

**REGULAR MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, MARCH 8, 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 – February 8, 2010*

*Special Meeting – March 1, 2010*

**IV. SPECIAL HONORS AND RECOGNITIONS**

*Citizen of the Month – Ralph Porter*

*Service Recognitions*

*Charles Page – 25 years – Stormwater*

*Sgt. Amelia Ann Miles – 25 years – Police*

*Educational Recognition*

*Gordon Washington – Has received his “D” Biological Wastewater  
Operator Certification*

**V. APPEARANCE BEFORE COUNCIL**

**a. Mr. John Jebaily, Chairman – Parks Commission**  
*To make a presentation to City Council.*

**b. Mr. Jerry Dixon, CEO, Florence Family YMCA - To make a presentation**  
*to City Council.*

- c. *Rev. E. J. McIver – To make a presentation to Council regarding community concerns.*
- d. *Mr. Anthony Toney, Commissioner, American Basketball International League - to give Council a report on the basketball league and the impact it may have on the city.*
- e. *Mrs. Teresa Ervin – to speak to Council regarding the possibility of creating a Citizen's Review Board.*

## **VI. PUBLIC HEARING**

*To receive input from the public regarding a curfew ordinance for the City of Florence.*

## **VII. 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. 2010-04 –Second Reading**  
*An Ordinance to amend the text of Article I of Chapter 19 regarding traffic by amending Section 19-1 of the Code of Ordinances regarding handicapped parking violations and associated fines.*
- c. **Bill No. 2010-08 –Second Reading**  
*An Ordinance revising the water and sewer rate schedule for the City of Florence, South Carolina.*
- d. **Bill No. 2010-09 –Second Reading**  
*An Ordinance to rezone the rear portion of 421 Second Loop Road owned by Hondros Et Al from R-5 Multi-Family to B-3 General Commercial District.*
- e. **Bill No. 2010-10 –Second Reading**  
*An Ordinance to amend the Somersett LLC Planned Development District by adding a 20' easement.*

## **VIII. 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. 2010-12 – First Reading**  
*A Series Ordinance making provision for the terms and conditions of an issue of combined Waterworks and Sewerage System Refunding and Capital Improvement Revenue Bonds, Series 2010, of the City of Florence, South Carolina, in the aggregate principal amount of not exceeding \$99,000,000 as authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989; for the amendment of said Bond Ordinance; and other matters relating thereto.*
- c. Bill No. 2010-13 – First Reading**  
*An Ordinance to amend Article 6, Supplemental Off-Street Parking and Loading Regulations in the Zoning Ordinance relating to Parking Non-Residential Vehicles in Residential Zones.*
- d. Bill No. 2010-14 – First Reading**  
*An Ordinance to amend the Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2009, and ending June 30, 2010.*

**IX. REPORT TO COUNCIL**

- a.** *An update by staff regarding the Levy Park Project.*

**X. EXECUTIVE SESSION**

- a.** *Legal Matter*

**XI. ADJOURNMENT**

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
MONDAY, FEBRUARY 8, 2010 – 6:00 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 6:00 p.m. with the following members present: Councilman Frank J. Brand, II; Councilman Steve Powers; Councilman Edward Robinson; Mayor Pro tem Billy D. Williams; Councilman Bill Bradham and Councilwoman Octavia Williams-Blake.

**ALSO PRESENT:** David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; James W. Peterson, Jr., City Attorney; 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 was present for the meeting.

**INVOCATION**

Councilman Billy D. Williams gave the invocation, which was followed by the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES**

Councilman Brand made a motion to adopt the minutes of the Regular Meeting of January 11, 2010, the Special Meeting of January 20, 2010 and the Special Meeting of January 25, 2010. Councilman Bradham seconded the motion, which carried unanimously.

**SPECIAL HONORS AND RECOGNITIONS**

**CITIZEN OF THE MONTH**

Mayor Wukela presented the Citizen of the Month award to Mr. Emmanuel A. Sipp for the month of February, 2010.

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**APPEARANCE BEFORE COUNCIL**

**Mrs. Holly Y. Beaumier, Director, Florence Conventions and Visitors Bureau**

Mrs. Beaumier reported on the present state of tourism in Florence and the Tourism Product Development Plan that was recently conducted. Statewide accommodations tax receipts are down by 8%, however In Florence they are up by 1.7%. \$226,000,000 million has been spent on tourism in the City of Florence and Florence County. The Development Plan calls for the need of revitalization of downtown to be able to support the community; the continuation of the trails system; to develop a Garden of Remembrance at the Florence Stockade; an expansion of the Civic Center meeting space; the clustering of local attractions to draw in tourists; and to develop a hotel at the I-95 and I-20 corridor, that would feature period dressed people from the Revolutionary War time, activities for children and a dinner theater. This would be known as the Swamp Fox Experience.

**Mr. Terry James and Mr. Danny Ellerbe, Florence Youth Basketball League**

Mr. Danny Ellerbe reported to Council that the League began in 2007 with 243 children and is continuing to grow. The League has grown to the point that it cannot be accommodated properly. The gym that is currently being used, Moore Middle School, is outdated and the floors are unacceptable. The community is requesting that the City provide the league with a gym that will accommodate the league's present needs and the league's anticipated growth. A new gym will also provide a chance for the league to host tournaments that would in turn help defray the costs of operating the gym.

There was a lengthy discussion by Council regarding the present facilities and the need for improvements.

Mr. Terry James spoke about the impact a new basketball complex would have on the community and the children.

Councilman Robinson made a motion that Council direct the City Manager to prepare a proposal to be included in the upcoming 2010-2011 budget to meet the concerns that have been voiced at the meeting today regarding the Florence Youth Basketball League. Councilman Williams seconded the motion.

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

Voting nay was Councilman Bradham.

**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 until the March 8, 2010 City Council meeting. A public hearing will also be held at the March 8<sup>th</sup> meeting to receive public input on this issue.

**BILL NO. 2010-01 – SECOND READING**

**AN ORDINANCE TO REZONE 1204 E. CHEVES STREET OWNED BY FNS PROPERTIES FROM B-3 TO PLANNED DEVELOPMENT DISTRICT.**

An Ordinance to rezone 1204 E. Cheves Street owned by FNS Properties from B-3 to Planned Development District was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2010-01. Councilman Powers seconded the motion, which carried unanimously.

**BILL NO. 2010-02 – SECOND READING**

**AN ORDINANCE TO AMEND SECTION 2-20 OF THE CITY CODE IN ORDER TO CODIFY THE COMPLETE PROCESS FOR THE HOLDING OF THE MUNICIPAL ELECTIONS IN 2010 AND SUBSEQUENT YEARS FOR THE OCCUPANCY OF THE OFFICE OF MAYOR AND CITY COUNCIL AND FOR ESTABLISHING CERTAIN TIMES FOR THE FILING OF NOMINATION PETITIONS, HOLDING PRIMARIES OR CONVENTIONS, THE ENTRY OF CANDIDATES FOR NOMINATIONS IN MUNICIPAL PARTY PRIMARY ELECTIONS OR CONVENTIONS AND THE TIME FOR CLOSING OF ENTRIES AND TO TRANSFER THE POWERS, DUTIES, AND RESPONSIBILITIES FOR CONDUCTING MUNICIPAL ELECTIONS TO THE FLORENCE COUNTY ELECTION COMMISSION PURSUANT TO §5-15-145 OF THE SOUTH CAROLINA CODE OF LAWS.**

An Ordinance to amend Section 2-20 of the City Code in order to codify the complete process for the holding of the Municipal Elections in 2010 and subsequent years for the occupancy of the Office of Mayor and City Council and for establishing certain times for the filing of nomination petitions, holding primaries or conventions, the entry of candidates for nominations in municipal party primary elections or conventions and the time for closing of entries and to transfer the powers, duties, and responsibilities for conducting Municipal Elections to the Florence County Election Commission pursuant to §5-15-145 of the South Carolina Code of Laws was adopted on second reading.

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Mr. Jim Peterson, City Attorney reviewed the changes to the proposed ordinance and stated that none of the proposed changes would alter the way the election would be conducted. Mr. Peterson added that these changes would be reviewed by the Justice Department and if there are any problems the Justice Department would contact Mr. Peterson. The City would be notified of any issues long before any deadlines for filing, conducting primaries or holding elections occur. Mr. Peterson stated that this Ordinance calls for a complete turn over to the Florence County Election Commission to conduct the City's elections. Any protests would be decided by the County Election Commission.

Councilman Brand made a motion to adopt Bill No. 2010-02 on second reading. Councilwoman Williams-Blake seconded the motion.

During discussion of this proposed Ordinance, Councilman Robinson stated that he does not agree with the changes and feels this Ordinance diminishes the rights and privileges that have been provided by the Civil Rights Voting Act. Councilman Williams stated his concerns with the changes; specifically that the County Election Commission would be ruling on any protests that may occur with the City's elections.

Voting aye on Bill No. 2010-02 were Mayor Wukela, Councilman Powers, Councilman Brand, Councilman Bradham and Councilwoman Williams-Blake.

Voting nay were Councilman Robinson and Councilman Williams.

**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 unanimously deferred by Council until the March 8, 2010 City Council meeting.

**BILL NO. 2010-04 – FIRST READING**

**AN ORDINANCE TO AMEND THE TEXT OF ARTICLE I OF CHAPTER 19 REGARDING TRAFFIC BY AMENDING SECTION 19-1 OF THE CODE OF ORDINANCES REGARDING HANDICAPPED PARKING VIOLATIONS AND ASSOCIATED FINES.**

An Ordinance to amend the text of Article I of Chapter 19 regarding traffic by amending Section 19-1 of the Code of Ordinances regarding Handicapped Parking Violations and Associated Fines was passed on first reading.

Chief Shells reported that on December 8, 2009 the S.C. Legislature amended Section 56-3-1910 of the S.C. Code of Laws regarding violations of handicapped parking. The amendment increases the minimum fine for such violations. Under the previous law the fine was set at a minimum of \$100 and at a maximum of \$200. The new amendment sets the fine at a minimum of \$500 and a maximum of \$1,000. Currently the City Ordinance sets the maximum fine for violations within the City of Florence at \$200, which is actually below the \$500 minimum which is now mandated by State Law. In order for the City of Florence's Ordinance to become consistent with State Law, it must be amended to increase the City's fine

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for traffic violations from a maximum of \$200 to a maximum of \$500, which is within the jurisdiction of City Court. At the present time the Police Department's ability to enforce handicapped parking in the City of Florence is greatly hindered and will be until this Ordinance is amended.

Councilman Brand made a motion to a pass Bill No. 2010-04 on first reading. Councilman Powers seconded the motion.

Chief Shells added that if the Ordinance is not amended the Police Department will be unable to enforce any handicapped parking in the City of Florence.

Voting in favor of Bill No. 2010-04 was Mayor Wukela, Councilman Powers, Councilman Brand, Councilman Williams and Councilwoman Williams-Blake.

Voting in opposition to Bill No. 2010-04 was Councilman Robinson and Councilman Bradham.  
Bill No. 2010-04 passed on first reading with a vote of 5-2.

**BILL NO. 2010-08 – FIRST READING**

**AN ORDINANCE REVISING THE WATER AND SEWER RATE SCHEDULE FOR THE CITY OF FLORENCE, SOUTH CAROLINA.**

An Ordinance revising the water and sewer rate schedule for the City of Florence, South Carolina was passed on first reading.

On January 20, 2010, City Council was presented the findings and recommendations of the comprehensive ten-year water and sewer rate study by Daryll Parker of Utility Advisors' Network.

A thorough analysis of the City's operating, capital, and debt service needs indicates that rates for the combined water and sewer system must be revised to include a rate schedule which will meet the current and future financial requirements of the system.

The proposed ten-year rate schedule, to become effective with the fiscal year beginning July 1, 2010, is recommended to meet these current and future requirements. Based on the average household use of 5,000 gallons per month, the inside city rate increase will be \$1.39 per month.

Councilman Brand made a motion to pass Bill No. 2010-08 on first reading. Councilman Bradham seconded the motion.

Voting aye were Mayor Wukela, Councilman Powers, Councilman Brand, Councilman Bradham and Councilwoman Williams-Blake.

Voting nay were Councilman Robinson and Councilman Williams.

**BILL NO. 2010-09 – FIRST READING**

**AN ORDINANCE TO REZONE THE REAR PORTION OF 421 SECOND LOOP ROAD OWNED BY HONDROS ET AL FROM R-5, MUTLI-FAMILY TO B-3 GENERAL COMMERCIAL DISTRICT.**

An Ordinance to rezone the rear portion of 421 Second Loop Road owned by Hondros Et Al from R-5, Multi-Family to B-3, General Commercial District was passed on first reading.



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Mr. Phillip Lookadoo, Director of Urban Planning and Development reported that this is a request to rezone the rear portion of 421 Second Loop Road from R-5 Multi-Family to B-3 General Commercial. The property is shown more specifically on Florence County Tax Map 90079-01-012. The request is being made by the owner, Hondros Et Al.

A public hearing for the rezoning was held at the January 12, 2010 Planning Commission meeting. The Planning Commission members voted to approve this request with a vote of 9-0.

Mr. Steve Hondros spoke to Council regarding the reason the property is split-zoned and the implications the present zoning has on the neighborhood and what the implications of the proposed zoning would have on the neighborhood.

Councilman Robinson made a motion to pass Bill No. 2010-09. Councilman Powers seconded the motion, which carried unanimously.

**BILL NO. 2010-10 – FIRST READING**  
**AN ORDINANCE TO AMEND THE SOMERSETT LLC PLANNED DEVELOPMENT DISTRICT BY ADDING A 20' EASEMENT.**

An Ordinance to amend the Somerset LLC Planned Development District by adding a 20' easement was passed on first reading.

Mr. Philip Lookadoo, Director of Urban Planning and Development reported that this is an annexation and rezoning request for a 20' easement serving 2806 W. Palmetto Street. This property will be incorporated into the previously approved Somerset LLC Planned Development District.

A Public Hearing for this rezoning request was held at the January 12, 2010 Planning Commission meeting. The Planning Commission members voted to approve the request 9-0.

Councilman Brand made a motion to pass Bill No. 2010-10 on first reading. Councilman Robinson seconded the motion, which carried unanimously.

**BILL NO. 2010-11 – FIRST READING**  
**AN ORDINANCE TO AMEND SECTION 2-24(1)(c)(3) OF THE CITY CODE TO ELIMINATE ANY TIME LIMIT ON THE AMOUNT OF DEBATE ALLOWED BY MEMBERS.**

An Ordinance to amend Section 2-24 (1)(c)(3) of the City Code to eliminate any time limit on the amount of debate allowed by members was denied on first reading.

Councilman Robinson made a motion to pass Bill No. 2010-11 on first reading. Councilman Williams seconded the motion.

Councilman Robinson stated that he opposed the time limits placed on members of Council and feels that there should not be any limits set as to how long a member of Council can speak on an issue.

Voting in favor of Bill No. 2010-11 were Councilman Robinson, Councilman Williams and Councilman Bradham.

Voting nay were Mayor Wukela, Councilman Powers, Councilman Brand and Councilwoman Williams-Blake.

Bill No. 2010-11 failed with a vote of 3 in favor and 4 in opposition.

**INTRODUCTION OF RESOLUTIONS**

**RESOLUTION NO. 2010-02**

**A RESOLUTION BY COUNCILMAN WILLIAMS TO REQUEST APPROVAL FOR TRAVEL EXPENSES TO WASHINGTON, DC, MARCH 12-18, 2010 TO ATTEND THE NATIONAL LEAGUE OF CITIES CONGRESSIONAL CITY CONFERENCE 2010.**

A Resolution by Councilman Williams to request approval for travel expenses to Washington, DC, March 12-18, 2010 to attend the National League of Cities Congressional City Conference 2010 was denied by Council.

Councilman Robinson made a motion to adopt Resolution No. 2010-02. Mayor Wukela seconded the motion.

Mayor Wukela restated his ruling made at an earlier meeting regarding Councilman Williams being eligible to vote in this matter. Mayor Wukela stated that the ruling of the chair is that members of Council who request travel allowances would not be entitled to vote on that motion.

Mr. Jim Peterson, City Attorney stated that both he and General Counsel for the Ethics Commission agree that when addressing a matter that has a direct impact on one member of Council, that one member has a conflict of interest and is not allowed to participate.

Councilman Williams stated that the reason for this trip is to conduct business for the City of Florence with regards to securing funding for the new wastewater treatment facility.

Council discussed the current travel policy as pertains to City Council and the limitations of the policy.

Voting aye to approve the request were Councilman Powers and Councilman Robinson.

Voting nay were Mayor Wukela, Councilman Brand, Councilman Bradham and Councilwoman Williams-Blake.

**ADDENDUM**

**UPDATE ON CITY COUNTY CONFERENCE COMMITTEE REGARDING VETERANS DAY**

At the February 4<sup>th</sup> City County Conference Committee meeting, Councilman Brand stated that the committee discussed the possibility of recognizing Veterans' Day as a City and County Holiday. The Committee decided to defer action on this issue after receiving information that Veterans' Day may not be a permanent holiday for the State. Once it is determined that the State does or does not regard Veterans' Day as a State Holiday, the Conference Committee members will present the issue to their respective Councils for further consideration.

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**ADJOURN**

Council unanimously consented to adjourn the meeting at 8:45 p.m.

Dated this 8<sup>th</sup> day of March, 2010.

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Dianne M. Rowan, Municipal Clerk

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Stephen J. Wukela, Mayor

**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
MONDAY, MARCH 1, 2009 - 5:30 P.M.  
CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Stephen J. Wukela called the special meeting to order at 5:30 p.m. with the following members present: Councilman Steve Powers, Councilman Frank J. Brand, II, Councilman Edward Robinson, Councilman Billy D. Williams, and Councilman William C. Bradham, Jr. Councilwoman Octavia Williams-Blake arrived at 5:54 p.m.

**ALSO PRESENT:** David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; James W. Peterson, Jr., City Attorney; Drew Griffin, Director of Public Works and Utilities; Phillip Lookadoo, Director of Urban Planning and Development and Tom Shearin, Special Services Administrator.

Notices of this special meeting were sent to the media informing them of the date, place and time of the meeting. Traci Bridges of the Morning News was present for the meeting.

**INVOCATION**

Councilman Billy D. Williams gave the invocation, which was followed by the Pledge of Allegiance to the American Flag.

**INTRODUCTION OF ORDINANCES**

**BILL NO. 2010-03 – FIRST READING**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PORTION OF THE PARCEL DESIGNATED AS TAX MAP PARCEL 90168-02-038 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR TO THE COUNTY OF FLORENCE AS ADDITIONAL PROPERTY TO BE USED IN THE DEVELOPMENT OF A NEW FLORENCE COUNTY MUSEUM.**

An Ordinance authorizing the conveyance of a portion of the parcel designated as Tax Map Parcel 90168-02-038 in the records of the Florence County Tax Assessor to the County of Florence as additional property to be used in the development of a new Florence County Museum was passed on first reading.

Mrs. Jean Leatherman, Chairman of the Florence County Museum Board, spoke to Council regarding the plans for the new museum.

Mr. Sanders Tate, architect with Watson Tate and Savory in Columbia, S.C. spoke to Council regarding the design of the new museum and the need for an additional 75' of frontage. Beginning Monday, March 8, associate architects from New York will come and begin designing the Museum. This will be a critical time to understand the footprint on which the Museum will be constructed. At present, the conceptual plans are to have about a 30,000 square foot Museum on a significant, yet small, piece of property. In order to properly design that 30,000 square feet, with the full anticipation the Board has of being able to expand their mission, they need to know where they are going to grow. Having the additional 75' would be a key part in designing the Museum properly. If the additional 75' is not used for the foot print of the building, it could be utilized for another significant need: to provide a drop off site for school children. It could also be used for outside exhibit space. The Museum will be about 16,000 to 17,000 square feet on two stories.

Mayor Wukela stated the new museum is approximately a \$12,000,000 project with one-third of the cost being provided by the State; another one-third provided by the Drs. Bruce and Lee Foundation

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and the final one-third provided by the County. The operational costs will be provided by the County as well. The request today is for an additional 75' of frontage on Cheves Street.

Concerns expressed by Council included displacing the existing minority businesses in downtown; no opportunity for growth for minority businesses in the downtown area; and if an additional 75' is conveyed to the County, will there be enough room left on the property for any further development by the City.

Mrs. Leatherman stated that the new Museum and the new Performing Arts Center will bring people to downtown Florence and when there are people downtown new businesses will follow. This will provide jobs and tax revenue.

Councilman Robinson asked if the Museum could be constructed without the additional 75'?

Mr. Tate stated that the initial layout on the parcel that is there, pretty much takes the whole piece of property, especially in keeping some minor setbacks that are necessary. It does not provide for any school drop off or bus parking. Mr. Tate was unsure if the Museum could be construction without the additional 75'.

Mayor Wukela made a motion to pass Bill No. 2010-03 on first reading. Councilman Bradham seconded the motion.

Councilman Powers stated he felt Council should go into Executive Session as this is a contractual matter. Councilman Williams seconded the motion.

Mayor Wukela asked the City Attorney, Mr. Jim Peterson if this issue would qualify for an Executive Session under the Freedom of Information Act.

Mr. Peterson responded that this would qualify under the Freedom of Information Act and would be an appropriate issue to discuss in Executive Session.

Voting aye to go into Executive Session were Councilman Powers, Councilman Robinson, Mayor Wukela and Councilman Williams.

