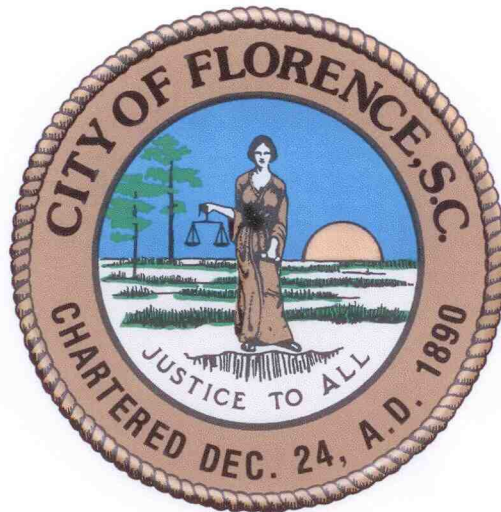


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
ROOM 604, CITY-COUNTY COMPLEX
FLORENCE, SOUTH CAROLINA

MONDAY
DECEMBER 12, 2011
1:00 P.M.

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, DECEMBER 12, 2011 - 1:00 P.M.

CITY COUNTY COMPLEX – COUNCIL CHAMBERS – ROOM 604

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance

III. APPROVAL OF MINUTES

November 14, 2011 – Regular Meeting

November 16, 2011 – Special Meeting

IV. HONORS AND RECOGNITIONS

a. Citizen of the Month – Mrs. Harriett Smith

b. Service Recognitions

Danny Wright – 30 years – Fire Department

Mark Mims – 20 years – Police Department

Steven McCormick – 15 years – Fire Department

Felicia Cox – 15 years – Police Department

Dana Avins – 10 years – City Court

William Nida – 10 years – Police Department

Randolph Robinson – 10 years – Sanitation Department

c. Educational Recognitions

Johnathan Green – Has received his “B” Biological Wastewater Operator Certification.

Daniel Prosser – Has received his “D” Biological Wastewater Operator Certification

V. APPEARANCE BEFORE COUNCIL

- a. Mr. John Isgett – to discuss the City’s Sign Ordinance.**
- b. Mr. Pete Siler and Mr. Bruce Smith – to speak about the Chamber of Commerce’s Building Bridges Program.**
- c. Mr. Ron Moore – to speak to Council regarding taxes.**

VI. ORDINANCES IN POSITION

- a. Bill No. 2011-26 – Second Reading**
An Ordinance to amend Code Section 2-24 MEETINGS, establishing that the deadline for agenda item requests for a regularly scheduled Monday meeting, shall be 5:00 p.m. on the Wednesday twelve days preceding the regularly scheduled meeting.
- b. Bill No. 2011-27 – Second Reading**
An Ordinance making provision for the terms and conditions of an issue of Combined Waterworks and Sewerage System Refunding Revenue Bond, Series 2011, of the City of Florence, South Carolina, in the aggregate principal amount of not exceeding \$5,000,000 as authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989; and other matters relating thereto.
- c. Bill No. 2011-28 – Second Reading**
An Ordinance amending an Ordinance entitled “A First Supplemental Ordinance Providing for the Issuance and Sale of City of Florence, South Carolina, Stormwater System Revenue Bond, Series 2006, in the Principal Amount of \$4,000,000; and other matters relating thereto.”

VII. INTRODUCTION OF ORDINANCES

- a. Bill No. 2011-24 – First Reading**
An Ordinance to rezone 616 South Coit Street, Tax Map #90088-07-038, from B-1, Limited Business to B-2, Convenience Business District.
- b. Bill No. 2011-29 – First Reading**
An Ordinance authorizing the City to lease that certain real property consisting of a house and lot in the City of Florence, State of South Carolina known as 719 Walnut Street, said lot being designated as Tax Parcel 90-118-13-020 in the records of the Florence County Tax Assessor, to be used exclusively for housing a family in accordance with their Transitional Shelter.

- c. **Bill No. 2011-30 – First Reading**
An Ordinance to amend the City of Florence Zoning Ordinance, Article 2, Section 2.9-4 Actions Requiring A Certificate of Appropriateness.
- d. **Bill No. 2011-31 – First Reading**
An Ordinance to designate 166 South Dargan Street as a local historic resource.
- e. **Bill No. 2011-32 – First Reading**
An Ordinance amending Chapter 13, Article III, Section 13-62 and Section 13-63 of the City of Florence Code of Ordinances pertaining to the duration and frequency of garage sales.

VIII. INTRODUCTION OF RESOLUTIONS

- a. **Resolution No. 2011-26**
A Resolution amending Resolution 2001-05 pursuant to Section 13-16 of the Code of Ordinances of the City of Florence in order to establish the rules of procedure and evidence to be followed in hearings before City Council regarding a revocation of a business license and during an appeal to City Council as a result of a final assessment or a denial of a business license.
- b. **Resolution No. 2011-27**
A Resolution to declare December 2, 2011 as Arbor Day
- c. **Resolution No. 2011-28**
A Resolution of Recognition for Mr. Freddie Hines
- d. **Resolution No. 2011-29**
A Resolution to name the Marion Street Fire Station.

IX. REPORTS TO COUNCIL

- a. **Presentation of the City of Florence, SC Comprehensive Annual Financial Report and audited financial statements by the independent certified public accounting firm of WebsterRogers LLP.**
- b. **A report from the evaluation committee on designating a bank to provide banking services to the City of Florence.**
- c. **A report by a representative from the Housing Authority on the status of the McGowan Commons Project.**

X. ADJOURN

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, NOVEMBER 14, 2011 - 1:00 P.M.
CITY-COUNTY COMPLEX, COUNCIL CHAMBERS, ROOM 604
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the regular meeting to order at 1:05 p.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman Steve Powers; Councilman Edward Robinson; Councilwoman Octavia Williams-Blake; and Councilman Glynn Willis.

ALSO PRESENT: Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney; Mrs. Darene Stankus, Director of Human Resources; Chief Anson Shells, Florence Police Department; Mr. Scotty Davis, Director of Community Services; Chief Randy Osterman, Florence Fire Department; and Mr. Chuck Pope, Director of Public Works; Mr. Thomas Chandler, Director of Finance; Mr. Ray Reich, Downtown Development Manager; and Mr. Michael Hemingway, Director of Utilities.

MEDIA PRESENT: Notices of this regular meeting of Florence City Council were sent to the media informing them of the date, time and location of the meeting. Mr. Tucker Mitchell of the Morning News was present for the meeting.

INVOCATION

Councilwoman Teresa Myers Ervin gave the invocation for the meeting which was followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

Mayor Pro tem Brand made a motion to approve the minutes of the October 10, 2011 Regular Meeting. Councilman Powers seconded the motion, which carried unanimously.

SPECIAL RECOGNITIONS AND HONORS

CITIZEN OF THE MONTH

Councilwoman Teresa Myers Ervin recognized Mrs. Juanita Mitchell as the Citizen of the Month for November, 2011.

SERVICE RECOGNITIONS

Carlos Washington was recognized for 30 years of service with the City of Florence. Carlos began as a firefighter and was later promoted to Fire Marshal where he served for 17 years. In 2005 he was promoted to his present position of Assistant Chief.

Gloria Howard was recognized for completing 10 years of service with the City of Florence Police Department. Gloria began her service with the City of Florence Police Department on October 20, 1986. For the last 10 years she has held the position of School Resource Officer.

Mayor Wukela recognized Samuel Barr for 15 years of service with the City. Samuel has been with the Sanitation Department for 15 years. He is a dependable employee and is always ready to serve the citizens of Florence.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
NOVEMBER 14, 2011 – PAGE 2**

Tyrone Simon was recognized for his 10 years of service. Tyrone began his employment on October 15, 2001 as a Utility Operations Maintenance Worker. He was promoted to his current position of Zoning Codes Inspector in October 2008.

SPECIAL RECOGNITION FOR S.C. PECAN FESTIVAL

Councilman Powers thanked the City employees for their contributions to the success of the 8th Annual S.C. Pecan Festival and asked Mr. Drew Griffin, City Manager to recognize the departments that were involved in the many aspects of the Festival. Councilman Powers stated it has been estimated that between 50,000 and 60,000 people attended the festival this year.

Mr. Griffin recognized the pivotal roles that the Parks Division, Street Division, Police Department and Fire Department had in the success of the Pecan Festival. Mr. Griffin also recognized the managers and supervisors for coordinating the event, as well as the year-round contributions of Mr. Tom Shearin and Mr. Rocky Reitkovich.

GOVERNOR'S PROCLAMATION

At the request of the Commandant of the Marine Corps League, Councilman Powers read a Governor's Proclamation proclaiming November 10, 2011 as "Marine Corps Birthday Celebration Day" throughout South Carolina.

APPEARANCE BEFORE COUNCIL

MR. JEFF RONALD – TO PROPOSE THE FORMATION OF A LABOR & CONSUMER FRAUD COMMISSION.

Mr. Ronald stated he would like to put a proposal before Council and receive a response from Council on the proposal. Mr. Ronald stated that the City of Florence does not have a "Peace and Justice Commission", or a "Social Justice Commission" or a "Commission on Consumer and Labor Affairs". Every major organization has an ombudsman to answer those questions or solve those difficulties that can be solved in no other way. What I would like to submit, is an idea to form a commission made up of citizens that would be appointed by the Mayor and the Council to hold hearings on social justice issues. Mr. Ronald stated he thinks there is a need in Florence for such a commission because as the town grows and tries to attract industry, it is important to preserve, build up and fortify a civil society that works.

Councilman Robinson expressed his support of this idea and added that he would also like to propose to Council that his committee be expanded to include the Police Department.

MS. REGINA HUFF, RANGER AT WOODS BAY – TO MAKE A PRESENTATION REGARDING WOODS BAY.

Ms. Huff introduced herself to Council and gave a brief overview of the park. It is actually located in three counties; Clarendon, Sumter and Florence. The 78 acres that are managed are located in Florence County. The park is open 9a.m. to 6 p.m. daily and offers a wide variety of activities, including kayaking, canoeing, wildlife watches, and shelters for having picnics.

MS. DENISE GODWIN – TO REQUEST FUNDING FOR THE 2012 LEGISLATIVE DAY.

Ms. Denise Godwin thanked Council for their funding of last year's Legislative Day as well as funding for previous year's events. Last year there were 180 in attendance for the luncheon, over 400 for the reception, and approximately 25 county exhibitors showcasing their businesses. The purpose of Florence County Legislative Day is to raise awareness about Florence County among our State Legislators by showcasing our prominent businesses, industries, health care organizations, and educational institutions. The vision for this event is that Florence County Legislative Day will leave a significant impression on the Legislators and their respective staff along with supporting our legislative delegation in their future endeavors. Ms. Godwin requested the same level of funding as in previous years, \$10,000, or one third of the total budget.

Mayor Wukela stated that this funding is a line item in the budget and does not require any action on Council's part.

MR. JIM SHAW, FLORENCE SCHOOL DISTRICT 1 – TO GIVE A REPORT ON FUNDING PROVIDED FOR SUMMER YOUTH PROGRAMS IN THE CITY OF FLORENCE.

Mr. Shaw appeared before Council to say "thank you" on behalf of the Mayor's Coalition to Prevent Juvenile Crime for funding from the City to be used for Teen Centers during the summer. The funding was used at the Boys and Girls Club, City Recreation, and a number of other organizations to keep children and youth active and engaged during the summer months. Mr. Shaw thanked all that were involved in this initiative.

SOUTHERN ALLIANCE FOR CLEAN ENERGY – TO MAKE A PRESENTATION TO COUNCIL REGARDING THE OPPORTUNITIES ASSOCIATED WITH OFFSHORE WIND ENERGY IN S.C.

This item was withdrawn from the agenda.

COUNCILMAN ROBINSON WOULD LIKE TO INTRODUCE THE NEW EXECUTIVE DIRECTOR FOR THE PEE DEE REGIONAL TRANSPORTATION AUTHORITY (PDRTA).

Councilman Ed Robinson introduced Mr. Chuck MacNeil, the new Executive Director of the Pee Dee Regional Transportation Authority to Council. Mr. MacNeil is relocating to Florence from Massachusetts and has spent his entire career in public transportation and is looking forward to working with Council to try to balance Council's needs and agenda in running the City as well as PDRTA's needs to figure out how we can best allow people to get around the City.

ORDINANCES IN POSITION

BILL NO. 2011-25 – SECOND READING

AN ORDINANCE AUTHORIZING THE CITY TO LEASE THAT CERTAIN REAL PROPERTY CONSISTING OF A HOUSE AND LOT IN THE CITY OF FLORENCE, STATE OF SOUTH CAROLINA KNOWN AS 510 N. MCQUEEN STREET, SAID LOT BEING DESIGNATED AS TAX MAP PARCEL 90072-14-018 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR, TO KING OF KINGS CHURCH OF GOD TO BE USED EXCLUSIVELY FOR HOUSING A FAMILY IN ACCORDANCE WITH THE TOUCHING LIVES/HOMES OF HOPE PROJECT.

An Ordinance authorizing the City to lease that certain real property consisting of a house and lot in the City of Florence, State of South Carolina known as 510 N. McQueen Street, said lot being designated as Tax Map Parcel 90072-14-018 in the records of the Florence County Tax Assessor, to King of Kings Church of God to be used exclusively for housing a family in accordance with the Touching Lives/Homes of Hope Project was adopted on second reading.

Councilwoman Williams-Blake made a motion to adopt Bill No. 2011-25 on second reading. Councilwoman Ervin seconded the motion, which carried unanimously.

INTRODUCTION OF ORDINANCES

BILL NO. 2011-24 – FIRST READING

AN ORDINANCE TO REZONE 616 SOUTH COIT STREET, TAX MAP 90088-07-038, FROM B-1, LIMITED BUSINESS TO B-2, CONVENIENCE BUSINESS DISTRICT.

An Ordinance to rezone 616 South Coit Street, Tax Map 90088-07-038, from B-1, Limited Business to B-2, Convenience Business District was deferred by Council.

Councilman Powers made a motion to defer. Councilwoman Ervin seconded the motion.

Council had a lengthy discussion regarding the concerns of the Timrod Park and surrounding neighborhood with the rezoning of this property. Councilman Willis stated that a new zoning designation of B-2 (A) is being developed and will be presented to Council for consideration. This new designation will take out some of the current uses allowed in the B-2 zoning designation that are a concern to some neighborhoods. Councilman Willis suggested that City Staff reach out to the entire city for their involvement in creating this new zoning designation.

Councilman Robinson cautioned that sometimes ordinances are made too strict and they cause an adverse affect on neighborhoods and annexations.

Councilwoman Ervin agreed that there should be better communication with the neighborhoods. Councilman Powers would like for the neighborhood association presidents to be contacted and ask for their involvement in this process.

Voting to defer was unanimous.

BILL NO. 2011-26 – FIRST READING

AN ORDINANCE TO AMEND CODE SECTION 2-24 MEETINGS, ESTABLISHING THAT THE DEADLINE FOR AGENDA ITEM REQUESTS FOR A REGULARLY SCHEDULED MONDAY MEETING, SHALL BE 5:00 P.M. ON THE WEDNESDAY TWELVE DAYS PRECEDING THE REGULARLY SCHEDULED MEETING.

An Ordinance to amend Code Section 2-24 Meetings, establishing that the deadline for agenda item requests for a regularly scheduled Monday meeting shall be 5:00 p.m. on the Wednesday twelve days preceding the regularly scheduled meeting was passed on first reading.

Mr. Drew Griffin, City Manager stated that currently the Council Agenda is closed on the Wednesday prior to the regular City Council meeting held on the following Monday. After the information is assembled it is then distributed to Council on the Friday before the meeting. Mr. Griffin stated this gives Council very little time to look over the agenda and resolve any issues that may arise before the council meeting. Mr. Griffin is proposing to move the Wednesday deadline to 5:00 p.m. on the Wednesday twelve days prior to the Monday City Council meeting. The agenda information would then be compiled and sent to Council no later than the Monday seven days prior to the next Council meeting. This provides seven days for City Council to review the agenda and ask questions on any item that will be before Council at their regular meeting. As part of procedure, on the Wednesday twelve days prior to the council meeting, city council members will be contacted to see if there are any issues they would like to place on the upcoming agenda.

Mayor Pro tem Brand made a motion to pass Bill No. 2011-26 on first reading. Councilman Powers seconded the motion, which was unanimously approved.

BILL NO. 2011-27 – FIRST READING

AN ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF AN ISSUE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REFUNDING REVENUE BOND, SERIES 2011, OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,000,000 AS AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989; AND OTHER MATTERS RELATING THERETO.

An Ordinance making provision for the terms and conditions of an issue of Combined Waterworks and Sewerage System Refunding Revenue Bond, Series 2011, of the City of Florence, South Carolina, in the aggregate principal amount of not exceeding \$5,000,000 as authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989; and other matters relating thereto was passed on first reading.

Mr. Charlton deSaussure, Jr., Bond Attorney for the City of Florence, reported to Council that Ordinance No. 2011-27 relates to the Combined Waterworks and Sewerage System Revenue Bonds that are currently held by a bank. Because interest rates have declined recently it is in the best interest of the City to try and refinance these bonds at a lower rate of interest.

Ordinance No. 2011-28 relates to a smaller outstanding Stormwater System Revenue Bond in the amount of \$4,000,000 that was adopted by Council in 2006 and is held by another financial institution. There is an opportunity to work with that institution to reduce the rate of interest on this bond.

The State Revolving Fund (SRF) loans have federal monies that are lent to local governments in South Carolina. Federal money is made available to local governments and as it is repaid, it becomes a revolving fund for loans. When the City incurred this debt it was a 20 or 30 year debt at interest rates averaging 3.5% , which was a very good rate of interest. As City staff began to look at and have conversations to refinance the 3.5% , SRF in Columbia realized this opportunity as well and unilaterally

**REGULAR MEETING OF FLORENCE CITY COUNCIL
NOVEMBER 14, 2011 – PAGE 6**

offered to reduce the interest rate to 2.25%. SRF has also reduced the amount of money that is required to have in reserve to secure these loans. In past years the requirement was an amount equal to one year's debt. SRF recognized the strength of the City's utility system and has reduced the required amount to be held in reserve from one year's debt service on various loans with SRF to six month's debt service. Because of this reduction the City will receive a refund of half of the amount that is being held in the Debt Service Reserve Fund. The City can use this money for utility system improvement.

Councilman Brand stated this is a win-win for the City of Florence and asked for an estimate of the savings.

Mr. Thomas Chandler stated that the savings for the SRF and Debt Service Reserve Fund would be approximately \$3 million

Councilman Brand expressed his appreciation for the work by Mr. Chandler and Mr. deSaussure.

Councilman Brand made a motion to pass Bill No. 2011-27 and Bill No. 2011-28 in unison.

Councilman Powers seconded the motion, which carried unanimously.

(Councilwoman Williams-Blake left the meeting at 2:17 p.m. and was not present for the vote).

BILL NO. 2011-28 – FIRST READING

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED “A FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF THE CITY OF FLORENCE, SOUTH CAROLINA, STORMWATER SYSTEM REVENUE BOND, SERIES 2006, IN THE PRINCIPAL AMOUNT OF \$4,000,000; AND OTHER MATTERS RELATING THERETO.”

An Ordinance amending an Ordinance entitled “A First Supplemental Ordinance Providing for the Issuance and Sale of the City of Florence, South Carolina, Stormwater System Revenue Bond, Series 2006, in the principal amount of \$4,000,000; and other matters relating thereto.”

(Please see Bill No. 2011-27 for discussion of this Ordinance).

Councilman Brand made a motion to pass Bill No. 2011-27 and Bill No. 2011-28 in unison.

Councilman Powers seconded the motion, which carried unanimously.

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 2011-24

A RESOLUTION APPROVING A GRANT TO ENCOURAGE THE DEVELOPER TEAM TO DEVELOP THE DOWNTOWN LOCATION OF HOTEL FLORENCE AND VICTOR'S BISTRO.

A Resolution approving a grant to encourage the developer team to develop the downtown location of Hotel Florence and Victor's Bistro was adopted by Council.

Mr. Drew Griffin, City Manager reported that several steps have been taken in approving a business incentive for the developer team. At the October City Council meeting, an enabling Ordinance was passed on first reading that allows this Resolution. This Resolution sets the stage for the incentive to the developer team of 85% of their taxable value of their associated investment downtown, which is estimated to be \$5.6 million dollars. This actually has significant savings to the City given that we are maintaining the TIF and then using a Utility Fund and a TIF enactment to create investment downtown and to improve the water system along with this project. It has been discussed and generally approved by consensus.

Councilman Powers made a motion to adopt Resolution No. 2011-24. Councilman Willis seconded the motion.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
NOVEMBER 14, 2011 – PAGE 7**

Councilman Robinson expressed his concerns with this Resolution. He stated that he does not like that all of the TIF money will be going to one person in particular. Councilman Robinson has concerns with investing this much of the City's money for one particular project that is located in a blighted area.

Councilman Robinson made a motion to defer this item until a worksession can be held to further discuss this proposal. Councilman Robinson is not convinced of the success of this project and is having difficulty allocating taxpayers money for this purpose.

Mayor Wukela stated that this property currently earns about \$2,500 in property taxes per year. Of that \$2,500 the City receives about 20% or \$500 a year. The developers are going to invest \$5.5 million in that property. After that investment is made, the annual assessment on the property will be \$80,000 a year in annual tax revenue. The City will give the developers a rebate for 85% of \$80,000. Because of this credit the City is giving the developers they are going to make a \$5.5 million dollar investment and the City will immediately realize \$12,000 a year in tax revenue and after seven years the City will receive \$80,000 a year in tax revenue, not to mention the improvement they are making to downtown. The numbers bear out the impact it will have, not only on the City's cash rolls but downtown.

Councilman Robinson's motion to defer failed for lack of a second.

Councilman Willis feels this is just the beginning of getting downtown developed. Mr. Ray Reich, Downtown Development Manager will be working on a property maintenance ordinance and an ordinance that will work with downtown to help improve the appearance with grants to help storefronts and to help those that own these businesses come into compliance.

Councilwoman Ervin stated she believes this project is needed, however she added that the present businesses downtown need special attention also. She further stated that there needs to be better communication to Council as to what is taking place in downtown.

Mr. Peterson, City Attorney stated, in regards to Councilman Robinson's concern of the success of the project, that it is stated in this particular Conditional Grant Agreement, that the developer doesn't get this money until they have completed the investment. The agreement states that once the \$5.5 million dollar investment is made, the 85% rebate doesn't take place until the taxes are paid by the developer to the City. If the project fails or if it never happens, then the developer will not receive any of this money as stated in the Conditional Grant Agreement.

