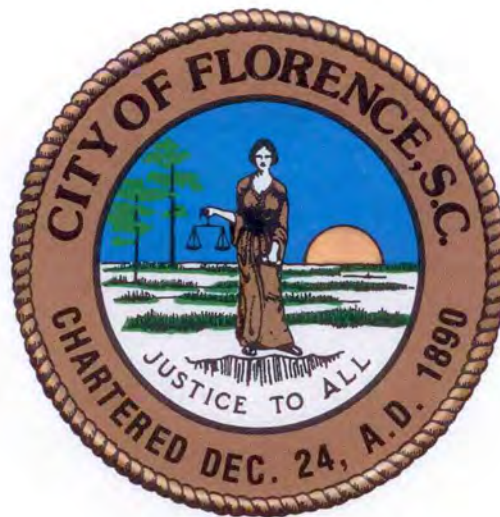


REGULAR MEETING  
OF  
FLORENCE CITY COUNCIL



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

MONDAY  
MAY 13, 2013  
1:00 P.M.

**REGULAR MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, MAY 13, 2013 - 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**

*March 28, 2013 – Budget Worksession*

*April 8, 2013 – Regular Meeting*

*April 15, 2013 – Special Meeting*

**IV. HONORS AND RECOGNITIONS**

**Service Recognitions**

*Larry Blackmon – 25 years - Police*

*John Calhoun – 25 years - Police*

*Stephen Norton – 10 years – Stormwater*

*Stephen Wallace -10 years – Parks*

*Samuel Cooper – 10 years – Distribution Operations*

**V. APPEARANCE BEFORE COUNCIL**

**a. Ms. Courtney Murphy, Ms. Tia Bradley, Ms. Cheryl McRae, and  
Ms. Lurline Jerry - S.C. Youth Advocate Program**

**b. Ms. Rosemary Barille, Pee Dee Mental Health**

**VI. PUBLIC HEARING**

**a. A Public Hearing to receive comments on the budget for the City of Florence  
for fiscal year beginning July 1, 2013 and ending June 30, 2014.**

## **VII. ORDINANCES IN POSITION**

- a. Bill No. 2013- 04 – Second Reading**  
*An Ordinance to grant to Crown Castle NG East Inc., its successors and assigns, the right, power, and authority to construct, install, maintain, and operate in, over, upon and under the streets and public places of the City of Florence, its lines, poles, wires, cables, and other telecommunications facilities to render telecommunications services to its customers in the corporate limits of the City of Florence for such period as provided herein; and to provide for the payment of compensation for the use of the streets and public places.*
- b. Bill No. 2013-05 – Second Reading**  
*An Ordinance to annex and zone property owned by Florence School District One.*
- c. Bill No. 2013-06 – Second Reading**  
*An Ordinance to annex and zone property owned by the City of Florence.*
- d. Bill No. 2013-07 – Second Reading**  
*An Ordinance to amend the City of Florence Land Development and Subdivision Ordinance in order to reestablish the City's Vested Rights Ordinance which, as a result of clerical error, was inadvertently omitted from Ordinance No. 2007-39.*
- e. Bill No. 2013-08 – Second Reading**  
*An Ordinance to amend the City of Florence Zoning Ordinance Section 8.7, Certificates of Zoning Compliance – When Required and Section 8.8, Certificates of Zoning Compliance – Repair Permits.*
- f. Bill No. 2013-09 – Second Reading**  
*An Ordinance authorizing the transfer of parcel containing approximately 23.4 acres and designated as Tax Map 00178-01-001 in the records of the Florence County Tax Assessor.*

## **VIII. INTRODUCTION OF ORDINANCES**

- a. Bill No. 2013-11 – First Reading**  
*An Ordinance to rezone Tax Map Number 00180-01-010, from R-1, Single-Family Residential District and RU-1, Rural Community District to R-3, Single-Family Residential District.*

**IX. INTRODUCTION OF RESOLUTIONS**

- a. Resolution No. 2013-11**  
*A Resolution to declare the month of May as Foster Care Month.*
- b. Resolution No. 2013-12**  
*A Resolution to establish a Municipal State Highway Project Agreement for the Safe Routes to School Project at North Vista Elementary School in the City of Florence, Florence County.*
- c. Resolution No. 2013-13**  
*A Resolution to adopt the Community Development Block Grant for fiscal year 2013-2014.*