Voting nay were Councilman Bradham, Councilman Brand and Councilwoman Williams-Blake.

Council entered into Executive Session at 6:15 p.m.

Mayor Wukela reconvened the special meeting at 6:50 p.m.

Councilman Bradham stated he is in favor of the Museum and conveying the additional 75' to the County.

Councilman Powers stated he is also in favor of the Museum; however there are a lot of variables in the design of the Museum and what will eventually be constructed. Councilman Powers would like to have public input at a meeting that is scheduled for March 25<sup>th</sup> to discuss the new Comprehensive Plan for the City of Florence. The new Museum will be discussed at this meeting.

Councilman Powers made a motion to defer consideration of this matter until the next regular meeting after the 25<sup>th</sup> of March. Councilman Robinson seconded the motion.

Voting in favor of the motion to defer were Councilmen Powers, Councilman Robinson and Councilman Williams.

Voting nay were Mayor Wukela, Councilwoman Williams-Blake, Councilman Brand and Councilman Bradham.

The motion to defer failed.

Councilman Bradham suggested that before second reading is given to the Ordinance, to schedule a worksession that would include all parties involved to discuss and clear up some of the issues raised today.

Councilman Powers made a motion to amend the original motion to adopt this Ordinance with the contingency that Council will not have second reading on this ordinance until after March 25<sup>th</sup> so that a

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worksession on the Museum can be scheduled in the mean time. Councilman Williams seconded the motion.

Voting in favor of the Ordinance as amended were Councilman Robinson, Councilman Williams, Councilman Powers and Councilman Bradham.

Voting nay were Mayor Wukela, Councilman Brand and Councilwoman Williams-Blake.

Voting in favor of the principal motion to adopt Bill No. 2010-03 on first reading were Councilman Powers, Councilman Brand, Mayor Wukela, Councilman Bradham and Councilwoman Williams-Blake.

Voting nay were Councilman Robinson and Councilman Williams.

**EXECUTIVE SESSION**

Mayor Wukela stated that a Personnel Matter was discussed in Executive Session. Based on discussions held in Executive Session, Mayor Wukela made a motion to extend the City Manager's contract for one year (current contract expires July 1, 2010) under its current terms. Councilman Brand seconded the motion, which carried unanimously.

**ADJOURN**

There was unanimous consent by Council to adjourn the special meeting. The meeting was adjourned at 7:24 p.m.

Dated this 8<sup>th</sup> day of March, 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 - \_\_\_\_\_**  
**(As Amended for Second Reading on \_\_\_\_\_, 2009)**

**AN ORDINANCE TO ESTABLISH A DAYTIME CURFEW FOR MINORS 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 BY DEFINING AND ADDRESSING MINORS IN NEED OF SUPERVISION.**

**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 is a significant amount crime and dangerous incidents involving school age minors loitering and wandering in or on public streets, sidewalks, other public areas, and vacant lots 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**, as a result, minors from the ages of 6 through 16 years of age are in need of supervision during the day; and

**WHEREAS**, , holding parents, legal guardians, and persons having custody and control over minors who have been found to be minors in need of supervision accountable should reduce the number of criminal incidents committed by school-age children and reduce the number of dangerous incidents involving school age children ; and

**WHEREAS**, this council finds, after careful study, that it is in the best interest of the City of Florence and its citizens that an ordinance identifying and addressing minors in need of supervision through the establishment of a daytime curfew 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 sections to be designated as Section 14-23:

**1. SECTION 14-23. MINOR IN NEED OF SUPERVISION**

A. Any minor age six (6) through sixteen (16) years old who loiters, wanders, strolls, or plays in or upon any "public place", as defined in Subsection C below, unsupervised by an adult having the lawful authority to be at such places, between the hours of 8:30 a.m. and 2:30 p.m. on any "school day", as defined in Subsection C below, shall be considered a minor in need of supervision unless the minor falls into one of the categories specified in paragraph B below.

B. A minor shall not be considered a minor in need of supervision under the following circumstances.

(1) When the minor has written documentation from school authorities that he or she is excused from school attendance at that particular time.

(2) When the minor attends a private school at which the attendance requirements differ from those of public schools, and the minor's school is not in session at that particular time.

(3) When the minor is enrolled in a valid home study program as authorized by the laws of the State of South Carolina.

(4) When the minor has been emancipated pursuant to the laws of the State of South Carolina.

(5) When the minor is accompanied by such minor's parent, guardian, or other adult person having the lawful care and custody of the minor.

(6) When the minor is actually engaged in lawful employment pursuant to an age or schooling certificate or is traveling directly home or to school from such lawful employment.

(7) When the minor is engaged in an emergency errand directed by such minor's parent or guardian or other adult person having the lawful care and custody of such minor.

(8) When the minor is engaged in travel to or from either home or the school as a direct result of a school directed, sponsored, or endorsed activity, entertainment, recreational opportunity, or dance.

(9) When the minor is attending or traveling directly to or from an activity involving the exercise of First Amendment Rights of Free Speech, Freedom of Assembly, or Free Exercise of Religion.

(10) When the minor is in a motor vehicle with parental consent for normal travel, or engaged in interstate travel through the city.

C. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) "Public place" means any public streets, highways, roads, alleys, parks, playgrounds, malls, buildings open to the public, cemeteries, school yards, bodies of water, any privately or publically owned place of amusement, entertainment, or public accommodation, including parking lots and other areas adjacent thereto, or any vacant lots of land.

(2) "School Day" means any day on which the public schools in Florence School District One are open and operating for students.

D. A police officer is hereby authorized and empowered to take charge of any minor in need of supervision as defined herein. In taking charge of minors in need of supervision, the following shall apply:

(1) Before taking any enforcement action under this section, a law enforcement officer shall ask or attempt to ask the apparent minor in need of supervision questions regarding age and reason for being in a public place during curfew hours. The law enforcement officer shall not take charge of the minor under this section unless the law enforcement officer reasonably believes that the minor is a minor in need of supervision as described in this ordinance.

(2) The law enforcement officer shall follow the policies, procedures, rules, directives and regulations of the City of Florence and/or of the Florence Police Department in the transportation of the minor to the

minor's school, residence, the Community Services Division of the Florence Police Department, to the custody of the parent or guardian, or, when necessary, to the appropriate governmental agency.

(3) It shall be the duty of an officer taking charge of such minor to immediately attempt to notify the parent or guardian of the minor that the minor has been taken into the charge of the officer. The officer may then release the minor to the principal or other designated official at the school at which the minor is enrolled. If the officer is unable to release the minor to the principal or other designated official at the school at which the minor is enrolled because of suspension or expulsion, the officer may take the minor to the Community Services Division of the Florence Police Department until the officer or other person in charge of the minor is able to release the minor directly to the parent or guardian, or until 2:30 p.m., when the minor will be delivered to the minor's home.

E. It shall be unlawful for the parent, legal guardian, or other person having custody or control of any minor as defined herein to knowingly commit an act or knowingly fail to act when such act or omission would cause the minor to be found to be a minor in need of supervision as defined in subsection (A) above.

(1) It shall be an affirmative defense to this section if the parent or legal guardian has invoked the jurisdiction of the juvenile court with regard to the minor prior to the time that the minor is found being a minor in need of supervision.

(2) It shall not be a defense to the offense provided for herein that the minor has not been previously formerly found to be a minor in need of supervision.

(3) Upon first conviction of a violation of subsection (B), a person shall not be fined and will be notified of opportunities and programs in place to assist the parent or guardian in providing supervision for such minor. Upon subsequent convictions of subsection (B), a person shall be subject to a fine of \$100.00 per offense. Each day a minor is found by the law enforcement authorities to be a minor in need of supervision as defined in Subsection A above shall constitute a separate offense for the purposes of the fines specified herein. Persons charged with violating subsection (B) of this

ordinance shall not be subject to custodial arrest, but shall be issued a summons to appear in municipal court.

2. That this Ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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:** February 3, 2010  
**AGENDA ITEM:** Ordinance No. 2010-\_\_\_\_  
**DEPARTMENT/DIVISION:** Police Department

**I. ISSUE UNDER CONSIDERATION**

An ordinance to amend Section 19-1 of the City Code to change the maximum penalty that can be assessed by the city for violations of state traffic laws as adopted by the City Code of Ordinances from the current \$200.00 maximum to \$500.00 in order to update our code to make it consistent with state law.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

(a) The City of Florence enacted Chapter 19 to its Code of Ordinances to embody a set of rules, regulations, and laws regarding traffic within the city limits of the City of Florence.

(b) Section 19-1 of the Code of Ordinances provides for the adoption of the traffic laws of the State of South Carolina by reference and, since its adoption in 1973, has set the maximum penalty for violation of such laws at Two Hundred and no/100 (\$200.00) Dollars. At the time of the adoption of this code, \$200.00 was the jurisdictional limit of municipal court;

(c) Since the passage of §19-1, the jurisdictional limit of municipal court was increased by the state in §14-25-65 of the Code of Laws of South Carolina 1976, as amended, from Two Hundred and no/100 (\$200.00) Dollars to Five Hundred and no/100 (\$500.00) Dollars.

(d) Additionally, the state recently enacted 2009 South Carolina Laws Act 24 which, among other things, sets the minimum penalty allowed for violation of the statutes regarding handicapped parking at Five Hundred and no/100 (\$500.00) Dollars, a fine which the present version of §19-1 would prohibit.

(e) As a result of these changes since the enactment of the present code provisions, it is in the best interest of the citizens of the City of Florence to

update the code provisions found in Section 19-1 to allow the City to comply with the applicable state laws.

### **III. POINTS TO CONSIDER**

(a) The ordinance requires two readings.

(b) It is our understanding that a legislative initiative is being introduced that would authorize municipal courts in the future to issue penalties between \$500.00 and \$1,000.00, which reflects the law applicable to violations of handicapped parking as enacted by 2009 Act 24.

### **IV. STAFF RECOMMENDATION**

Staff recommends adoption of this amendment to §19-1 in order to be able to comply with applicable state law.

### **V. ATTACHMENTS**

(a) Copy of the proposed Ordinance 2009-\_\_\_\_.

(b) Copy of 2009 S.C. Laws Act 24.

**ORDINANCE NO. 2009-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE TEXT OF ARTICLE I OF CHAPTER 19 REGARDING TRAFFIC BY AMENDING SECTION 19-1 OF THE CODE OF ORDINANCES.**

**WHEREAS**, The City of Florence enacted Chapter 19 to its Code of Ordinances to embody a set of rules, regulations, and laws regarding traffic within the city limits of the City of Florence;

**WHEREAS**, §19-1 of said Code of Ordinances provides for the adoption of the traffic laws of the State of South Carolina by reference and establishes the maximum penalty to set for violation of such laws at Two Hundred and no/100 (\$200.00) Dollars, which, at the time of the adoption of this code was the jurisdictional limit of municipal court;

**WHEREAS**, since the passage of said ordinance, the jurisdictional limit of municipal court was increased by the State in §14-25-65 of the South Carolina Code of Laws 1976, as amended, from Two Hundred and no/100 (\$200.00) Dollars to Five Hundred and no/100 (\$500.00) Dollars;

**WHEREAS**, the State recently enacted 2009 South Carolina Laws Act 24 which, among other things, sets the minimum penalty allowed for violation of the statutes regarding handicapped parking at Five Hundred and no/100 (\$500.00) Dollars, a fine which the present version of §19-1 would prohibit; and

**WHEREAS**, as a result of the above-referenced changes since the enactment of the present code provisions, it is in the best interest of the citizens of the City of Florence to update the code provisions found in Section 19-1 to allow the City to comply with the applicable state laws;

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

1. That the provisions of Article I of Chapter 19, Section 19-1, of the Code of Ordinances of the City of Florence be, and the same are hereby, amended as follows:

The words "two hundred dollars (\$200.00)" found in the last sentence of Sec. 19-1 are deleted and replaced with the words "five hundred dollars (\$500.00)".

2. That the remaining provisions of Sec. 19-1 shall remain in full force and



2. That the remaining provisions of Sec. 19-1 shall remain in full force and effect.

3. That this Ordinance, and the amendments contained herein, shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

Approved as to form:

\_\_\_\_\_  
JAMES W. PETERSON, JR.  
City Attorney

\_\_\_\_\_  
STEPHEN WUKELA  
Mayor

Attest:

\_\_\_\_\_  
DIANNE ROWAN  
Municipal Clerk

Westlaw

2009 South Carolina Laws Act 24 (S.B. 126)

Page 1

SOUTH CAROLINA 2009 SESSION LAWS  
REGULAR SESSION

Additions and deletions are not identified in this document.  
Vetoed provisions within tabular material are not displayed.

Act 24  
S.B. No. 126  
MOTOR VEHICLES

AN ACT TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM "HANDICAPPED", DELETE THE TERM "LICENSE TAG" AND REPLACE IT WITH THE TERM "LICENSE PLATE", AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM "HANDICAPPED", AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON'S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED", TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED AND TO DEFINE THE TERM "ACCESS AISLE"; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, PROPER USE AND DISPLAY OF HANDICAPPED PLACARDS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISION; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS; TO AMEND SECTION 56-3-1970, RELATING TO THE UNLAWFUL PARKING OF A VEHICLE IN A PARKING PLACE DESIGNATED FOR HANDICAPPED PERSONS, SO AS TO PROVIDE THAT IT IS ALSO UNLAWFUL FOR CERTAIN PERSONS TO EXERCISE THE PRIVILEGES GRANTED TO A HOLDER OF A LICENSE PLATE OR PLACARD DESIGNATED FOR USE BY A HANDICAPPED PERSON, AND TO INCREASE THE PENALTY FOR A VIOLATION OF THIS PROVISION; AND TO AMEND SECTION 56-3-1975, RELATING TO THE IDENTIFICATION AND MAINTENANCE OF HANDICAPPED PARKING PLACES, SO AS TO PROVIDE THAT A HANDICAPPED PARKING PLACE INCLUDES ALL ACCESS AISLES.

Be it enacted by the General Assembly of the State of South Carolina:

**License plates for handicapped persons**

SECTION 1. Section 56-3-1910 of the 1976 Code is amended to read:

<< SC ST § 56-3-1910 >>

Section 56-3-1910. (A) As used in this article, "handicapped" means a person who has one or more of the following conditions:

- (1) an inability to ordinarily walk one hundred feet nonstop without aggravating an existing medical condition, including the increase of pain;
- (2) an inability to ordinarily walk without the use of, or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- (3) a restriction by lung disease to the extent that the person's forced expiratory volume for one second when measured by spirometry is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (4) requires use of portable oxygen;
- (5) a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association. If the person's status improves to a higher level, for example as a result of bypass surgery or transplantation, he no longer meets this criteria;
- (6) a substantial limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition, for example, coordination problems and muscle spasticity due to conditions that include Parkinson's disease, cerebral palsy, or multiple sclerosis; or
- (7) blindness.

(B) Upon payment of the regular motor vehicle license fee, the department may issue a license plate with a special number or identification indicating that the license plate was issued to a person certified as permanently handicapped. A license plate issued pursuant to this section must be accompanied by a certification form completed by a licensed physician.

(C)(1) The department must develop a standardized certification form designed to capture criteria related information relating to persons considered handicapped. The form shall indicate whether the applicant meets one or more of the criteria, whether the condition is permanent or temporary, and if temporary, the expected duration.

(2) All persons that have been issued a handicapped license plate as of the effective date of this section will be issued a certificate upon renewal of the license plate. To renew the plate and receive the certificate, the person must be certified as permanently handicapped as provided in this section. Failure to carry a certificate as required by this section by a person that has been issued a handicapped license plate as of the effective date of this section is not a violation of the provisions of this section until after the person renews his license plate.

(D) Forms must be completed by physicians licensed to practice in South Carolina as defined in Section 40-47-5.

(E) The special license plate authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who meets the requirements of this section if the vehicle is owned and titled in the name of the disabled person or in the name of a member of his immediate family.

(F) The special license plate authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who is certified as meeting the requirements of this section for a vehicle used by an agency, organization, or facility. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician is not required to apply for the special license plate issued to the agency, organization, or facility.

(G) When processing applications for special license plates pursuant to this section, the department also shall issue a license plate registration certificate that must be carried at all times in the vehicle driven by or transporting the disabled individual. The certificate must display the name of the individual or organization to which the plate was issued.

(H) Vehicles displaying a special handicapped license plate only may park in designated handicapped parking spaces if that vehicle is driven by or transporting the disabled individual whose name appears on the license plate registration certificate, or if the certificate lists the name of the agency, organization, or facility authorized under subsection (G). The driver of the vehicle displaying the plate must present the registration when requested by law enforcement entities or their duly authorized agents.

(I) A person who qualifies for a license plate under this section and also qualifies as a disabled veteran under Section 56-3-1110 must be issued the license plate provided for in this section free of charge.

(J)(1) Except as provided in item (2), a person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars and not more than one thousand dollars or imprisoned for not more than thirty days for each offense.

(2) A person who illegally duplicates, forges, or sells a handicapped license plate or a person who falsifies information on an application form for a handicapped license plate is guilty of a misdemeanor and, upon conviction, must be imprisoned for thirty days and fined not less than five hundred dollars and not more than one thousand dollars.

#### Definitions

SECTION 2. Section 56-3-1950 of the 1976 Code is amended to read:

<< SC ST § 56-3-1950 >>

Section 56-3-1950. As used in this article:

(1) "Handicapped" means a person as defined in Section 56-3-1910.

(2) "Access aisle" means a designated space for maneuvering a wheelchair or other mobility device when enter-

ing or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for handicapped persons, on public or private property. Access aisles must be marked so as to discourage parking in them.

#### Temporary and permanent parking placards

SECTION 3. Section 56-3-1960 of the 1976 Code is amended to read:

<< SC ST § 56-3-1960 >>

Section 56-3-1960. (A) A person who is "handicapped" as defined in Section 56-3-1910 may apply to the department for issuance of a temporary or permanent placard. A person may be issued a temporary placard if the condition causing his handicap is expected to last for at least four months. No applicant may be denied a placard if the applicant follows the procedures established by the department and if the application is accompanied by a certificate from a licensed physician that certifies that the individual is handicapped and whether the handicap is temporary or permanent. The placards must indicate that the person is qualified to use reserved handicapped parking spaces. Applications for placards must be processed through and issued by the department's headquarters. Only one placard may be issued to an applicant. The certification procedure shall adhere to the requirements set forth in Section 56-3-1910. In conjunction with the issuance of a placard, applicants also must be issued a placard registration certificate that must be carried at all times in the vehicle driven by or transporting the handicapped individual. The certificate will display the name of the individual to which the placard was issued. A placard only can be displayed on a vehicle driven by or transporting the disabled individual whose name appears on the placard registration certificate. The department shall charge a fee of one dollar for a placard. An agency, organization, or facility that transports a disabled or handicapped person may receive a placard for each vehicle registered upon proper application and the payment of the appropriate fees.

(B) The placards authorized by this section also may be issued for a vehicle of special design and equipment designed to transport a disabled person who is certified as meeting the requirements of this section for a vehicle used by an agency, organization, or facility that is designed to transport a handicapped or disabled person if the vehicle is titled in the name of the agency, organization, or facility. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician is not required to apply for placards issued to an agency, organization, or facility. At the time of qualification, applicants qualifying for a placard under this section also must be issued a placard registration certificate that must be carried at all times in the vehicle transporting handicapped or disabled individuals. The certificate will display the name of the agency, organization, or facility to which the placard was issued.

(C) The placards shall conform to specifications set forth in the standards established for compliance with the Americans with Disabilities Act. The design must incorporate a means for hanging the placard from a vehicle windshield rearview mirror, and:

- (1) contain the International Symbol of Access;
- (2) be color coded to reflect user status in the following manner:
  - (a) dark blue--permanently disabled; and

(b) red--temporarily disabled.

(D) Blue and red placards shall contain the qualified user's photograph. The photograph must be taken from the qualified user's driver's license or identification card on file with the department. However, a photograph is not required for a placard issued to an agency, organization, or facility.

(E) Each placard shall contain the placard's expiration date.

(F) When qualified users park in designated spaces, the placard must be displayed in the windshield of the vehicle by hanging it from the rearview mirror. In vehicles in which hanging may not be feasible, the placard must be placed on the side of the dashboard so that it is clearly visible through the windshield. When more than one placard holder is transported in the same vehicle, only one placard needs to be displayed.

(G) Placards used for parking in designated handicapped spaces must be displayed on vehicles driven by or transporting the handicapped individual whose name appears on the placard registration certificate. When parked in designated spaces, the driver of the vehicle displaying the placard must present the placard registration certificate when requested by law enforcement entities or their duly authorized agents.

(H) Placards and placard registration certificates for permanently disabled persons may be issued and renewed for a maximum period of four years and are renewable on the owner's birth date. Placards issued to an agency, organization, or facility must be renewed every four years.

(I) A vehicle displaying a valid out-of-state handicapped license plate or placard or other evidence of handicap issued by the appropriate authority as determined by the department is entitled to the parking privileges provided in this section. Handicapped individuals from other states seeking permanent residence in South Carolina have forty-five days after becoming a resident to obtain South Carolina certification.

(J) Placards issued prior to the effective date of this section must be renewed by the expiration date on the placard or by January 1, 2013, whichever is sooner. To renew the placard and receive the certificate, the person must be certified as permanently handicapped as provided in Section 56-3-1910. Upon renewal, the department will issue a certificate as required by this section. Failure to carry a certificate as required by this section by a person using a placard issued prior to the effective date of this section is not a violation of the provisions of this section until after the placard is renewed or January 1, 2013, whichever is sooner.