Mr. Griffin stated, in addition a list of incentives directed at the small business entrepreneur has been developed and has been forward to Council. The proposed hotel, restaurant and the other mixes that are currently in downtown are absolutely essential to the success of downtown. Mr. Griffin also has a proposal to review regarding the business incubator process and is looking at a way that the City may utilize current potential funding as well as existing funding that has been set aside for the incubator. Small business development is as important as the hotel and restaurant for the success of downtown.

Councilman Robinson asked the City Attorney to clarify previous action taken by Council to allocate \$425,000 to the developers.

Mr. Peterson explained that two different actions have been taken by Council. The first was an incentive grant that used Utility Funds for the purchase of property that is needed for this project. The second is the Resolution and Conditional Grant that is before Council today that addresses the 85% rebate/refund of property taxes over a period of seven years. It is important to understand that this is not set up to begin right away. None of these funds will go to the developer until the taxes on the property are paid to the City by the developer. When the developer pays the taxes, this Conditional Grant Agreement states that the City will rebate/refund to the developer 85% of those funds.

Councilman Robinson stated he still has a concern that the money will be coming out of the TIF District and will be given to one particular developer. Councilman Robinson suggested that 35% of the 85% rebate/refund be directed to help fund the incubator or help other businesses downtown diversify their inventory.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
NOVEMBER 14, 2011 – PAGE 8**

Voting in favor of Resolution No. 2011-24 was Mayor Wukela, Mayor Pro tem Brand, Councilwoman Ervin, Councilman Powers, Councilwoman Williams-Blake and Councilman Willis.
Voting in opposition was Councilman Robinson.

RESOLUTION NO. 2011-25

A RESOLUTION TO DECLARE THE MONTH OF NOVEMBER AS NATIONAL HOSPICE AND PALLIATIVE CARE AWARENESS MONTH.

A Resolution to declare the month of November as National Hospice and Palliative Care Awareness Month was adopted by Council.

Councilman Glynn Willis read the Proclamation into the record.

Councilman Willis made a motion to adopt Resolution No. 2011-25. Councilwoman Ervin seconded the motion, which carried unanimously.

REPORTS TO COUNCIL

APPOINTMENTS TO BOARDS AND COMMISSIONS

ACCOMMODATIONS TAX ADVISORY COMMITTEE

Councilman Powers made a motion to appoint Mr. Chad Patterson to serve on the Accommodation Tax Advisory Committee. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Mr. Chad Patterson was appointed to serve on the Accommodations Tax Advisory Committee for a term to begin immediately and end June 30, 2014.

CIVIC CENTER COMMISSION

Mayor Wukela made a motion to reappoint Mrs. Peggy McLean to serve on the Civic Center Commission. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Mrs. Peggy McLean was reappointed to serve on the Civic Center Commission for a term to begin immediately and end June 30, 2014.

Councilman Powers made a motion to reappoint Mrs. Patricia Muldrow to serve on the Civic Center Commission. Councilwoman Ervin seconded the motion, which carried unanimously.

Mrs. Patricia Muldrow was reappointed to serve on the Civic Center Commission for a term to begin immediately and end June 30, 2014.

Councilman Willis made a motion to appoint Mr. Sam Fryer to serve on the Civic Center Commission. This is the first appointment of the newly created fifth seat for the Civic Center Commission. Councilwoman Ervin seconded the motion, which carried unanimously.

Mr. Fryer was appointed to serve on the Civic Center Commission for a term to begin immediately and end June 30, 2015.

PEE DEE REGIONAL AIRPORT AUTHORITY

Councilwoman Teresa Myers Ervin made a motion to reappoint Mr. Tom Kinard to serve on the Pee Dee Regional Airport Authority. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Mr. Tom Kinard was reappointed to serve on the Pee Dee Regional Airport Authority for a term to begin immediately and end June 30, 2014.

A REPORT ON DESIGNATING A BANKING SERVICES EVALUATION AND RECOMMENDATION COMMITTEE TO REVIEW THE RESULTS OF PROPOSALS REQUESTED TO PROVIDE THE CITY'S BANKING SERVICES FOR A FIVE YEAR PERIOD.

Mr. Thomas Chandler, Director of Finance reported to Council that the City currently contracts the banking services with a local bank through a Request for Proposal (RFP) process. In January of 2007, City Council selected Wachovia Bank (now Wells Fargo) to provide those services. The selection was based on a recommendation of an Evaluation Committee. That committee was composed of at the time of three council members working with staff to review the proposals that came in. City staff, on October 25 submitted proposal opportunities to local banks for the five year contract period that will begin February 1, 2012 and expire January 31, 2017. Staff is requesting that Council consider the selection of three members of Council to work with city staff with the possibility of designating a bank at the December meeting.

Councilman Powers made a motion that the existing Finance Committee, that is chaired by Councilman Brand, work with staff as the Evaluation and Recommendation Committee and designate two other council members to serve with him. Councilman Willis seconded the motion, which carried unanimously.

The existing Finance Committee is composed of Mayor Pro tem Brand, Councilwoman Williams-Blake and Councilman Powers and they will serve as the Evaluation and Recommendation Committee.

EXECUTIVE SESSION

Mayor Wukela stated there were two matters to discuss in Executive Session. One is a contractual matter and one is a personnel matter.

Mayor Pro tem Brand made a motion to enter into Executive Session. There was no objection. Council entered into Executive Session at 2:53 p.m.

Mayor Wukela reconvened the regular meeting at 3:38 p.m.

Mayor Wukela reported that during the Executive Session, Council addressed a contractual matter that requires no action.

In regards to the personnel matter discussed, Mayor Wukela made a motion that the agreement be formalized contractually with the new City Manager and set a salary that's equal to his current Public Works salary with an increase of 10% over that amount as well as a car allowance. Mayor Pro tem Brand seconded the motion, which carried unanimously.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
NOVEMBER 14, 2011 – PAGE 10**

ADJOURN

Mayor Pro tem made a motion to adjourn the meeting. There was no objection.

The meeting was adjourned at 3:40 p.m.

Dated this 12th day of December, 2011.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
WEDNESDAY, NOVEMBER 16, 2011 – 1:00 P.M.
CITY-COUNTY COMPLEX, COUNCIL CHAMBERS, ROOM 604
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Stephen J. Wukela called the special meeting to order at 3:06 p.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman Stephen C. Powers; Councilman Edward Robinson; and Councilman Glynn F. Willis.

MEMBERS ABSENT: Councilwoman Octavia Williams-Blake was not present for the meeting.

ALSO PRESENT: Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. Thomas Chandler, Director of Finance; Mr. Chuck Pope, Director of Public Works; and Mr. Scotty Davis, Director of Community Services.

MEDIA PRESENT: Notices of this special meeting were sent to the media informing them of the date, time and location of the meeting. Mr. John Sweeney of the Morning News was present for the meeting.

INVOCATION: Councilwoman Teresa Myers Ervin gave the invocation which was followed by the Pledge of Allegiance to the American Flag.

WORKSESSION

Mayor Wukela stated that the issue of a potential gymnasium has been before Council in the past. Council voted at the last meeting regarding this issue, to defer action until a worksession could be scheduled in order to have further discussion on the issue.

Mr. Drew Griffin, City Manager gave Council the following history of the proposed gym.

1988 – 2000: A gymnasium was originally proposed for construction as part of the Freedom Florence Master Plan. At the time of construction the gym was moved to Phase II. Later the City amended the master plan and constructed an additional four field softball complex where the gym was proposed to be located.

1988 - 2002: Because of the great relationship and use agreements with Florence School District One, it was more cost effective to use school facilities than to construct and maintain a city-owned facility.

2002: Starting around 2002, with the City's participation in the International Children's Game, the concept of travelling basketball developed.

2002 – 2006: With consolidation, the City's need for a new gymnasium diminished and discussion moved more toward a gymnasium and teen center for programming.

2006 – 2009: When consolidation ended the basketball program reverted to the City. However, with league numbers down, the City was able to meet program demands using school facilities.

2006 – Present: Travelling basketball has continued to show growth within the Florence community.

2009: During FY 2009 City Council funded \$200,000 for gymnasium/teen center debt service. During FY 2010 the funds were reassigned for a Council approved capital program.

2009 – Present: Given growth of the City's basketball program and expanded FSD1 athletic program, the school facilities no longer met the needs of the City's basketball program.

The gymnasium user groups are as follows:

●(City) Florence Youth Basketball Association runs from December to March. It is composed of 37 teams; boys and girls ages 5-17. There are approximately 400 participants. The City uses the facilities

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
NOVEMBER 16, 2011 – PAGE 2**

at Moore Intermediate, Williams Middle School, and Barnes Street. There is also a summer program held in June and July with 27 teams; boys and girls ages 5-17 with approximately 300 participants. Presently, at these schools, during the season, the programs run seven days a week.

●(City) Florence Adult Basketball League runs from December through March with 6 teams for ages 18 and over. There are approximately 120 participants and the facilities at Moore Intermediate and Williams Middle School are used. About a year ago, the city partnered with the School District and the floors were refinished.

●(Non-City) Travelling Basketball Program runs from March through August. There are currently 7 organized groups that participate in travelling basketball programs. There are approximately 10 teams totaling 120 participants. This program uses facilities as available.

●Florence Community Youth group operates year round. This group is made up of boys and girls in seventh to twelfth grade.

One concept the City has always held is that the Barnes Street Facility could become more of a campus recreation center. It could have a gym and a teen center and by creating a campus environment you create a safer more usable environment for the community at large. It would be necessary for the City to purchase additional property in order to expand the facility.

Mr. Griffin presented the following three proposals:

Proposal #1: 24, 200 square feet facility
95,800 square feet parking
2.75 acres of land
\$5,000,000 estimated cost

This facility would consist of two gyms, office space or area available to conduct a teen program with 200-250 parking spaces.

Proposal #2: 42,000 square feet facility
95,800 square feet parking
3.19 acres of land
\$5,780,000 estimated cost

This facility would have two full size courts, bleachers, four league or intramural courts, office space and 250 parking spaces.

Proposal #3: 28,940 square feet facility
63,800 square feet parking
2.13 acres of land
\$6,000,000 estimated cost

This facility is more of a premier basketball court facility that consists of ample seating, with a target audience of travelling basketball, a high demand for participant watching, and a teen center complex. This facility would need a little smaller land requirement, and 2/3 of the required parking. The difference being this facility has one court but there would be more people watching the activities.

Funding Issues: For a \$6 million dollar gymnasium there would be a \$450,000 annual debt service requirement. The City has a \$7.39 million dollar debt limit (without a referendum). If Council opted to take the \$6 million from this, or borrowed or did a capital project against that, it would leave approximately \$1.4 million available for future projects. The potential sources for funding include: a 3 mill increase; Hospitality Fee Funds (these would be restricted and limited); Fund Balance (has a recommended cap); Grants or other Partnerships; and a Franchise Fee (limited). There would be an estimated annual operating cost of \$200,000 +.

Councilman Willis asked about partnering with Francis Marion University and Florence School District One in regard to the cost of the gym and if they had been approached.

Mr. Griffin responded that he feels there have been very preliminary discussions with these groups and feels it would be appropriate to move forward with these discussions. Also Bruce Lee

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
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Foundation could be another funding source.

Mr. Griffin asked Council if they want to continue to investigate the concept of a gymnasium. If so, a project timeline should be developed, there should be direction from Council as to how to proceed, and possibly set meetings with partnership opportunities.

Councilman Robinson is in support of moving forward, however he would like to see incorporated a computer lab, an auditorium that could be used for acting out plays and having educational contests, and different types of dance.

Mr. Griffin responded that a teen center component has been included in each of the proposals. However, an auditorium has not been included but would not be difficult to do within the gym.

Councilman Robinson would like to continue to look at options but stated strongly that he wants to be involved in the entire process.

Councilman Willis asked with opportunities to partner with other organizations, is there a possibility that this project can be accomplished without a tax increase? Also, are there funds available in the budget for the projected \$200,000 per year operating costs?

Mr. Griffin responded that an alternative source of funding would need to be identified to bridge the gap unless the City is able to obtain a partnership with the various agencies, including potential grants that do not require a monetary buy-in from the city, unless the commitment is less than \$100,000 per year. At this time, there is not \$200,000 available for operating costs for the proposed gym.

Mayor Pro tem Brand is very much in support of programs for the children in our community. However, he feels that the City needs a one year, three year, five year and ten year plan in order to determine what direction the city is heading in. There are several issues that the City needs to address. Mayor Pro tem Brand would like for potential projects to be prioritized and determine which are the most important and move forward. If the gym is the most important then he is fine with moving forward with developing a plan.

All members of Council expressed their support of a gymnasium and would like staff to provide a plan of the best way to make it a reality.

After a discussion, the consensus of Council is to direct the City Manager to prepare a project timeline, talk with potential partners, gather information regarding the City's priorities, and how this would fit into the budget. The timeline will be presented to Council at the December 12, 2011 City Council meeting.

Ms. Pat Gibson Hye Moore and Mr. Spencer Scott spoke in favor of the need for a gym.

ADJOURN

Councilman Robinson made a motion to adjourn the meeting. There was no objection.

The meeting was adjourned at 4:43 p.m.

Dated this 12th day of December, 2011.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: November 14, 2011

AGENDA ITEM: Amendment to Code Section 2-24 Meetings.

DEPARTMENT/DIVISION: City Council

ISSUE UNDER CONSIDERATION:

An ordinance to amend Section 2-24 Meetings , of the City Code of Ordinance establishing that the deadline for agenda item requests for a regularly scheduled Monday meeting, shall be 5:00 p.m. on the Wednesday twelve days preceding the regularly scheduled meeting. No other changes to the Ordinance are proposed.

CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. Ordinance No. 2009-25, adopted on September 14, 2009, among other things, set the deadline for agenda item requests for a regularly scheduled Monday meeting is 1:00 p.m. on the Wednesday immediately preceding the regularly scheduled meeting.
2. This is the initial request to consider amending the deadline for agenda item requests.

POINTS TO CONSIDER:

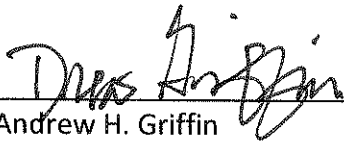
1. This amendment would effectively shift the "final" Agenda as well as the Agenda Packet back one week. This shift should allow up to one week for review and discussion of matters placed before City Council.
2. This action is recommended to improve efficiency and timeliness in the development, review and presentation of material as well as improve communication between City staff and Council.
3. As a matter of procedure, City staff shall communicate a reminder to Council regarding the deadline for agenda item requests.

STAFF RECOMMENDATION:

Staff recommends the adoption of the proposed amendments.

ATTACHMENTS:

Copy of the proposed amendment.



Andrew H. Griffin
City Manager

ORDINANCE NO. 2011 - _____

AN ORDINANCE TO AMEND CODE SECTION 2-24 MEETINGS, establishing that the deadline for agenda item requests for a regularly scheduled Monday meeting, shall be 5:00 p.m. on the Wednesday twelve days preceding the regularly scheduled meeting.

WHEREAS, S.C. Code Ann. §5-7-250 (1976) establishes that council shall determine its own rules and order of business, and §5-7-260 establishes that any change in the administrative code shall be done by ordinance; and

WHEREAS, council is desirous of improving the efficiency, review and presentation of materials that are to be presented before council.

NOW, THEREFORE, BE IT ORDAINED By the Mayor and Council of the City of Florence that Section 2-24 of the City Code for Florence, South Carolina which currently reads as follows:

Section 2-24 Meetings.

(b) *Agenda*. Matters to be considered by council at a regular or special meeting shall be placed on a written agenda prepared by the city manager, distributed to the media, and publicly posted by the municipal clerk at least twenty-four (24) hours prior to the meeting. The deadline for agenda item requests for a regularly scheduled Monday meeting is 1:00 p.m. on the Wednesday immediately preceding the regularly scheduled meeting. If the a scheduled meeting is not on Monday, then the deadline for agenda item requests is 1:00 p.m. on the day that is three (3) business days prior to the meeting. Matters not on the agenda may be considered upon request of a member unless two (2) members object.

Shall be amended to read:

Section 2-24 Meetings.

(b) *Agenda*. Matters to be considered by council at a regular or special meeting shall be placed on a written agenda prepared by the city manager, distributed to the media, and publicly posted by the municipal clerk at least twenty-four (24) hours prior to the meeting. The deadline for agenda item requests for a regularly scheduled Monday meeting is 5:00 p.m. on the Wednesday twelve days prior to the regularly scheduled meeting. If the a scheduled meeting is not on Monday, then the deadline for agenda item requests is 1:00 p.m. on the day that is three (3) business days prior to the meeting. Matters not on the agenda may be considered upon request of a member unless two (2) members object.

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

ADOPTED THIS _____ DAY OF _____, 2011.

Stephen J. Wukela
Mayor

Approved as to form:

Attest:

James W. Peterson Jr.
City Attorney

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011
AGENDA ITEM: Ordinance – Updated for Second Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

A Series Ordinance to make provision for the terms and conditions of a Combined Water and Sewer System Refunding Revenue Bond, authorized by the Bond Ordinance of the City of Florence adopted October 24, 1989, as amended in the approximate amount of \$5,000,000.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. On October 3, 2002, the City issued a fifteen-year revenue bond in the amount of \$8,360,000 at an interest rate of 3.8% with payments of interest only for the first 5 years. These bonds were issued to acquire the Florence County water and sewer system as part of the 2002 Consolidation Agreement between the City and the County.

B. On November 5, 2003, the City issued a fifteen-year revenue bond in the amount of \$2,000,000 at an interest rate of 3.9%. These bonds were issued to extend the sewer collection system to three existing neighborhoods and to construct both the Savannah Grove and Hoffmeyer Road regional pump stations.

C. On October 28, 2011 Council received from staff a memo pertaining to the possible refinancing of these two bond issues.

III. POINTS TO CONSIDER

A. Interest rates have declined since the issuance of the Series 2002 and 2003 Revenue Bonds and, due to the financial strength of the City's Water and Sewer System, a debt service reserve fund is no longer expected to be required for the City's revenue bond issues.

B. As a result of the rate decline and the System's financial strength, the City obtained on proposals on December 1, 2011 from interested financial institutions to refinance these bond issues. The City received seven timely proposals with the lowest interest rate cost proposed being TD Bank at a rate of 1.558% for an six year term.

C. The effect of this refinancing and application of the reserve funds to reduce the amount and length of the borrowing will produce savings for the system of \$525,000 or an average of \$87,500 per year for the life of the loan.

E. Refinancing of these two bond issues requires the adoption of a Series 2011 Refunding Revenue Bond ordinance.


IV. STAFF RECOMMENDATION

Adoption of the proposed ordinance to enact an ordinance refunding the 2002 and 2003 revenue bond to achieve lower interest rates and related debt service savings.

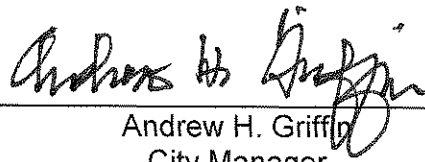
V. ATTACHMENTS

A. Series 2011 Refunding Revenue Bond Financing Schedule.

B. Series 2011 Refunding Revenue Bond Ordinance.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

A SERIES ORDINANCE

MAKING PROVISION FOR THE TERMS AND CONDITIONS OF AN ISSUE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REFUNDING REVENUE BOND, SERIES 2011, OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,000,000 AS AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989; 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 Sewerage System Revenue Bonds through the means of an ordinance entitled "AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF COMBINED WATERWORKS AND SEWERAGE 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 \$2,779,488 South Carolina Drinking Water Revolving Loan Fund Loan dated May 10, 1999 (the "Bonds of 1999").
- (2) 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").
- (3) 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").
- (4) the outstanding installments 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").
- (5) 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").
- (6) the outstanding installments 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").
- (7) 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");
- (8) the outstanding installments of an original issue of \$31,005,000 Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2010A, dated May 4, 2010 (the "Bond of 2010A");
- (9) the outstanding installments of an original issue of \$67,995,000 Combined Waterworks and Sewerage System Capital Improvement Revenue Bonds, Series 2010B (Build America Bonds – Taxable Series), dated May 4, 2010 (the "Bond of 2010B"); and

WHEREAS, the obligations described in (4) and (6) above are hereinafter referred to as the "Refunded Bonds." The obligations described above at (1) through (9), inclusive, are hereinafter referred to as the "Parity Bonds;" and

WHEREAS, the City has determined that a savings in debt service requirements may be achieved through the refunding of the Refunded Bonds; and

WHEREAS, it has been determined that not exceeding \$5,000,000 may be required in order to provide funds for the refunding of the Refunded Bonds and costs related to the financing and providing necessary reserves; 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.

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, Determinations, Agreements and Covenants.

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

- 1) The useful life of the System is found to be 40 years.
- 2) The Date of Issue of the Bond whose issuance is provided for herein (the "Series 2011 Bond") is to be the date of delivery of the Series 2011 Bond.

3) The Series 2011 Bond shall be in the original principal amount of not exceeding \$5,000,000. 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 Series 2011 Bond shall be used, subject to the provisions of paragraphs 6 and 12 below, to provide moneys which will be sufficient to defease the Refunded Bonds; and to pay certain costs and expenses relating to the issuance of the Series 2011 Bond.

5) The Series 2011 Bond shall be designated City of Florence, South Carolina, Combined Waterworks and Sewerage System Refunding Revenue Bond, Series 2011 and shall be issued in registered form. The Series 2011 Bond shall be numbered and lettered in such way as to maintain a proper record thereof and will be issued in the form of a single bond per each maturity.

6) The Mayor of the City is hereby authorized and empowered to determine the aggregate principal amount of the Series 2011 Bond, the principal amount of each maturity of the Series 2011 Bond, the interest rates for the Series 2011 Bond, the Series 2011 Bond to be subject to mandatory and optional redemption and the redemption prices of the Series 2011 Bond 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.

7) Interest on the Series 2011 Bond shall be payable on March 1 and September 1 of each year commencing March 1, 2012, 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 Series 2011 Bond shall be February 15 and August 15 of each year.

8) Such of the Series 2011 Bond 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 Series 2011 Bond 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 Series 2011 Bond shall be the Trustee under the Bond Ordinance.

10) The Series 2011 Bond shall be sold to TD Bank, NA, who at public sale offered the lowest interest cost to the City (the "Purchaser") on the terms set forth in attached Exhibit A.