**X. REPORTS TO COUNCIL**

- a.** *To discuss and provide direction to staff regarding an amendment to the City's Code of Ordinances making it unlawful for the City or a private employer to make inquiries regarding an arrest or criminal accusation in the initial employment of that person.*

**XI. EXECUTIVE SESSION**

- a. Contractual and Legal Matter**

**XII. ADJOURN**

**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
THURSDAY, MARCH 28, 2013 - 4:00 P.M.  
SURFACE WATER TREATMENT FACILITY  
2598 FLORENCE HARLLEE BLVD.  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Stephen J. Wukela called the special meeting to order at 4:00 p.m. with the following members present: Councilman Robby L. Hill; Councilwoman Teresa Myers Ervin; Councilman Edward Robinson; Mayor Pro tem Buddy Brand; Councilwoman Octavia Williams-Blake and Councilman Glynn F. Willis.

**ALSO PRESENT:** Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney; Mr. Thomas Chandler, Director of Finance; Mr. Scotty Davis, Director of General Services; Mr. Ray Reich, Downtown Development Manager; Chief Randy Osterman, Florence Fire Chief; Judge Debbie Jackson, Municipal Court; Chief Anson Shells, Florence Police Department; Mr. Phillip Lookadoo, Director of Planning, Research and Development; Mr. Chuck Pope, Director of Public Works; and Mr. Michael Hemingway, Director of Utilities.

Notice of the date, time and location of the meeting was provided to the media and those individuals requesting copies of the City Council agenda.

Mr. Tucker Mitchell of the Morning News was present for the meeting.

**INVOCATION**

Councilwoman Ervin gave an invocation. The Pledge of Allegiance to the American Flag followed the invocation.

**BUDGET WORKSESSION**

Mr. Drew Griffin, City Manager stated that the main purpose of today's meeting is to discuss the budget and neighborhood programming.

The FY 2013-14 General Fund Budget has a difference of \$1,144,000 between the Original Revenue Projections (\$28,815,000) and the Original Expenditure Requests (\$29,959,000). Last year's budget was \$29,200,000. Council will be given a balanced budget for the operational expenses and expectations of the City.

Actions Taken to Balance FY 2013-14 General Fund Budget

- ▶ Operational Funding Request Adjustments
- ▶ Capital Funding Request Eliminations
- ▶ Possible End of Year Capital Purchases
- ▶ Modified Revenue Projections
- ▶ Extended Hiring Timeline
- ▶ Possible Employee Contribution for Health Insurance
- ▶ 2% Cost of Living for Half Year

Everything that has been funded in the past will be funded in this budget. The Boys and Girls Club, Red Cross, and PDRTA will be funded at the same level as in last year's budget. The budget will maintain the same level of employment, the same level of services, there is some deferred capital, there may be some extended re-hiring of positions that are vacated to make sure that the budget is met and

**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
MARCH 28, 2013 – PAGE 2**

some capital purchases will be recommended out of this year. Staff anticipates a 13-18% increase in insurance premiums. This may result in employees contributing to their health insurance premiums.

The following chart shows the categories that generate the City's revenues and produces the FY 2013 budget of \$29,200,000.

**GENERAL FUND**  
**Revenues by Category**

Category	FY 2013	% of Total
Property Taxes	\$ 9,137,900	31.30%
Licenses & Fees	10,855,000	37.18%
Govt. Reimbursements	1,854,000	6.35%
Charges for Service	1,899,000	6.50%
Fines & Forfeitures	710,000	2.43%
Other Revenues	816,000	2.79%
Interfund Transfers	<u>3,928,100</u>	<u>13.45%</u>
<b>TOTAL</b>	<b>\$ 29,200,000</b>	<b>100%</b>

**GENERAL FUND**  
**Traditional Revenue Sources**

Category	FY 2013	% of Total
<b>Property Taxes</b>	<b>\$ 9,137,900</b>	<b>31.30%</b>
Licenses & Fees	10,855,000	37.18%
Govt. Reimbursements	1,854,000	6.35%
Charges for Service	1,899,000	6.50%
Fines & Forfeitures	710,000	2.43%
Other Revenues	816,000	2.79%
Interfund Transfers	<u>3,928,100</u>	<u>13.45%</u>
<b>TOTAL</b>	<b>\$ 29,200,000</b>	<b>68.48%</b>

Property taxes and licenses and fees make up about 70% of the budget.