(K)(1) Except as provided in item (2), a person that violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days, or both, for each offense.

(2) A person who illegally duplicates, forges, or sells a handicapped placard or a person who falsifies information on an application form for a handicapped placard is guilty of a misdemeanor and, upon conviction, must be imprisoned for thirty days and fined not less than five hundred dollars and not more than one thousand dollars.

**Free parking in metered or timed parking places for handicapped persons**

SECTION 4. Section 56-3-1965 of the 1976 Code is amended to read:

<< SC ST § 56-3-1965 >>

Section 56-3-1965. Those municipalities having marked parking spaces shall provide appropriately designated space or spaces reserved for the parking of handicapped persons. A person who is handicapped as defined in this article must be allowed to park in metered or timed parking places without being subject to parking fees or fines. This section does not apply to areas or during times in which the stopping, parking, or standing of all vehicles is prohibited or to areas which are reserved for special types of vehicles. A vehicle must display a distinguishing license plate which must be issued by the department, or a distinguishing placard which must be issued by the department, pursuant to Section 56-3-1960 when parked in metered or timed parking places.

#### **International Symbol of Access decals**

SECTION 5. Section 56-3-2010 of the 1976 Code is amended by adding at the end:

<< SC ST § 56-3-2010 >>

(C) If a person who qualifies for the special license plate issued under this section also qualifies for the handicapped license plate issued pursuant to Section 56-3-1910, then the license plate issued pursuant to this section also shall include a decal with the International Symbol of Access used on license plates issued pursuant to Section 56-3-1910. The decal only can be used if space is available to place the decal on the license plate without covering any identifying numbers or letters on the license plate.

#### **Parking places designated for handicapped persons**

SECTION 6. Section 56-3-1970 of the 1976 Code is amended to read:

<< SC ST § 56-3-1970 >>

Section 56-3-1970. (A) It is unlawful to park any vehicle in a parking place clearly designated for handicapped persons unless the vehicle bears the distinguishing license plate or placard provided in Section 56-3-1960.

(B) It is unlawful for any person who is not handicapped or who is not transporting a handicapped person to exercise the parking privileges granted handicapped persons pursuant to Sections 56-3-1910, 56-3-1960, and 56-3-1965.

(C) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days for each offense.

#### **Access aisles included in handicapped parking places**

SECTION 7. Section 56-3-1975 of the 1976 Code is amended to read:

<< SC ST § 56-3-1975 >>

Section 56-3-1975. Each handicapped parking place must be clearly identified as a handicapped parking place. The handicapped parking place includes all access aisles. If the handicapped parking place is on public property, the marker must be maintained by the political subdivision having jurisdiction over the public property or the street or highway where the handicapped parking place is located. If the handicapped parking place is on private property, the marker must be maintained by the owner of the property.

2009 South Carolina Laws Act 24 (S.B. 126)

Page 7

**Time effective**

SECTION 8. This act takes effect six months after approval by the Governor.

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.

SC LEGIS 24 (2009)

END OF DOCUMENT



FLORENCE CITY COUNCIL MEETING

VII. c.  
Bill No. 2010-08  
Second Reading

DATE: February 8, 2010  
AGENDA ITEM: Ordinance--First Reading  
DEPARTMENT/DIVISION: Finance and Public Works

**I. ISSUE UNDER CONSIDERATION**

An ordinance revising the water and sewer rates by providing for a ten-year rate schedule beginning with Fiscal Year 2011 to become effective July 1, 2010.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

A. A comprehensive water and sewer utility rate study for the City of Florence was last conducted in 2000. Based on the recommendations of that study, a ten-year rate schedule was adopted by City Council on April 10, 2000. This rate schedule, as amended by City Council on June 11, 2007, is effective through June 30, 2010.

B. The City's combined water and wastewater system continues to face ongoing fiscal challenges related to increasing operational costs and capital improvement needs to include the construction of a new wastewater treatment facility.

C. In response to these challenges, the City of Florence requested proposals for a new ten-year comprehensive water and sewer rate study and in March 2009 the rate consulting firm Utility Advisors' Network was awarded the rate study contract.

D. On January 20, 2010, City Council was presented the findings and recommendations of the comprehensive ten-year water and sewer rate study by Daryll Parker of Utility Advisors' Network.

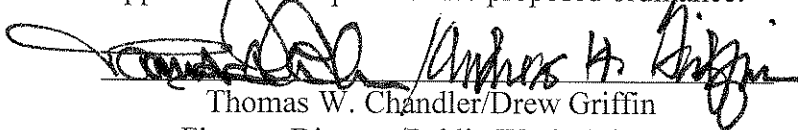
**III. POINTS TO CONSIDER**

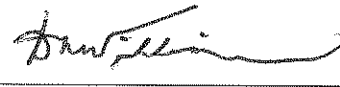
A. A thorough analysis of the City's operating, capital, and debt service needs indicates that rates for the combined water and sewer system must be revised to include a rate schedule which will meet the current and future financial requirements of the system.

B. The proposed ten-year rate schedule, to become effective with the fiscal year beginning July 1, 2010, is recommended to meet these current and future requirements.

**IV. STAFF RECOMMENDATION**

Approval and adoption of the proposed ordinance.

  
Thomas W. Chandler/Drew Griffin  
Finance Director/Public Works Director

  
David N. Williams  
City Manager

**ORDINANCE NO. 2010-\_\_\_\_**

**AN ORDINANCE REVISING THE WATER AND SEWER RATE SCHEDULE FOR  
THE CITY OF FLORENCE, SOUTH CAROLINA**

**WHEREAS**, continued use and expansion of the combined water and sewer system of the City of Florence is important and necessary for the health, welfare, and public good of the citizens, and

**WHEREAS**, a comprehensive water and sewer utility rate study for the City of Florence was last conducted in 2000, and based on the recommendations of that study, a ten-year rate schedule was adopted by City Council on April 10, 2000. This rate schedule, as amended by City Council on June 11, 2007, is effective through June 30, 2010, and

**WHEREAS**, the City's combined water and sewer utility system faces ongoing fiscal challenges related to increasing operational costs and capital improvement needs to include the construction of a new wastewater treatment facility, and

**WHEREAS**, in response to these ongoing fiscal requirements, a new comprehensive ten-year rate study was recently performed by Utility Advisors' Network, an independent rate consultant, that included an extensive examination of the City's combined water and sewer system operating and capital improvement needs, and

**WHEREAS**, based on recommendations resulting from the comprehensive rate study, the City has concluded that a revision of the water and sewer utility rates is necessary to allocate costs equitably and produce sufficient revenues to operate, expand, and improve the system as needed and required for the public good, and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the City of Florence, South Carolina, that the following sections or noted subsections of said sections of the City of Florence Code of Ordinances be revised and are hereby amended to read as stated below. Existing subsections not specifically identified in the sections below shall remain unchanged as written.

**Sec. 12-87.1. Monthly rates for ordinary service.**

(g) The schedule for sanitary sewer rates inside the City limits based on subsections (a) through (f), shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended.

## MONTHLY CHARGES

Availability Charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>
¾"	\$17.50	\$18.00	\$18.55	\$19.10	\$19.65
1"	43.75	45.00	46.38	47.75	49.13
1¼ "	65.63	67.50	69.56	71.63	73.69
1½ "	87.50	90.00	92.75	95.50	98.25
2"	140.00	144.00	148.40	152.80	157.20
3"	280.00	288.00	296.80	305.60	314.40
4"	437.50	450.00	463.75	477.50	491.25
6"	875.00	900.00	927.50	955.00	982.50
8"	1,400.00	1,440.00	1,484.00	1,528.00	1,572.00
Customer Charge (per account)	\$3.10	\$3.20	\$3.30	\$3.40	\$3.50
Volume Charge (per 1,000 gallons)	\$2.48	\$2.55	\$2.63	\$2.71	\$2.79

Availability Charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>
¾"	\$20.25	\$20.85	\$21.50	\$22.15	\$22.80
1"	50.63	52.13	53.75	55.38	57.00
1¼ "	75.94	78.19	80.63	83.06	85.50
1½ "	101.25	104.25	107.50	110.75	114.00
2"	162.00	166.80	172.00	177.20	182.40
3"	324.00	333.60	344.00	354.40	364.80
4"	506.25	521.25	537.50	553.75	570.00
6"	1,012.50	1,042.50	1,075.00	1,107.50	1,140.00
8"	1,620.00	1,668.00	1,720.00	1,772.00	1,824.00
Customer Charge (per account)	\$3.60	\$3.70	\$3.80	\$3.90	\$4.00
Volume Charge (per 1,000 gallons)	\$2.87	\$2.96	\$3.05	\$3.14	\$3.23

(h) The schedule for sanitary sewer rates outside the City limits based on subsections (a) through (e) shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended.

### MONTHLY CHARGES

Availability Charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>
¾"	\$28.00	\$28.80	\$29.68	\$30.56	\$31.44
1"	70.00	72.00	74.21	76.40	78.61
1¼ "	105.01	108.00	111.30	114.61	117.90
1½ "	140.00	144.00	148.40	152.80	157.20
2"	224.00	230.40	237.44	244.48	251.52
3"	448.00	460.80	474.88	488.96	503.04
4"	700.00	720.00	742.00	764.00	786.00
6"	1,400.00	1,440.00	1,484.00	1,528.00	1,572.00
8"	2,240.00	2,304.00	2,374.40	2,444.80	2,515.20
Customer Charge (per account)	\$3.10	\$3.20	\$3.30	\$3.40	\$3.50
Volume Charge (per 1,000 gallons)	\$3.97	\$4.08	\$4.21	\$4.34	\$4.46

Availability Charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>
¾"	\$32.40	\$33.36	\$34.40	\$35.44	\$36.48
1"	81.01	83.41	86.00	88.61	91.20
1¼ "	121.50	125.10	129.01	132.90	136.80
1½ "	162.00	166.80	172.00	177.20	182.40
2"	259.20	266.88	275.20	283.52	291.84
3"	518.40	533.76	550.40	567.04	583.68
4"	810.00	834.00	860.00	886.00	912.00
6"	1,620.00	1,668.00	1,720.00	1,772.00	1,824.00
8"	2,592.00	2,668.80	2,752.00	2,835.20	2,918.40

Customer Charge (per account)	\$3.60	\$3.70	\$3.80	\$3.90	\$4.00
Volume Charge (per 1,000 gallons)	\$4.59	\$4.74	\$4.88	\$5.02	\$5.17

**Sec. 12-87.2. Schedule of rates for outside industrial sewer customers.**

(a) The schedule for outside industrial sanitary sewer rates shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended. The industrial rates are applicable only for qualified customers that are shown in Sectors 31 through 33 of the most current edition of the North American Industry Classification System and exceed an average annual water usage of seven hundred fifty thousand (750,000) gallons per month.

(1) Availability Charges (per account) and Customer Charges (per account) shall be as shown in Section 12-87.1 (g).

(2) Volume Charges (per 1,000 gallons) shall be as follows:

Monthly Volume Charges (Sewer)

<i>Use (Gallons)</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>
0 – 750,000	\$3.97	\$4.08	\$4.21	\$4.34	\$4.46
750,001 – 3,000,000	2.52	2.57	2.64	2.69	2.75
3,000,001 – 6,000,000	2.10	2.15	2.20	2.24	2.30
6,000,001 – 9,000,000	2.46	2.55	2.66	2.79	2.89
9,000,001 and above	2.48	2.55	2.63	2.71	2.79

Monthly Volume Charges (Sewer)

<i>Use (Gallons)</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>
0 – 750,000	\$4.59	\$4.74	\$4.88	\$5.02	\$5.17
750,001 – 3,000,000	2.81	2.86	2.93	2.98	3.04
3,000,001 – 6,000,000	2.34	2.39	2.44	2.48	2.54
6,000,001 – 9,000,000	3.01	3.16	3.29	3.45	3.58
9,000,001 and above	2.87	2.96	3.05	3.14	3.23

**Sec. 12-161. Schedule of rates.**

(b) The schedule for water rates inside the City limits based on subsection (a), shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended.

**MONTHLY CHARGES**

Availability Charge (per account)

<i>Water Meter Size (inches)</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>
¾"	\$9.00	\$9.20	\$9.40	\$9.60	\$9.80
1"	22.50	23.00	23.50	24.00	24.50
1¼ "	33.75	34.50	35.25	36.00	36.75
1½ "	45.00	46.00	47.00	48.00	49.00
2"	72.00	73.60	75.20	76.80	78.40
3"	144.00	147.20	150.40	153.60	156.80
4"	225.00	230.00	235.00	240.00	245.00
6"	450.00	460.00	470.00	480.00	490.00
8"	720.00	736.00	752.00	768.00	784.00
Customer Charge (per account)	\$3.00	\$3.05	\$3.10	\$3.15	\$3.20
Volume Charge (per 1,000 gallons)	\$1.75	\$1.79	\$1.83	\$1.87	\$1.91

Availability Charge (per account)

<i>Water Meter Size (inches)</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>
¾"	\$10.00	\$10.20	\$10.40	\$10.60	\$10.80
1"	25.00	25.50	26.00	26.50	27.00
1¼ "	37.50	38.25	39.00	39.75	40.50
1½ "	50.00	51.00	52.00	53.00	54.00
2"	80.00	81.60	83.20	84.80	86.40
3"	160.00	163.20	166.40	169.60	172.80
4"	250.00	255.00	260.00	265.00	270.00

6"	500.00	510.00	520.00	530.00	540.00
8"	800.00	816.00	832.00	848.00	864.00
Customer Charge (per account)	\$3.25	\$3.30	\$3.35	\$3.40	\$3.45
Volume Charge (per 1,000 gallons)	\$1.95	\$1.99	\$2.03	\$2.07	\$2.11

(c) The schedule for water rates outside the City limits based on subsection (a) shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended.

#### MONTHLY CHARGES

##### Availability Charge (per account)

<i>Water Meter Size (inches)</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>
¾"	\$14.40	\$14.72	\$15.04	\$15.36	\$15.68
1"	36.00	36.80	37.60	38.40	39.20
1¼ "	54.00	55.20	56.40	57.60	58.80
1½ "	72.00	73.60	75.20	76.80	78.40
2"	115.20	117.76	120.32	122.88	125.44
3"	230.40	235.52	240.64	245.76	250.88
4"	360.00	368.00	376.00	384.00	392.00
6"	720.00	736.00	752.00	768.00	784.00
8"	1,152.00	1,177.60	1,203.20	1,228.80	1,254.40
Customer Charge (per account)	\$3.00	\$3.05	\$3.10	\$3.15	\$3.20
Volume Charge (per 1,000 gallons)	\$2.80	\$2.86	\$2.93	\$2.99	\$3.06

Availability Charge (per account)

<i>Water Meter Size (inches)</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>
¾"	\$16.00	\$16.32	\$16.64	\$16.96	\$17.28
1"	40.00	40.80	41.60	42.40	43.20
1¼ "	60.00	61.20	62.40	63.60	64.80
1½ "	80.00	81.60	83.20	84.80	86.40
2"	128.00	130.56	133.12	135.68	138.24
3"	256.00	261.12	266.24	271.36	276.48
4"	400.00	408.00	416.00	424.00	432.00
6"	800.00	816.00	832.00	848.00	864.00
8"	1,280.00	1,305.60	1,331.20	1,356.80	1,382.40
Customer Charge (per account)	\$3.25	\$3.30	\$3.35	\$3.40	\$3.45
Volume Charge (per 1,000 gallons)	\$3.12	\$3.18	\$3.25	\$3.31	\$3.38

**Section 12-161.2 Schedule of rates for outside industrial water customers.**

(a) The schedule for outside industrial water rates shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended. The industrial rates are applicable only for qualified customers that are shown in Sectors 31 through 33 of the most current edition of the North American Industry Classification System and exceed an average annual water usage of seven hundred fifty thousand (750,000) gallons per month.

(1) Availability Charges (per account) and Customer Charges (per account) shall be as shown in Section (b).

(2) Volume Charges (per 1,000 gallons) shall be as follows:



Monthly Volume Charges (Water)

<i>Use (Gallons)</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>
0 – 750,000	\$2.80	\$2.86	\$2.93	\$2.99	\$3.06
750,001 – 3,000,000	2.10	2.15	2.20	2.24	2.30
3,000,001 – 6,000,000	1.54	1.57	1.61	1.64	1.68
6,000,001 – 9,000,000	1.44	1.47	1.50	1.54	1.56
9,000,001 and above	1.75	1.79	1.83	1.87	1.91

Monthly Volume Charges (Water)

<i>Use (Gallons)</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>
0 – 750,000	\$3.12	\$3.18	\$3.25	\$3.31	\$3.38
750,001 – 3,000,000	2.34	2.39	2.44	2.48	2.54
3,000,001 – 6,000,000	1.72	1.75	1.79	1.82	1.86
6,000,001 – 9,000,000	1.60	1.63	1.66	1.70	1.72
9,000,001 and above	1.95	1.99	2.03	2.07	2.11

All ordinances in conflict with this ordinance are hereby repealed.

Following approval and adoption by City Council, this ordinance shall become effective on July 1, 2010.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Stephen J. Wukela  
Mayor

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
Municipal Clerk

**VII. d.**  
**Bill No. 2010-09**  
**Second Reading**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** February 8, 2010  
**AGENDA ITEM:** Ordinance  
First Reading  
**DEPARTMENT/DIVISION:** City of Florence Urban Planning & Development Department

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**I. ISSUE UNDER CONSIDERATION:**

*Rezone the rear portion of 421 Second Loop Rd. from R-5 Multi-Family to B-3 General Commercial, Tax Map 90079-01-012. The request is being made by the owner, Hondros Et Al.*

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

*No previous action has been taken on this request. A Public Hearing for rezoning was held at the January 12, 2010 Planning Commission meeting. Planning Commission members voted to approve the requests 9-0.*

**III. POINTS TO CONSIDER:**

*This item is being introduced for first reading only.*

**IV. OPTIONS:**

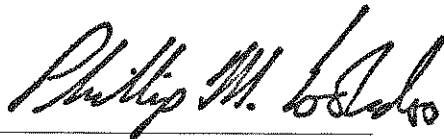
*City Council may:*

- (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

# REZONING REQUEST PC#2010-01



0 110 220 Feet



Urban Planning &  
Development Department

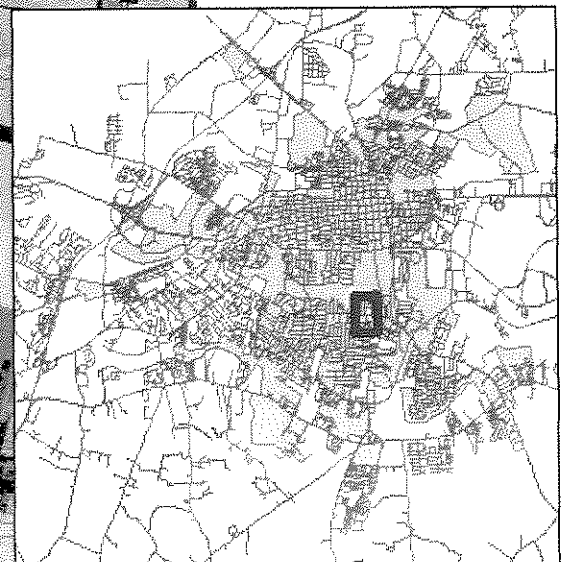


## Legend

 City Limits

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

DISCLAIMER:  
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# ZONING REQUEST PC#2010-01



170

Feet



Urban Planning & Development Department

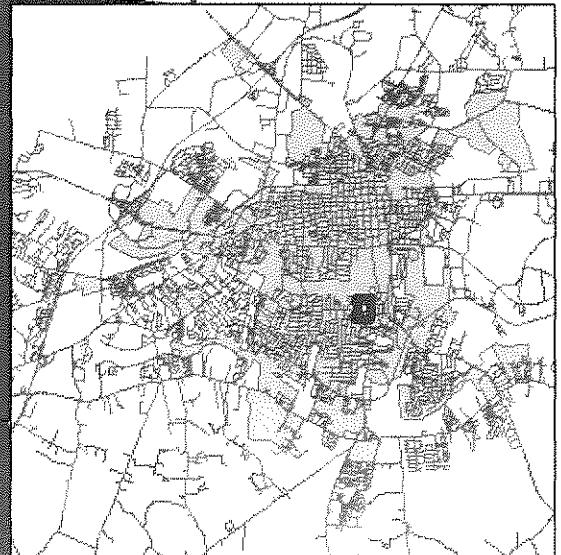


### Legend

- 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

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# COMPREHENSIVE PLAN MAP PC#2010-01