11) The Series 2011 Bond shall be substantially in the form attached hereto as Exhibit B.

12) The proceeds of the Series 2011 Bond 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.

13) City Council hereby authorizes the issuance of the Series 2011 Bond and agrees to abide by all of the terms, provisions and agreements set forth in the Bond Ordinance and, pursuant to Section 16.01 of the Bond Ordinance, the City irrevocably elects to redeem the Refunded Bonds.

14) City Council hereby approves the issuance of the Series 2011 Bond attached hereto as Exhibit B.

15) The City finds that the provisions of Section 4.02(B) may be satisfied permitting the Series 2011 Bond to be issued on a parity with the outstanding Parity Bonds.

16) City Council hereby authorizes the Mayor to take such further action as may be necessary to effect the issuance of the Series 2011 Bond.

DONE, RATIFIED AND ADOPTED THIS 12th day of December, 2011.

(SEAL)

Mayor, City of Florence, South Carolina

Attest:

Clerk, City of Florence, South Carolina

First Reading: November 14, 2011

Second Reading: December 12, 2011

EXHIBIT A

(FORM OF BOND)
(FACE OF BOND)

CITY OF FLORENCE, SOUTH CAROLINA
COMBINED WATERWORKS AND SEWERAGE SYSTEM
REFUNDING REVENUE BOND, SERIES 2011

No. _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Issue</u>	<u>CUSIP</u>
	March 1, _____	_____, 2011	

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 Bank of New York Mellon Trust Company, N.A. (the "Trustee") in the City of East Syracuse, 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 March 1, 2012, or if the City shall fail to pay interest on March 1, 2012, 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 March 1, 2012, 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").

The maturities are due on September 1 in the respective principal amounts as set forth in the following table:

<u>Due</u> <u>September 1</u>	<u>Amount</u>
2012	
2013	
2014	
2015	
2016	
2017	

This Bond is 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 December 12, 2011 (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 defeasing the outstanding \$5,010,000 of an original issue of \$8,360,000 Combined Waterworks and Sewerage System Acquisition Revenue Bond, Series 2002, dated October 3, 2002 and the outstanding \$1,125,000 of an original issue of \$2,000,000 Combined Waterworks and Sewerage System Revenue Bond, Series 2003B, dated November 5, 2003, [to satisfy the Reserve Requirement with respect to the bonds and to pay certain costs incidental to the issuance of the Bond].

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 Bond will be issued on a parity with the City's outstanding \$ _____ of eight issues and any Additional Bonds hereafter issued.

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 each 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 Bond, 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 Bond.

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 Bond, 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 Bond is not subject to redemption prior to maturity.

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.

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A., 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:

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 November 14 and December 12, 2011. 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 12th day of December, 2011.

Clerk

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011
AGENDA ITEM: Ordinance – Updated for Second Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

An ordinance to amend the first supplemental ordinance providing for the issuance of a Stormwater System Revenue Bond, Series 2006 in the amount of \$4,000,000 to pay costs associated with expanding and improving the City's Stormwater Utility system.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. On June 30, 2006 the City issued a fifteen-year revenue bond in the amount of \$4,000,000 at an interest rate of 4.18% with BB&T. This bond was issued for the construction of a number of major stormwater improvement projects throughout the City.

B. On October 28, 2011 Council received a memo pertaining to possible refinancing of this 2006 revenue bond issue.

III. POINTS TO CONSIDER

A. Because interest rates have declined since the issuance of the Series 2006 Stormwater Revenue Bond issue, **BB&T has agreed to reduce the interest rate from 4.18% to 2.65% for the remaining term of the loan. This reduction represents a decrease of 1.53 basis points in the interest rate.**

B. **The effect of this interest rate reduction will produce a savings for the system of \$245,000 or an average of \$24,500 per year for the life of the loan.**

C. Amending the interest rate on this bond issue requires the adoption of an amending ordinance for the Series 2006 Stormwater System Revenue Bond.

IV. STAFF RECOMMENDATION

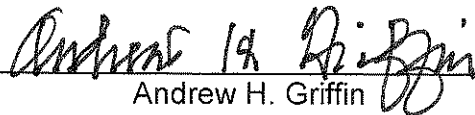
Adoption of the proposed amending ordinance.

V. ATTACHMENTS

Ordinance amending the Series 2006 Stormwater System Revenue Bond.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

AN ORDINANCE

AMENDING AN ORDINANCE ENTITLED "A FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF FLORENCE, SOUTH CAROLINA, STORMWATER SYSTEM REVENUE BOND, SERIES 2006, IN THE PRINCIPAL AMOUNT OF \$4,000,000; AND OTHER MATTERS RELATING THERETO."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

WHEREAS, the City Council ("City Council") of the City of Florence, South Carolina (the "City"), did, on June 26, 2006, adopt an Ordinance titled "A First Supplemental Ordinance Providing for the Issuance and Sale of City of Florence, South Carolina, Stormwater System Revenue Bond, Series 2006, in the Principal Amount of \$4,000,000; and Other Matters Relating Thereto" (the "First Supplemental Ordinance"); and

WHEREAS, a \$4,000,000 Stormwater System Revenue Bond, Series 2006, of the City (the "Bond") was sold to Branch Banking & Trust Company (the "Purchaser") pursuant to and in compliance with the First Supplemental Ordinance; and

WHEREAS, the Purchaser has agreed to reduce the rate of interest on the Bond from 4.18% to 2.65% on the terms and conditions as described in the correspondence dated November 17, 2011 and attached hereto as Exhibit A; and

WHEREAS, the reduction in interest rate benefits the City by reducing interest expense to be paid on the Bond during a portion of the year 2011 and in each of the years 2012 through 2021.

NOW, THEREFORE, City Council adopts this Ordinance to amend the First Supplemental Ordinance and the Bond as follows:

Section 1. Section 2 of the First Supplemental Ordinance is amended to change the rate of interest from 4.18% to 2.65%, which change in the rate of interest shall be effective as of December 14, 2011, or such other date as the City Manager and the Purchaser shall agree. The Mayor of City Council is hereby authorized and directed to execute and deliver to the Purchaser an amendment to the Bond in the form attached hereto as Exhibit B (the "Amendment to Bond") and the Clerk is authorized and directed to attest the same, which shall evidence this reduction in the interest rate contemplated by this Ordinance.

Section 2. The Finance Director is authorized to take any further action as may be required in connection with the above amendments including, but not limited to, such filings as may be necessary with the United States Treasury Department, the Florence County Clerk of Court and the South Carolina State Treasurer's Office.

Section 3. All terms and provisions of the First Supplemental Ordinance, except as otherwise amended by this Ordinance, shall remain in full force and effect.

Section 4. This Ordinance shall become effective upon its adoption.

DONE, RATIFIED AND ADOPTED this 12th day of December, 2011.

CITY OF FLORENCE, SOUTH CAROLINA

Mayor

Attest:

Clerk



Branch Banking & Trust Co.

Governmental Finance

P.O. Box 714
Columbia, SC 29202
(803) 251-1328
Fax (803) 251-1329

November 17, 2011

Mr. Thomas Chandler
Finance Director
City of Florence
180 N. Irby St.
Florence, SC 29501

Dear Mr. Chandler:

Branch Banking and Trust Company ("BB&T"), is pleased to offer this proposal for the financing requested by the City of Florence ("City").

- (1) **Project:** Stormwater Utility Refunding Rev. Bonds
- (2) **Amount To Be Financed:** \$2,930,000 (principal)
- (3) **Interest Rates, Financing Terms and Corresponding Payments:**

We offer a financing scenario in which the interest rate will be fixed at 2.65 % for the entire term. Final maturity shall be June 1, 2021.

The bond may be redeemed in whole on any scheduled payment date without penalty.

No reserve fund will be required with this transaction. In addition, insurance and ratings will not be required. We understand that the City has designated a minimum debt service coverage ratio of 1.25 x 1 for this transaction.

The interest rate stated above is valid for a closing to occur no later than thirty days from the date of this letter.

Closing of the financing is contingent upon completing documentation acceptable to BB&T.

The stated interest rates assume that the City expects to borrow less than \$10,000,000 in calendar year 2011 and that the City shall comply with IRS Code Sections 140, 141, 148 and 149(e). BB&T reserves the right to terminate its interest in this bid or to negotiate a mutually acceptable rate if the financing is not qualified tax-exempt financing.

- (4) **Financing Documents:**

It will be the responsibility of the City to retain and compensate bond counsel to appropriately structure the transaction in accordance with state and federal statutes. All documentation must be deemed appropriate by BB&T.


BB&T appreciates the opportunity to make this financing proposal and requests to be notified within five days of this proposal should BB&T be the successful proposer.

BB&T shall have the right to cancel this offer by notifying the City of its election to do so (whether or not this offer has previously been accepted by the City) if at any time prior to the closing there is a material adverse change in the City 's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the City or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to BB&T. We reserve the right to negotiate and/or terminate our interest in this transaction should we be the successful proposer.

Please call me at 803-251-1328 with your questions and comments. We look forward to hearing from you.

Sincerely,

~~Branch Banking and Trust Company~~


Andrew G. Smith
Senior Vice President

AMENDMENT NO. 1 TO THE \$4,000,000 STORMWATER SYSTEM
REVENUE BOND, SERIES 2006, OF THE CITY OF FLORENCE, SOUTH CAROLINA

THIS AMENDMENT NO. 1 TO THE \$4,000,000 STORMWATER SYSTEM REVENUE BOND, SERIES 2006, OF THE CITY OF FLORENCE, SOUTH CAROLINA (the "Amendment") is dated as of December 14, 2011, and is executed and delivered by the CITY OF FLORENCE, SOUTH CAROLINA (the "City") to BRANCH BANKING & TRUST COMPANY ("Bondholder").

FACTUAL BACKGROUND:

A. The City Council of the City ("City Council"), on June 26, 2006, adopted a general ordinance titled "An Ordinance Authorizing and Providing for the Issuance of the City of Florence, South Carolina, Stormwater System Revenue Bonds, and Other Matters Pertaining Thereto; Prescribing the Form of Revenue Bonds Issued Hereunder; Covenanting as to the Revenues and the Fixing, Establishment, and Collection of Fees and Other Charges With Respect to the Stormwater Management System; Pledging the Revenues and Other Funds to the Payment of the Principal of and Interest on the Bonds; and Making Other Covenants and Agreements in Connection With the Foregoing" (as amended the "General Bond Ordinance"). Pursuant to the General Bond Ordinance, City Council on June 26, 2006, adopted an ordinance titled "A First Supplemental Ordinance Providing for the Issuance and Sale of City of Florence, South Carolina, Stormwater System Revenue Bond, Series 2006, in the Principal Amount of \$4,000,000; and Other Matters Relating Thereto" (the "First Supplemental Ordinance" and together with the General Bond Ordinance and the hereinafter defined Amendatory Ordinance, the "Ordinances"). Pursuant to the Bond Ordinance and the First Supplemental Ordinance, the City issued its \$4,000,000 Stormwater System Revenue Bond, Series 2006, dated June 30, 2006 (the "Bond"). City Council adopted an ordinance on December 12, 2011 amending the First Supplemental Ordinance (the "Amendatory Ordinance") which approved a reduction in the rate at which interest accrues on the Bond.

B. In connection with its consideration of the Amendatory Ordinance, the City has requested that the Bondholder reduce the rate at which interest accrues on the Bond, and the Bondholder has agreed to such request in accordance with the terms and conditions of this Amendment and the Amendatory Ordinance.

NOW, THEREFORE, in consideration of the mutual promises contained hereinbelow, the sum of Five and No/100s (\$5.00) Dollars and other good and valuable consideration, the City hereby agrees as follows:

1. The definitions therein are incorporated into, and are an integral part of, this Amendment. Capitalized terms used, but not defined herein, shall have the meanings ascribed to such terms in the Ordinances and the Bond.

2. The Bond is amended by deleting the rate of interest of 4.18% set forth in the Bond and by substituting in its place the rate of 2.65%.

3. Except as modified by this Amendment and the Amendatory Ordinance, the terms of the Ordinances and the Bond shall remain in full force and effect.

4. The execution of this Amendment and any documents as contemplated by this Amendment and the consummation of any transaction contemplated by this Amendment shall constitute a modification to the Bond and shall not be construed as a novation.

5. This Amendment shall be governed by the Laws of the State of South Carolina.

IN WITNESS WHEREOF, the City has executed this Amendment to be effective as of the day and year first written above.

CITY OF FLORENCE, SOUTH CAROLINA

Mayor

ATTEST:

Clerk

CERTIFICATE OF AUTHENTICATION

The Bond (as amended by this Amendment) is one of the Bonds of the Series described in the within mentioned Ordinances.

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A., as Bond Registrar

By: _____
Authorized Agent

Authentication Date: _____

CONSENT AND ACCEPTANCE

The undersigned, as Bondholder of the Bond, hereby consents and agrees to this Amendment and the Amending Ordinance and accepts this Amendment.

BRANCH BANKING & TRUST COMPANY

By: _____

Name: _____

Title: _____

Date: _____

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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

That the foregoing is a true, correct and verbatim copy of an Ordinance unanimously adopted by
the said City Council, having been read at two duly called and regularly held meetings at which a quorum
attended and remained throughout on each of November 14 and December 12, 2011.

That the said Ordinance is now in full force and effect and has not been modified, amended,
repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my Hand this 12th day of December, 2011.

Clerk

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011

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

DEPARTMENT/DIVISION: Urban Planning & Development

I. ISSUE UNDER CONSIDERATION

Request to rezone 616 South Coit Street, TM# 90088-07-038, from B-1, Limited Business District to B-2, Convenience Business District.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On September 13, 2011, Planning Commission held a public hearing on this matter. Planning Commissioners recommended approval of Staff's recommendation, 6-2, to rezone the property to B-2, Convenience Business District. Also, on October 12, 2011, the Design Review Board held a public hearing and voted 4-2 in favor of the rezoning request.

III. POINTS TO CONSIDER

1. The B-2 rezoning request was made to permit a greater flexibility of uses at this location.
2. This property is currently surrounded by B-1 and B-3 Zoning Districts.
3. The request to rezone the property to B-2, Convenience Business District, is consistent with the recently adopted Future Land Use Map;
4. Coit Street serves as a buffer between high-intensity commercial properties fronting Irby Street and the Timrod Park Overlay District.
5. The applicant, Mr. Gary Finklea, submitted a letter requesting that a new zoning district be created.
6. City Council deferred first reading of the item at their November 14, 2011 regular meeting to give staff and the Planning Commission an opportunity to research and recommend a solution which could include a new zoning district.
7. Staff recommends developing a new Zoning District that complies with the Comprehensive Plan.
8. Staff requests deferral in order to give Planning Commission opportunity to review and recommend new zoning district.

IV. OPTIONS

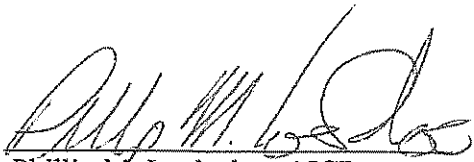
City Council may:

1. Defer the matter to the regular January City Council Meeting.
2. Approve the request as presented based on the information submitted.

3. Deny the request.

IV. ATTACHMENTS

1. Ordinance
2. Staff Report
3. Zoning, Future Land Use, and Coit St. Properties Maps
4. Section 2.4, Table II of the Zoning Ordinance
5. Site Pictures



Phillip M. Lookadoo, AICP
Urban Planning & Development Director

Drew Griffin
City Manager

ZONING PETITION STAFF CHECKLIST

PC#2011-10

September 13, 2011

IDENTIFYING DATA

Name of Owner: Katmar Properties, LLC
Address: 616 South Coit Street
Tax Parcel Number(s): 90088-07-038
Proposed Zoning Change: B-2, Convenience Business District
Current Use: Vacant – previous use was law office
Proposed Use: Undetermined

BACKGROUND

The applicant has submitted an application to rezone 616 South Coit Street from B-1, Limited Business District to B-2, Convenience Business District. The applicant, Gary Finklea, has been designated as the agent to represent the property owner's request. In the past, the property owner has been approached by others wanting to operate various businesses not permitted at that location because of the zoning district. Therefore, the applicant, on behalf of the property owner, has requested rezoning in order to allow a greater flexibility of uses. Currently, the property is vacant and is listed for sale.

Some permitted uses under the B-2 Zoning District not permitted in the B-1 Zoning District include limited retail uses, restaurants, beauty salons and barber shops, and dry cleaners. A complete list of allowable uses is included with this staff report.

ZONING REQUIREMENTS

If the rezoning request were to be approved, additional zoning requirements would include compliance with the off-street parking and buffering regulations, and if necessary, interior upfit as required by the International Building Code.

MISCELLANEOUS PROVISIONS

Is any portion of this property in floodplain? No

Are there any known zoning violations on this site? No

Tax records indicate the owner(s) is/are: Katmar Properties, LLC

This application is submitted by: ___ the owner(s) listed above
 X an agent for the owner
 ___ other

ZONING PETITION STAFF CHECKLIST

LAND USE PLAN CONFORMANCE

The Future Land Use Plan designates this parcel and the surrounding area as Downtown. A B-2 zoning district would conform to the Future Land Use Plan, as the Downtown designation is a proposed mixed-use district. See description below:

Table 2.5: Florence Zoning Districts (from the Comprehensive Plan)

<i>Future Land Use</i>	<i>Zoning District Name</i>	<i>Character</i>	<i>Description</i>
<i>Downtown Central</i>	<i>Central Business District (CBD)</i>	<i>Urban</i>	<i>Development, redevelopment, and reuse of residential, commercial, and mixed-use buildings downtown. Zoning regulations will include design standards for specific sub-areas referenced in the Downtown Master Plan as Cultural Campus, Irby Street Financial, and Cheves Street Hospitality.</i>

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?

This area is largely in a state of transition. It primarily consists of professional office uses. Coit Street is a buffer between the high-intensity commercial properties fronting Irby Street and the Timrod Park Neighborhood. Properties along Coit Street are mostly zoned B-1, but there are a handful of lots zoned B-3. Two of these are in the vicinity of 616 South Coit; the others are closer to the Palmetto Street intersection.

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

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	B-1	Vacant
Northeast	B-3	Greyhound parking and loading
East	B-3	Greyhound parking and loading
Southeast	B-3	Church
South	B-1	Vacant lot for Whisenhunt parking
Southwest	B-1	Medical office
West	B-1	Construction office
Northwest	B-1	Construction office parking

ZONING PETITION STAFF CHECKLIST

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

There are no development plans currently on file for this area.

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

The current land use is practical for the area.

5. List some potential uses under existing zoning.

The B-1 Zoning District currently permits by right florists, professional offices, and limited service uses. A complete list of uses has been included with this staff report, *Section 2.4 – Table II* of the Zoning Ordinance.

6. List some potential uses under proposed zoning.

Some uses that would be permitted under the B-2 Zoning District include limited retail, restaurants, automotive repair shops, beauty and barber shops, nail salons and dry cleaners.

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

There may be some uses that could adversely impact the area with traffic congestion and other nuisances, but that would be restricted by off-street parking requirements that must be met for each potential use. Additionally, the purpose of the B-2 Zoning District is to meet expedient commercial and service needs generated by neighborhoods (see item 11 below).

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

The applicant would like greater flexibility of uses. As of yet, a specific use has not been determined.

9. (a) What will be the benefits to the surrounding properties?

The proposed may allow some uses that could be beneficial to the area.

- (b) What will be the detriments to the surrounding properties?

The proposed change may also allow some uses that could be detrimental to the area.

10. Is a traffic study required for this petition?

ZONING PETITION STAFF CHECKLIST

The rezoning application does not meet the requirements of a traffic study as stated in the Land Development and Subdivision Ordinance, Article 5.1-G.

11. What does the purpose statement of the proposed zoning district say?

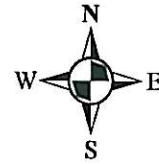
B-2 Convenience Business District: The intent of this district is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the "convenience variety." The size of this district should relate to surrounding residential markets and the location should be at or near major intersections, in proximity to and/or on the periphery of residential areas.

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

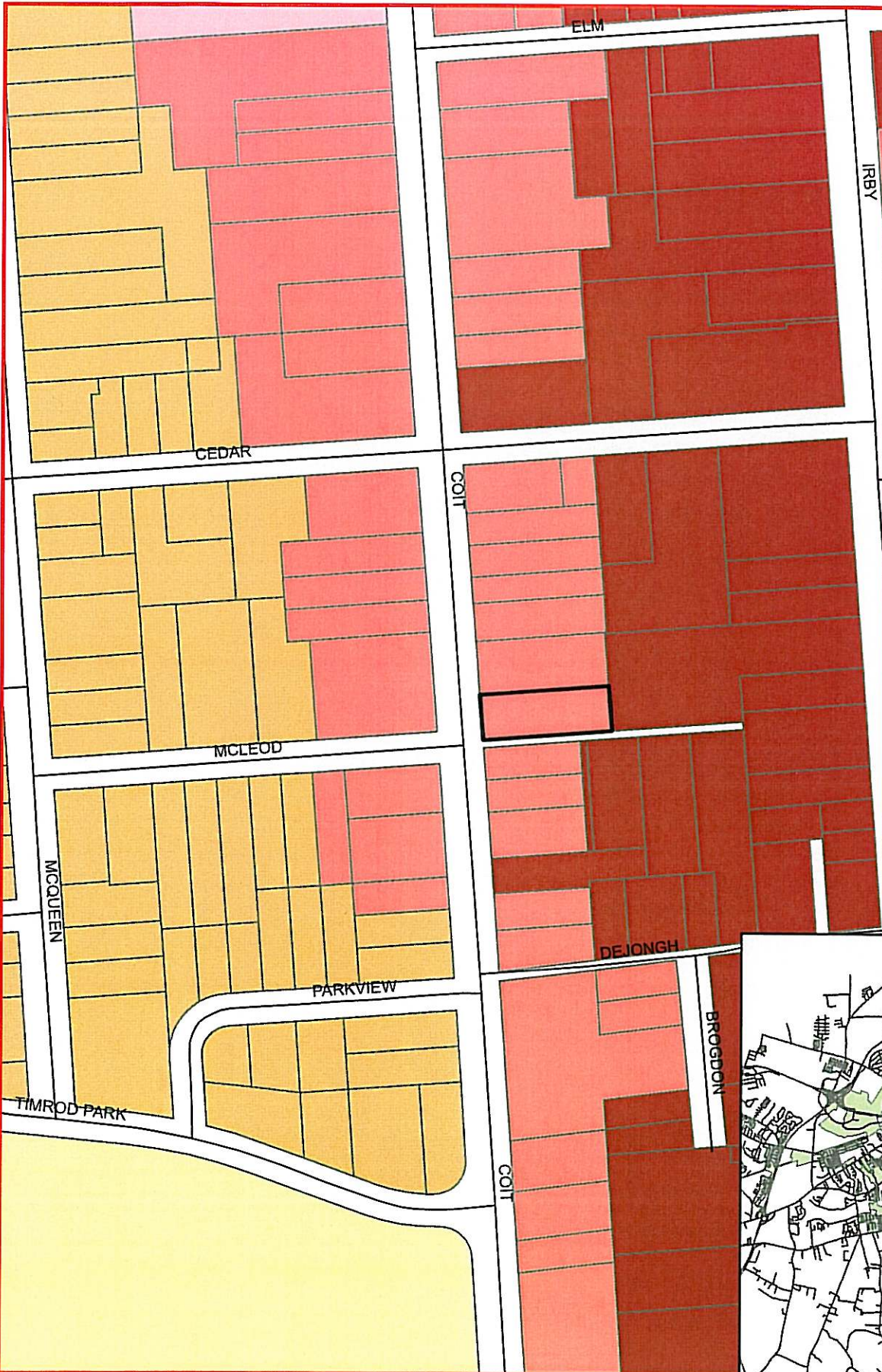
Staff recommends that this property be rezoned. The B-2 Zoning District would meet the intended purpose statement above. It would also meet the intent of the Downtown Future Land Use Designation, and would allow a greater number of uses that can serve the abutting neighborhood. Additionally, B-2 zoning complements the transition that has already occurred in the area without hampering any residential properties that may remain.

