase acquisition of 800 MHz radio equipment for the Police and Fire departments, and for the acquisition of additional 800 MHz radio equipment, as well as a reimbursement to Florence County for a proportionate share of the construction of a communications tower to serve northern Florence County, including a significant section of the City of Florence.

WHEREAS, the final payment of the lease-purchase agreement for 800 MHz radio equipment was made by the City in November 2002, and the final reimbursement payment to Florence County for the communications tower construction was made in November 2009, and

WHEREAS, the City of Florence Police and Fire Departments have identified additional E-911 communication needs which may be funded with E-911 fees as provided in § 23-47-40 (B) of the South Carolina Code of Laws as amended.

NOW, THEREFORE, BE IT RESOLVED that effective immediately, E-911 fees collected by the City of Florence shall be used to fund a total of approximately \$550,000 for the acquisition of additional Police and Fire communications equipment in compliance with § 23-47-40 (B) of the South Carolina Code of Laws, as amended. Said funding shall be allocated over a six year period, from fiscal year ending June 30, 2010 through fiscal year ending June 30, 2015, as provided in **Attachment 1**, which by reference, shall become a permanent part of this resolution.

RESOLVED THIS _____ DAY OF _____, 2010.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne Rowan
Municipal Clerk

**E-911
Communications Equipment Purchase Project
for Police and Fire Departments
FY 2010 Through FY 2015**

POLICE

ITEM	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
MDT's	(12) \$63,000	(5) \$28,000	(5) \$28,000	(5) \$29,500	(5) \$31,000	(5) \$31,000
Portable Radios 900MHZ	N/A	(3) \$10,500	(3) \$11,000	(3) \$11,500	(3) \$11,500	(3) \$11,500
Mobile Radio 900MHZ	N/A	(4) \$20,000	(4) \$21,000	(3) \$17,000	(2) \$11,500	(2) \$11,500

FIRE

ITEM	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
MDT's	N/A	(5) \$28,000	(5) \$28,000	(5) \$29,500	(5) \$31,000	(5) \$31,000
Portable Radios 900MHZ	(16) \$62,000	(3) \$10,500	(3) \$11,000	(3) \$11,500	(3) \$11,500	(3) \$11,500
Mobile Radio 900MHZ	(4) \$15,000	(4) \$20,000	(4) \$21,000	(3) \$17,000	(2) \$11,500	(2) \$11,500
Station 5 Alert Radio 900MHZ	(1) \$5,000	N/A	N/A	N/A	N/A	N/A
Required Backup Radio 900MHZ	(1) \$5,000	N/A	N/A	N/A	N/A	N/A
TOTAL	\$150,000	\$80,000	\$80,000	\$80,000	\$80,000	\$80,000