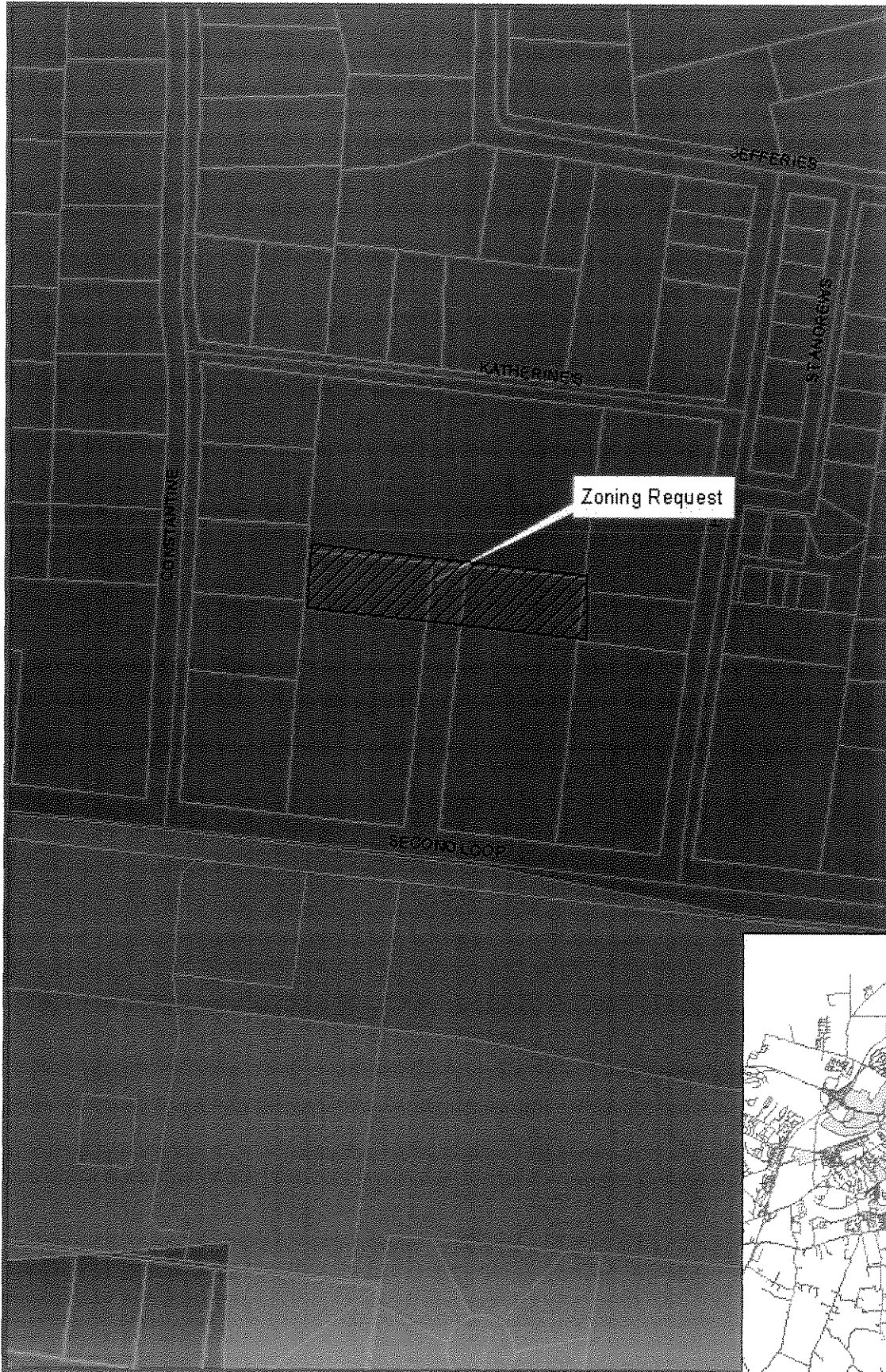


170












Feet



Urban Planning &  
Development Department

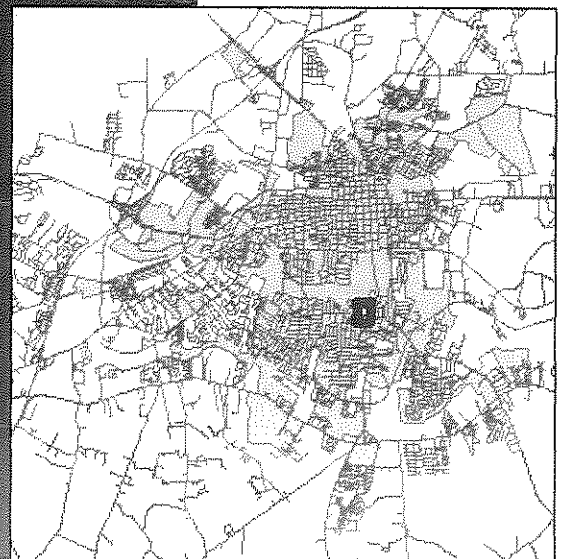


## Legend

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

ORIGINAL PREPARATION  
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## ZONING PETITION STAFF CHECKLIST

PC#2010-01

### IDENTIFYING DATA

Name of Owner: Steve Gus Hondros Etal

Address of Properties: 421 Second Loop Rd.

Tax Parcel Number(s): 90079-01-012

Date: January 12, 2010

### GENERAL BACKGROUND DATA

### DIMENSIONAL REQUIREMENTS

#### Current R-5 Zoning

Lot Area: Res 6,000sqf Non Res 12,000

Lot Width: 50ft

Front Setback: 25ft

Side Yards: Res 5ft/ Non Res 25ft

Rear Yards: Res 20ft/ Non Res 40ft

Max. Height: 4 stories

Open Space: 30%

#### Proposed B-3 Zoning

Proposed Lot Area: 5,000 sqf

Proposed Lot Width: 50ft

Proposed Front Setback: 35ft

Proposed Side Yards: 5ft

Proposed Rear Yards: 20ft

Proposed Max. Height: 35ft\*

Proposed Open Space: 10%

\* 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.

### MISCELLANEOUS PROVISIONS

Is any portion of the property in floodplain? No

Are there any known zoning violations on this site? No



## ZONING PETITION STAFF CHECKLIST

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3. What are development plans in the area – roads, schools, future commercial development, etc.?  
There are no immediate redevelopment plans. The owner of the property is attempting to sell the parcel and a unified zoning layer reduces confusion to potential investors.
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 R-5 Multi-Family zoning classification allows for high density residential development in areas accessible by major streets and in proximity to commercial uses.
6. List some potential uses under proposed zoning.  
The B-3 General Commercial zoning classification allows for the most flexible of commercial land use options.
7. Are any of these uses inappropriate for this location, and if so, why?  
No.
8. What is applicant's stated reason for requesting zoning?  
The applicant wishes to have his property under one zoning classification.
9. (a) What will be the benefits to the surrounding properties?  
There is no discernable benefit to surrounding properties. Any development on the subject property would have to meet bufferyard requirements set forth in the Zoning Ordinance based on adjacent land use.  
  
(b) What will be the detriments to the surrounding properties?  
None
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 B-3 zoning district say?  
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

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12. Will this proposal meet the intent of the above purpose statement?  
Yes.

ORDINANCE NO. 2010 \_\_\_\_\_

**AN ORDINANCE TO REZONE THE REAR PORTION OF 421 SECOND LOOP RD. OWNED BY HONDROS ET AL FROM R-5 MULTI-FAMILY TO B-3 GENERAL COMMERCIAL DISTRICT.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on January 12, 2010 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Hondros Et Al, owner of 421 Second Loop Rd. was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid rear portion of the property be rezoned B-3:

**The property 421 Second Loop Rd. requesting zoning amendment to the rear portion is shown more specifically on Florence County Tax Map 90079, block 01, parcel 012 (approx 0.84 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 rear portion 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 \_\_\_\_\_, 2010**

Ordinance No. 2010-\_\_\_\_\_  
February 8, 2010

**Approved as to form:**

---

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

---

Stephen J. Wukela,  
**Mayor**

**Attest:**

---

Dianne Rowan  
**Municipal Clerk**

**VII. e.**  
**Bill No. 2010-10**  
**Second Reading**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** February 8, 2009

**AGENDA ITEM:** Ordinance  
First Reading

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

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**I. ISSUE UNDER CONSIDERATION:**

*Annex and rezone a 20' road easement serving 2806 W. Palmetto Street. This property to be incorporated in the previously approved Somerset LLC Planned Development District.*

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

*No previous action has been taken on this request. A Public Hearing for rezoning was held at the January 12, 2010 Planning Commission meeting. Planning Commission members voted to approve the requests 9-0.*

**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

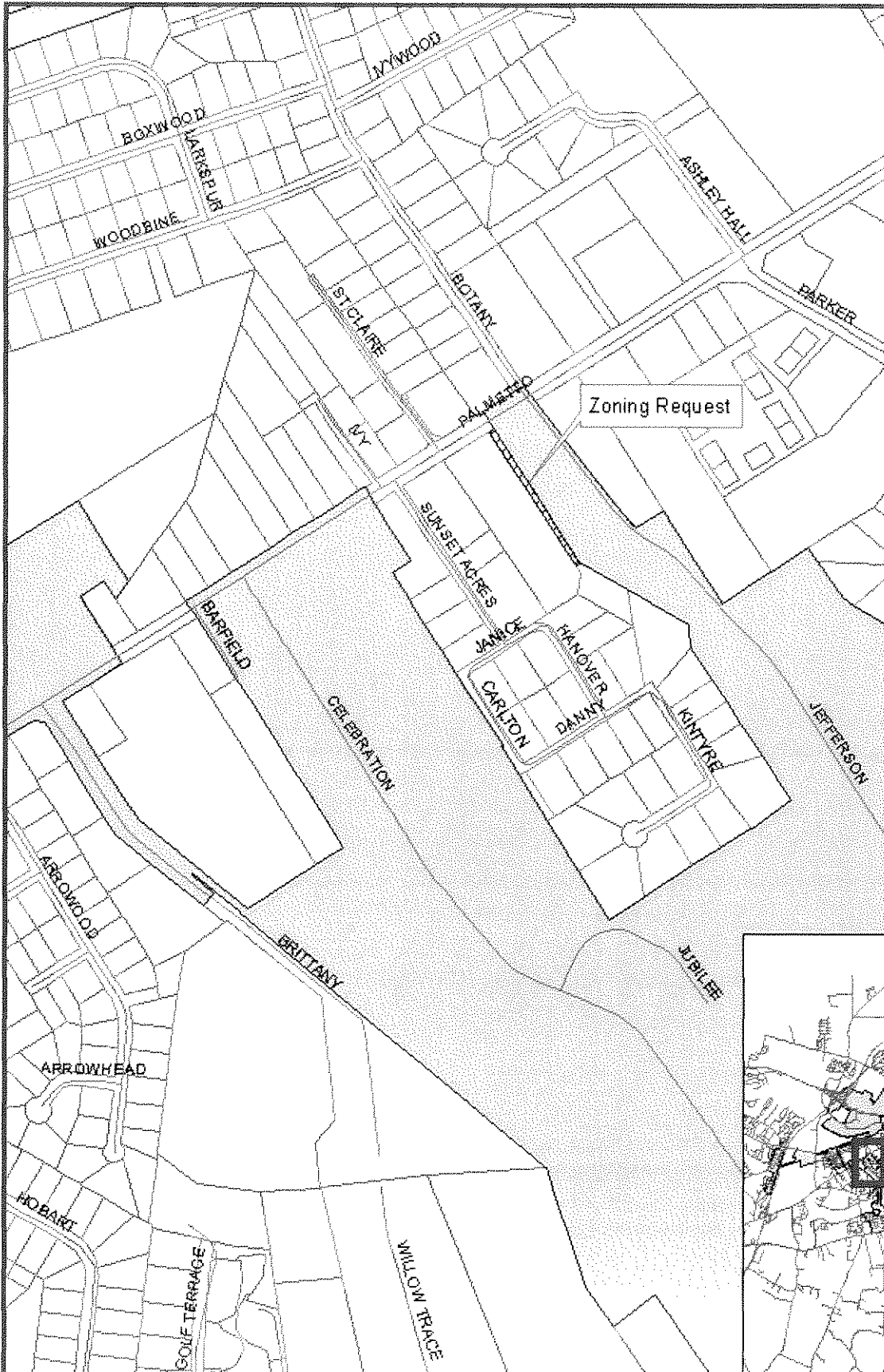
# ZONING REQUEST PC#2010-02



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Urban Planning &  
Development Department

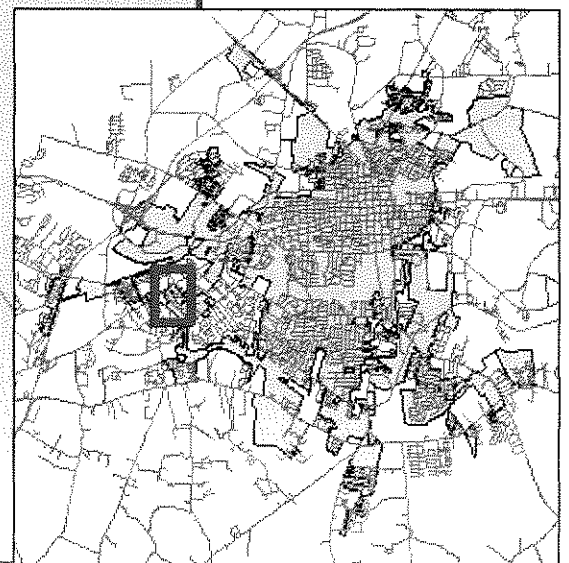


## Legend

City Limits

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

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# ZONING REQUEST

## PC#2010-02

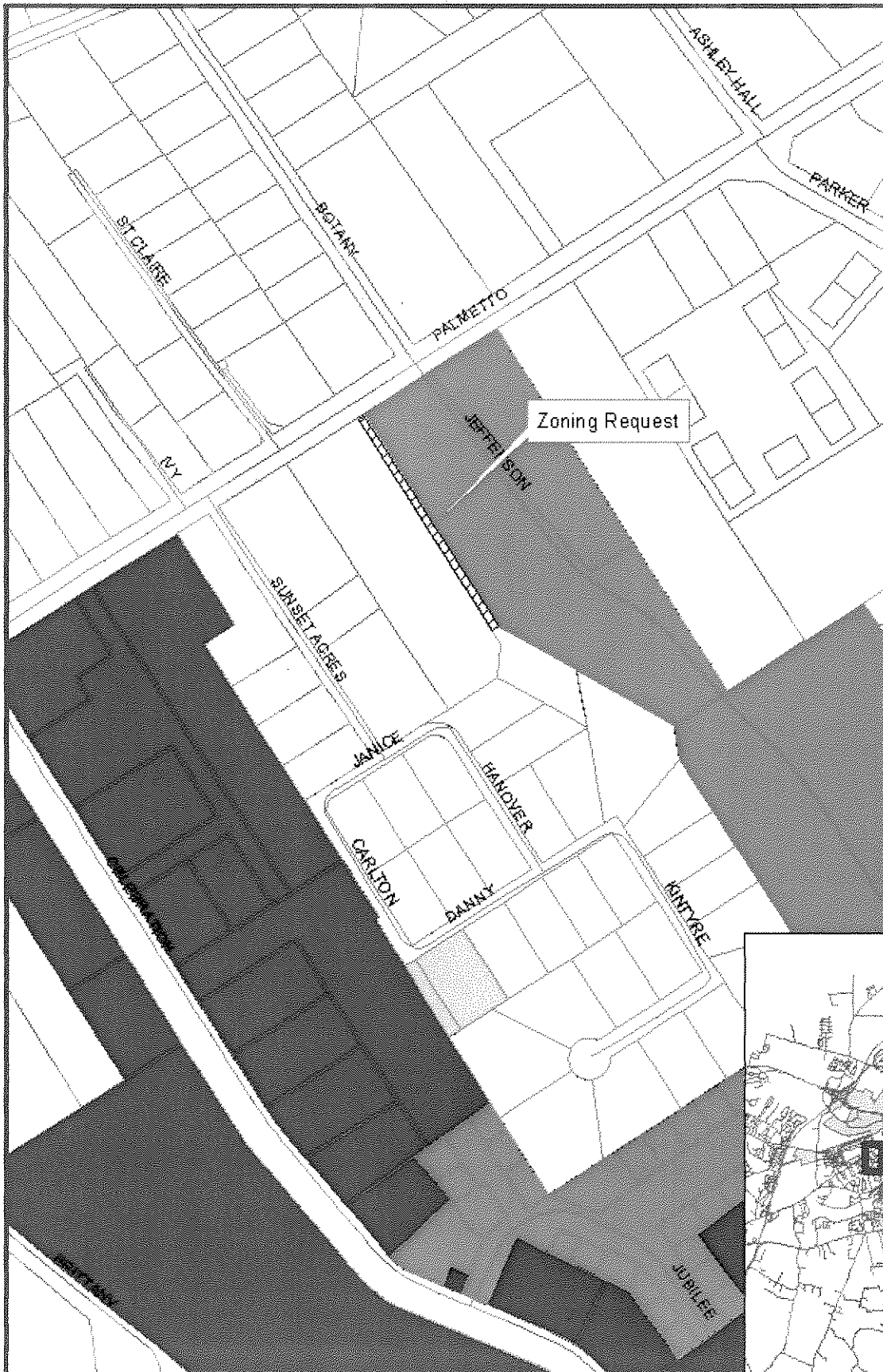


280

Feet



Urban Planning & Development Department



### Legend

- 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

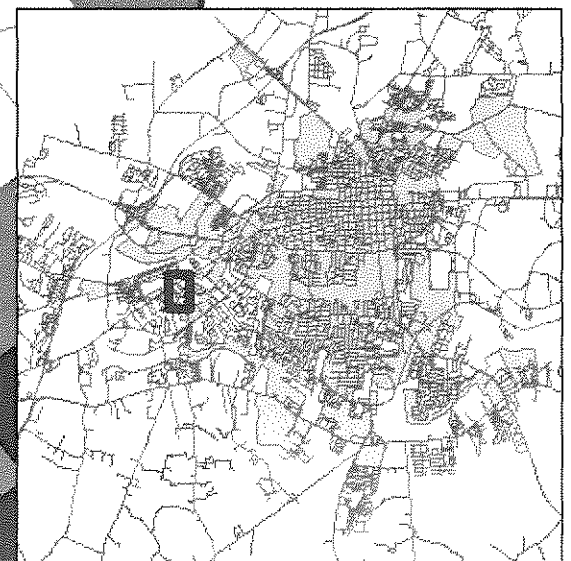
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# COMPREHENSIVE PLAN MAP PC#2010-02

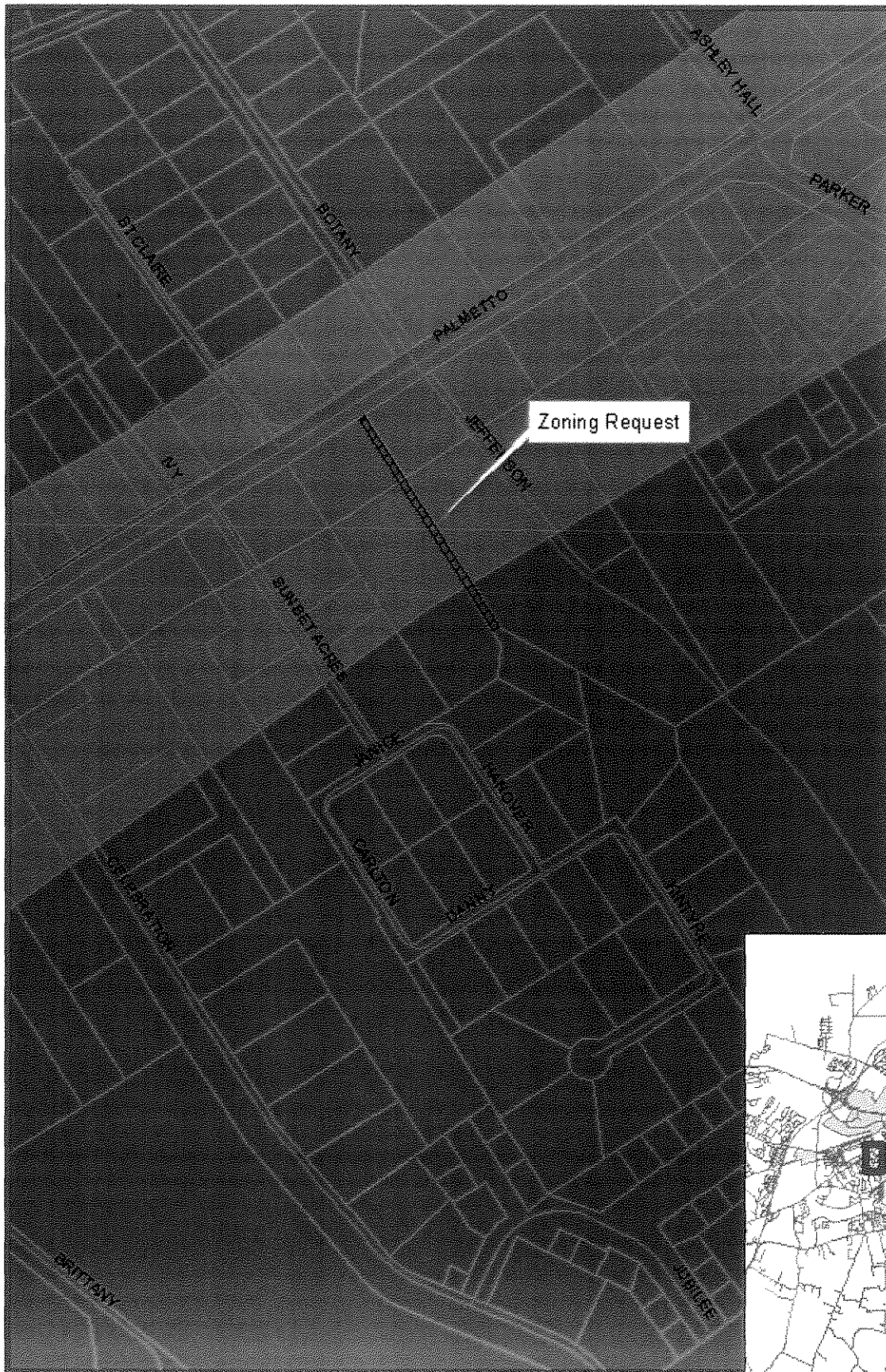


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Feet



Urban Planning &  
Development Department

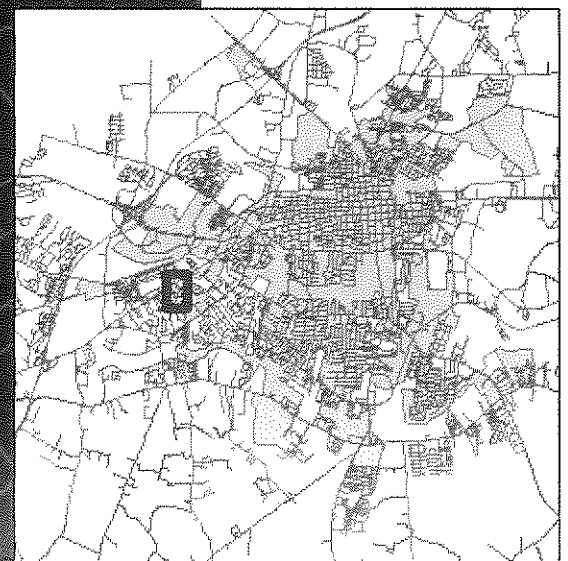


## Legend

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

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**ZONING PETITION STAFF CHECKLIST  
PC# 2010-02**

**IDENTIFYING DATA**

Name of Owner: Somerset, LLC

Address of Properties: 2800 block West Palmetto Street

Tax Parcel Number(s): 90002-02-005

Date: December 21, 2009

**GENERAL BACKGROUND DATA**

The Somerset LLC Planned Development District was annexed and zoned by action of City Council August 9, 2004. The applicant is requesting approval for amending the Planned Development by adding 0.27 acres. This property is the current 20 foot access from West Palmetto Street to the Ebenezer Baptist Church, 2906 W. Palmetto Street. Future access to the church will be from a 30 foot easement from Jefferson Drive.