Please note the following included with this staff report: Zoning Map, Future Land Use Map, Coit St. vs. Commercial Properties Map, *Section 2.4, Table II: Schedule of Permitted and Conditional Uses of the City of Florence Zoning Ordinance* and site pictures.

ZONING MAP



Urban Planning &
Development Department



Legend

- Re-zone request
- RoadSegment
- Parcels

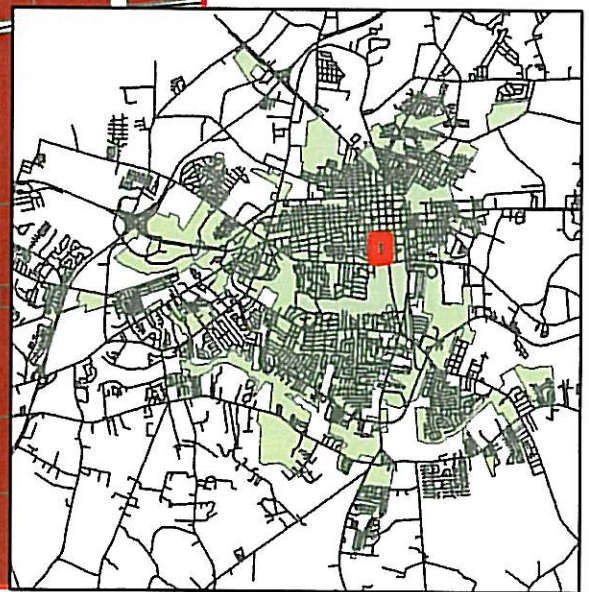
Zoning

ZONECODE

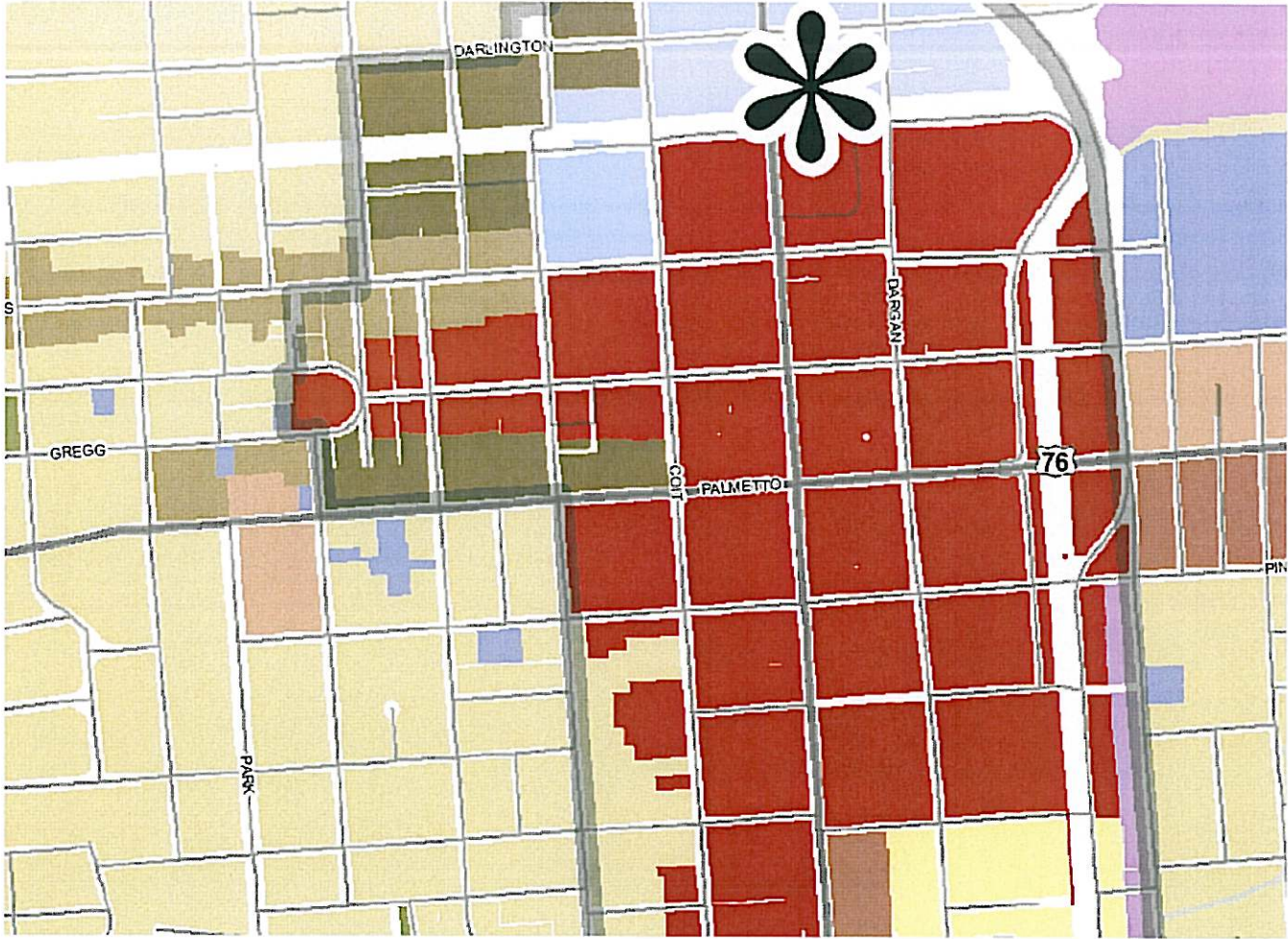
- B-1, LIMITED
- B-2, CONVENIENCE
- B-3 GENERAL
- B-4, CENTRAL
- B-5, OFFICE-LIGHT INDUSTRIAL
- B-6, INDUSTRIAL
- PD, PLANNED DEVELOPMENT
- R-1, SINGLE-FAMILY, LARGE LOTS
- R-2, SINGLE-FAMILY, MEDIUM LOTS
- R-3, SINGLE-FAMILY, SMALL LOTS
- R-4, MULTI-FAMILY, LIMITED
- R-5, MULTI-FAMILY
- RU-1, COMMUNITY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

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

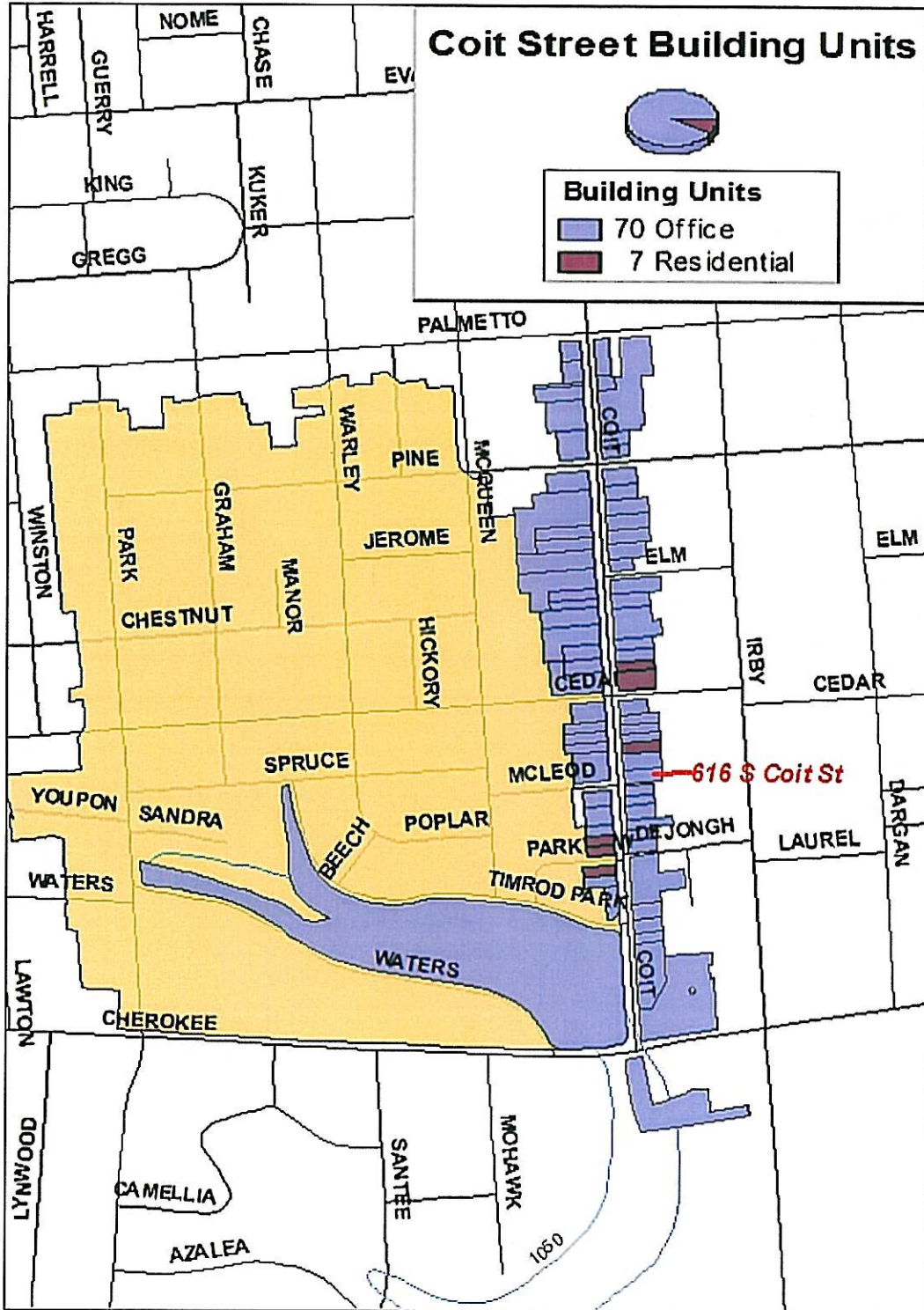
DISCLAIMER:
The City of Florence Urban Planning and Development Department data represented on this map or plan is the product of compilation as produced by others. It is provided for information purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



Future Land Use Map

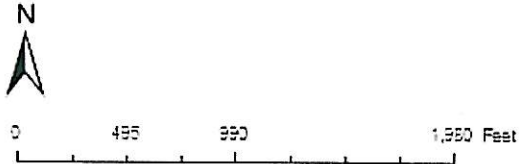


Coit St. Residential vs. Commercial Properties



Legend

- Coit St. Properties
- Timrod Park Overlay District
- Roads



Section 2.4 Table II: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Business & Rural Districts

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Sector 11: Agriculture, Forestry, Fishing, and Hunting										
Agricultural Production, crops	111	P	P	P	N	P	P	P	P	None
Agricultural Production, Livestock, animals	112									
Livestock, except feedlots	112111	N	N	N	N	N	N	P	P	None
Feedlots	112112	N	N	N	N	N	N	N	P	None
Poultry & eggs	1123	N	N	N	N	N	N	N	P	None
Animal specialties	1129	N	N	N	N	N	N	N	P	None
Horses & other equine	11292	N	N	N	N	N	N	P	P	None
General Farms	11299	N	N	N	N	P	P	P	P	None
Fishing, Hunting, Trapping	1141-2	N	N	P	N	N	P	P	P	None
Agricultural Services	115	N	N	N	N	N	N	P	P	None
Forestry	11531	N	N	P	N	P	P	P	P	1.0 per 1,000 s.f. GFA
Sector 21: Mining										
Mining	212	N	N	N	N	N	P	N	P	None
Sector 22: Utilities										
Electric, gas, & sanitary services	221									
Electric	2211									
Generation	22111	N	N	N	N	N	P	N	N	1.0 per 500 s.f. GFA
Transmission	22112	P	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Natural gas distribution	2212	P	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Water supply systems	22131									
Storage/Treatment	22131	N	N	P	N	P	P	P	P	1.0 per 500 s.f. GFA
Transmission	22131	P	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Sewerage systems	22132									
Collection	22132	P	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Treatment	22132	N	N	P	N	P	P	N	P	1.0 per 500 s.f. GFA
Steam & Air Conditioning supply	22133	N	N	P	N	P	P	N	N	1.0 per 500 s.f. GFA
Sector 23: Construction										
Bldg. Construction – general contract & operative builders	233	N	N	P	N	N	P	N	N	1.0 per 1,000 s.f. GFA
Heavy construction other than building construction-contractors	234	N	N	P	N	N	P	N	N	1.0 per 1,000 s.f. GFA
Special Trade Contractors	235	N	N	P	N	N	P	N	N	1.0 per 1,000 s.f. GFA
Sector 31-33: Manufacturing										
Food	311	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Beverage & Tobacco	312	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Textile mill products	313	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Textile Product Mills	314	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Apparel	315	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Leather & allied products	316	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Wood products	321	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Paper & allied products	322	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Petroleum products	324	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Chemical products	325	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Sector 31-33: Manufacturing – cont'd										
Plastic & Rubber	326	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Nonmetallic Mineral products	327	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Primary Metal Industry	331	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Fabricated metal products	332	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Machinery	333	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Computer & Electronic Products	334	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Electrical equipment, Appliances & components	335	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Transportation equipment	336	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Furniture & related products	337	N	N	P	N	P	P	N	P	1.0 per 500 s.f. GFA
Misc. manufacturing Indus.	339	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Sector 42: Wholesale Trade										
Wholesale trade-durable goods	421	N	N	P	P	P	P	N	P	1.0 per 5,000 s.f. GFA
Recycle materials (Sec. 3.12)	42193	N	N	N	N	N	C	N	N	1.0 per 5,000 s.f. GFA
Wholesale trade-nondurable goods	422	N	N	P	P	P	P	N	P	1.0 per 5,000 s.f. GFA
Sector 44-45: Retail Trade										
Motor vehicle & parts	441	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive dealers	4411	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Other motor vehicle dealers	4412	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive parts	4413	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Building materials, garden supplies	444									
Building materials & supplies	4441	N	N	P	N	N	N	P	N	1.0 per 1,000 s.f. GFA
Paint & wallpaper	44412	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Hardware stores (Sec. 3.13)	44413	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Lawn & garden equipment & supplies stores	4442	N	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Food stores (3.13)	445	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Beer, Wine, & Liquor stores (Sec 3.13)	4453	N	N	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Health & Personal care (Sec. 3.13)	446	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Gasoline stations	447	N	P	P	P	N	N	P	P	1.0 per 600 s.f. GFA
Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Flea Markets	4533	N	N	P	N	N	N	P	N	1.5 per stall
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Manufactured home dealers	45393	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Fireworks	453998	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Gravestones, monuments	443998	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA
	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking

											Requirements
Miscellaneous retail	45399	N	N	P	N	N	N	N	N	N	1.0 per 350 s.f. GFA
Non-store retailers	454	N	P	P	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	P	N	N	P	N	N	N	1.0 per 500 s.f. GFA
Sector 48-49: Transportation Warehousing											
Air Transportation	481	N	N	P	N	P	P	N	N	N	1.0 per 250 s.f. GFA
Rail Transportation	482	N	N	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Truck Transportation	484	N	N	P	P	P	P	N	N	N	1.0 per 500 s.f. GFA
Transit and ground passenger transportation	485	N	N	P	P	P	P	N	N	N	1.0 per 500 s.f. GFA
Scenic & Sightseeing Transportation	487	P	P	P	P	P	P	N	N	N	1.0 per 500 s.f. GFA
Support Activities for Transportation	488	N	N	P	P	P	P	N	N	N	1.0 per 500 s.f. GFA
U.S. Postal Service	491	P	P	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Couriers & Messengers	492	P	P	P	P	P	P	N	N	N	1.0 per 500 s.f. GFA
Warehousing & Storage	493	N	N	P	P	P	P	P	P	P	1.0 per 1,000 s.f. GFA
Sector 51: Information											
Publishing Industries	511	N	P	P	P	P	P	N	P	N	1.0 per 500 s.f. GFA
Motion pictures & Sound Industries	51	N	P	P	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Motion picture theaters	512131	N	P	P	P	N	N	N	N	N	1.0 per 5 seats
Broadcasting & Telecommunications	513	N	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Communication Tower & Ant. (Sec. 3.11)	5131	N	C	C	C	C	C	C	C	C	None
Info. Services & Data Processing	514	N	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Libraries	51212	P	P	P	P	P	N	P	N	N	1.0 per 350 s.f. GFA
Sector 52: Finance & Insurance											
Banks	521	P	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Credit Intermediation	522	P	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Pawn Shops	52229B	N	N	P	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Security & commodity contracts, financial investments	523	P	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Insurance Carriers & related activities	524	P	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Funds, Trust, & other financial vehicles	525	P	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Sector 53: Real Estate & Rental & Leasing											
Real Estate	531	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Mini-warehouses	53113	N	N	P	P	P	P	N	N	N	1.0 per storage units
Rental & Leasing Services	532	N	N	P	P	P	P	N	N	N	1.0 per 500 s.f. GFA
Video tape rental (Sec. 3.13)	53223	N	P	P	P	N	N	C	N	N	1.0 per 350 s.f. GFA
Sector 53: Real Estate & Rental & Leasing											
Professional, Scientific, Technical Svcs.	541	N	P	P	P	P	N	P	N	N	1.0 per 300 s.f. GFA
Display advertising - Signs	54185	See Article V									
Legal services	5411	P	P	P	P	P	N	P	N	N	1.0 per 350 s.f. GFA
Engineering, accounting, research management & related services	5412-9	P	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Tax return prep. service	541213	P	P	P	P	N	N	P	N	N	1.0 per 500 s.f. GFA
Sector 54: Professional, Scientific, Technical Services - cont'd											
Photographic studios, portraits	54192	P	P	P	P	N	N	N	N	N	1.0 per 300 s.f. GFA
Veterinary Services	54194	N	N	P	N	N	P	P	P	P	1.0 per 1,000 s.f. GFA
Sector 55: Management of Companies and Enterprises											
Mgmt. Of Companies and Enterprises	551	P	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Sector 56: Administrative and Support and Waste Management and Remediation Services											
Administrative & support services	561	P	P	P	P	P	P	P	P	P	1.0 per 750 s.f. GFA

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Landscape services	56173	N	P	P	N	P	P	P	P	1.0 per 1,000 s.f. GFA
Refuse systems (Sec. 3.14)	562	N	N	C	N	N	C	N	C	1.0 per 500 s.f. GFA
Sector 61: Educational Services										
Educational Services	6117	P	P	P	P	N	N	N	N	1.0 per 200 s.f. GFA
Elementary Schools	6111	P	P	P	P	N	N	P	P	2.0 per classroom plus 5 admin. Spaces
Secondary Schools	6111	P	P	P	P	N	N	P	P	5.0 per classroom plus 10 admin. Spaces
Jr. Colleges, Colleges, Universities, professional schools	6112-3	P	P	P	P	P	P	N	N	5.0 per classroom plus 2 per admin. Office
Business schools, Computer, & Management Training	6114-5	P	P	P	P	P	P	N	N	5.0 per classroom plus 2 per admin. Office
Other schools and instruction	6116	P	P	P	P	P	P	N	N	5.0 per classroom plus 2 per admin. Office
Education Support Services	6117	P	P	P	P	P	P	N	N	1.0 per 200 s.f. GFA
Sector 62: Health Care and Social Assistance										
Ambulatory Health Care Services	62	P	P	P	P	P	N	N	N	1.0 per 150 s.f. GFA
Medical & dental laboratories	6215	N	N	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Home health care services	6216	P	P	P	P	P	N	P	N	1.0 per 500 s.f. GFA
Hospitals	622	N	N	P	P	P	N	N	N	0.7 per bed
Nursing & residential care facilities	623	P	P	P	P	P	N	P	P	0.4 per bed
Nursing Care Facilities	623	N	N	P	N	N	N	P	P	1.0 per 500 s.f. GFA
Community Care for Elderly	623	P	P	P	P	P	N	P	P	0.4 per bed
Social Services	624	N	N	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Individual & Family Social Services	6241	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Community, Food & Housing & Emergency & Relief services	6242	N	N	P	P	P	N	N	N	
Rehabilitation services	6243	N	N	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Day care services	6244	P	P	P	P	P	P	P	P	1.0 per 200 s.f. GFA
Sector 71: Arts, Entertainment, and Recreation										
Performing Arts & Spectator Sports	711	N	N	P	P	N	N	N	N	1.0 per 300 s.f. GFA
Performing Art Companies	7111	P	P	P	N	N	N	N	N	1.0 per 200 s.f. GFA
Spectator Sports	7112	N	N	P	P	N	N	N	N	By individual review
Museums, Historical sites, & Similar Institutions	712	P	P	P	P	N	N	N	N	1.2 per 1,000 s.f. GFA
Sector 71: Arts, Entertainment, and Recreation – cont'd										
Amusement, Gambling, & Recreation	713	N	N	P	N	N	N	N	N	By individual review
Amusement Parks & Arcades	71311	N	N	P	N	N	N	N	N	By individual review
Coin operated amusement, cash payouts more than 5 machines (Sec. 3.17)	7132	N	N	C	N	N	N	N	N	1.0 per 200 s.f. GFA
Golf courses & Country Clubs	71391	N	N	P	N	P	P	N	P	5.0 per hole
Marinas	71392	N	N	N	N	P	P	P	P	1.0 per slip
Public parks & playgrounds	71394	P	P	P	P	P	P	P	P	1% land area
Physical fitness facilities	71394	N	P	P	P	P	P	N	N	1.0 per 300 s.f. GFA
Bowling centers	71395	N	N	P	P	N	N	N	N	5.0 per lane
Coin operated amusement non-cash payouts	71399	N	P	P	P	N	N	N	N	1.0 per 200 s.f. GFA
All other Amusement & Recreational Industries	71399	N	N	P	N	N	N	N	N	1.0 per 200 s.f. GFA