The 20 foot access is currently unzoned and is also being annexed. Upon approval and completion of the annexation and zoning request the property will be added to the rear of the lots facing Jefferson Drive, increasing their depth.

**DIMENSIONAL REQUIREMENTS**

<u>Current Zoning/Unzoned</u>	<u>Proposed Zoning/PDD see comment below</u>
Lot Area:	Proposed Lot Area: NA
Lot Width:	Proposed Lot Width: NA
Front Setback:	Proposed Front Setback: NA
Side Yards:	Proposed Side Yards: NA
Rear Yards:	Proposed Rear Yards: NA
Max. Height:	Proposed Max. Height: NA
Open Space:	Proposed Open Space: NA
Parking:	Proposed Parking: NA

**Comments:**

The addition of this 20 feet will increase the depth of four lots located at the north western end of Jefferson Drive. There will be no changes to setbacks or other dimensions in the previously approved Planned Development District.



# ZONING PETITION STAFF CHECKLIST

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## 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: NA

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

If agent or other, what documentation has been provided from owner or is none required?  
Applicant is shown as a member of Sommersett LLC.

## 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

## ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?  
The access road is currently unzoned. Access for the Ebenezer Baptist Church, in future will be from Jefferson Drive and the cuurent access will be incorporated in existing lots.
2. What are adjacent properties zoned, and what are adjacent land uses?

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Unzoned	Commercial
Northeast	Zoned PDD	Commercial/undeveloped,
East	Zoned PDD	Commercial/undeveloped
Southeast	Zoned PDD	Commercial/undeveloped
South	Unzoned	Church
Southwest	Unzoned	Church
West	Unzoned	Church
Northwest	Unzoned	Commercial

## ZONING PETITION STAFF CHECKLIST

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3. What are development plans in the area – roads, schools, future commercial development, etc.?  
Somerset LLC and the adjacent Celebration Center are currently under development.
4. Is there a reason the current land use cannot continue to be feasible as it now exists?  
As the property is being annexed into the city, a zoning designation is required.
5. List some potential uses under existing zoning.  
The property in question is a 20 foot access road which could not be used for another use without being combined with more property.
6. List some potential uses under proposed zoning.  
Once combined with properties in the existing Planned Development, uses permitted in the B-3, General Commercial zone will be allowed.
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?  
To combine this property with the existing Planned Development District.
9. (a) What will be the benefits to the surrounding properties?  
Access on to West Palmetto will be removed and a safer alternative provided from Jefferson Drive.  
  
(b) What will be the detriments to the surrounding properties?  
None
10. Is a traffic study required for this petition?  
No  
  
If so, what are the recommendations of the study?
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

## ZONING PETITION STAFF CHECKLIST

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manner that will enhance public health, safety, morals, and general welfare

12. Will this proposal meet the intent of the above purpose statement?  
Yes.

ORDINANCE NO. 2010 \_\_\_\_\_

**AN ORDINANCE TO AMEND THE SOMERSETT LLC PLANNED DEVELOPMENT DISTRICT BY ADDING A 20' EASEMENT**

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on January 12, 2010 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by Somerset LLC owner of a 20' easement from West Palmetto Street was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and amending the existing adjacent Planned Development District:

**The property requesting annexation is shown more specifically as a 20 foot easement immediately west of property shown on Florence County Tax Map 9002-02-005, 2800 W. Palmetto Street.**

**Any portions of public rights-of-way abutting the above described property will be also included in the annexation.**

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 and annexing the aforesaid properties to Planned Development District and incorporating them into the City Limits of the City of Florence
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 \_\_\_\_\_, 2010

**Ordinance No. 2010 - \_\_\_\_\_**  
**Page 2**

**Approved as to form:**

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

\_\_\_\_\_  
Stephen J. Wukela,  
**Mayor**

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
**Municipal Clerk**

FLORENCE CITY COUNCIL MEETING

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

**DATE:** March 8, 2010

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

**DEPARTMENT/DIVISION:** Urban Planning & Development

**I. ISSUE UNDER CONSIDERATION**

An amendment to Section 5 of the City of Florence Zoning Ordinance in relation to permanent and temporary signs (banners) for institutions or 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 11<sup>th</sup> 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.
6. City Council sent the proposed amendments back to Planning Commission for more study on allowing an additional sign instead of banners.
7. Planning Commission at their February 9, 2010 meeting, held a public hearing to consider proposed amendments from the sign sub-committee and approved a recommendation by a 7-0 vote to add an additional sign and 6 banners a year for 45 days each to the previous amendments.

**III. POINTS TO CONSIDER**

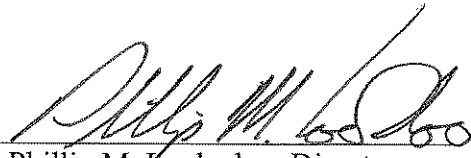
This item is being considered for first reading.

**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.

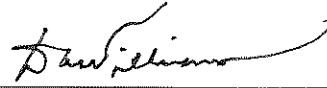
**V. ATTACHMENTS**

1. Ordinance
2. Sign Sub-Committee Report



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Phillip M. Lookadoo, Director  
Urban Planning & Development



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David N. Williams  
City Manager

City of Florence Planning Commission  
Sign Subcommittee Report  
January 28, 2010

**Members Present:** Mildred Welch and Louie Hopkins

**Staff :** Liz Shaw and Kendra Cobbs

The committee reviewed the comments and directions made by City Council at the December 14, 2009 meeting when the proposed changes to the regulations relating to banners has been introduced for first reading.

Councilman Brand had suggested that a second sign be permitted for non-profits in lieu of banners. This proposal was discussed by the sub-committee as an option to accommodate the needs of non-profits to advertize various activities and events. They recommended that a second permanent sign with changeable lettering be allowed on properties that had less than 300 feet of street frontage. This second sign should be no larger than 32 square feet. Applicants could choose between either a second permanent sign or using banners for temporary signage as previously proposed, but not both.

The sub-committee proposed the following amendments to the previous recommendations:

1. Amend Article 5, Table VIII, Regulation of Signs By Type, Characteristics and Zoning Districts to allow:
  - a. an additional free-standing permanent changeable copy sign for institutional organizations.
  - b. The additional sign to be no larger than 32 square feet in commercial zones. The sign size in residential zones is already limited to 20 square feet.
  - c. Entities may choose between an additional permanent sign OR continuing to display banners.

Staff Comments

Table VIII Regulation of Signs By Type, Characteristics and Zoning Districts in the Zoning Ordinance limits institutional signs to 20 square feet in residential districts. Staff recommends that this limit also be applicable to the second sign. Staff also researched street frontage and recommend that any reference number of signs per street frontage be removed as unnecessary



**ORDINANCE NO. 2010\_\_\_\_\_**

**AN ORDINANCE TO AMEND ARTICLE 5, SIGN REGULATIONS IN THE ZONING ORDINANCE RELATING TO SIGNAGE FOR INSTITUTIONAL USES**

**WHEREAS**, the Planning Commission was directed by City Council to review the current Zoning Ordinance in relation to signage for institutional uses 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, and February 9, 2010 meetings 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)
<b>Permanent</b>										
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
<b>Building</b>										
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
<b>Temporary (2)</b>										
A-Frame	N	N	A	A	A	A	A	N	N	NA
<b>Banner</b>	<del>N</del> <b>P</b>	N	P	P	P	P	P	N	<del>N</del> <b>P</b>	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
<b>Sign Characteristics</b>										

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.

**Table VIII  
 Regulation of Signs  
 By Type, Characteristics, and Zoning Districts**

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)
<b>FREESTANDING SIGNS</b>									
<b>Number Permitted Per lot (E)</b>									
Billboards	N	N	N	NA	N	NA	NA	N	N
Other (J)	1(A)	1	1	1	1	1	1	1 (A)	4-2
<b>Per Feet of St. Frontage</b>									
Billboards	N	N	N	1:1,200	N	1:1,200	1:1,200	N	N
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	NA
<b>Maximum Sign Area (s.f.)</b>									
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)	80	80	32	20	20
<b>Minimum Setback from Property Line</b>									
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'
<b>BUILDING SIGNS</b>									
Number Permitted (K)	1	1	2	2	2	2	2	1	1
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	12
Maximum Wall Area (K)	NA	NA	25 %	25%	25%	15%	25%	NA	NA
<b>TEMPORARY SIGNS</b>	<b>See Section 5</b>								

- Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet
- A – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation
  - \* - Two-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation for the City of Florence only.
  - B – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning Ordinance in residential zoning district, i.e. churches, schools, parks, etc. A second sign is permitted with changeable copy.
  - C – Minimum distances required by this section shall be measured between billboards located on either side of the street

- along the centerline of the street from which the billboard is viewed.
- D – One per lot or one for each 300 linear feet of street frontage, whichever is less.
  - E – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
  - F – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. From W. Evans to I-95.
  - G – Not to exceed 160 square feet.
  - H - Maximum height of billboards shall not exceed 100 feet where located within 600 feet of Interstate Highway as defined above (measured from the average roadway grade level; maximum height of other signs and billboards not on Interstate ROW shall not exceed forty (40) feet.
  - I – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.
  - J – Directional signs shall meet the following conditional criteria:
    - (1) The display surface area of directional signs shall not exceed 2 square feet per sign.
    - (2) A limit of three signs stacked may be utilized and shall not exceed five feet in height measured from the ground up.
    - (3) The height of a directional sign shall not exceed five feet in height measured from the ground up.
    - (4) Sign cannot intrude into the required site triangle.
    - (5) Company colors and/or logo may be used but no commercial message may be displayed.
  - K - One projection or wall sign may be allowed per tenant wall, not above the roof line, meeting the following size requirement and not to exceed 4 tenant walls; Front and rear walls=20% of wall area not to exceed 200 square feet; side walls=20% of wall areas not to exceed 100 square feet. **This provision shall apply to structures within line of sight of interstate highways and major thoroughfares.**

3. 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 Institutional uses 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 6 events annually with a maximum of 45 days per event.
  - M. Banners must be located in compliance with Section 7.5, Visibility at Intersections.

3. Current text with changes highlighted:

**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 permanent and temporary signs for institutional uses

**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:**

Ordinance No. 2010-\_\_\_\_\_  
March 8, 2010

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 \_\_\_\_\_, 2010**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Stephen J. Wukela,  
Mayor

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
Municipal Clerk

**VIII. b.**  
**Bill No. 2010-12**  
**First Reading**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** March 8, 2010  
**AGENDA ITEM:** Ordinance--First Reading  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

A Series Ordinance to provide for combined water and sewer system revenue bonds not to exceed \$99,000,000 to finance, over a period of thirty (30) years, a portion of the construction of the Florence Regional Wastewater Management Facility (WWMF) at the existing facility site, and to finance the refunding certain outstanding revenue bonds as well as funding a required debt service reserve.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**


Contract I construction of the WWMF began in the fall of 2009. The total Contract I project cost, including construction, inspection and engineering, legal fees, construction contingency, and loan closing fees, is estimated to be \$18,900,000, and is funded by a Water Pollution Control Revolving Loan Fund at a total blended interest rate of 2.81% approved by an ordinance adopted by City Council on June 15, 2009.

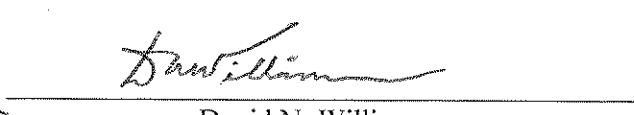
**III. POINTS TO CONSIDER**

- A.** Bids were opened on February 25, 2010 for the construction of Contract II of the WWMF and construction is scheduled to begin in May 2010. Contract II will complete the expansion started under Contract I and will complete treatment capability at the WWMF to 18 million gallons per day begun under Contract I. Both contracts consist of improvements that will accommodate future expansion of the WWMF to 22 MGD.
- B.** Funding for the construction of a new wastewater treatment facility requires several sources of funding including a state revolving fund loan, a bond issue, a designation of available cash on hand, and grant funding .
- C.** The adoption of this ordinance is required prior to the closing of the revenue bond issue for the financing of the WWMF Contract II.
- D.** The total amount of the revenue bonds, not to exceed \$99,000,000, includes approximately \$62,000,000 for costs related to Contract II, and an additional amount of up to \$37,000,000 to be used for refunding certain outstanding revenue bonds as well as funding of a required debt service reserve.

**IV. STAFF RECOMMENDATION**

Approval and adoption of the proposed ordinance.

  
\_\_\_\_\_  
Thomas W. Chandler  
Finance Director

  
\_\_\_\_\_  
David N. Williams  
City Manager

A SERIES ORDINANCE

MAKING PROVISION FOR THE TERMS AND CONDITIONS OF AN ISSUE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REFUNDING AND CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2010, OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$99,000,000 AS AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989; FOR THE AMENDMENT OF SAID BOND ORDINANCE; AND OTHER MATTERS RELATING THERETO.

SERIES ORDINANCE

STATE OF SOUTH CAROLINA

WHEREAS, the City Council ("City Council") of the City of Florence (the "City") has made general provision for the issuance of Combined Waterworks and Sewer System Revenue Bonds through the means of an ordinance entitled AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF COMBINED WATERWORKS AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF FLORENCE, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO," adopted on October 24, 1989, as amended (the "Bond Ordinance"); and

WHEREAS, it is provided in and by the Bond Ordinance that, upon adoption of a "Series Ordinance" there may be issued one or more series of Bonds for the purpose of providing funds for improvements and extensions to the Combined Waterworks and Sewerage System of the City (the "System") or to refund bonds payable from the revenues of the System; and

WHEREAS, the revenues derived from the System are now hypothecated and pledged to the payment of the following:

- (1) the outstanding installments of an original issue of \$858,982 State Water Pollution Revolving Fund Loan dated August 19, 1991 (the "Bonds of 1991").
- (2) the outstanding installments of an original issue of \$23,828,128 South Carolina Pollution Control Revolving Fund Loan dated June 25, 1993 (the "Bonds of 1993").
- (3) the outstanding installments of an original issue of \$2,779,488 South Carolina Drinking Water Revolving Loan Fund Loan dated May 10, 1999 (the "Bonds of 1999").
- (4) the outstanding installments of an original issue of \$6,000,000 State Drinking Water Fund Loan dated May 10, 2000 (the "Drinking Water Fund Loan of 2000").
- (5) the outstanding installments of an original issue of \$4,000,000 South Carolina Infrastructure Revolving Loan Fund Loan dated May 10, 2000 (the "Infrastructure Revolving Fund Loan of 2000").
- (6) the outstanding \$22,120,000 of an original issue of \$25,690,000 Combined Waterworks and Sewerage System Revenue Bonds, Series 2000, dated May 10, 2000 (the "Bonds of 2000").
- (7) the outstanding \$6,680,000 of an original issue of \$8,360,000 Combined Waterworks and Sewerage System Acquisition Revenue Bond, Series 2002, dated October 3, 2002 (the "Bonds of 2002").
- (8) the outstanding installments of an original issue of \$2,517,834 State Drinking Water Fund Loan dated January 30, 2003 (the "Drinking Water Fund Loan of 2003").
- (9) the outstanding \$1,400,000 of an original issue of \$2,000,000 Combined Waterworks and Sewerage System Revenue Bond, Series 2003B, dated November 5, 2003 (the "Bonds of 2003").
- (10) the outstanding installments of an original issue of not exceeding \$18,868,479 plus accrued interest, if any, South Carolina Water Quality Revolving Fund Loan dated June 25, 2009 (the "Bond of 2009"); and



WHEREAS, the obligations described in (1), (3), (4), (5), (8) and (10) above are hereinafter referred to as the "SRF Bonds." The obligations described in (7) and (9) above are hereinafter referred to as the "Bank Bonds." The obligations described in (2) and (6) above are hereinafter referred to as the "Refunded Bonds." The obligations described above at (1) through (10), inclusive, are hereinafter referred to as the "Parity Bonds;" and

WHEREAS, the City has determined that it is necessary to construct certain capital improvements to the System, specifically rehabilitation and expansion of its wastewater treatment facility to then be known as the Florence Regional Wastewater Management Facility (the "Project"); and

WHEREAS, certain of the existing covenants and agreements in the Bond Ordinance hamper and impede the ability of the City to borrow moneys which are required to provide for improvements, enlargements and extensions to the System; and

WHEREAS, the City has obtained the consent of the Holders of the SRF Bonds and the Bank Bonds to amend certain provisions of the 1989 Bond Ordinance; and

WHEREAS, the City has determined that a savings in debt service requirements may be achieved through the refunding of the Refunded Bonds and, in addition, such refunding, together with the consent obtained from the Holders of the SRF Bonds and the Bank Bonds, will allow those covenants and agreements in the Bond Ordinance which hamper and impede the ability of the City to borrow moneys to be amended; and

WHEREAS, it has been determined that not exceeding \$99,000,000 may be required in order to provide funds for the Project as well as the refunding of the Refunded Bonds and costs related to the financing and providing necessary reserves; and

WHEREAS, it has been determined that a provision relating to "Conditions of Issuance of Bonds of a Series" set forth at Article IV of the Bond Ordinance should be amended in order to make operation of Article IV more efficient and economical; and

WHEREAS, it has been further determined that a provision relating to "The Debt Service Reserve Fund" set forth at Article VII of the Bond Ordinance should be amended in order to make operation of Article VII more efficient and economical; and

WHEREAS, by reason of the foregoing, it has been determined to adopt this ordinance as a "Series Ordinance" in accordance with the terms and provisions of the Bond Ordinance.

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

ARTICLE I

DEFINITIONS, AUTHORITY,  
AMENDMENTS TO BOND ORDINANCE

Section 1.01. Definitions.

All terms which are defined in Section 1.01 of the Bond Ordinance shall have the same meanings in this Series Ordinance as such terms are prescribed to have in the Bond Ordinance.

Section 1.02. Authority for Series Ordinance.

This Series Ordinance is adopted pursuant to the provisions of the Bond Ordinance.

Section 1.03. Provisions Amending Bond Ordinance.

Pursuant to Article XII of the Bond Ordinance and to amend agreements of the City in the Bond Ordinance hereafter to be observed, the Bond Ordinance is amended as follows:

1) The definition of Annual Principal and Interest Requirement at Section 2.02 shall be supplemented by adding the following as a concluding paragraph:

There shall be excluded in this definition, and in particular in the calculation of interest to be paid by the City, such sums as the City is entitled to receive from the United States Treasury pursuant to legislation adopted by the United States Congress. To illustrate, if Bonds are issued in a form whereby the City receives a subsidy or payment or similar reduction in interest which would otherwise be payable, the amount of that subsidy, payment or similar reduction will not be included in calculating interest expense. Thus, for example, if any Bonds bear interest at 10% but the City receives a federal subsidy, payment or similar reduction in the amount of 35% of such interest expense, the effective rate of interest to be used in calculating Annual and Principal Requirement would be 6.5%.

2) The definition of "Authorized Investments" at Section 2.02 shall be deleted and the following substituted therefor:

"Authorized Investments" shall mean those investments described in Section 6-5-10, Code of Laws of South Carolina 1976, as now or hereafter amended, and shall also include the South Carolina Investment Fund established at Sections 6-6-10 to 6-6-40, Code of Laws of South Carolina 1976, as now or hereafter amended.

3) A definition of "Financial Consultant" shall be added at Section 2.02 to read as follows:

"Financial Consultant" shall mean a financial consultant appointed by the City and satisfactory to the Trustee and who or which is not a full-time employee of the City.

4) The definition of "Debt Service Reserve Fund" at Section 2.02 shall be deleted and the following substituted therefor:

"Debt Service Reserve Fund" shall mean, with respect to the Bonds of any Series, the fund, if any, so designated and designed to insure the timely payment of the principal of and interest on

all Bonds of such Series and to provide for the redemption of such Bonds prior to their stated maturity, as established by the provisions of the Series Ordinance providing for the issuance of such Bonds.

5) The definition of Reserve Requirement at Section 2.02 shall be deleted and the following substituted therefor:

"Reserve Requirement" shall mean, with respect to the Debt Service Reserve Fund, if any, established for the Bonds of any Series, the amount required to be on deposit in such Fund as provided by the Series Ordinance pursuant to which the Bonds of such Series were issued.

6) Sections 4.02(2) and (3) are deleted and the following substituted therefor:

(A) All Bonds shall be issued in compliance with the following provisions of this Section 4.02:

(2) There shall be on deposit in each Debt Service Reserve Fund established pursuant to any Series Ordinance the amount then required to be on deposit therein by the provisions of such Series Ordinance;

(3) Except in the case of Bonds issued for the purpose of refunding any Bonds:

(i) (A) there shall be delivered to the Trustee a certificate, which is not required to be based upon an audit of the City, from an Accountant, Financial Consultant or a Consulting Engineer, to the effect that Net Earnings during any consecutive 12-month period out of the 24 months immediately preceding the issuance date of the proposed Bonds (the "Test Period") are not less than 125% of the greatest sum for any Fiscal Year obtained by adding the principal and interest requirements for each Fiscal Year for all Series of Bonds then proposed to be Outstanding, or (B) there shall be delivered to the Trustee a certificate from a Financial Consultant or a Consulting Engineer to the effect that for each of the three full Fiscal Years following the later of the date of the delivery of the Bonds proposed to be issued or the period (if any) for which interest is funded from proceeds of such Bonds, Net Earnings will not be less than 125% of the greatest sum for any Fiscal Year obtained by adding the principal and interest requirements for that Fiscal Year for all Series of Bonds then proposed to be Outstanding.

(ii) For purposes of part (i) above, Net Earnings may be adjusted as provided in this part (ii) as follows: Net Earnings, whether determined for the Test Period or on a forecasted basis, may be adjusted to reflect any rate increases approved by the City and to be in effect prior to or coincident with the issuance of such proposed Series of Bonds and shall be determined as though such rate increases had been in continuance effect during the Test Period. For purposes of part (i)(A), if the City shall have acquired or has contracted to acquire any privately or publicly owned existing facilities, then the Net Earnings derived from the System during the Test Period shall be increased by the amount of

Net Earnings which would have been derived from said existing facilities as if such existing facilities had been a part of the System during the Test Period. For the purposes of part (i), the Net Earnings derived from said existing facilities during the Test Period shall be determined by deducting the cost of operation and maintenance of the existing facilities from the gross revenues of the existing facilities in the same manner provided in the Bond Ordinance for the determination of Net Earnings. When provision has been made for the defeasance and discharge of any Bonds in accordance with the provisions of Section 16.01 hereof, then, in all instances, the principal and interest requirements of those Bonds shall be excluded from the calculation required by part (i).

7) Sections 4.02(B) is deleted and the following substituted therefor:

(B) In the case of Bonds issued for the purpose of refunding any Bonds either:

(1) Independent of any of the requirements of Section 4.02(A), the amount required in each Fiscal Year to pay the installments of principal of and interest on the refunding Bond shall not exceed one hundred five percent (105%) of the amount of principal and interest scheduled to become due on the refunded Bonds for such Fiscal Year, until a Fiscal Year subsequent to the last maturity of any Bonds not refunded and which remain Outstanding following the issuance of the refunding Bonds; or

(2) The earnings tests prescribed by either (a) or (b) of paragraph (3) of the preceding subsection (A) shall be complied with.

8) Section 7.05 is deleted and the following substituted therefor:

(A) Each Series Ordinance may provide for the establishment of a Debt Service Reserve Fund for any Series of Bonds Outstanding. Each such Debt Service Reserve Fund shall bear a number series designation as may be necessary to distinguish such Debt Service Reserve Fund and shall, subject to the other provisions of this Bond Ordinance, be maintained in an amount equal to the applicable Reserve Requirement, as determined pursuant to the applicable Series Ordinance so long as the applicable Series of Bonds shall be Outstanding. Each such fund is intended to insure the timely payment of the principal of, premium, if any, and interest on the applicable Series of Bonds, and to provide for the redemption of such Series of Bonds prior to their stated maturities. Money in each Debt Service Reserve Fund shall be used for the following purposes, and for no other (provided, however that if sufficient funds have been paid to defease the lien of this Ordinance with respect to any Series of Bonds in accordance with Section 16.01, or if by reason of authorized replacement or otherwise is no longer required under the terms of the applicable Series Ordinance, and there exists no Event of Default with respect to any Series of Bonds, any funds remaining in the Debt Service Reserve Fund with respect to such Series may be paid as directed by the City):

(i) To prevent a default in the payment of the principal of or interest on the applicable Series of Bonds, by reason of the fact that money in the Debt Service Fund is insufficient for such purposes;

(ii) To pay the principal of, interest on, and redemption premium of the applicable series of bonds in the event that all Outstanding Bonds of such Series be redeemed as a whole; or

(iii) To effect partial redemption of the applicable Series of Bonds; provided that subsequent to said partial redemption, the market value of the cash and securities in such Debt Service Reserve Fund shall be not less than the applicable Reserve Requirement.

(B) Each Debt Service Reserve Fund shall be kept in the complete custody and control of the Trustee and withdrawals from each Debt Service Reserve Fund shall be made only by such Trustee, or to the Paying Agent, if the Trustee is not the Paying Agent, in which event the Paying Agent, who shall transmit to a Bondholder of the applicable Series, at such times as may be appropriate the sums required to pay the principal of, redemption premium, if any, and interest on such Series of Bonds.

(C) Money in each Debt Service Reserve Fund shall be invested and reinvested by the Trustee at the direction of the City in Authorized Investments. Subject to the remaining provisions of this paragraph (C), the earnings from such investments shall be added to and become a part of the applicable Debt Service Reserve Fund. Whenever, and as of the date of calculation, the value of the securities and money in each Debt Service Reserve Fund shall exceed the applicable Reserve Requirement such excess shall either be used to effect partial redemption of the applicable Series of Bonds, or shall be removed from such Debt Service Reserve Fund and transferred to the Construction Fund so long as the project or projects financed with such Series of Bonds shall be continuing as directed by the City. The payments required of the City by the provisions of Section 8.04 shall be reduced to the extent of any such transfer to the Debt Service Fund.

In lieu of the deposit of securities or monies into any Debt Service Reserve Fund established by any Series Ordinance for any Series of Bonds, the City may satisfy all or a portion of the applicable Reserve Requirement established by the applicable Series Ordinance by causing to be so credited a surety bond, a line of credit, insurance policy or a letter of credit payable to the Trustee for the benefit of the holders of the outstanding Series of Bonds in an amount which together with monies on deposit in such Debt Service Reserve Fund is equal to such Reserve Requirement. Provided, however, that not less than 30 days prior to such credit becoming effective, Moody's Investors Services, Inc. shall be notified in writing of such substitution. In the event any Debt Service Reserve Fund is funded with both monies and a surety bond, insurance policy, line of credit or letter of credit, any withdrawals from such Debt Service Reserve Fund pursuant to the provisions of the Bond Ordinance shall be made first from such monies (or the liquidation of investments made therewith) and second from such surety bond, insurance policy, line of credit or letter of credit. The surety bond, insurance policy, line of credit or letter of credit shall be payable (upon the giving of notice by the Trustee as required thereunder) on any date on which monies will be required to be withdrawn from any Debt Service Reserve Fund and applied to the payment of the principal and redemption premium, if any, of, or interest on, the applicable outstanding Series of Bonds. The insurer providing such surety bond, line of credit or insurance policy shall be an insurer whose municipal bond insurance policies insuring the payment of the principal of and interest on municipal bond issues results in such issues being rated in a rating category equal to or better than the ratings given the applicable Series of Bonds by Moody's Investors Service, Inc. ("Moody's") and Standard & Poor's Corporation ("S&P"). The letter of credit issuer shall be a bank or trust company which is rated not lower than the highest rating on the applicable Series of Bonds at such time. The insurance policy, line of credit or surety bond must extend for the life of the Series of Bonds which

receives the benefit of the same and must be unconditional and irrevocable. If a disbursement is made pursuant to a surety bond, insurance policy, line of credit or letter of credit, the city shall be obligated either (a) to reinstate the maximum limits of such surety bond, insurance policy, line of credit or letter of credit, or (b) to deposit into the applicable Debt Service Reserve Fund cash in the amount of the disbursement made under such surety bond, insurance policy, line of credit or letter of credit, or a combination of such alternatives, as shall provide that the amount credited to such Debt Service Reserve Fund equals the Reserve Requirement within a time period not longer than one year.

9) Section 8.05 is deleted and the following substituted therefor:

Section 8.05. Deposits for the Debt Service Reserve Fund. Provision shall then be made for deposit to any Debt Service Reserve Fund established by any Series Ordinance of such amount as shall be required by the provisions of such Series Ordinance.

## ARTICLE II

### AUTHORIZATION AND TERMS OF THE SERIES OF BONDS

#### Section 2.01. Conditions Precedent to Issuance of Series of Bonds.

The Bond Ordinance provides that a Series Ordinance shall be adopted with respect to each Series of Bonds which Series Ordinance shall express the approval of City Council to the issuance of a Series of Bonds and City Council's agreement to abide by the terms, provisions and agreements set forth in the Bond Ordinance and shall specify and determine:

- 1) As prescribed by Section 6-17-60 of the Enabling Act, the then period of usefulness of the System;
- 2) The Date or Dates of Issue of such Series of Bonds;
- 3) The precise principal amount of the Series of Bonds;
- 4) The specific purposes for which the proceeds of such Series will be used;
- 5) The title and designation of the Bonds of such Series and manner of numbering and lettering, and the denomination or denominations of the Bonds of such Series;
- 6) The date or dates of maturity and the amounts thereof;
- 7) The interest rate or rates, or the manner of determining such rate or rates, of the Bonds of such Series;
- 8) The time for the payment of interest on the Bonds in such Series and the Record Date;
- 9) The redemption price or redemption prices and the redemption date or redemption dates and other terms of redemption (if any) applicable to any of the Bonds of such Series for such payments;
- 10) The Registrar for such Bonds if other than the Trustee;

11) The portion of such Series that are serial Bonds and that are Term Bonds, if any, including the amount and date of each mandatory redemption or sinking fund installment, if any, required by such Series Ordinance to be paid for the retirement of any such Bonds;

12) The portion of such Series that are Capital Appreciation Bonds, if any, including the time for payment of such Capital Appreciation Bonds in order to address the information requested in paragraphs (7) and (8) above.

13) Any other applicable redemption requirement for the Bonds of such Series and the method of satisfying the same;

14) The manner in which Bonds of such Series are to be sold and provisions for the sale thereof;

15) The form or forms for the Bonds of each Series;

16) That the then applicable Reserve Requirement has been or will be met;

17) The disposition of the proceeds of the sale of the Bonds of such Series and the manner of their application; and

18) Any other provisions deemed advisable by the City not in conflict with or in substitution for the provisions of the Bond Ordinance and the Series Ordinance relating to the Bonds of such Series.

#### Section 2.02. Findings and Determinations.

Pursuant to the provisions of the Bond Ordinance described in Section 2.01 above, it is hereby found and determined that:

1) The useful life of the System is found to be 40 years.

2) The Date of Issue of the Bonds is to be the date of delivery of the Bonds.

3) The Bonds shall be in the original principal amount of not exceeding \$99,000,000. The final principal amount shall be set forth in a certificate to be signed by the Mayor and included with this Ordinance in the records of City Council.

4) The proceeds of the Bonds shall be used:

(a) to provide moneys which will be sufficient to defease the Refunded Bonds;

(b) to provide moneys which will be sufficient to construct the Project;

(c) to make provision for satisfying the Reserve Requirement; and

(d) to pay certain costs and expenses relating to the issuance of the Bonds.

5) The Bonds shall be designated City of Florence, South Carolina, Combined Waterworks and Sewerage System Refunding and Capital Improvement Revenue Bonds, Series 2010 and shall be issued in book-entry form.

6) The Mayor of the City is hereby authorized and empowered to determine the aggregate principal amount of the Bonds, the principal amount of each maturity of the Bonds, the interest rates for the Bonds, the Bonds to be subject to mandatory and optional redemption and the redemption prices of the Bonds subject to optional redemption and shall be set forth in a certificate to be signed by the Mayor and included with this Ordinance in the records of City Council. As described herein, the Bonds may be sold as either, or as a combination of, Tax-Exempt Bonds or Build America Bonds, each as defined below.

City Council is advised that in reaction to the current economic crisis, the United States Congress adopted in February 2009 the American Recovery and Reinvestment Act of 2009 (ARRA) which provides for, among many other things, a new federal tax treatment of obligations of political subdivisions and states known as "Build America Bonds." As provided in Section 54AA(g) of the Code, a political subdivision may issue obligations, which otherwise qualify for issuance as tax-exempt bonds, as taxable Build America Bonds. The issuer of Build America Bonds is entitled to receive from the United States Treasury on each interest payment date for such bonds a subsidy in the form of a refundable tax credit equal to 35% of the interest payable by the issuer on that interest payment date. While the interest rate on Build America Bonds will most likely be higher than the interest rate on identical obligations issued as tax-exempt bonds, City Council is advised that the 35% subsidy may result in net debt service on Build America Bonds which is lower than that on tax-exempt bonds.

Therefore, while this Series Ordinance provides for the issuance of the Bonds as obligations the interest upon which is excludable from income for federal income tax purposes ("Tax-Exempt Bonds") and, notwithstanding any provision of the Series Ordinance to the contrary, the Bonds, or portion thereof, in lieu of issuance as Tax-Exempt Bonds, may be issued as Build America Bonds. Bonds issued as Build America Bonds shall be designated in such manner, but in any case including a year and alphabetical identifier, as determined by the Mayor, upon advice of bond counsel. Tax-Exempt Bonds hereafter issued pursuant to the Series Ordinance shall also contain a year and alphabetical identifier. The City is authorized to make an irrevocable election that Section 54AA(g) of the Code apply to all or a portion of the Bonds.

The Mayor is authorized to designate portions of the Bonds as one or several series. If more than one series of Bonds is issued, the Mayor shall so designate the several series, the uses to which the proceeds shall be applied and such other matters and items as shall be necessary in connection with the issuance of the Bonds.

The Mayor is authorized to file, or cause to be filed, such application as may be required in order for the City to receive the refundable tax credit subsidy applicable to Build America Bonds pursuant to Section 6431 of the Code. Refundable tax credits paid to the City on account of Build America Bonds shall, upon receipt, be deposited in the debt service fund established for the repayment of such Bonds and applied to payment of principal of and interest as the same shall become due; provided, however, such sums may be deposited in such other fund or account as shall be designated by written direction of the City.

The Mayor is further authorized to take any and all actions which, upon advice of the City's financial advisor, enable all or any portion of the Bonds to take advantage of any subsidies or programs permitted under federal law.

7) Interest on the Bonds shall be payable on March 1 and September 1 of each year commencing September 1, 2010, at which time interest from the date of delivery shall be due, to the



Registered Holder thereof as of the Record Date. The Record Dates for the Bonds shall be February 15 and August 15 of each year.

8) Such of the Bonds as the Mayor shall determine pursuant to paragraph (6) above shall be subject to mandatory redemption at the redemption price equal to the principal amount of the Bonds to be redeemed, together with interest accrued from the date of redemption, in the years and in the amounts determined by the Mayor and shall be set forth in a certificate to be signed by the Mayor and included with this Ordinance in the records of City Council.

9) The Registrar for the Bonds shall be the Trustee under the Bond Ordinance.

10) The Bonds shall be sold to successful purchaser at public sale offering the lowest interest cost to the City (the "Underwriter").

11) The Bonds shall be substantially in the form attached hereto as Exhibit A and are eligible securities for the purposes of the Book-Entry System of transfer maintained by the any securities depository (the "Depository") that is a "clearing corporation" within the meaning of the New York Uniform Commercial Code and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a Book-Entry System to record ownership of beneficial interests in the Bonds, and to effect transfers of the Bonds, in Book-Entry Form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

12) Provision for the Reserve Requirement required by the Bond Ordinance shall be an amount equal to \$ \_\_\_\_\_ and may be paid from the proceeds of the Bonds or other System funds as determined by the Mayor and shall be set forth in a certificate to be signed by the Mayor and included with this Ordinance in the records of City Council.

13) The proceeds of the Bonds shall be applied as set forth in a certificate to be signed by the Mayor and included with this Ordinance in the records of City Council.

14) City Council hereby authorizes the issuance of the Bonds and agrees to abide by all of the terms, provisions and agreements set forth in the Bond Ordinance.

15) City Council hereby approves the Preliminary Official Statement in connection with the issuance of the Bonds and authorizes preparation of a final Official Statement for the Bonds, both of which shall be signed on behalf of the City by the Mayor.

16) Pursuant to Section. 7.01 of the Bond Ordinance, there is hereby created a fund to be known as the "Series 2010 Construction Fund". There shall be paid into the Series 2010 Construction Fund the sums prescribed below. The Series 2010 Construction Fund shall be held, maintained and controlled by the City. Moneys in the Series 2010 Construction Fund shall be invested and reinvested in Authorized Investments. All earnings on this fund shall be added to and become a part of the Series 2010 Construction Fund. Withdrawal from the Series 2010 Construction Fund shall be made upon the written order of any authorized Officer of the City. Following completion of the Project, any amounts on deposit in the Series 2010 Construction Fund shall be deposited in the Debt Service Fund.

17) Pursuant to the Bond Ordinance, thereby is hereby created a Debt Service Reserve Fund designated the "City of Florence, South Carolina, Combined Waterworks and Sewerage System Refunding and Capital Improvement Revenue Bonds Series 2010 Debt Service Reserve Fund," and shall, subject to the

other provisions of this Series Ordinance, be maintained in an amount equal to the Series 2010 Reserve Requirement for so long as the Series 2010 Bonds shall be Outstanding. Such Fund is intended to insure the timely payment of the principal of and interest on the Series 2010 Bonds, and to provide for the redemption of such Bonds prior to their stated maturities. Except as provided in paragraph (C) below, money in the Series 2010 Debt Service Reserve Fund shall be used for the following purposes, and for no other, viz.:

(i) To prevent a default in the payment of the principal of or interest on the Series 2010 Bonds, by reason of the fact that money in the Debt Service Fund is insufficient for such purposes;

(ii) To pay the principal of, interest on, and redemption premium of the Series 2010 Bonds in the event that all Outstanding Series 2010 Bonds be redeemed as a whole; or

(iii) To effect partial redemption of the Series 2010 Bonds; provided that subsequent to said partial redemption, the value of the Series 2010 Debt Service Reserve Fund shall be not less than the Series 2010 Reserve Requirement.

(A) The Series 2010 Debt Service Reserve Fund shall be kept in the complete custody and control of the Trustee and withdrawals from the Series 2010 Debt Service Reserve Fund shall be made only by such Trustee who shall transmit to a Bondholder of such Series, at such times as may be appropriate, the sums required to pay the principal of, redemption premium, if any, and interest on the Series 2010 Bonds.

(B) Money in the Series 2010 Debt Service Reserve Fund shall be invested and reinvested by the Trustee at the written direction of the City in Authorized Investments. Subject to the remaining provisions of this paragraph (B), the earnings from such investments shall be added to and become a part of the Series 2010 Debt Service Reserve Fund. The value of the Series 2010 Debt Service Reserve Fund shall be established (i) as of July 31 of each year, and (ii) on the date of any withdrawal therefrom pursuant to (B) above. Securities shall be valued at market value as of the date of such valuation; any insurance policy, surety bond or letter of credit shall be valued at the face value or stated amount thereof less the amount of any payments thereunder or draws thereon which have not been reimbursed and reinstated. Whenever, and as of any date of calculation, the value of the Series 2010 Debt Service Reserve Fund shall exceed the Series 2010 Reserve Requirement, any excess, to the extent represented by cash and/or securities, shall either be used to effect redemption of Series 2010 Bonds, or shall be removed from the Series 2010 Debt Service Reserve Fund and transferred to the City for deposit into the Depreciation and Contingent Fund, as directed in writing by the City.

18) The City finds that the provisions of Section 4.02(A)(3) may be satisfied permitting the Bonds to be issued on a parity with the outstanding Parity Bonds.

19) The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement attached hereto as Exhibit "B". Notwithstanding any other provision of this Series Ordinance, failure of any party to comply with the Continuing Disclosure Agreement shall not be considered an Event of Default. Any Bondholder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the City to comply with its obligations hereunder and under the Continuing Disclosure Agreement to comply with its obligations under the Continuing Disclosure Agreement.

20) City Council hereby authorizes the Mayor to take such further action as may be necessary to effect the issuance of the Bonds.

DONE, RATIFIED AND ADOPTED THIS 12<sup>th</sup> day of April, 2010.