Sector 72: Accommodation and Food Services	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Accommodations	721									
Hotels & motels	72111	N	N	P	P	P	N	N	N	1.0 per rental unit
Bed and Breakfast Inns (Sec. 3.3)	721191	C	N	P	P	P	N	C	C	1.5 per bedroom
Camps & recreational vehicle parks	721191	N	N	C	N	N	N	N	C	Not applicable
Rooming & boarding houses, dormitories, group housing	72121	N	N	P	N	N	N	N	N	1.0 per bedroom
Eating Places	7221-3	N	P	P	P	P	P	P	N	1.0 per 150 s.f. GFA
Drinking Places (Sec. 3.20)	7224	N	N	C	C	N	N	N	N	1.0 per 150 s.f. GFA
Sector 81: Other Services (except Public Administration)										
Auto repair & maintenance (Sec. 3.13)	8111	N	N	P	P	N	N	C	N	1.0 per 500 s.f. GFA
Car washes (multiple bays)	811192	N	N	P	N	N	N	N	N	None
Other Repair (Sec. 3.13)	8112-4	N	P	P	P	N	P	C	N	1.0 per 350 s.f. GFA
Shoe repair, shoe shine shops	81143	N	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA
Personal & Laundry services	812									
Personal Care Services	81221	N	P	P	P	N	N	P	N	2.5 per chair basin
Tattoo Facilities (Sec. 3.23)	812199	N	N	C	N	N	N	N	N	1.0 PER 150 s.f. GFA
Funeral Homes & Services	81221	P	P	P	P	N	N	N	N	5.0 plus 1.0 per 2 seats main assembly
Cemeteries	81221	N	N	P	N	N	N	P	P	None
Crematories	81222	N	N	N	N	N	P	N	N	1.0 per 500 s.f. GFA
Laundry & Dry Cleaning Services	8123	N	N	P	P	N	P	N	N	1.0 per 500 s.f. GFA
Coin operated laundries/dry cleaning	81231	N	P	P	P	N	N	P	N	1.0 per 250 s.f. GFA
Pet Care	81291	N	N	P	N	N	P	P	P	1.0 per 1,000 s.f. GFA
Automotive parking lots & garages	81293	N	P	P	P	P	P	N	N	None
Sexually oriented business (Sec. 3.15)	81299	N	N	C	N	N	N	N	N	1.0 per 350 s.f. GFA
All other personal services	81299	N	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA
Religious, fraternal, professional, political, civic, business organizations	813	P	P	P	P	P	P	P	P	1.0 per 250 s.f. GFA
Religious Organizations	81211	P	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
All Other Organizations	8132-9	N	P	P	P	N	N	N	N	1.0 per 500 s.f. GFA
Sector 92: Public Administration										
Executive, legislative, & general govt.	921	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Justice, public order & safety	922	N	N	P	P	P	P	N	P	1.0 per 350 s.f. GFA
Courts	92211	N	N	P	P	N	N	P	P	1.0 per 350 s.f. GFA
Police Protection	82212	P	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Correctional institution	92214	N	N	P	P	N	P	N	P	1.0 per jail cell, plus 1.0 per 250 s.f. GFA
Fire Protection	92216	P	P	P	P	P	P	P	P	4.0 per bay
Administration of human resources	923	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Ad. of environ. Quality & housing prog.	924-5	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Administration of economic programs	926	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Space Research & Technology	927	N	N	P	P	P	P	N	N	
National Security & Internal Affairs	928	N	N	P	P	P	P	N	N	

Residential Uses										
Site Built Dwellings	NA									
	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Single-family detached	NA	P	P	P	N	N	N	P	P	None
Duplex	NA	N	N	N	N	N	N	P	N	2.0 spaces per unit
Multi-family, apts. (Sec. 3.19)	NA	N	N	P	C	P	N	N	N	1.5 spaces per unit
Rooming & Boarding houses	72131	N	P	P	P	N	N	N	N	1.0 spaces per bedroom
Manufactured Dwellings										
Residential designed (Sec. 3.4)	NA	N	N	N	N	N	N	C	C	2.0 spaces per unit
Standard designed (Sec. 3.4)	NA	N	N	N	N	N	N	C	C	2.0 spaces per unit
Mobile Homes (Sec. 3.5)	NA	N	N	N	N	N	N	N	N	2.0 spaces per unit
Modular Homes	NA	P	P	P	N	N	N	P	P	2.0 spaces per unit
Accessory Uses to Residential Uses										
Bathhouses & cabanas	NA	P	P	P	N	NA	NA	P	P	None
Domestic animal shelters	NA	P	P	P	N	NA	NA	P	P	None
Non-commercial greenhouses	NA	P	P	P	P	NA	NA	P	P	None
Private garage & carport	NA	P	P	P	P	NA	NA	P	P	None
Storage building	NA	P	P	P	P	NA	NA	P	P	None
Swimming pool, tennis courts	NA	P	P	P	P	NA	NA	P	P	None
Auxiliary shed, workshop	NA	P	P	P	N	NA	NA	P	P	None
Home occupation (Sec. 3.8)	NA	P	P	P	P	NA	NA	C	C	None
Horticulture, gardening	NA	P	P	P	P	NA	NA	P	P	None
Family day care home	NA	P	P	P	P	NA	NA	P	P	None
Satellite dishes, etc.	NA	P	P	P	P	NA	NA	P	P	None
Accessory Uses to Residential Uses										
Buildings, structures	NA	P	P	P	P	P	P	P	P	None
Open storage (Sec. 3.18)	NA	N	N	C	N	C	C	C	N	None
Temporary Uses										
All Temporary Uses (Sec. 3.9)	NA	C	C	C	C	C	C	C	C	None

Notes:

- a. Off street parking is not required in the B-4 District.



616

08/31/2011



D. CLAUD BROWN, P.C.

PARKING FOR
WHESENHUT
AND
MCKISSICK

08/31/2011



COIT RD
MALEDON

08/31/2011



McLEOD ALLEY 200

McLEOD

08/31/2011



08/31/2011

ORDINANCE NO. 2011-_____

AN ORDINANCE TO REZONE 616 South Coit Street, TM# 90088-07-038, from B-1, Limited Business to B-2, Convenience Business District:

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on September 13, 2011 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the property owner made application to rezone 616 South Coit Street from B-1, Limited Business to B-2, Convenience Business District;

WHEREAS, the rezoning request was made to allow a greater flexibility of uses;

WHEREAS, Planning Commission recommended rezoning the property to B-2, Convenience Business District.

WHEREAS, Florence City Council concurs 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 for the aforesaid property to B-2, Convenience Business 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 _____, 2011

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: December 12, 2011

AGENDA ITEM: Ordinance

DEPARTMENT/DIVISION: Community Services

I. ISSUE UNDER CONSIDERATION

An Ordinance for Council's consideration that would authorize the City to lease property located at 719 McQueen Street to the Pee Dee Community Action Agency to be used in their Transitional Shelter Program.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

1. The Pee Dee Community Action Agency sent a letter to staff requesting to use of 719 Walnut Street.
2. The Pee Dee Community Action Agency was allowed to use the house for approximately 3 years when they experienced a fire at their main shelter.
3. The house is not being used by the City of Florence and has been vandalized on several occasions.

III. POINTS TO CONSIDER

1. The Community Action Agency is a non-profit organization that has a Transitional Shelter Program that assists the homeless population.
2. Historically, the City of Florence has assisted the Transitional Shelter by providing them with approximately \$35,000 in funding each year.
3. As required by the City Code of Ordinances, in order to lease city-owned property to the Pee Dee Community Action Agency, Council will need to adopt an Ordinance that will allow the City Manager to execute the necessary documentation to lease the property.

4. The initial lease would be for five (5) years and shall be automatically renewed for one additional term of five (5) years under the same terms and conditions.
5. The lease will require the Pee Dee Community Action Agency to be solely responsible for the maintenance and upkeep of the property and maintain insurance on the property.

IV. OPTIONS:

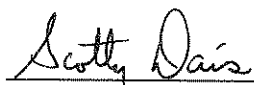
City Council may:

1. Approve and adopt the Ordinance as presented.
2. Defer should additional information be needed.
3. Suggest an alternative Ordinance.
4. Deny the Ordinance.

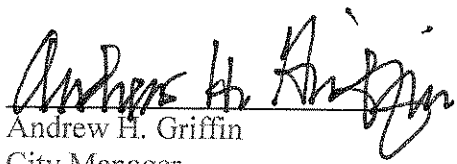
V. PERSONAL NOTES:

VI. ATTACHMENTS

1. Proposed Ordinance
2. Proposed Lease
3. Letter of request for the Community Action Agency



Scotty Davis
Director of Community Services



Andrew H. Griffin
City Manager

ORDINANCE NO. 2012-

AN ORDINANCE AUTHORIZING THE CITY TO LEASE THAT CERTAIN REAL PROPERTY CONSISTING OF A HOUSE AND LOT IN THE CITY OF FLORENCE, STATE OF SOUTH CAROLINA KNOWN AS 719 WALNUT STREET, SAID LOT BEING DESIGNATED AS TAX PARCEL 90-118-13-020 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR, TO BE USED EXCLUSIVELY FOR HOUSING A FAMILY IN ACCORDANCE WITH THEIR TRANSITIONAL SHELTER.

WHEREAS, the above referenced parcel of land is owned by the City of Florence, but is not currently occupied or being actively used; and

WHEREAS, The Pee Dee Community Action Agency has proposed a lease of said property so that it might use the home to house a family pursuant to its Transitional Shelter Program; and

WHEREAS, it is hereby determined that the leasing of said property for use in this program will accomplish the goal of the City to provide good and affordable housing to deserving but financially challenged families and is in the best interest of the City of Florence and to the benefit of the citizens of the City of Florence.

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, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the necessary documentation to lease the property described above, including but not limited to the Lease attached hereto as Exhibit "A".
2. This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence, South Carolina.

ADOPTED THIS _____ DAY OF _____, 2012.

Approved as to form:

JAMES W. PETERSON, JR.
City Attorney

STEPHEN J. WUKELA
Mayor

Attest:

DIANNE M. ROWAN
Municipal Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

LEASE

This lease entered into this _____ day of _____, 2012, by and between City of Florence, hereinafter referred to as "Lessor", and Pee Dee Community Action Agency hereinafter referred to as "Lessee".

**ARTICLE I
Premises**

The Lessor hereby leases unto the Lessee and the Lessee does hereby accept and rent from the Lessor that certain real property consisting of a house and lot in the City of Florence, State of South Carolina known as 719 Walnut Street. The premises are being leased in an "as is" condition and any structural changes, relocation of walls or other modifications shall be at the expense of the Lessee and upon the written consent of the Lessor, as set out herein below.

**ARTICLE II
Use of Premises**

The premises shall not be used for any illegal purposes, nor in violation of any valid regulation of any governmental body, nor in any manner to create any nuisance or trespass. The Lessee shall use the premises for housing for a family in accordance with the Transitional Shelter Project.

**ARTICLE III
Term and Renewal**

(a) The Lessee to have and to hold the said premises, together with all singular improvements, appurtenances, rights, privileges and easements thereunto belonging or in any way appertaining for a term of five (5) years commencing January 30, 2012, and ending January 30, 2017.

(b) This Lease shall automatically renew for one additional term of five (5) years under the same terms and conditions set forth herein unless either Lessor or Lessee notifies the other in writing of their intent not to renew by no later than June 1, 2016.

**ARTICLE IV
Rental**

Lessee shall pay to Lessor during the term of Lease the amount of One and no/100 (\$1.00) Dollar per year in rent, the receipt of said rent being hereby acknowledged by Lessor.

ARTICLE V
Place of Payment and Notices

Unless notified in writing to the contrary by the Lessor, all payments and notices hereunder by Lessee shall be made to the Lessor at:

Office of the City Manager
City-County Complex
180 N. Irby Street
Florence, South Carolina 29501.

The address and contact for Lessee, unless notified in writing to the contrary by the Lessee, shall be: Pee Dee Community Action Agency.

ARTICLE VI
Quiet Possession

Lessor covenants and warrants that if Lessee discharges the obligation herein set forth to be performed by the Lessee, the Lessee shall have and enjoy during the term of this lease the quiet and undisturbed possession of the leased premises together with all appurtenances thereto without hindrance from the Lessor.

ARTICLE VII
Subletting Pursuant to the Transitional Shelter Program

The Lessee may sublet the leased premises to a family pursuant to the Pee Dee Community Action – Transitional Shelter.

ARTICLE
Taxes

It is understood and agreed by and between the parties hereto that in each year during the term of this lease the Lessee shall be responsible for payment of any city and county ad valorem taxes due on said premises.

ARTICLE IX
Insurance

Lessor will during the term of this lease, keep the building on the leased premises insured by a responsible and reputable insurance company against loss or damage by fire and extended coverage. Lessee shall be solely responsible for maintaining proper and adequate insurance upon the contents of said building and upon all its property located within the said building. Lessee shall further maintain general liability coverage with limits of not less than One Million and no/100 (\$1,000,000.00) Dollars, protecting itself and the Lessor herein from liability for injuries to persons or property which may occur upon the leased premises.

ARTICLE X
Improvements and Repairs

Lessee shall keep and maintain the interior and exterior of said building including, but not limited to, wiring, plumbing, heating and air conditioning, the interior and exterior walls, equipment, and roof at its own expense and shall keep the same in good order and repair. All glass, including windows and doors, of the building shall be the responsibility of the Lessee. At the end of the lease term shall surrender such premises and improvements in good condition to the Lessor with normal wear and tear excepted.

ARTICLE XI
Damage and Destruction

Should the whole or any part of the building or other improvements on the leased premises be partially or totally destroyed by fire or other cause, if Lessor determines that repair or replacement of the building is financially unwise and not in the best interest of either or both parties to this lease, the Lessor shall have the option of notifying the Lessee that it will not repair or replace the building and in such event this lease shall terminate as of the date of such damage or destruction.

ARTICLE XII
Indemnity

Lessor shall not be liable to Lessee or to any other person for any personal injury, loss or damage to any personal property in or upon the leased premises and Lessee assumes all liability for or on account of any such injury, loss or damage and shall save the Lessor harmless therefrom.

ARTICLE XIII
Title to Improvements

In the event of default or termination of this lease for any reason, either at the end of said lease or during the term of said lease, all improvements constructed upon the leased premises shall become the property of the Lessor.

ARTICLE XIV

Default

Every provision of this lease is a condition and covenant on the part of the Lessee and Lessor and failure to comply with any of said provisions shall constitute default and shall give the Lessor the right of cancellation of this lease in the following manner:

(a) Upon notice of Lessee's default in any other condition of this lease, the Lessor shall give the Lessee written notice of such default and if such default continues for a period of thirty (30) days following the receipt of said notice by the Lessee, the Lessor shall have the full right at its election to enter the leased premises and building thereon and take immediate possession thereof.

(b) In the event the Lessee shall have filed against it or for it a petition in bankruptcy alleging insolvency for reorganization or for appointment of a receiver or any proceeding of a similar type the Lessor shall have the right to cancel this lease in the manner described heretofore as though a provision of this lease had been violated by the Lessee and default had occurred.

ARTICLE XV

Ordinances

The Lessee shall at its own cost and expense, promptly observe and comply with all laws, rules, orders, ordinances and regulations of the federal, state, and city government and any and all of their departments and bureaus including all environmental regulations, and will use no part of said premises in any manner so as to create a nuisance or for any unlawful purpose.

ARTICLE

Paragraph Headings

The headings used herein for each paragraph are used only for convenience and are not intended to explain the nature or contents of each paragraph.

ARTICLE XVII

No Estate in Land

This contract shall create the relationship of landlord and tenant between the Lessor and Lessee; no estate shall pass out of the Lessor; the Lessee has only a usufruct, not subject to levy and sale.

ARTICLE XVIII

Holding over

If the Lessee remains in possession after expiration of the terms hereof, with the Lessor's acquiescence and without any distinct agreement of parties, the Lessee shall be a tenant at will, and there shall be no renewal of this lease by operation of law.

**ARTICLE XIX
Save Harmless**

The Lessee shall be liable for and shall hold the Lessor harmless in respect of damage or injury to the leased premises, or the person or property of the Lessor, or anyone else, if due to act of neglect of the Lessee or anyone under its control or its employ.

**ARTICLE XX
Amendment**

It is hereby agreed that none of the terms or conditions of this lease may be changed or amended except by written agreement signed by all parties hereto.

**ARTICLE XXI
Binding Effect**

All parties hereto agree that this lease shall be binding upon each respective party and their heirs, successors and assigns.

**ARTICLE XXII
Entire Agreement**

This lease contains the entire agreement of the parties and no representations, inducements, promises or agreements, oral or otherwise, between the parties not embodied herewith shall be of any force or effect.

All rights, powers and privileges conferred hereunder upon the parties hereto shall be cumulative but not restrictive to those given by law.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this _____ day of January, 2012.

IN THE PRESENCE OF:

(As to Lessor)

LESSOR:

City of Florence

By: _____ (Seal)

IN THE PRESENCE OF:

(As to Lessee)

LESSEE:

Pee Dee Community Action Agency

By: _____ (Seal)

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

PROBATE

PERSONALLY APPEARED before me _____
and made oath that (s)he saw the within named City of Florence by its City Manager sign,
seal and deliver the within written lease for the uses and purposes therein mentioned; and that
the deponent with _____ witnessed the execution thereof.

SWORN before me this _____ day
of January, 2012.

Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

PROBATE

PERSONALLY APPEARED before me _____
and made oath that (s)he saw the within named City of Florence by its City Manager sign,
seal and deliver the within written lease for the uses and purposes therein mentioned; and that
the deponent with _____ witnessed the execution thereof.

SWORN before me this _____ day
of January, 2012.

Notary Public for South Carolina
My Commission Expires: _____



Rev. Robert Cooper, Sr.
Chairman, Board of Directors

Walter Fleming, Jr.
Executive Director

Scotty Davis
180 N. Joby Street
Florence SC, 29501

Dear Mr. Davis,

The Pee Dee Community Action Partnership would like to request the house on 719 Walnut Street to provide housing for homeless families. This will expand our efforts to combat homelessness. Our goal is to take the less out of homeless.

I would also like to thank the City for your assistance a couple of years ago when we experienced a fire at the Shelter. We will be responsible for maintaining the upkeep and maintenance on the house as well as insurance.

Thank you for your cooperation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Walter Fleming, Jr.", written in a cursive style.

Walter Fleming,
Executive Director

Serving: Florence / Marion / Dillon Counties

2685 S. Irby Street • Post Office Box 12670 • Florence, SC 29505
Office: (843) 678-3400 • Fax: (843) 678-3404 • Email: Flopdcaa@aol.com

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011

AGENDA ITEM: First Reading, Text amendment to the Zoning Ordinance

DEPARTMENT/DIVISION: Urban Planning & Development

I. ISSUE UNDER CONSIDERATION

Text amendment to Article 2, Section 2.9-4 (B) of the Zoning Ordinance.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On November 8, 2011, Planning Commission held a public hearing on this matter. Planning Commissioners recommended 7-0 to not require Certificates of Appropriateness for land use requests.

III. POINTS TO CONSIDER

1. The Design Review Board issues Certificates of Appropriateness for rehabilitation projects occurring in the Overlay Districts.
2. When the Downtown Overlay Districts Ordinance was adopted, land use changes were also included as an item requiring a Certificate of Appropriateness.
3. Land use changes are a function of Planning Commission and must be adopted by Council, therefore a text amendment is proposed to Section 2.9-4 (B) of the Zoning Ordinance.

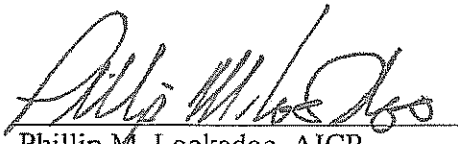
IV. OPTIONS

City Council may:

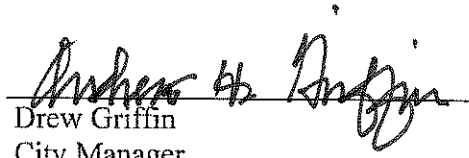
1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

IV. ATTACHMENTS

1. Ordinance
2. Staff Report



Phillip M. Lookadoo, AICP
Urban Planning & Development Director



Drew Griffin
City Manager

**STAFF REPORT
TO THE
CITY OF FLORENCE PLANNING COMMISSION**

CASE NO: PC# 2011-11

DATE: November 8, 2011

SUBJECT: Proposed text amendment to Article 2, Section 2.9-4 (B) of the Zoning Ordinance

STAFF ANALYSIS

The Design Review Board is a board of appointed stakeholders given the responsibility of reviewing projects within the Downtown Redevelopment District. Such projects include but are not limited to new construction, demolition, renovation and rehabilitation of existing buildings, and landscaping. The Board uses the City of Florence Design Guidelines to guide their decision making, and choose successful design principles that will create a unified identity and an attractive appearance for the Florence Downtown Overlay Districts.

To carry out these goals, property owners are required to obtain a Certificate of Appropriateness for projects occurring in any of the Overlay Districts. However, when the Downtown Overlay Districts Ordinance was prepared, land use changes were also included as an item requiring a Certificate of Appropriateness. Because land use changes have always been a function of Planning Commission and must be adopted by the governing body, a text amendment is proposed to Section 2.9-4 of the Zoning Ordinance.