(SEAL)

\_\_\_\_\_  
Mayor, City of Florence, South Carolina

Attest:

\_\_\_\_\_  
Clerk, City of Florence, South Carolina

First Reading: March 8, 2010

Second Reading: April 12, 2010

(FORM OF BOND)  
(FACE OF BOND)

CITY OF FLORENCE, SOUTH CAROLINA  
COMBINED WATERWORKS AND SEWERAGE SYSTEM  
REFUNDING [CAPITAL IMPROVEMENT]  
REVENUE BONDS, SERIES 2010

No. \_\_\_\_\_

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Issue</u>	<u>CUSIP</u>
	March 1, _____	_____, 2010	

Registered Owner:

Principal Amount: \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

THE CITY OF FLORENCE, SOUTH CAROLINA (the "City") acknowledges itself indebted and for value received hereby promises to pay, solely from the sources and as hereinafter provided, to the Registered Owner named above or registered assigns, the Principal Amount set forth above on the Maturity Date stated above, unless this Bond be subject to redemption and shall have been redeemed prior thereto as hereinafter provided, upon presentation and surrender of this Bond at the corporate trust office of \_\_\_\_\_ (the "Trustee") in the City of New York, State of New York, and to pay interest on such Principal Amount at the Interest Rate stated above (calculated on the basis of a 360-day year of twelve 30-day months), until the obligation of the City with respect to the payment of such Principal Amount shall be discharged.

THIS BOND HAS BEEN ISSUED UNDER THE PROVISIONS OF TITLE 6, CHAPTER 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN STATE CONSTITUTIONAL PROVISIONS (OTHER THAN ARTICLE X, SECTION 14, PARAGRAPH 10 OF THE SOUTH CAROLINA CONSTITUTION AUTHORIZING OBLIGATIONS PAYABLE SOLELY FROM SPECIAL SOURCES NOT INVOLVING REVENUES FROM ANY TAX OR LICENSE). THIS BOND AND THE BONDS OF THE SERIES OF WHICH IT IS ONE SHALL NOT CONSTITUTE A DEBT OF THE CITY, NOR A CHARGE, LIEN OR ENCUMBRANCE, LEGAL OR EQUITABLE, UPON ANY PROPERTY OF THE CITY OR ON ANY INCOME, RECEIPTS OR REVENUES THEREOF, OTHER THAN THE AFORESAID NET REVENUES OF THE SYSTEM PLEDGED THERETO. NO RECOURSE SHALL BE HAD FOR THE PAYMENT OF THIS BOND OR THE INTEREST THEREON AGAINST THE GENERAL FUND OF THE CITY AND NEITHER THE CREDIT NOR THE TAXING POWER OF THE CITY SHALL BE DEEMED TO BE PLEDGED THERETO. THE FULL FAITH, CREDIT AND TAXING POWERS OF THE CITY ARE NOT PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THIS BOND.

Both the principal of and interest on this Bond, as the same shall become due, are payable solely from the revenues derived from the operation of the Combined Waterworks and Sewerage System of the City (the "System") as described herein. This Bond shall not in any event constitute an indebtedness of the City within the meaning of any provision, limitation or restriction of the Constitution or statutes of the State

of South Carolina (the "State"). The City is not obligated to pay this Bond, or the interest hereon, save and except from revenues derived from the operation of the System.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Registrar, initially the Trustee.

This Bond will bear interest from the later of the date of delivery or the date to which interest has been paid immediately preceding the authentication date hereof, unless the authentication date hereof is a March 1 or September 1, in which event, this Bond will bear interest from the earlier of such authentication date or the date to which interest has last been paid; provided that if the authentication date hereof precedes September 1, 2010, or if the City shall fail to pay interest on September 1, 2010, then this Bond will bear interest from the date of delivery. Interest on this Bond is payable on March 1 and September 1 of each year beginning September 1, 2010, at which time interest from the date of delivery will be due. The interest so payable on any March 1 or September 1 will be paid to the person in whose name this Bond is registered at the close of business on the February 15 or August 15 immediately preceding such March 1 or September 1 (the "Record Date").

Interest hereon shall be payable by check or draft mailed at the times provided herein from the office of the Registrar to the person in whose name this Bond is registered on the Record Date at the address shown on the registration books. The principal of, redemption premium, if any, and interest on this Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of a Series of Bonds in the aggregate principal amount of \$ \_\_\_\_\_ of like tenor, except as to number, rate of interest, date of maturity and redemption provisions, issued pursuant to and in accordance with the Constitution and statutes of the State of South Carolina (the "State"), including particularly Chapter 17, Title 6, Code of Laws of South Carolina 1976, as amended, an ordinance duly adopted by the City Council of the City of Florence ("Council") on October 24, 1989, as amended by an ordinance (the "Series Ordinance") duly adopted by Council on April 12, 2010 (as so amended, the "Bond Ordinance") (the Bond Ordinance and the Series Ordinance are hereinafter collectively referred to as the "Ordinances") for the purpose of obtaining funds to construct improvements to the City's Combined Waterworks and Sewerage System, to satisfy the Reserve Requirement with respect to the bonds and to pay certain costs incidental to the issuance of the Bonds.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinances. Certified copies of the Ordinances are on file in the office of the Trustee and in the office of the Clerk of Court for Florence County, South Carolina.

The Bonds will be issued on a parity with the City's outstanding \_\_\_\_\_ and any additional bonds hereinafter issued on a parity with the 1989 Bonds, the \_\_\_\_\_ and the Bonds.

The City has covenanted to continuously operate and maintain the System and fix and maintain such rates for the services and facilities furnished by the System as shall at all times be sufficient (a) to provide for the payment of the expenses of the administration and operation and such expenses for maintenance of the System as may be necessary to preserve the same in good repair and working order, (b) to provide for the punctual payment of the principal of and interest on the Bonds and all Junior Lien Bonds, (c) to maintain the Debt Service Fund and thus provide for the punctual payment of the principal of and interest on the Bonds, (d) to maintain the Debt Service Reserve Fund in the manner prescribed in the Ordinances, (e) to build and maintain a reserve for depreciation of the System, for contingencies and for

improvements, betterments and extensions to the System other than those necessary to maintain the same in good repair and working order, and (f) to discharge all obligations imposed by the Enabling Act and the Ordinances.

For the payment of the principal of and interest on the Bonds, there are hereby irrevocably pledged that portion of the Revenues which remain after paying the cost of the operation and maintenance of the System; and a lien upon such Revenues has been granted to the Holders of the Bonds.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments imposed within the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

This Bond is transferable, as provided in the Bond Ordinance, only upon the registration books of the City kept for that purpose by the Trustee or other registrar, by the Holder hereof in person or by his duly authorized attorney, upon (a) surrender of this Bond and an assignment with a written instrument of transfer satisfactory to the Trustee duly executed by the Holder hereof or his duly authorized attorney and (b) payment of the charges, if any, prescribed in the Bond Ordinance. Thereupon a new Bond or Bonds of the same aggregate principal amount, maturity and interest rate shall be issued to the transferee in exchange therefor as provided in the Bond Ordinance. The City, the Trustee and any Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

For every exchange or transfer of the Bonds, the City or the Trustee or Registrar, as the case may be, may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

The Bonds maturing on and after March 1, 20\_\_\_, are subject to redemption prior to maturity, at the option of the City, on and after March 1, 20\_\_\_, in whole at any time or in part, in inverse order of maturity, on any March 1 or September 1, upon 30 days' notice, at the respective redemption prices set forth below, expressed as a percentage of the principal amount hereof to be so redeemed, plus interest accrued to the redemption date:

<u>Period During Which Redeemed</u> <u>(both dates inclusive)</u>	<u>Redemption Price</u>
March 1, 20___ to February 28, 20___	
March 1, 20___ to February 28, 20___	
March 1, 20___ and thereafter	

If less than all of the Bonds are to be redeemed, the particular Bonds or portions of Bonds to be redeemed shall be selected not less than 45 days prior to the date fixed for redemption by the Trustee by lot. If this Bond be in a denomination of more than \$5,000, it may be redeemed in part from time to time in one or more units of \$5,000 in the manner provided in the Bond Ordinance.

If any of the Bonds, or portions thereof, are called for redemption, the Trustee will give notice to the Registrar and Holders of any such Bonds to be redeemed, in the name of the City, of the redemption of such Bonds, or portions thereof, which notice will specify the Bonds to be redeemed, the redemption date and the place or places where amounts due upon such redemption will be payable and, if less than all of the

Bonds are to be redeemed, the numbers of such Bonds so to be redeemed, and, in the case of Bonds to be redeemed in part only, such notice will also specify the respective portions of the principal amount thereof to be redeemed. Such notice will be given by mailing a copy of the redemption notice by first class mail at least 30 days prior to the date fixed for redemption to the Registrar and the Holder of each Bond to be redeemed, at the address shown on the registration books; provided, however, that failure to give such notice by mail, or any defect in the notice mailed to the Holder of any Bond, shall not affect the validity of the proceedings for the redemption of any other Bond. Provided funds for their redemption are on deposit with the Registrar, all Bonds so called for redemption will cease to bear interest on the specified redemption date.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, and that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, CITY OF FLORENCE, SOUTH CAROLINA, has caused this Bond to be signed by the manual signature of the Mayor of the City, its seal to be reproduced hereon and the same to be attested by the manual signature of the Finance Director of the City.

CITY OF FLORENCE, SOUTH CAROLINA

(SEAL)

By \_\_\_\_\_  
Mayor, City of Florence, South Carolina

Attest:

By \_\_\_\_\_  
Finance Director, City of Florence,  
South Carolina

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the Series described in the within mentioned Bond Ordinance.

By: \_\_\_\_\_,  
TRUSTEE

\_\_\_\_\_  
Authorized Signatory

Date:

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
(please print or type name and address of Transferee and Social Security or other identifying number of Transferee)

the within Bond and all rights and title thereunder, and hereby irrevocably constitutes and appoints attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
\_\_\_\_\_



CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the "Disclosure Certificate") is executed and delivered by the City of Florence, South Carolina (the "Issuer") in connection with the issuance of \$ \_\_\_\_\_ Combined Waterworks and Sewerage System Refunding and Capital Improvement Revenue Bonds, Series 2010, of the City of Florence, South Carolina (the "Bonds"). The Bonds are being issued pursuant to an Ordinance adopted October 24, 1989 and a Series Ordinance adopted \_\_\_\_\_, 2010 (collectively, the "Ordinances"). The Issuer covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Issuer for the benefit of the Bondholders and in order to assist the Participating Underwriters in complying with Securities Exchange Commission Rule 15c2-12(b)(5).

SECTION 2. Definitions. In addition to the definitions set forth in the Ordinance, which apply to any capitalized term used in this Disclosure Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the Issuer pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

"Dissemination Agent" shall mean the Issuer or any successor Dissemination Agent designated in writing by the Issuer and which has filed with the Issuer a written acceptance of such designation.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

"Participating Underwriter" shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with offering of the Bonds.

"Repository" shall mean the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access ("EMMA") system at [www.emma.msrb.org](http://www.emma.msrb.org).

"Rule" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SECTION 3. Provision of Annual Reports.

(a) The Issuer shall, or shall cause the Dissemination Agent to, not later than 180 days following the end of the Issuer's fiscal year (presently July 1 to June 30) commencing with the fiscal year ending June 30, 2010, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than 15 business days prior to said date, the Issuer shall provide the Annual Report to the Dissemination Agent, if other than the Issuer. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the Issuer may be submitted separately from the balance of the Annual Report.

(b) If the Issuer is unable to provide to the Repository an Annual Report by the date required in subsection (a), the Issuer shall send a notice to the Repository in substantially the form attached as Appendix I.

(c) The Dissemination Agent shall:

- (i) determine each year prior to the date for providing the Annual Report the name and address of the Repository; and,
- (ii) if the Dissemination Agent is other than the Issuer, file a report with the Issuer certifying that the Annual Report has been provided pursuant to this Disclosure Certificate, stating the date it was provided and the Repository to which it was provided.

SECTION 4. Content of Annual Reports. The Issuer's Annual Report shall contain or incorporate by reference the following:

- (a) The City's complete audited financial statements prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board. If the City's audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.
- (b) If generally accepted accounting principles have changed since the last Annual Report was submitted pursuant to this Disclosure Certificate and if such changes are material to the System, a narrative report describing the impact of such change in the System.
- (c) Financial and operating data for each fiscal year which shall consist of the operating data generally consistent with the information contained in the tables in the Official Statement dated as of \_\_\_\_\_, 2010, with respect to the Bonds under the captioned "The City and the System."

Any or all of the items listed above may be incorporated by reference from other documents, including official statements of debt issues of the Issuer or related public entities, which have been submitted to each of the Repositories or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The Issuer shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Significant Events.

(a) This Section 5 shall govern the giving of notices of the occurrence of any of the following events:

- 1. principal and interest payment delinquencies.
- 2. non-payment related defaults.
- 3. modifications to rights of Bondholders.
- 4. optional, contingent or unscheduled bond calls.

5. defeasances.
6. rating changes.
7. adverse tax opinions or events affecting the tax-exempt status of the Bonds.
8. unscheduled draws on the debt service reserves reflecting financial difficulties.
9. unscheduled draws on the credit enhancements reflecting financial difficulties.
10. substitution of the credit or liquidity providers or their failure to perform.
11. release, substitution or sale of property securing repayment of the Bonds.

(b) Whenever the Issuer obtains knowledge of the occurrence of a Listed Event, the Issuer shall as soon as possible determine if such event would be material under applicable federal securities laws.

(c) If the Issuer determines that knowledge of the occurrence of a Listed Event would be material, the Issuer shall promptly file a notice of such occurrence with the Repository. Notwithstanding the foregoing, notice of Listed Events described in subsections (a) (4) and (5) need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to Holders of affected Bonds pursuant to the Ordinance.

SECTION 6. Termination of Reporting Obligation. The Issuer's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of all of the Bonds.

SECTION 7. Dissemination Agent. The Issuer may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the Issuer.

SECTION 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Issuer may amend this Disclosure Certificate, and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the Issuer chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Disclosure Certificate, the Issuer shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the Issuer to comply with any provision of this Disclosure Certificate, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Issuer to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the Issuer to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which it may incur arising out of or in the exercise or performance of its powers and duties hereunder, including the costs and expenses of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's gross negligence or willful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Issuer, the Dissemination Agent, the Participating Underwriters and Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

CITY OF FLORENCE, SOUTH CAROLINA

By: \_\_\_\_\_

Dated: \_\_\_\_\_, 2010

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

I, the undersigned, Clerk of the City Council of the City of Florence, South Carolina ("City Council"), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by City Council. The Ordinance was read at two public meetings of City Council held on March \_\_\_ and April 12, 2010. An interval of at least six days occurred between each reading. At each meeting, a quorum of City Council was present and remaining present throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand this 12<sup>th</sup> day of April, 2010.

\_\_\_\_\_  
Clerk

VIII. c.  
Bill No. 2010-13  
First Reading

CITY OF FLORENCE COUNCIL MEETING

DATE: March 8, 2009  
AGENDA ITEM: Ordinance  
First Reading  
DEPARTMENT/DIVISION: City of Florence Urban Planning & Development Department

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**I. ISSUE UNDER CONSIDERATION:**

*Amendments to Article 6, Supplemental Off-Street Parking and Loading Regulations to enable more uniform and efficient enforcement.*

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

*Since the city established zoning enforcement starting in July 2008, there have been several complaints relating to commercial vehicles parking in residential zones. The current regulations only apply to R-1, R-2 and R-3 zoning districts and vehicle weights are outdated. At their February 9, 2010 meeting, Planning Commission recommended approval of several amendments by a 7-0 vote. The amendments are as follows:*

- 1. Add R-4 and R-5 residential districts to those areas where there are restrictions on parking non-residential vehicles.*
- 2. In Section 6.9 1 add "and adjacent properties".*
- 3. Update the gross vehicle weight from 2 tons to 3.5 tons*

**III. POINTS TO CONSIDER:**

*This item is being introduced for first reading only.*

**IV. OPTIONS:**

*City Council may:*

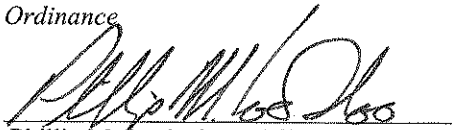
- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

**V. PERSONAL NOTES:**

**VI. ATTACHMENTS:**

*Staff Report*

*Ordinance*



Phillip M. Lookadoo, AICP  
Urban Planning and Development Director



David N. Williams  
City Manager

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

**CASE NO:** PC# 2010-03

**DATE:** February 9, 2010

**SUBJECT:** Text amendment to Section 6.9 of the Zoning Ordinance relating to parking in residential areas.

**STAFF ANALYSIS:**

There have been several recent complaints from residents about commercial and construction vehicles being parked in their neighborhoods. A review of the current ordinance was undertaken by staff from the Urban Planning and Development and Community Services Departments. Staff included were as follows: Scotty Davis, Director, Community Services; Marshall McKeever, Community Services; Phillip Lookadoo, Director, Urban Planning & Development; Tyrone Simon, Zoning Enforcement Officer and Liz Shaw, Zoning Administrator

The following amendments are being proposed to be able to include all residentially zoned areas in the regulations and to update the previous vehicle weight limits.

The current text, proposed for deletion, is shown with a strike-through, and proposed new text is underlined and highlighted.

**Section 6.9 Parking, Storage, and Use of Non-Residential Vehicles and Equipment in Residential Zones**

1. No automobile, truck, or trailer of any kind or type, without current license plates, shall be parked and construction equipment shall not be stored on any lot in the R-1, R-2, ~~or R-3~~, R-4 and R-5 Zone Districts, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property and adjacent properties.
2. Parking of vehicles, implements and/or equipment used for commercial, industrial, or construction purposes in the R-1, R-2, ~~or R-3~~, R-4 and R-5 Zone Districts shall be limited to one vehicle per residence, with a capacity no greater than three and a half two (3.52) tons and one implement or equipment no greater than (3.5) tons.
3. Vehicles with capacity greater than ~~two (2) tons~~ three and a half (3.5) tons and used for commercial, industrial, or construction purposes are prohibited from parking in the R-1, R-2, R-3, R-4 and R-5 Zoning Districts, including the street/highway right-of-way in such districts, when not actively involved in commerce.

Staff Recommendation

Staff recommends approval of this text change to provide consistency in enforcement of parking of commercial and construction vehicles in residentially zoned areas city wide.



**ORDINANCE NO. 2010\_\_\_\_\_**

**AN ORDINANCE TO AMEND ARTICLE 6, SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS IN THE ZONING ORDINANCE RELATING TO PARKING NON-RESIDENTIAL VEHICLES IN RESIDENTIAL ZONES**

**WHEREAS**, since the city has taken over zoning responsibilities there have been several complaints relating to commercial vehicles parking in residential zones and;

**WHEREAS**, several amendments were proposed by zoning and code enforcement staff to the Planning Commission to enable more uniform and efficient enforcement and;

**WHEREAS**, the Planning Commission held a Public Hearing on February 9, 2010 to consider amendments to the existing ordinance and recommended the following changes;

1. Current text with changes shown by a strikethrough:

**Section 6.9 Parking, Storage, and Use of Non-Residential Vehicles and Equipment in Residential Zones**

1. No automobile, truck, or non-residential trailer of any kind or type, without current license plates, shall be parked and construction equipment shall not be stored on any lot in the R-1, R-2, ~~or R-3~~, R-4 and R-5 Zone Districts, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property and adjacent properties.
2. Parking of vehicles, implements and/or equipment used for commercial, industrial, or construction purposes in the R-1, R-2, ~~or R-3~~, R-4 and R-5 Zone Districts shall be limited to one vehicle per residence, with a capacity no greater than three and a half (3.5) tons and one implement or equipment no greater than (3.5) tons.

Vehicles with capacity greater than ~~two (2) tons~~ three and a half (3.5) tons and used for commercial, industrial, or construction purposes are prohibited from parking in the R-1, R-2, R-3, R-4 and R-5 Zoning Districts, including the street/highway right-of-way in such districts, when not actively involved in commerce.

**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 \_\_\_\_\_, 2010**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Stephen J. Wukela,  
Mayor

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
Municipal Clerk

**VIII. d.**  
**Bill No. 2010-14**  
**First Reading**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** March 8, 2010  
**AGENDA ITEM:** Ordinance – First Reading  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

Amendment to the FY 2009-10 City of Florence Budget.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

No previous action has been taken on this ordinance.

**III. POINTS TO CONSIDER**

The objective of the proposed ordinance is to more closely align budgeted amounts with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories.

Based on a midyear review of projections in the General Fund and the Water and Sewer Enterprise Fund, budget reductions are proposed in the revenues and expenditures for both funds to ensure that the City maintains a realistic and balanced budget wherein revenues and expenditures are appropriately aligned.

**IV. STAFF RECOMMENDATION**

Approval and adoption of the proposed ordinance.

**VI. ATTACHMENTS**

Copy of the proposed ordinance.



Thomas W. Chandler  
Finance Director



David N. Williams  
City Manager

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE,  
SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND  
ENDING JUNE 30, 2010.**

**BE IT ORDAINED** by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, is hereby amended as follows:

- Section 1.** That the category of revenues of the General Fund in said budget is hereby amended by revising appropriations in Business & Professional License, Franchise Fees, Local Government Fund, Miscellaneous Grants, Interest Earnings and other revenue categories, for a net reduction in total General Fund revenues of \$440,000.
- Section 2.** That the category of expenditures of the General Fund in said budget is hereby amended by revising departmental and non-departmental expenditures for a net reduction in total General Fund expenditures of \$440,000.
- Section 3.** That the category of revenues of the Water and Sewer Utilities Enterprise Fund in said budget is hereby amended by revising appropriations in Water Charges, Sewer Charges, and other revenue categories for a net reduction in total Water and Sewer Utilities Enterprise Fund revenues of \$965,000.
- Section 4.** That the category of expenses of the Water and Sewer Utilities Enterprise Fund in said budget is hereby amended by revising departmental and non-departmental expenses for a net reduction in total Water and Sewer Utilities Enterprise Fund expenses of \$965,000.