The proposed text amendment would no longer require land use requests to obtain a Certificate of Appropriateness. Therefore, the proposed amendment would remove Item B from Section 2.9-4 as cited below:

Sec. 2.9-4. Actions Requiring a Certificate of Appropriateness

Within any of the designated overlay districts established herein, an application must be submitted to the Design Review Board through the Downtown Planning Coordinator and a Certificate of Appropriateness issued before any of the following activities can be undertaken, unless such activity falls within the "major governmental construction" exception set out in (E) below:

(A) The issuance of a permit by the Building Official and/or Zoning Administrator for erection, alteration, improvement, demolition, or moving of such structure, building, or signage.

~~(B) All requests related to land use.~~

(C) Landscape changes which include either the removal of any tree four (4) inches in caliper, or greater, or the removal of any hedge or shrub group that is at least thirty (30) inches in height

(D) Exterior modifications or maintenance which may change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, fencing, grading or paving, awnings, shutters or window replacement.

(E) There is hereby established an exception to the requirement for a Certificate of Appropriateness for the following circumstance involving major governmental construction projects.

(1) For the purposes of this ordinance, a "major governmental construction project" is defined as a construction project being built by a governmental agency (federal, state, county or city) and for which the total costs of the initial construction exceeds Twenty Five Million and no/100th (\$25,000,000.00) Dollars.

(2) For a "major governmental construction project" as defined above, a Certificate of Appropriateness is required for the initial construction of the project; however, no Certificate of Appropriateness is required for future renovations, repairs, additions or changes to landscaping unless both the cost thereof exceeds One Million and no/100th (\$1,000,000.00) Dollars and it impacts the exterior view of the project.

ORDINANCE NO. 2011-_____

AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE, ARTICLE 2, SECTION 2.9-4. ACTIONS REQUIRING A CERTIFICATE OF APPROPRIATENESS:

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on November 8, 2011 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, land use changes were included in the Zoning Ordinance as an item requiring a Certificate of Appropriateness;

WHEREAS, land use changes are a function of Planning Commission and must be adopted by Council, therefore a text amendment is proposed to Section 2.9-4 of the Zoning Ordinance;

WHEREAS, Planning Commission recommended by unanimous vote, 7-0, to amend the text as follows:

Sec. 2.9-4. Actions Requiring a Certificate of Appropriateness

Within any of the designated overlay districts established herein, an application must be submitted to the Design Review Board through the Downtown Planning Coordinator and a Certificate of Appropriateness issued before any of the following activities can be undertaken, unless such activity falls within the "major governmental construction" exception set out in (E) below:

(A) The issuance of a permit by the Building Official and/or Zoning Administrator for erection, alteration, improvement, demolition, or moving of such structure, building, or signage.

~~*(B) All requests related to land use.*~~

(C) Landscape changes which include either the removal of any tree four (4) inches in caliper, or greater, or the removal of any hedge or shrub group that is at least thirty (30) inches in height

(D) Exterior modifications or maintenance which may change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, fencing, grading or paving, awnings, shutters or window replacement.

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(1) For the purposes of this ordinance, a "major governmental construction project" is defined as a construction project being built by a governmental agency (federal, state, county or city) and for which the total costs of the initial construction exceeds Twenty Five Million and no/100th (\$25,000,000.00) Dollars.

(2) For a "major governmental construction project" as defined above, a Certificate of Appropriateness is required for the initial construction of the project; however, no Certificate of Appropriateness is required for future renovations, repairs, additions or changes to landscaping unless both the cost thereof exceeds One Million and no/100th (\$1,000,000.00) Dollars and it impacts the exterior view of the project.

WHEREAS, Florence City Council concurs 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 _____, 2011

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: December 12, 2011

AGENDA ITEM: First Reading, Designate Property as Local Historic Resource

DEPARTMENT/DIVISION: Urban Planning & Development

I. ISSUE UNDER CONSIDERATION

Designate 166 South Dargan Street as a Local Historic Resource.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On November 9, 2011, the Design Review Board held a public hearing on this matter. Board members voted 7-0 to designate 166 South Dargan Street as a local historic resource.

III. POINTS TO CONSIDER

1. In January 2011, City Council adopted an Historic Preservation Ordinance in accordance with the Certified Local Government process.
2. The Ordinance was later amended to establish the Design Review Board as the Board of Historical Review.
3. The Design Review Board has been given the authority to review requests for historic designation within Florence City limits. The Board must then recommend to Council individual properties and/or entire districts to be designated as local historic resources.

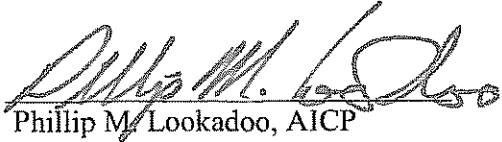
IV. OPTIONS

City Council may:

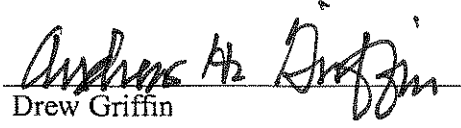
1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

IV. ATTACHMENTS

1. Ordinance
2. Staff Report



Phillip M. Lookadoo, AICP
Urban Planning & Development Director



Drew Griffin
City Manager

**CITY OF FLORENCE URBAN PLANNING & DEVELOPMENT
STAFF REPORT
TO THE
CITY OF FLORENCE DESIGN REVIEW BOARD**

CASE NO: DRB# 2011-13 **DATE:** November 9, 2011
SUBJECT: Historic Designation
LOCATION: 166 South Dargan Street
TAX MAP NUMBER: 90169-01-022
OWNER OF RECORD: Robert & Peggy Brown
APPLICANT: Peggy Brown
PROJECT DESCRIPTION: Designate Property as Local Historic Resource
REDEVELOPMENT DISTRICT: H-1, Historic District

STAFF ANALYSIS:

Project description:

The applicant and property owner has requested that the Design Review Board designate her property, 166 South Dargan Street, as a local historic resource. Such a designation would officially contribute to the local H-1, Historic Overlay District.

Staff Analysis:

In January 2011, City Council adopted an Historic Preservation Ordinance that was later amended to establish the Design Review Board as the Board of Historical Review. Therefore, the Board has been given the authority to review requests for historic designation within Florence City limits. Once requests have been reviewed, the Board should recommend to Council if individual properties and/or entire districts should be designated as local historic resources. See the criteria for historic designation below (the entire ordinance is attached):

G. *Designation of Historic Properties*

- (1) *The Board shall review the local inventory and make recommendations for historic designation(s) to City Council based on criteria listed below. Owners of properties proposed to be designated historic shall be notified in writing sixty days prior to consideration by the Board, unless the notice is waived by the owner in writing. Owners may appear before the Board to voice approval or opposition to such designation.*

- (2) **Criteria for Historic Designation.** *A property may be designated historic if it:*
- (a) *has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or*
 - (b) *is the site of an event significant in history; or*
 - (c) *is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or*
 - (d) *exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or*
 - (e) *individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or*
 - (f) *is the work of a designer whose work has influenced significantly the development of the community, state or nation; or*
 - (g) *contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or*
 - (h) *is part of or related to a square or other distinctive element of community planning; or*
 - (i) *represents an established and familiar visual feature of the neighborhood or community; or*
 - (j) *has yielded, or may be likely to yield, information important in pre-history or history.*

Peggy Brown has requested that her property be designated as a local historic resource. According to the tax record, the building was constructed in 1936. In reference to the above criteria, a, e and j most apply to her structure. It is also important to note that in 2007 the Florence City/County Historical Commission designated Ms. Brown's property, as well as the entire H-1 Historic District Overlay, as a local historic resource.

Ms. Brown seeks historic significance for her property because it is an important part of how Downtown Florence has developed over time. Additionally, historic property designation also allows the building official greater flexibility when inspecting historic buildings for International Building Code compliance. This in turn may reduce renovation costs and requirements.

In Ms. Brown's case, she is currently in the process of renovating her building for a coffee shop. That Certificate of Appropriateness request came before this Board in December 2009. The façade will be restored to reveal more of its historic character (see rendering included with this report). For instance, the storefront currently has an angled entrance; so it is being remodeled to remove the angle, and level off the entrance to make it flush. A center service door and two faux side doors will replace the existing glass front. The rest of the exterior will remain untouched.

In order to allow a quicker and smoother permitting process, Ms. Brown requests this historic designation sooner rather than later. She has submitted to staff a written statement waiving the sixty day notice requirement. It is staff's hope that eventually all the properties within the H-1 Overlay District will be designated as local historic resources. However, due to the time-sensitive nature of Ms. Brown's project, only her building is being considered at this time.

ORDINANCE NO. 2011-_____

AN ORDINANCE TO DESIGNATE 166 SOUTH DARGAN STREET AS A LOCAL HISTORIC RESOURCE:

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on November 9, 2011 at 2:00 P.M. before the City of Florence Design Review Board and notice of said hearing was duly given;

WHEREAS, the Design Review Board had been established, per Ordinance, to also serve as the Board of Historical Review;

WHEREAS, the Board has been given the authority to review requests within Florence City limits for historic designation;

WHEREAS, the Board recommended by unanimous vote, 7-0, to designate 166 South Dargan Street as a local historic resource:

WHEREAS, Florence City Council concurs 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 for the aforesaid property.
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 _____, 2011

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

VII. e.
Bill No. 2011-32
First Reading

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011
AGENDA ITEM: Ordinance – First Reading
SPONSORED BY: Council Member Glynn Willis
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

An ordinance amending Sections 13-62 and 13-63 of the City of Florence, SC Code of Ordinances pertaining to the duration and frequency of garage sales held in the city limits.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER


- A. The City's code of ordinances currently restricts the number of garage sales held within the city limits to one day per year per house or residence.
- B. Based on a recent staff survey, a number of municipalities in the state provide for garage sales to be held on more than one day per event and more than one time per year.
- C. Numerous requests have been received through the years to increase the number of days per year that garage sales may be held in the City of Florence.
- D. South Carolina Department of Revenue (SCDOR) regulations provide that persons who make sales at a garage sale no more than once per calendar quarter are not required to obtain a retail license from the state.
- E. It is reasonable that the City's ordinance should reflect the position of SCDOR for retail licensing by limiting the number of garage sale licenses allowed per calendar year to one per quarter for any one family unit, location, lot or premises.

IV. STAFF RECOMMENDATION

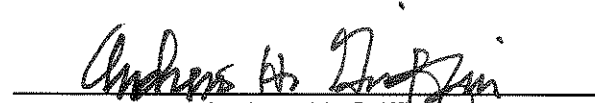
Approval and adoption of the proposed ordinance.

V. ATTACHMENTS

- A. Proposed amending ordinance
- B. Current ordinance
- C. SCDOR Retail License information



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

ORDINANCE NO. 2011-_____

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE III, SECTION 13-62 AND SECTION 13-63 OF THE CITY OF FLORENCE CODE OF ORDINANCES PERTAINING TO THE DURATION AND FREQUENCY OF GARAGE SALES

WHEREAS, Chapter 13, Article III of the City of Florence Code of Ordinances (“the Code”) regulates the duration and frequency of garage sales within the City limits; and

WHEREAS, Section 13-62 of the Code provides that a garage sale shall be allowed for one day only; and

WHEREAS, Section 13-63 of the Code provides that a license for a garage sale shall not be issued at any one house or residence more than once in any twelve month period; and

WHEREAS, the duration and frequency of garage sales allowed in the City of Florence is more restrictive than the duration and frequency regulations of municipalities in surrounding areas and around the state, and

WHEREAS, the restriction to one garage sale per year tends to result in the disregard of the current requirements; and

WHEREAS, South Carolina Department of Revenue regulations provide that persons who make sales at a garage sale no more than once per calendar quarter are not required to obtain a retail license from the state; and

WHEREAS, residents of the City frequently request holding garage sales in greater duration and frequency than one day per year.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Florence, South Carolina that Section 13-62 and 13-63 of the City of Florence Code of Ordinances be amended to read as follows:

Sec. 13-62. Same-Hours; duration.

A garage sale shall be limited to the hours between 7:00 a.m. and 5:00 p.m.

Sec. 13-63. Same-Frequency of conducting.

The maximum period of each garage sale license is two (2) consecutive days. No Sunday sales shall be allowed. The maximum number of licenses allowed per calendar year is one per quarter for any one family unit, location, lot or premises.

ADOPTED THIS _____ DAY OF _____, 2011.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne Rowan
Municipal Clerk

ARTICLE III. GARAGE AND RUMMAGE SALES

Sec. 13-60. Garage sale—Defined.

The term "garage sale" as used in this article shall mean household or personal effects on public display in a garage, carport or yard for purchase by others.
(Code 1973, § 25-52)

Sec. 13-61. Same—License required; fee.

It shall be unlawful to conduct a garage sale without first obtaining a license therefor from the license inspector and paying therefor a fee of five dollars (\$5.00).
(Code 1973, § 25-53)

Sec. 13-62. Same—Hours; duration.

A garage sale shall be limited to the hours of 7:00 a.m. to 5:00 p.m. and shall be allowed for one day only.
(Code 1973, § 25-54)

Sec. 13-63. Same—Frequency of conducting.

A license for a garage sale shall not be issued to any person for use at any one house or residence more than once in any twelve (12) month period.
(Code 1973, § 25-55)

Sec. 13-64. Same—Acquiring merchandise for purpose.

A person securing a license under this article shall be prohibited from purchasing or bartering merchandise for the express purpose of selling it in a garage sale.
(Code 1973, § 25-56)

Sec. 13-65. Rummage sale—Defined.

A rummage sale shall constitute a sale of household or personal effects or homemade foodstuffs for charitable or religious purposes.
(Code 1973, § 25-57)

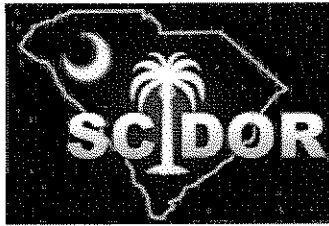
Sec. 13-66. Same—License required; fee.

It shall be unlawful to conduct a rummage sale without first obtaining a license therefor from the license inspector and paying therefor a fee of five dollars (\$5.00).
(Code 1973, § 25-58)

Sec. 13-67. Same—Qualifications of licensee.

Issuance of licenses for rummage sales shall be limited to eleemosynary organizations for charitable or religious purposes.
(Code 1973, § 25-59)

Secs. 13-68, 13-69. - Reserved.



Retail License Information

Taxes and Licenses:

[Alcohol Beverage Licensing](#)
[Bingo](#)
[Business Registration Forms](#)
[Corporate](#)
[Estate Tax](#)
[Fiduciary](#)
[Individual Income](#)
[Miscellaneous](#)
[Motor Fuel](#)
[Partnership](#)
[Property](#)
[Sales and Use](#)
[Tax Credits](#)
[Withholding](#)
[Other Taxes](#)
[Nexus Filing Requirements](#)
[Voluntary Disclosure Program](#)
[P & I Calculator](#)

Law and Policy:

[S.C. Codes](#)
[S.C. Regulations](#)
[A.G. Opinions](#)
[Dept. Advisory Opinions](#)

DOR Services:

[Electronic Services](#)
[News Releases](#)
[Publications](#)
[Tax Workshops](#)
[Links to Other Sites](#)

Compliance:

[Debtors Corner](#)
[GEAR](#)

About DOR:

[DOR Administration](#)
[Strategic Plan](#)
[Contact Information](#)

Retail License Information

Every person who engages in business in this state as a retailer must obtain a retail license before making any sales. This includes sales made via the internet and persons who make infrequent sales in this state. If you have more than one business outlet, you must have a separate retail license for each location.

How to Get a Retail License

Apply for the retail license on Form [SCTC-111](#), Business Tax Registration Form, available at all Department of Revenue taxpayer service centers or on South Carolina Business One Stop (SCBOS) at the SCDOR Homepage. The fee for each permanent retail license is \$50. If an outstanding debt exists for state taxes, the retail license will not be issued until the taxes are paid.

Purchaser's Certificate of Registration - A purchaser's certificate of registration is required for someone who does not make retail sales but who purchases tangible personal property from outside this state to store, use or consume in South Carolina. Those licensed as retailers do not need a purchaser's certificate of registration. Apply for the certificate on Form [SCTC-111](#).

Temporary license - A temporary retail license is available to transient retailers making sales in this state for no more than 30 consecutive days. The fee for the temporary license is \$50.

Artists and crafters - Artists and crafters selling at arts and crafts shows and festivals products they have created or assembled may obtain a permanent retail license for \$20. Apply for this special license on [Form 110](#), Retail License Application for Artists and Craftsmen.

Transient sales - If you have no permanent retail location, you can obtain a transient retail license which will allow you to make sales throughout the state, but in only one location at a time.

Note: Temporary transient included under retail license.

Nonresident retailers - Nonresident retailers with a physical presence in South Carolina must obtain a retail license to do business in this state. A nonresident retailer is one who does not have a business location in this state, but solicits business from South Carolina residents by means of sales representatives, manufacturers' agents, catalogs, advertising or other means.



Flea market and yard sales - Persons who make sales at a flea market or at a yard sale no more than once a calendar quarter, are not required to obtain a retail license.

Charitable organizations - Certain non-profit, charitable organizations are exempt from the sales and use tax on sales made for charitable purposes and are not required to obtain a retail license. Application for the exemption must be made on Form ST-387. Purchases made by the organization for its own use are taxable.

Special events sales - Retailers making sales at special events, which include promotional shows, trade shows, fairs or carnivals for which an admission fee is required, or festivals listed in Parks and Recreation's calendar of events, and last less than 12 consecutive days, are not required to obtain a retail license. Instead, retailers are required to file a special event tax return for sales made at the event. The return must be filed within five days after the completion of the event. However, qualified PRT festivals are not required to file a special event return. Enforcement will be applied statewide.

Note: ABL does require a retail license number for further information please see ABL section.

Purchasing a Business

If you buy a business, all taxes that may be owed by the previous owner are considered to be due at the time of the sale of the fixtures and equipment. The taxes owed are a lien against the business inventory and equipment. You cannot obtain a retail license until the tax is paid. You can request a Certificate of Compliance by completing the form in the link below.

[/NR/rdonlyres/E590C4EC-1250-419B-98E7-0653BDDDD8BF2/0/C268.pdf](#)

New Location

If you move to a new location within the same county, you maintain your same retail license number but you should request an updated license to show your new address. If you move to a new location outside the county, you will be assigned a new retail license number. The \$50 license fee is not charged when the business location changes.

Closing Your Business

If you close your business, you should file a final tax return with the Department of Revenue and return your retail license. This will prevent you from getting unnecessary notices and bills for unpaid taxes.

**VIII. a.
Resolution
No. 2011-26**

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011

AGENDA ITEM: Resolution

DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

A resolution to amend Resolution No. 2001-05 updating the rules of procedure and evidence to be followed in hearings before City Council pursuant to §13-15 and §13-16 of the City of Florence Code of Ordinances pertaining to the revocation of a business license.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

- A. The City's Code of Ordinances ("the Code") requires that when a person or business is aggrieved by a final business license assessment or denial of a business license, that person or business may appeal the decision to City Council
- B. The Code also requires that when the City seeks to revoke a business license currently held by a person or business, the issue is decided by City Council following a hearing.
- D. The Code further requires the establishment of rules of procedure and evidence for such hearings.
- C. On October 8, 2001, City Council adopted Resolution 2001-05 establishing rules of procedure and evidence to be followed in an appeal described in section A above, but the resolution did not address the rules of procedure and evidence to be followed in a hearing to consider a proposed revocation of a currently held business license.

III. POINTS TO CONSIDER

- A. State legislation was recently passed that requires possible business license revocation for certain violations. Additionally, City Council adopted an ordinance on September 21, 2011 pertaining to synthetic marijuana and bath salts wherein repeated violations may result in business license revocation.
- B. Given recent state and municipal legislation pertaining to business license revocation, it is recommended that the City approve the attached resolution amending Resolution 2001-05 to provide for rules of procedure and evidence to be followed by City Council in a hearing to consider appeals to final assessments or denial of a business license and a hearing to consider revocation of a business license.
- C. As stated in Section A. 1. (a) of the attached resolution, the Code requires that if certain conditions exist, notice must be given that "the license is suspended pending a hearing before city council for the purpose of determining whether the license should be revoked." The term "suspended" means that the business license would not be subject to renewal pending a final determination following the hearing. During the period of suspension the business may continue operating until the hearing occurs and the outcome is determined.

IV. STAFF RECOMMENDATION

Approve the attached resolution.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

RESOLUTION NO. 2011-_____

A RESOLUTION AMENDING RESOLUTION 2001-05 PURSUANT TO SECTION 13-16 OF THE CODE OF ORDINANCES OF THE CITY OF FLORENCE IN ORDER TO ESTABLISH THE RULES OF PROCEDURE AND EVIDENCE TO BE FOLLOWED IN HEARINGS BEFORE CITY COUNCIL REGARDING A REVOCATION OF A BUSINESS LICENSE AND DURING AN APPEAL TO CITY COUNCIL AS A RESULT OF A FINAL ASSESSMENT OR A DENIAL OF A BUSINESS LICENSE.

WHEREAS, §§13-15 and 13-16 of the Code of Ordinances of the City of Florence, South Carolina provide that when the City seeks to revoke a business license the matter shall be decided by City Council after a hearing before said Council;

WHEREAS, §13-16 of the Code of Ordinances of the City of Florence, South Carolina provides that any person aggrieved by a final assessment or denial of a business license, hereinafter referred to as “appellant”, may appeal the decision to City Council; and

WHEREAS, §13-16(b) of the Code of Ordinances of the City of Florence, South Carolina provides that City Council shall prescribe the rules of procedure and evidence to govern such hearings.

WHEREAS, by Resolution 2001-05, City Council previously established the rules of procedure and evidence to be followed in an appeal but did not address the rules of procedure and evidence to be followed in a hearing to consider a proposed revocation of a business license;

NOW, THEREFORE, BE IT HEREBY RESOLVED that Resolution 2001-05 be, and the same is hereby, amended to read verbatim as follows:

A. The following rules of procedure and evidence shall govern hearings before the City Council for both the purpose of considering a revocation of a business license and for an appeal from a final assessment and/or denial of a business license.

1. A hearing before City Council held pursuant to §§13-15 and 13-16 for the purpose of determining whether a business license should be revoked shall be held according to the following procedure and rules:

(a) The licensee or the person in control of the business (hereinafter referred to as "licensee") shall be provided with the written notice described in §13-15 that the business license has been suspended pending a hearing before City Council for the purpose of determining whether the license should be revoked. Said notice shall provide a brief statement of the reasons for suspension and proposed revocation and shall state date, time and place for the hearing to be held before City Council at a special meeting within thirty (30) days from the date of service of said notice. The notice shall give the licensee at least fifteen (15) days notice of the scheduled time and date for the hearing.

(b) The licensee shall provide to the City, by forwarding to the City Attorney, a written document specifying whether licensee asserts that the business license should not be revoked, and, if such a position is asserted, the written document shall specify the basis of that position, to include specific reference to the Code provisions and to facts that the licensee contends

supports non revocation of the license. This document will be delivered to the City Attorney at least three (3) business days prior to the hearing.

- (c) The procedure for the hearing will be as follows:
- (1) The City will be provided the opportunity to present a brief opening statement [no more than ten (10) minutes] in order to outline the City's position with respect to the proposed revocation.
 - (2) The licensee, or an attorney on behalf of the licensee, will be provided with the opportunity to present a brief opening statement [no more than ten (10) minutes] in order to outline the positions taken by the licensee regarding the proposed revocation.
 - (3) Both the City and the licensee will be allowed to present sworn testimony of witnesses and documentary evidence. While the South Carolina Rules of Evidence will not be strictly followed, they will be used as a guide. The City shall present its evidence first, and the licensee will then be allowed to present evidence. Any evidence presented as sworn testimony shall be subject to cross-examination by the opposing party.
 - (4) During the course of the hearing, the Mayor, as the chair of the

council, will preside and will make rulings on admissibility of evidence.

- (5) The City Attorney shall serve as legal advisor to the Council prior to and during the hearing. It shall be his duty to provide legal advice to the Council as a whole and to the Mayor as the presiding officer, and this legal advice may include, but is not limited to, advise regarding the admissibility of evidence.
- (6) Once the evidence has been presented by each side, both the appellant and the City of Florence will be allowed to make a brief [five (5) minutes] closing statement in order to summarize their respective positions on the issues raised by the appeal.
- (7) At the conclusion of the hearing, City Council shall, by majority vote of members present, render a decision based on findings of fact and the application of the City ordinances to those findings of fact.
- (8) The decision shall be reduced to writing, shall be served upon all parties or their representatives, and shall become final unless the decision is appealed to a court of competent jurisdiction within ten (10) days after service of the written decision.
- (9) All of the proceedings shall be recorded by a certified court

reporter that is present at and participates in the hearing. The City shall arrange for the presence of the court reporter and shall pay the appearance fee of the court reporter. If the decision of Council is appealed, the appealing party shall request the court reporter to provide a verbatim transcript of the hearing at the expense of the appealing party.

2. A hearing before City Council held pursuant to §13-16 for the purpose of an appeal from a final assessment or a denial of a business license shall be held according to the following procedure and rules:

(a) Once a person aggrieved by a final assessment or denial of a business license (hereinafter referred to as the “appellant”) has appealed by written request stating the reasons for the appeal pursuant to §13-16(a), a date for the hearing to be held before City Council shall be set before a special meeting of City Council, said hearing to be held within thirty (30) days after receipt of a request for appeal.

(b) The appellant shall be notified of the hearing date, place and time by written notice thereof, said notice to give the appellant at least fifteen (15) days notice of the scheduled time and date for the hearing.

(c) The appellant shall provide to the City, by forwarding to the City Attorney, a written document specifying the grounds for his appeal to include

specific reference to the Code provisions the appellant contends have been improperly applied to him and any factual determinations made by the City which the appellant alleges to have been incorrect. This document will be delivered to the City Attorney at least three (3) business days prior to the hearing.

(d) That the procedure for the hearing will be as follows:

- (1) The appellant, or an attorney on behalf of the appellant, will be provided with the opportunity to present a brief opening statement [no more than ten (10) minutes] in order to outline the positions taken by the appellant in the appeal.
- (2) The City will be provided the opportunity to present a brief opening statement [no more than ten (10) minutes] in order to outline the City's position with respect to the issues being raised on appeal.
- (3) Both the appellant and the City will be allowed to present sworn testimony of witnesses and documentary evidence. While the South Carolina Rules of Evidence will not be strictly followed, they will be used as a guide. The appellant shall present his evidence first, and the City will then be allowed to present evidence. Any evidence presented as sworn testimony shall be

subject to cross-examination by the opposing party.

- (4) During the course of the hearing, the Mayor, as the chair of the council, will preside and will make rulings on admissibility of evidence.
- (5) The City Attorney shall serve as legal advisor to the Council prior to and during the hearing. It shall be his duty to provide legal advice to the Council as a whole and to the Mayor as the presiding officer, and this legal advice may include, but is not limited to, advise regarding the admissibility of evidence.
- (6) Once the evidence has been presented by each side, both the appellant and the City of Florence will be allowed to make a brief [five (5) minutes] closing statement in order to summarize their respective positions on the issues raised by the appeal.
- (7) At the conclusion of the hearing, City Council shall, by majority vote of members present, render a decision based on findings of fact and the application of the City ordinances to those findings of fact.
- (8) The decision shall be reduced to writing, shall be served upon all parties or their representatives, and shall become final unless the decision is appealed to a court of competent jurisdiction

within ten (10) days after service of the written decision.

- (9) It shall be the responsibility of the appellant to, at the sole expense of the appellant, arrange for a certified court reporter to be present and participate at the hearing. The proceedings shall be recorded by the court reporter and, if requested by the appellant, transcribed verbatim. The cost of the verbatim transcript shall also be the sole responsibility of the appellant who has requested the transcript.

B. Having carefully considered the provisions of the Code of Ordinances of the City of Florence, South Carolina, it is hereby resolved, at a duly called meeting of City Council, that the procedure outlined above shall be the procedure followed in conducting a hearings before City Council pursuant to §13-16 of the Code or Ordinances of Florence, South Carolina.

Adopted this _____ day of December, 2011.

Stephen J. Wukela,
Mayor

Approved as to form:

Attest:

James W. Peterson, Jr.
City Attorney

Dianne M. Rowan
Municipal Clerk

**VIII. b.
Resolution
No. 2011-27**

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011

AGENDA ITEM: RESOLUTION

DEPARTMENT/DIVISION: Public Works

ISSUE UNDER CONSIDERATION: A request to proclaim December 2, 2011 as Arbor Day in the City of Florence.

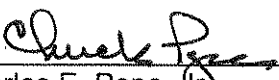
CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. City Council has previously designated the first Friday in the month of December each year as Arbor Day in the City of Florence.
2. In order for the City of Florence to be eligible for the Tree City USA award, the National Arbor Day Foundation requires that the City sponsor an Arbor Day celebration.
3. The City of Florence has been recognized by the National Arbor Day Foundation as a Tree City USA for 31 consecutive years.

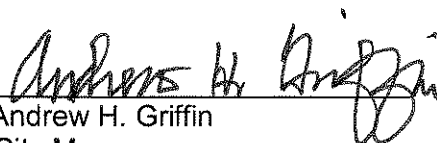
STAFF RECOMMENDATION:

City staff recommends that City Council proclaim December 2, 2011 as Arbor Day in the City of Florence.

NOTES:



Charles E. Pope, Jr.
Director of Public Works



Andrew H. Griffin
City Manager

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

RESOLUTION NO. 2011-27

WHEREAS, In 1872 the first Arbor Day was observed with the planting of more than a million trees in Nebraska; and
WHEREAS, Arbor Day is now observed throughout the nation and the world; and
WHEREAS, trees can reduce erosion, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and
WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and
WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and
WHEREAS, trees are a source of joy and spiritual renewal; and
WHEREAS, Florence has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree planting ways.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Florence, South Carolina, hereby declares December 2, 2011 as

ARBOR DAY

in the City of Florence, and all citizens are urged to support efforts to care for our trees and woodlands and to support our City's community forestry program.

AND IT IS SO RESOLVED, this 12th day of December, 2011.

ADOPTED THIS 12th day of December, 2011.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK

**VIII. c.
Resolution
No. 2011-28**

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011

AGENDA ITEM: Introduction of Resolution

DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION

A Resolution of Recognition for Mr. Freddie Hines.

(STATE OF SOUTH CAROLINA)
()
(COUNTY OF FLORENCE)

RESOLUTION OF RECOGNITION

WHEREAS, Florence City Council deems it appropriate to recognize those unique individuals in our community who demonstrate exemplary character and are a credit to their community; and

WHEREAS, Mr. Freddie Hines is a lifelong resident of Florence; and

WHEREAS, Mr. Hines has been married to Mrs. Carrie Emma Dow for sixty-six years and together they raised two children and have been blessed with six grandchildren and nine great-grandchildren; and

WHEREAS, Mr. Freddie Hines, served his country honorably and is a Veteran of World War II; and

WHEREAS, the Florence City Council, the governing body of the City of Florence, would like to extend to

Mr. Freddie Hines

best wishes and congratulations on attaining the age of 89 years. We wish you continued happiness throughout your life.

NOW, THEREFORE, BE IT RESOLVED, this 12th day of December, 2011.

Stephen J. Wukela, Mayor

Attest:

Dianne M. Rowan, Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011

AGENDA ITEM: First Reading, Ordinance to Name Marion Street Fire Station

DEPARTMENT/DIVISION: Urban Planning & Development

I. ISSUE UNDER CONSIDERATION

Name the Marion Street Fire Station, 250 East Marion Street, TMN 90086-06-010.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On November 8, 2011, Planning Commission held a public hearing on this matter. Planning Commissioners recommended 7-0, two possible names for the fire station: Bland-Hawkins-Quillen or First Six.

III. POINTS TO CONSIDER

1. City Council had been asked to consider names for the Marion Street Fire Station. In accordance with the recently adopted naming policy for public facilities, Council referred the request to Planning Commission because the Commission is now responsible for naming public facilities.
2. A group of concerned community residents suggested that names of African-American employees who have served the fire station be considered.
3. Of the names suggested, Planning Commission narrowed the list down to two names.
4. Planning Commission recommended by unanimous vote, 7-0, Bland-Hawkins-Quillen or First Six.

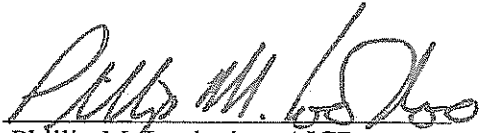
IV. OPTIONS

City Council may:

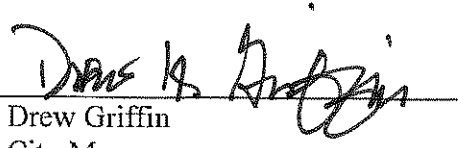
1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

IV. ATTACHMENTS

1. Ordinance
2. Staff Report
3. Memo from citizen committee



Phillip M. Lookadoo, AICP
Urban Planning & Development Director



Drew Griffin
City Manager

**STAFF REPORT
TO THE
CITY OF FLORENCE PLANNING COMMISSION**

CASE NO: PC# 2011-12

DATE: November 8, 2011

SUBJECT: Naming the Marion Street Fire Station

STAFF ANALYSIS

City Council has been asked to consider names for the Marion Street Fire Station located at 250 East Marion Street. It has also been suggested that names of African-American employees who have served the fire station be considered. Three names have already been recommended. They are: First Six, in recognition of the first six African-American firemen; Hawkins/Bland, honoring battalion chiefs; and, Hosea Zuillen, the longest surviving fireman of the six, who also served the longest as fireman.

Because naming public facilities is a Planning Commission function, Council would like the Commission to make a recommendation on naming the Marion Street Fire Station. The three aforementioned names should be considered, as well as any others proposed by concerned citizens or the Commission itself. Actively employed City of Florence employees should not be considered in the naming. And, the Commission should recommend no more than three names.

October 31, 2011

To: Florence City Council

From: A Committee of Concerned Citizens to Name #2 Fire Station on East Marion St.

A committee of concerned citizens met to discuss naming #2 Fire Station for the first six African American firemen that was hired in 1953. (James Daniels, Lawrence Hawkins, Hosea Quillen, Norman Saunders, Cornelius Sims and Louis Smalls) After some discussion, the committee narrowed the name to Bland (Horace), Hawkins (Lawrence) and Quillen (Hosea) (Bland-Hawkins-Quillen Fire Station).

Also, the committee would like to have a day set aside for the recognition.

The committee is requesting to be place on City Council Agenda for November 14, 2011.

Committee Members

Robert Jones, Chrp.

Janice Hawkins, Co-Chrp.

Launeal Black

Donnaraye Hawkins

LaRosa Sanders

Norma Jean Singleton

Hosea Quillen

Novia Bland

Alethia King

Helen Sims

Brittney Williams

Marvin Black

Joneithia Williams

Robin Jones

Sandra Bland

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

RESOLUTION NO. 2011 –

WHEREAS, A Public Hearing was held in Room 603 of the City-County Complex on November 8, 2011 at 6:30 p. m. before the City of Florence Planning Commission and notice of said hearing was duly given; and
WHEREAS, A group of concerned citizens met to discuss naming the station; and
WHEREAS, These citizens addressed their concerns at the Planning Commission Public Hearing; and
WHEREAS, The Planning Commission recommended by unanimous vote, 7-0, two names; Bland-Hawkins-Quillen or First Six.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Florence, South Carolina concurs in the aforesaid application, findings and recommendations, that the Marion Street Fire Station shall be named

Bland-Hawkins-Quillen Fire Station

AND IT IS SO RESOLVED, this 12th day of December, 2011.

ADOPTED THIS 12th day of December, 2011.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

RESOLUTION NO. 2011 –

WHEREAS, A Public Hearing was held in Room 603 of the City-County Complex on November 8, 2011 at 6:30 p. m. before the City of Florence Planning Commission and notice of said hearing was duly given; and
WHEREAS, A group of concerned citizens met to discuss naming the station; and
WHEREAS, These citizens addressed their concerns at the Planning Commission Public Hearing; and
WHEREAS, The Planning Commission recommended by unanimous vote, 7-0, two names; Bland-Hawkins-Quillen or First Six.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Florence, South Carolina concurs in the aforesaid application, findings and recommendations, that the Marion Street Fire Station shall be named

First Six Fire Station

AND IT IS SO RESOLVED, this 12th day of December, 2011.

ADOPTED THIS 12th day of December, 2011.

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: December 12, 2011
AGENDA ITEM: Presentation of Audited Financial Statements
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Presentation of the City of Florence, SC Comprehensive Annual Financial Report and audited financial statements by the independent certified public accounting firm of WebsterRogers LLP.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

Pursuant to state law the City of Florence contracts with an independent firm of certified public accountants to annually audit and certify the financial records and transactions of the City using generally accepted accounting principles.


III. POINTS TO CONSIDER

A. The accounting firm WebsterRogers LLP has completed its audit of the City's financial statements for the year ending June 30, 2011. A representative of the firm will present the report and distribute bound copies of the completed audit report to members of Council at the meeting.

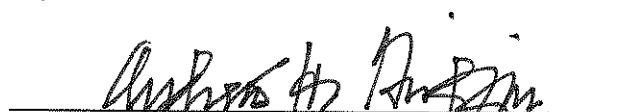
B. The audited financial statements continue to reflect a sound financial position by the City. For the fiscal year ending June 30, 2011, the City's General Fund balance has increased, and net assets for both the Water and Sewer Combined Utilities and the Stormwater Utility Enterprise Funds have grown. The City has been fortunate to experience gains in the General Fund balance and Enterprise Fund net assets over the past several years while at the same time experiencing extremely difficult economic conditions.

IV. ATTACHMENTS

A copy of the Comprehensive Annual Financial Report is attached.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

**CITY OF FLORENCE, SOUTH CAROLINA
MEMORANDUM**

To: Mayor Wukela and Members of City Council

From: Dianne M. Rowan, Municipal Clerk

Subject: Additional information for agenda

Date: December 7, 2011

Due to the file size of the CAFR referenced in the agenda sheet, the CAFR is included for your review as a separate e-mail in addition to your regular agenda package.

IX. b.
**Report: Banking Services
for 5 Year Contract**

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011
AGENDA ITEM: Banking Services for Proposed Five Year Contract
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Designation of a bank to provide cash management banking services to the City of Florence for a five-year contract period beginning February 1, 2012 and ending January 31, 2017. The City of Florence currently contracts its banking services to a local financial institution through request-for-proposal process. Local banks are given the opportunity to submit proposals to meet all appropriate criteria and provide the best possible services for the most competitive associated cost.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

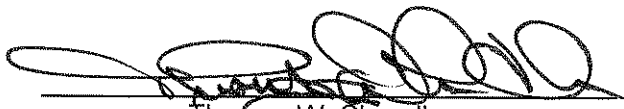
Proposals were received by the City from six banks and were reviewed by members of the banking services evaluation and recommendation committee. The committee was composed of three members of city council appointed at the November 14, 2011 regular council meeting for the purpose of reviewing and evaluating bank proposals received.

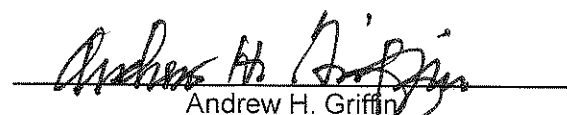
III. POINTS TO CONSIDER

- A. On October 25, 2011 request for proposal (RFP) packages were mailed to fourteen (14) banks located within the city limits of Florence to provide cash management banking services to the City of Florence for a proposed five-year contract period.
- B. Timely proposals were received from BB&T, First Bank, First Citizens, NBSC, TD Bank, and Wells Fargo.
- C. Each of these banks meets the requirements and qualifications outlined in the request for proposals to contract with the City of Florence.
- D. Criteria used in analyzing the proposals incorporates a number of components including costs charged by each bank. Additional criteria for analysis includes CRA performance, governmental references, total bank deposits within the City, customer accessibility, and annual interest earnings potential.

IV. STAFF RECOMMENDATION

A recommendation to City Council will be presented by the evaluation committee.


Thomas W. Chandler
Finance Director


Andrew H. Griffin
City Manager

**IX. c.
McGowan Commons
Project**

FLORENCE CITY COUNCIL MEETING

DATE: December 12, 2011
AGENDA ITEM: Report to Council
DEPARTMENT/DIVISION: Community Services

I. ISSUE UNDER CONSIDERATION

The Greater Florence Housing Authority will give an update on the McGowan Commons housing redevelopment project. The project is a new housing development located near Oakland Avenue and Royal Street in North Florence.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

The Housing Authority presented an update to council regarding McGowan Commons on July 1, 2009, July 6, 2009, and May 9, 2011.

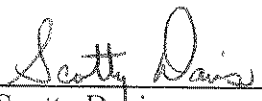
III. POINTS TO CONSIDER

- a. The first phase of the development will consist of 36 townhouse units. Phase II will be a 48-unit senior housing complex. Phase III will be a multi-family apartment complex.
- b. The Palmetto Housing Corporation has contributed approximately \$100,000 worth of land to the project.
- c. This project has been awarded tax credits by the federal government. It has received, through syndication, a tax credit pay-in of \$3,334,512.
- d. The City of Florence has agreed to contribute approximately \$706,700 of cash and in-kind services to this phase of the project.
- e. The project is estimated to be valued at over \$17,000,000 upon completion.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- Site plan
- Council minutes
- Commitment letter from the City of Florence



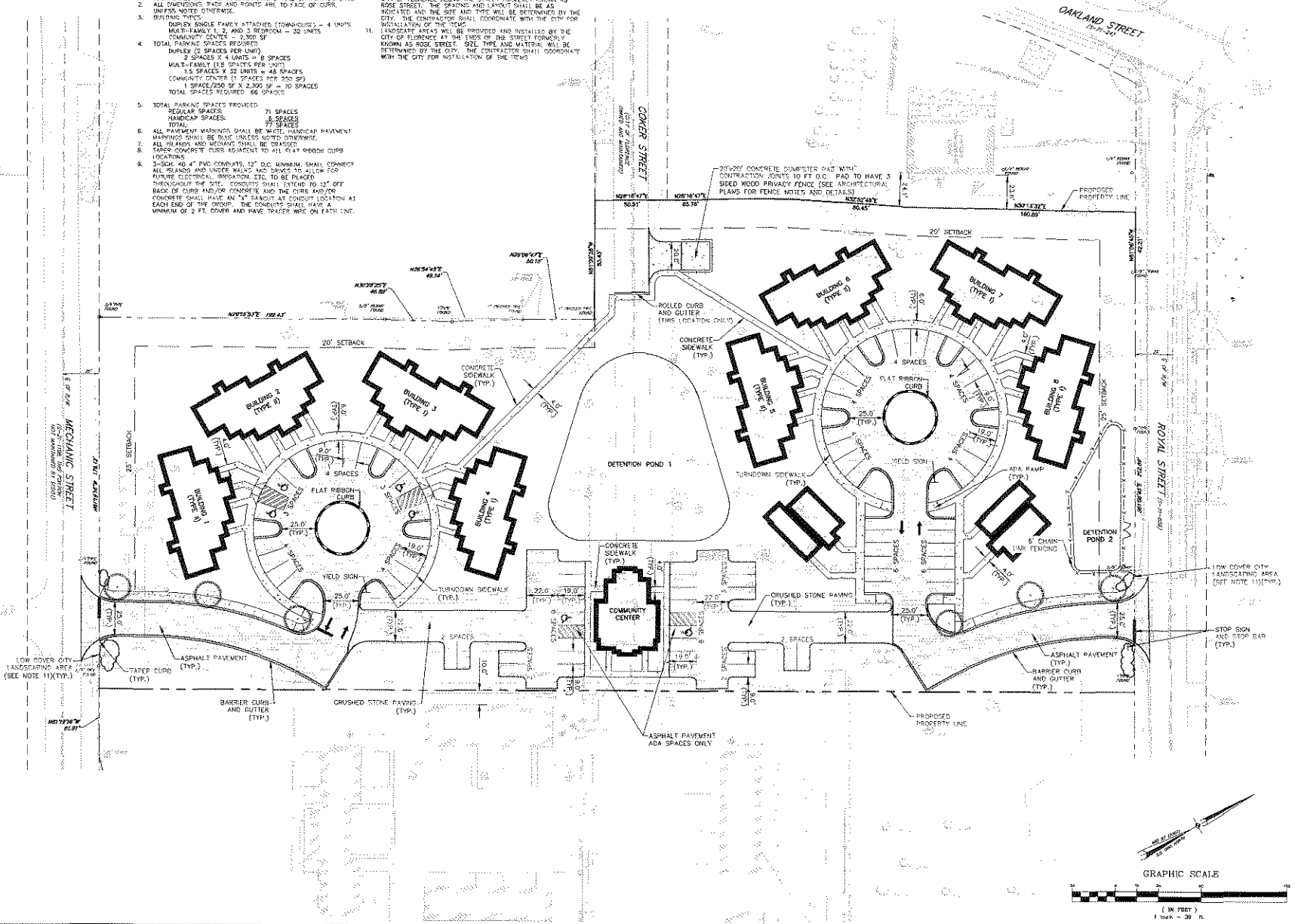
Scotty Davis
Director of Community Services