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Stephen J. Wukela  
Mayor

**Attest:**

\_\_\_\_\_  
Diane Rowan  
Municipal Clerk

<b>MID-YEAR REVIEW SUMMARY FISCAL YEAR 2009-2010</b>				
<b>General Fund</b>				
<b>REVENUES</b>				
	<b>DEPT NO.</b>	<b>CURRENT BUDGET</b>	<b>INCREASE/ (DECREASE)</b>	<b>ADJUSTED BUDGET</b>
<b>TOTAL REVENUES</b>		<b>\$28,552,900</b>	<b>(\$440,000)</b>	<b>\$28,112,900</b>
<b>EXPENDITURES</b>				
<b>DEPARTMENT</b>	<b>DEPT NO.</b>	<b>CURRENT BUDGET</b>	<b>INCREASE/ (DECREASE)</b>	<b>ADJUSTED BUDGET</b>
City Council	410	\$254,220	(\$16,120)	\$238,100
Legal Services	411	\$164,940	(\$330)	\$164,610
Justice & Law	412	\$428,130	\$60,680	\$488,810
City Manager	413	\$472,810	(\$11,440)	\$461,370
Finance	415	\$739,500	(\$6,240)	\$733,260
Personnel Office	416	\$467,140	(\$4,110)	\$463,030
Community Services	419	\$484,760	(\$24,270)	\$460,490
Police	421	\$8,854,160	(\$148,640)	\$8,705,520
Fire	422	\$4,444,560	(\$24,750)	\$4,419,810
Streets And Beautification	431	\$1,496,800	(\$116,580)	\$1,380,220
Sanitation	432	\$3,081,600	(\$18,600)	\$3,063,000
Equipment Maintenance	433	\$386,760	(\$1,630)	\$385,130
Parks & Leisure Services	451	\$1,642,750	(\$81,070)	\$1,561,680
Athletic Programs	453	\$1,106,850	(\$41,300)	\$1,065,550
Urban Planning & Development	463	\$917,320	(\$60,800)	\$856,520
Employee Fringe & Benefits	490	\$524,500	\$90,200	\$614,700
General Insurance/Claims	491	\$435,000	\$3,000	\$438,000
Community Programs & Projects	492	\$115,000	\$0	\$115,000
Non-Departmental Expenditures	493	\$2,536,100	(\$38,000)	\$2,498,100
<b>TOTAL EXPENDITURES</b>		<b>\$28,552,900</b>	<b>(\$440,000)</b>	<b>\$28,112,900</b>
<b>EXCESS REVENUES/(EXPENDITURES)</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>MID-YEAR REVIEW SUMMARY</b>				
<b>FISCAL YEAR 2009-2010</b>				
<b>Water &amp; Sewer Utility Fund</b>				
<b>REVENUES</b>				
	<b>DEPT NO.</b>	<b>CURRENT BUDGET</b>	<b>INCREASE/ (DECREASE)</b>	<b>ADJUSTED BUDGET</b>
<b>TOTAL REVENUES</b>		<b>\$27,378,100</b>	<b>(\$965,000)</b>	<b>\$26,413,100</b>
<b>EXPENSES</b>				
<b>DEPARTMENT</b>	<b>DEPT NO.</b>	<b>CURRENT BUDGET</b>	<b>INCREASE/ (DECREASE)</b>	<b>ADJUSTED BUDGET</b>
Engineering	441	\$1,016,620	(\$23,740)	\$992,880
Utility Finance	442	\$893,250	(\$19,950)	\$873,300
Waste Water Treatment	443	\$3,754,520	(\$200,260)	\$3,554,260
Surface Water Production	444	\$1,416,560	(\$112,150)	\$1,304,410
Ground Water Production	445	\$1,675,800	(\$26,370)	\$1,649,430
Distribution Operations	446	\$2,353,750	(\$22,740)	\$2,331,010
Collection Operations	448	\$817,500	(\$10,590)	\$806,910
Debt Service Fund	470	\$6,337,200	\$2,500	\$6,339,700
Employee Fringe & Benefits	490	\$183,500	\$37,300	\$220,800
General Insurance/Claims	491	\$226,000	\$36,000	\$262,000
Non-Dept. Expenses	493	\$8,703,400	(\$625,000)	\$8,078,400
<b>TOTAL EXPENSES</b>		<b>\$27,378,100</b>	<b>(\$965,000)</b>	<b>\$26,413,100</b>
<b>EXCESS REVENUES/(EXPENSES)</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IX. a.  
Report – Update  
Levy Park**

**FLORENCE CITY COUNCIL MEETING**

DATE: March 8, 2010

AGENDA ITEM: Reports to Council

DEPARTMENT/DIVISION: Parks and Beautification

ISSUE UNDER CONSIDERATION: Update on improvements at Levy Park

**CURRENT STATUS/PREVIOUS ACTION TAKEN:**

1. Following discussions with staff and City Council and upon recommendation of the Budget and Finance Committee (a committee of Council) City Council adopted Resolution 2009-09 (Making Declaration of Intent to Issue Bonds) on September 28, 2009.
2. The adoption of the Resolution enabled the City to expend funds on approved projects and then at a later date be reimbursed from the proceeds of the federally tax-exempt bonds.
3. Along with \$45,000 from CDBG the Resolution included an additional \$290,000 for Levy Park improvements
4. Improvements approved for Levy Park are noted below:

<u>Project</u>	<u>Estimated Budget</u>	<u>Source of Funds</u>
Levy Park Activity Center	\$ 410,000	Section 108 & General Fund
Replacement of Basketball Courts	45,000	CDBG
Updates to Senior's Building	94,000	General Fund
Large Picnic Shelter	100,000	General Fund
Repair two tennis courts/lights	<u>64,000</u>	General Fund
Total	\$ 713,000	

Note: The City initially held a mandatory pre-bid conference for the Community Activity Center on August 27, 2009, but held off moving forward due to the possibility of additional funding.

**POINTS TO CONSIDER:**

1. Once the funding was in place City staff met internally with interested community residents and determined in detail the scope of the project (seniors and basketball players), prepared a Request for Proposals, and advertised for bids (October 2009).
2. On November 5, 2009, the City advertised for a mandatory pre-bid meeting which took place at Levy Park on December 7, 2009. Following the meeting, the City modified the Request for Proposals with a required submission date of January 15, 2010.
3. Generally, federally funded projects require a 30 day bid notice to ensure inclusion and participation for potential bidders.

4. On February 1, 2010, the selection committee (3 city staff and 2 commission members) short listed the proposals to the apparent two most qualified respondents.
5. On February 12, 2010, the selection committee interviewed the two short listed firms and selected the apparent most qualified respondent.
6. On February 15, 2010, the recommendation of award was drafted and submitted to the Finance Department for public notice and official award.
7. Per the Proposal the project would be substantially completed within nine months of award.

NOTES:


STAFF RECOMMENDATIONS: No Action required.

ATTACHMENTS:

Conceptual drawings:

- Levy Park activity building elevations
- Levy Park activity building floor plans
- Levy Park senior area floor plans
- Levy Park picnic shelter
- Levy Part site plan

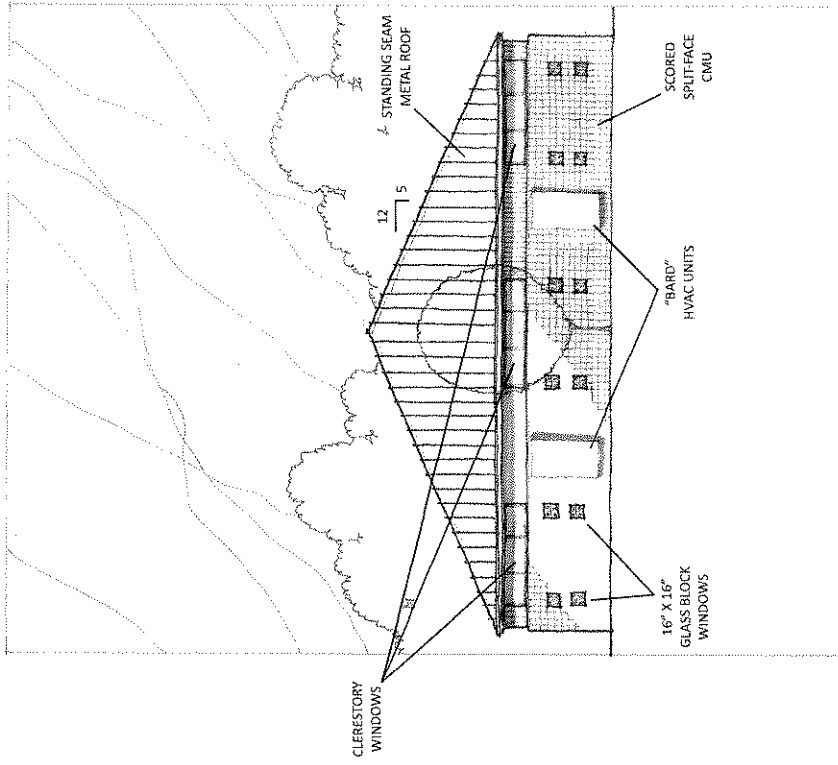
  
Andrew H. Griffin  
Public Works & Utilities

  
David N. Williams  
City Manager

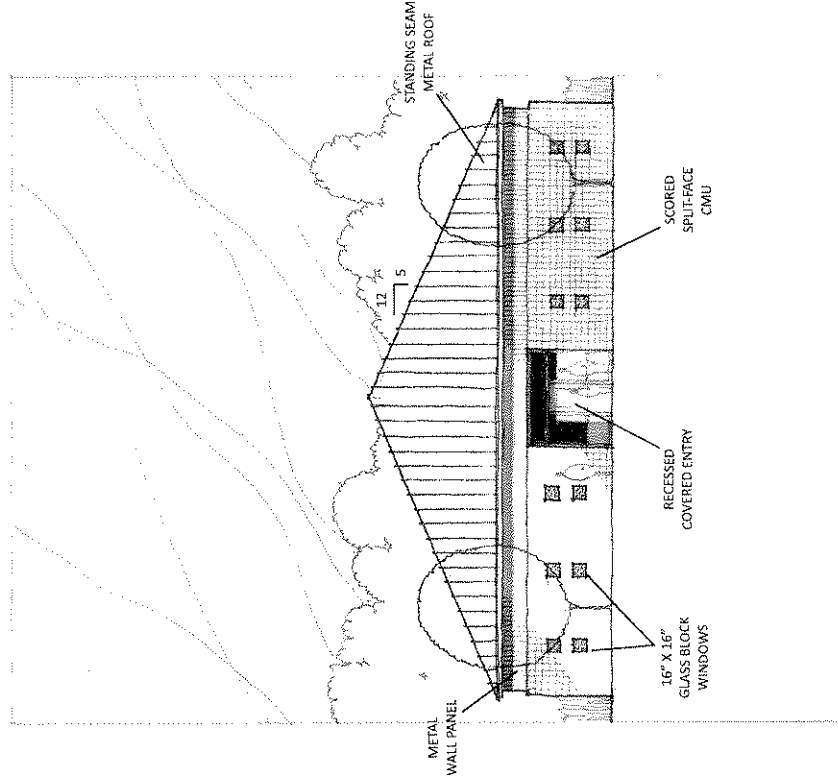


Levy Park Improvements  
Florence, South Carolina

ELEVATIONS



Proposed Youth Activity Center  
*rear elevation*



Proposed Youth Activity Center  
*front elevation*

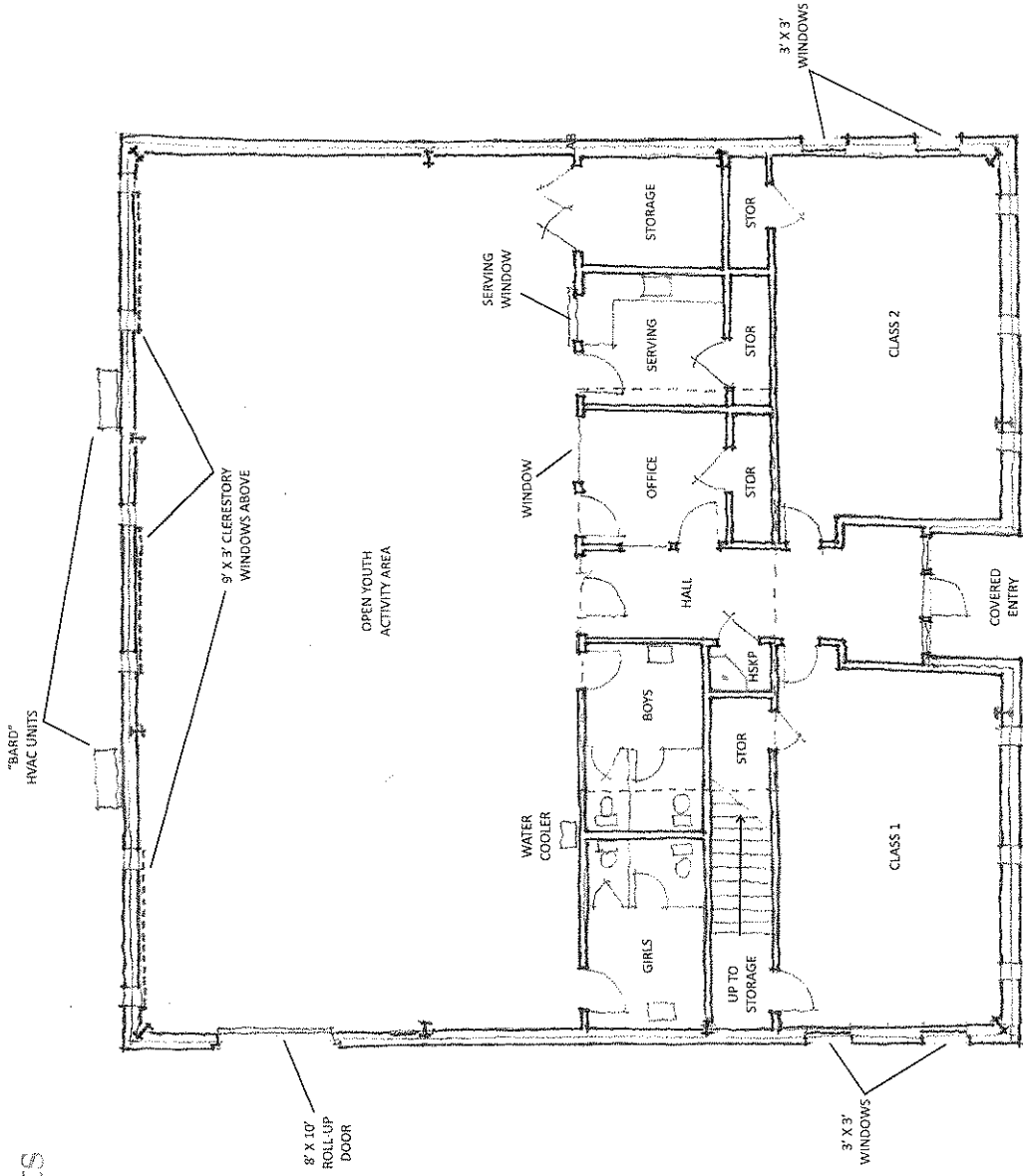
CLIENT  
CONSTRUCTION

COLLINS  
ASSOCIATES  
ARCHITECTURE

DESIGN

Levy Park Improvements  
 Florence, South Carolina

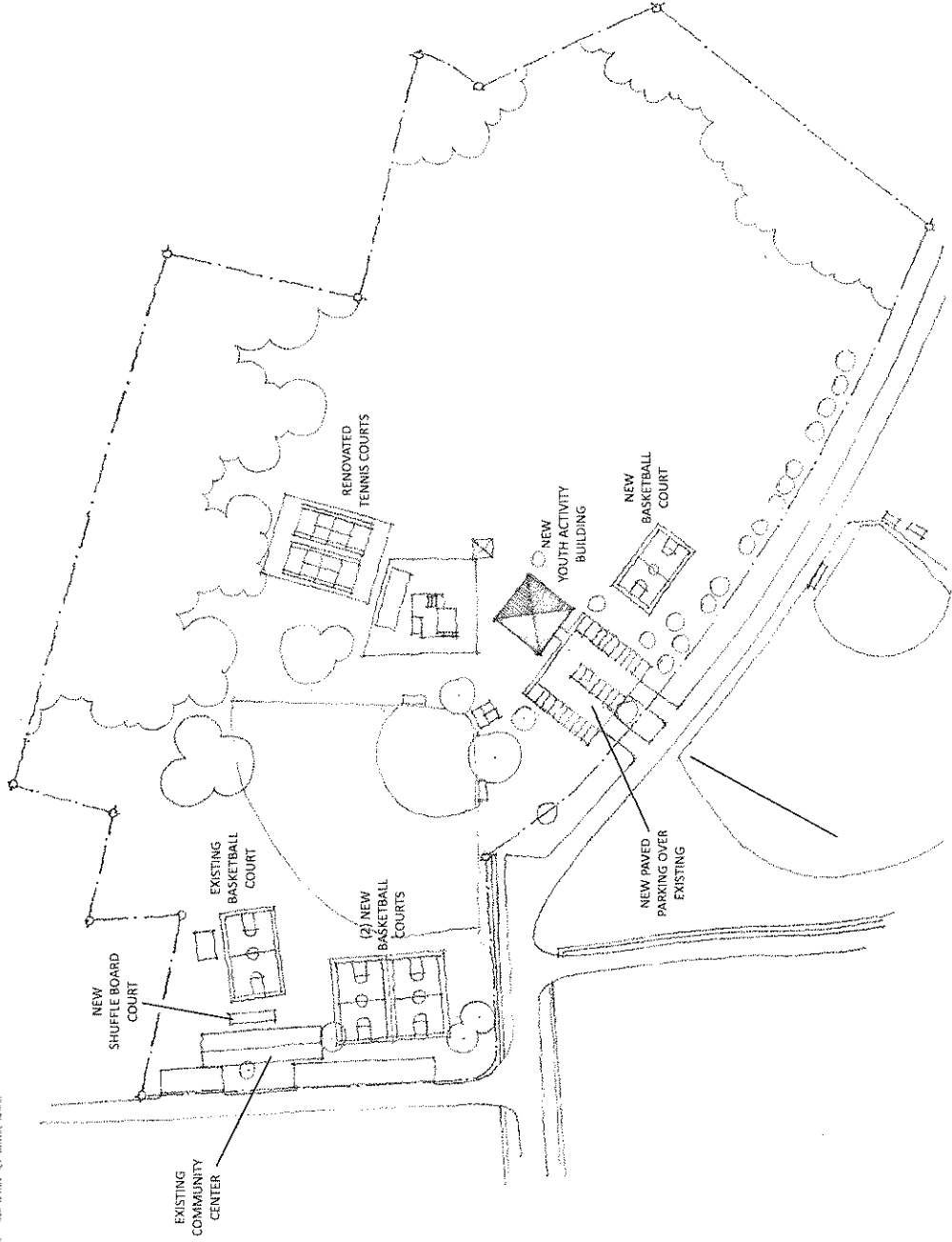
FLOOR PLAN





# Levy Park Improvements Florence, South Carolina

# SITE PLAN



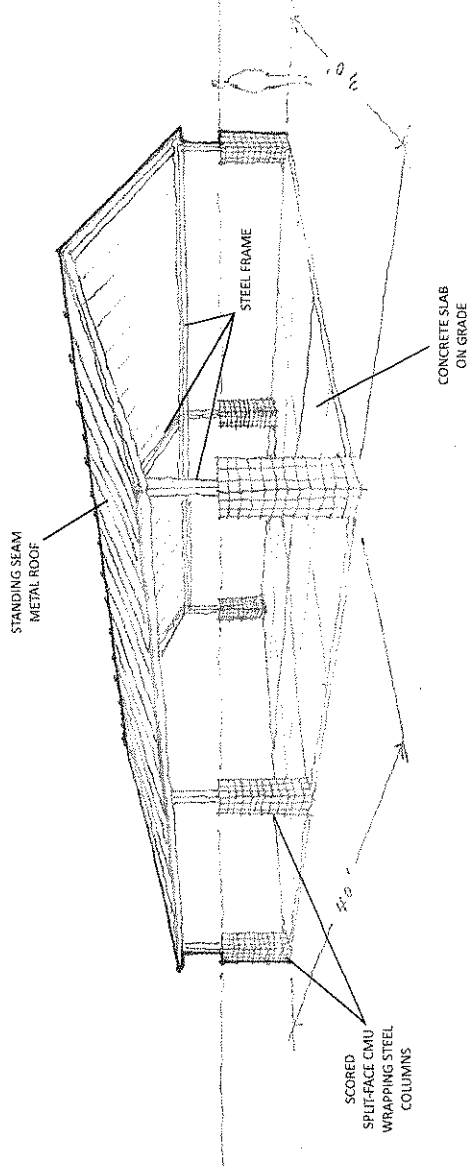
GILBERT  
CONSTRUCTION

COLLINS  
ASSOCIATES  
ARCHITECTURE

DESIGN

Levy Park Improvements  
Florence, South Carolina

PICNIC SHELTER



GILBERT  
CONSTRUCTION

COLLINS  
ASSOCIATES  
ARCHITECTURE

Proposed Picnic Shelter  
Levy Park, Florence, SC

DESIGN