Andrew H. Griffin
City Manager

NOTES

- ALL TRAFFIC SIGNS AND PAVEMENT MARKINGS WITHIN PARKING AREA SHALL MEET ALL REQUIREMENTS OF THE CITY OF FLORENCE.
- ALL DIMENSIONS, BASE AND HEIGHTS ARE TO FACE OF CURB, UNLESS NOTED OTHERWISE.
- EXISTING TREES.
- DURLEX SINGLE FAMILY ATTACHED (TOWNHOUSE) - 4 UNITS
MULTI-FAMILY 1, 2 AND 3 BEDROOM - 32 UNITS
COMMUNITY CENTER - 2,300 SF
- TOTAL PARKING SPACES PROVIDED:
DURLEX (3 SPACES PER UNIT) - 12 SPACES X 4 UNITS = 48 SPACES
MULTI-FAMILY (1.5 SPACES PER UNIT) - 15 SPACES X 32 UNITS = 480 SPACES
COMMUNITY CENTER (1 SPACES PER 200 SF) - SPACE/250 SF X 2,300 SF = 10 SPACES
TOTAL SPACES PROVIDED - 538 SPACES
- TOTAL PARKING SPACES PROVIDED:
REGULAR SPACES - 71 SPACES
HANDICAP SPACES - 4 SPACES
TOTAL - 75 SPACES
- ALL PAVEMENT MARKINGS SHALL BE WHITE, UNLESS NOTED OTHERWISE. MARKINGS SHALL BE PAINT UNLESS NOTED OTHERWISE.
ALL ISLANDS AND MEDIAN SHALL BE GRADED.
TYPICAL CONCRETE CURB SPACINGS TO ALL FLAT PAVED CURB LOCATIONS.
- 3-3/8" 40 #5 FIVE CONDUITS, 12" D.C. MINIMUM SHALL CONNECT ALL ISLANDS AND STREET WALKS AND SERVED TO ALLOW FOR FUTURE ELECTRICAL, TELEPHONE, ETC. TO BE PLACED THROUGHOUT THE SITE. CONDUITS SHALL EXTEND TO 18" OFF BACK OF CURB AND/OR CONCRETE AND THE RISE AND RUN CONCRETE SHALL HAVE AN "X" FLAGGED AT CONDUIT LOCATION AT EACH END OF THE GROUP. THE CONDUITS SHALL HAVE A MINIMUM OF 2 FT. COVER AND HAVE TRACES WIRE ON EACH LINE.
- STREET TREES AND INSTALLATION SHALL BE PROVIDED BY THE CITY OF FLORENCE ALONG THE STREET FORMERLY KNOWN AS ROSE STREET. THE SPECIES AND LAYOUT SHALL BE AS INDICATED AND THE SIZE AND TYPE WILL BE DETERMINED BY THE CITY. THE CONTRACTOR SHALL COORDINATE WITH THE CITY FOR INSTALLATION OF THE TREES.
- LANDSCAPE AREAS WILL BE PROVIDED AND INSTALLED BY THE CITY OF FLORENCE AT THE ENDS OF THE STREET FORMERLY KNOWN AS ROSE STREET. SIZE, TYPE AND MATERIAL WILL BE DETERMINED BY THE CITY. THE CONTRACTOR SHALL COORDINATE WITH THE CITY FOR INSTALLATION OF THE TREES.



REVISIONS	
NO.	DESCRIPTION / DATE

PRELIMINARY

bpb
BP Barber
 Engineering • Experience • Excellence
 COLUMBIA • GREENVILLE • CHARLOTTE • SHANNON

REVISED
 SITE PLAN

PROJECT: **MCGOWAN COMMONS**
 PREPARED FOR: **CITY OF FLORENCE (CLIENT)**

DWG. NO. 10400-01	SHEET 1
PROJECT NO. 10400	OF 1
DATE: JUNE 2011	

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MAY 9, 2011 – PAGE 2**

Mayor Wukela recognized Ernest Hickman with a certificate in recognition of completing 20 years with the City of Florence.

Anthony Nettles, Leon Johnson and Ed Wingate, each received a certificate from Mayor Wukela in recognition of completing 15 years of service with the City.

Ludwie Titus, Anson Shells, Angela Watson and Allison Pierce received certificates from Mayor Wukela in recognition of competing 10 years of service with the City of Florence.

SPECIAL RECOGNITION

Mayor Wukela recognized Lt. David McClure of the Florence Police Department on his graduation from the FBI Academy on March 18, 2011.

PUBLIC HEARING

Mayor Wukela opened the public hearing at 1:11 p.m. for the purpose of receiving comments on the budget for the City of Florence for fiscal year beginning July 1, 2011 and ending June 30, 2012.

No one requested to speak.

Mayor Pro tem Brand made a motion at 1:13 p.m. to close the public hearing. Councilman Willis seconded the motion, which carried unanimously.

APPEARANCES BEFORE COUNCIL

Ms. Cynthia Williams, Executive Director of the Housing Authority of Florence – to give a report on the progress of the McGowan Commons Project.

Mayor Wukela stated that Mrs. Cynthia Williams, Executive Director of the Housing Authority was scheduled to make a presentation to Council but upon further review, Mayor Wukela stated that this presentation involves a contractual matter and it may be more appropriate for this to be presented in Executive Session. Mayor Wukela asked if there were any objections from Council for this issue to be heard in Executive Session.

Councilman Robinson stated he felt that a presentation needed to be made to the public as he has received a number of calls asking about the project and the affect it will have on the community.

Mayor Wukela asked the Housing Authority to make a presentation to the public and to the extent that council members may have matters that involve contractual issues, those issues will be heard in Executive Session.

Mrs. Williams asked Mr. Reginald Barner, Consultant and Developer for the McGowan Commons Project, to make a presentation to Council on the progress of the McGowan Commons Project.

Mr. Reginald Barner reported that funding of the tax credits to develop the McGowan Commons Project have been received. McGowan Commons will be a 36 tax credit unit development. A little over a year ago City Council made a financial commitment towards this project and that is what Mr. Barner would like to discuss with Council today.

McGowan Commons is a three phased development project. Phase I will be 36 units of townhomes; Phase II will be a 48 unit senior housing complex and Phase III will be a multi-family apartment complex.

Mr. Barner reported that originally the plans were to construct the project in three phases and request the funding incrementally as the property was developed. However, Mr. Barner stated to bring in

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MAY 9, 2011 – PAGE 3**

the new infrastructure, construct the community building and to have the road in place, they would like to request the full funding that was originally committed. If the funds are advanced for Phase I additional funding will not be requested for future phases. Initially \$400,000 was placed in the budget for the project. However, after meeting with City staff and the engineers, the total costs for the infrastructure is \$1.2 million. Mr. Barner stated he would like to request the full funding from City Council and not have to come back to Council for Phase II and III. Phase I will bear the cost of the major infrastructure improvement.

In response to a question by Councilman Robinson, Mr. Barner stated that if the project is under construction by late June, the units will be ready for leasing in the Spring of 2012.

Mr. Barry Wingard, Chairman of the Veterans Park Committee – to discuss the Veterans Park and a new monument for the Park.

Mr. Wingard reported on the many events that have been held at the Park and events that are planned for the future.

Mr. Wingard stated he was appearing before Council to talk about one significant upcoming event. Mr. Alex Palkovich, a local sculptor, has designed a statue entitled "Home Safe", that is being proposed for placement at the Veterans Park. The Drs. Bruce and Lee Foundation have agreed to provide \$90,000, or one half of the total cost of \$180,000, for the construction of the statue. Mr. Wingard requested that the City of Florence donate \$25,000 towards the balance of \$90,000 for the statue. Mr. Wingard will also request \$25,000 from Florence County with the remainder of the funds to come from the private sector. The Committee hopes to have enough funds committed to complete the project and have it dedicated on November 11, 2011.

Councilman Robinson expressed his concerns with allocating money for a statue when there are so many other concerns that need to be addressed in the City.

Mayor Pro tem Brand suggested that a number of smaller replicas of the statue be made and offered for sale to help raise the remaining funds.

Councilman Willis supports this endeavor but would like to discuss this at the May 19th budget worksession.

Councilman Powers supports this project and agreed that May 19th would be the right time for Council to consider this request. Councilman Powers agreed with Councilman Willis that this is something that needs to be done and that the private sector needs to be involved.

ORDINANCES IN POSITION

BILL NO. 2011-09 – SECOND READING

AN ORDINANCE TO ESTABLISH REGULATIONS AND REQUIREMENTS RELATED TO SMOKING IN ENCLOSED BUILDINGS AND SPACES WITHIN THE CITY OF FLORENCE.

An Ordinance to establish regulations and requirements related to smoking in enclosed buildings and spaces within the City of Florence was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2011-09 on second reading. Councilwoman Williams-Blake seconded the motion.

Mayor Pro tem Brand made a motion that comments from citizens be limited to one minute. Councilwoman Williams-Blake seconded the motion.

Following a discussion by members of Council regarding the time limit of 5 minutes for citizens to speak as outlined in the Code of Ordinances, Mayor Pro tem Brand withdrew his motion.

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
MONDAY, JULY 6, 2009 - 9:00 A.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 9:00 a.m. The following members were present for the meeting: Councilman Frank J. Brand, II; Councilman William C. Bradham, Jr.; Councilman Ed Robinson; Councilman Steve Powers; Mayor Pro tem Billy D. Williams and Councilwoman Octavia Williams-Blake.

ALSO PRESENT: David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; Mr. Scotty Davis, Director of Community Services; Mr. Thomas Chandler, Director of Finance and Mr. Tom Shearin, Special Services Coordinator.

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

INVOCATION

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

**CONTINUATION OF A REPORT TO COUNCIL FROM JULY 1, 2009
A REPORT BY THE HOUSING AUTHORITY OF FLORENCE REGARDING A PROPOSED
PROJECT FOR OAKLAND AVENUE**

Mayor Wukela stated that this meeting is a continuation of the special meeting held on July 1, 2009 regarding a report made by the Housing Authority regarding a proposed project for Oakland Avenue. Council received their report which was followed by a motion by Councilman Williams and seconded by Councilwoman Williams-Blake to provide a letter of support to the Housing Authority for their application for federal money. Unanimous support for the project was voiced by Council at the meeting; however there was a desire to have further information regarding this matter. Following a discussion, Councilman Brand made a motion and Councilman Bradham seconded the motion, to defer this issue until this meeting.

Councilman Brand asked Mr. David Williams, City Manager what could the City do to help the Housing Authority reduce their costs as they build this project.

Mr. Williams responded that staff has made some rough estimates of possible contributions to the project. Some examples of things that the City could do that would count towards a match, some are in-kind contributions and some are actual dollars. From the City's Water and Sewer and Stormwater Utility Construction Funds, the City could contract for design and installation of relocating the water and sewer lines for the project. Staff has estimated that this cost could be close to \$500,000. Streets and paving estimates for the project is \$470,000. The City could use \$70,000 a year for three years, or \$210,000, from unused CDBG funds to help defray some of those costs. Each year the City of Florence is usually successful in receiving a PARD grant through the State. The City could apply for, over a two year period, a PARD grant for outdoor playground equipment for approximately \$10,000 per year. Each year the City plants trees in the right-of-way and over the three year period of construction, the City could designate a number of those tree plantings to be for this project. The estimated value of these plantings is

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
JULY 6, 2009 – PAGE 2**

\$15,000. In the event the City chose to participate in some of the demolition costs of existing buildings, the City could use some of its designated landfill resources in the Sanitation budget to assist in hauling some of this debris to the landfill. This could be either a cash outlay or in-kind services of up to \$75,000. In the City's Ordinance there is a special rate for water and sewer taps for property owners or tenants that live in the entitlement area. That special rate involves a credit of 50% towards the tap fee of anyone living in the entitlement area. Since this project is in the entitlement area, any new taps would qualify for the 50% credit. Assuming that the old units will be torn down and replaced with new units, and the same individuals will occupy the new units, then the tap fees associated with the new units could be forgiven. The total of the 50% credit and the replacement of old units is valued at \$34,000. The installation of street lights is valued at just under \$300,000 over a 20 year period. Administrative costs related to the development of this project are estimated at \$30,000 over a three year period. These examples add up to an excess of \$1 million. In addition, some of the funds that might be made available for this project are some unused funds in the CDBG budget. At Council's discretion, these funds, in the amount of approx. \$100,000, could be reappropriated at Council's discretion to be applied towards this project of any other eligible CDBG project.

Council discussed the level of commitment that the City would be making if a letter of support was given to the Housing Authority for this project and how binding a letter of support would be.

Mayor Pro tem Williams made a motion to move forward with this project.

Mayor Wukela stated that there is a pending motion and second from the July 1, 2009 meeting to approve a letter of support for the project.

Councilman Powers stated he was in favor of the project but needed more information on what the City could provide and was in favor of deferring this matter until today's meeting. Councilman Powers stated he does not want to over load the City with a commitment that cannot be honored at a later date. Councilman Bradham, Councilman Robinson and Councilman Brand also stated they were in support of this project.

Councilman Williams suggested doing a letter of support for up to \$1 million. Councilman Williams also stated he would like to see what the County is willing to do to help with this project.

Councilman Robinson stated that if the City does not need to use the CDBG money on this project, he would like to see it used on other community projects. Councilman Robinson requested that when contractors are selected for this project, that they are aware of the minority procurement policies and that the work would be equitably distributed on a local basis.

Councilwoman Williams-Blake asked that the Housing Authority come back before Council at regular intervals and give an update on the progress of the project.

Mr. David Williams added that the City's down payment and closing costs assistance program may also be used for this project. If there are qualified buyers that meet the criteria for the new homes, the City could contribute up to \$120,000 for four qualified homeowners.

Councilman Williams stated that he felt comfortable that the City's housing department would be able to report back to council on how the project is going.

Councilman Brand asked that the letter of support be specific in what the City is able to contribute to this project.

There being no further discussion, Mayor Wukela stated that there is a motion and second to support the Housing Authority's proposed project, including the City's intent to provide, primarily in-kind support, up to \$1 million. Council voted unanimously to pass this motion.

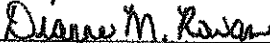
SPECIAL MEETING OF FLORENCE CITY COUNCIL
JULY 6, 2009 – PAGE 3

ADJOURN

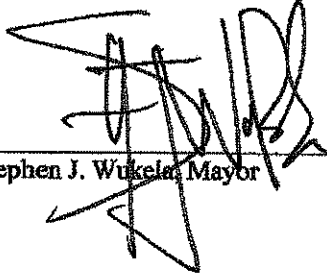
Councilman Williams made a motion to adjourn the meeting. Councilman Brand seconded the motion, which carried unanimously.

The meeting was adjourned at 9:45 a.m.

Dated this 10th day of August, 2009.



Dianne M. Rowan, Municipal Clerk



Stephen J. Wikel, Mayor

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
WEDNESDAY, JULY 1, 2009 - 4:00 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 4:00 p.m. The following members were present for the meeting: Councilman Frank J. Brand, II; Councilman William C. Bradham, Jr.; Councilman Ed Robinson; Councilman Steve Powers; Mayor Pro tem Billy D. Williams and Councilwoman Octavia Williams-Blake.

ALSO PRESENT: David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; James W. Peterson, Jr., City Attorney; and Mr. Scotty Davis, Director of Community Services.

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

INVOCATION

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

REPORT TO COUNCIL

A report by the Housing Authority of Florence regarding a proposed project for Oakland Avenue.

Mrs. Cynthia Williams, Executive Director of the Housing Authority of Florence introduced Mr. Reggie Barner of the Barner Group to report on the proposed project.

Mr. Barner stated he is asking the City for support of this project, not in the sense of cash dollars but in the sense of an in-kind contribution. Also, he is looking for a commitment from the County and the Department of Transportation. Mr. Barner was originally looking at infrastructure needs of approximately \$1.1 to \$1.2 million. However, he is not asking the City for cash in this amount but is asking for support for several items than can support this amount. The development will be comprised of a senior housing development, a community facility, a garden-style apartment complex, townhome units and single family homes.

Mr. Barner stated he is seeking funding from the City in the form of in-kind contributions for the following type items:

- 1) Improvements to water and sewer – increasing the water lines, if needed as the redevelopment is identified and to try and bring those water lines to within 5' of the new projects that will be built;
- 2) Sidewalks
- 3) Streets
- 4) Demolition of current site
- 5) Landfill – waiver of landfill fees of any materials brought to the landfill from the demolition of the current site
- 6) Property taxes – relief on rental property taxes for these properties.

Total redevelopment of the area is estimated to be between \$15-\$17 million. Construction on Phase 1 could begin within 6-7 months with some of the infrastructure needs to be addressed by the City in late spring of 2010.

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
JULY 1, 2009 – PAGE 2**

Mayor Pro tem Williams stated he is in support of the project and wants to see it work but noted that some of the items requested might not be workable for the City. Mayor Pro tem Williams stated there are two County Council districts located in this project area and that the County may help with the in-kind services.

Mr. Barner stated that because of time frames set by HUD, in order to be competitive, a strong letter of support and intent to help support the project is needed to be included in the application. The letter of support is needed by Wednesday, July 8, 2009.

Councilman Bradham clarified that there would not be anything needed from the City until Spring, 2010.

Councilman Brand asked how binding is the City's letter of support? If the City states we will support the project does that mean the City will do \$1.5 million worth of work or does it say the City will do the best it can? Also, has this been discussed with County Council?

Mrs. Williams responded that some members of County Council have been contacted and they are receptive to the project. DOT has also been contacted and they are also receptive to the project.

Mr. Barner responded that the letter of support would be viewed by HUD as a considerably binding strong commitment. What Congress intended with these programs was for the local communities to have some buy-in and financial commitment to the project. Mr. Barner stated that as relates to how specific the letter of support would need to be; he would like to be able to value those items that the City is comfortable with and that can be included in the application with an allocation of a dollar figure associated based on the development budget and then the goal would be in that two or three year period, as the project is developed, that we do our part to try and meet that financial obligation.

Councilman Robinson stated he was totally committed to making this project work.

Mr. Barner stated he has a detailed outline of the infrastructure costs and some of the other items for the project that he will get to Council right away.

Mayor Pro tem Williams made a motion to provide a letter of support to the Housing Authority. Councilwoman Williams-Blake seconded the motion.

Councilman Brand stated that all of Council is in favor of this project and helping the people of Florence but he has concerns of giving a letter of support to a project before discussing this further with the City Manager and the Public Works Director. Also, he would like to know what County Council may do. Councilman Brand stated he was not willing to put the City on the line for over a million dollars. Councilman Brand would like to be sure that the City will be able to do what it commits to.

Councilman Brand, Bradham and Powers were in favor of meeting again on this issue after the City Manager and Public Works Director has had a chance to review the list of items.

Following a discussion, Councilman Brand made a motion to amend the original motion to extend this discussion until Monday, July 6, 2009. Councilman Bradham seconded the motion.

Councilman Powers, Councilman Brand, Councilman Robinson and Councilman Bradham voted in favor of the motion. Mayor Pro tem Williams, Councilwoman Williams-Blake and Mayor Wukela voted against the motion.

Voting in favor of the amended motion to defer this matter until Monday, July 6, 2009 at 9:00 a.m. was Councilman Powers, Councilman Brand, Councilman Robinson, Mayor Pro tem Williams and Councilman Bradham. Voting against the amendment was Mayor Wukela and Councilwoman Williams-Blake.

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
JULY 1, 2009 – PAGE 3**

ADJOURN

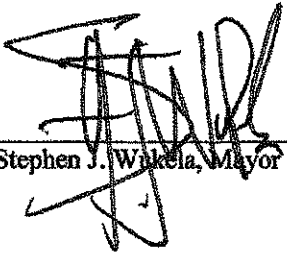
Councilman Brand made a motion to adjourn the meeting. Mayor Wukela seconded the motion.

The meeting was adjourned at 5:23 p.m.

Dated this 10th day of August, 2009.



Dianne M. Rowan, Municipal Clerk



Stephen J. Wukela, Mayor



OFFICE OF THE CITY MANAGER
CITY-COUNTY COMPLEX AA
180 NORTH IRBY STREET
FLORENCE, SC.
29507-3456
TEL: (843) 669-3111
FAX: (843) 669-3110

October 24, 2011

Erica Salley
Development Manager
Community Development & Improvement Corp.
560 Jefferson Davis Highway
Graniteville, S.C. 29829

Re: FHL Bank Affordable Housing Program Application

Dear Ms. Sally:

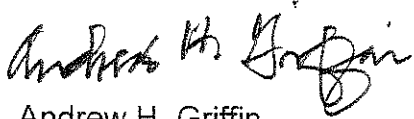
The City Council of the City of Florence has taken unanimous action to approve and to pledge support for the application of Affordable Housing Program (AHP) funding through the Federal Home Loan Bank of Atlanta. It is to my understanding that the total project costs are estimated at approximately \$4,500,000. Of the total commitment in support of the McGowan Commons Project, the City hereby commits \$706,700 in cash and in-kind services for this Phase of the McGowan Commons project. The scope and value of the city's commitment are noted below:

Site/Civil design services (In-Kind)	\$105,000
Construction related expenses (Cash)	436,400
Water meter & boxes (Cash)	10,000
Tap fee credit – 50% reduction (In-Kind)	11,000
Site/Civil construction related services (Cash)	19,500
Geotechnical & material testing (Cash)	16,800
Site lighting (In-Kind)	90,000
Street landscaping (In-Kind)	<u>18,000</u>
Total	\$706,700

This letter also confirms that this affordable housing development is in compliance with the City's Consolidated Plan for the redevelopment of blighted and underserved areas of our city.

The City of Florence is excited about this opportunity to partner in addressing the economic, workforce, and housing deficiency issues within our community. Upon completion, McGowan Commons (36 units) will consist of high quality housing stock, provide opportunities for retail and commercial development, and create self-sufficient employment opportunities for residents of the community. We are optimistic that this funding opportunity will allow our community the ability to address the need for housing options, which can counter the effects of economic hardships, diminishing employment resources, and financial instabilities currently experienced by many families of this community.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew H. Griffin". The signature is written in a cursive style with a large, stylized initial "A".

Andrew H. Griffin
City Manager