**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
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<u>Property Tax Category</u>	
<u>Source</u>	<u>2013 Budget</u>
<b>Property Taxes</b>	\$ <b>3,020,000</b>
Homestead Exemption	262,300
Merchants Inventory Exemption	299,600
Penalties on Current Taxes	6,000
<b>Local Option Sales Tax</b>	<b>5,310,000</b>
Payment in Lieu of Taxes	110,000
Delinquent Taxes	<u>130,000</u>
<b>Total Property Tax</b>	<b>\$ 9,137,900</b>

There are seven different categories of property taxes that make up the \$9,137,900 portion of the budget. Property taxes and local option sales taxes are the main contributors in the property tax category. There is very little change from year to year in the Homestead Exemption and the Merchants Inventory Exemption.

**General Fund**  
**Property Tax/LOST Collection**  
**Five Year Comparisons**

<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>	<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>
2009	\$ 7,892,204	5.16%	2004	\$ 6,617,011	-0.68%
2010	8,019,589	1.61%	2005	6,747,732	1.98%
2011	8,065,708	0.58%	2006	7,153,492	6.01%
2012	8,114,920	0.61%	2007	7,294,809	1.98%
2013*	8,250,000	1.66%	2008	7,504,945	2.88%
<b>Average Change</b>		<b>1.92%</b>	<b>Average Change</b>		<b>2.43%</b>

\*Projected collection

The City's growth from 2004 – 2009 was 2.43%. To sustain the City's budget and growth, a 5 to 6% growth is typically needed to have normal growth, meet normal budget expectations, to re-purchase capital and to do a few projects. For the period of 2009 – 2013 the growth is 1.92%.

**GENERAL FUND**  
**Traditional Revenue Sources**

<u>Category</u>	<u>FY 2013</u>	<u>% of Total</u>
Property Taxes	\$ 9,137,900	31.30%
<b>Licenses &amp; Fees</b>	<b>10,855,000</b>	<b>37.18%</b>
Govt. Reimbursements	1,854,000	6.35%
Charges for Service	1,899,000	6.50%
Fines & Forfeitures	710,000	2.43%
Other Revenues	816,000	2.79%
Interfund Transfers	<u>3,928,100</u>	<u>13.45%</u>
<b>TOTAL</b>	<b>\$ 29,200,000</b>	<b>68.48%</b>

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<u>Licenses &amp; Fees Category</u>	
<u>Source</u>	<u>2013 Budget</u>
Current Business License	\$ 4,075,000
Insurance License	2,760,000
Telecommunications License	280,000
Delinquent Business License	190,000
Franchise Fees	<u>3,550,000</u>
<b>Total Licenses &amp; Fees</b>	<b>\$ 10,855,000</b>

Licenses and fees make up 37% of the budget. Current business licenses that the City collected are \$4,075,000. The insurance license and the telecommunication license are both collected by the MASC through an agreement that the City has with them. They collect them and then reimburse the City.

General Fund  
Business License Collection  
Five Year Comparisons

<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>	<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>
2009	\$ 6,766,010	-7.16%	2004	\$ 5,652,212	0.11%
2010	6,984,258	3.23%	2005	6,310,794	11.65%
2011	6,868,384	-1.66%	2006	6,419,049	1.72%
2012	7,336,831	6.82%	2007	6,714,458	4.60%
2013*	7,450,000	1.54%	2008	7,287,957	8.54%
<b>Average Change</b>		<b>0.55%</b>	<b>Average Change</b>		<b>5.32%</b>

\*Projected Collection

In the prior five years the growth in this category is 5.32%. In the current five years the growth is 0.55%. This is due in some part to the economy. This is not good growth for the City and it may be a trend that is going to continue. The trend for the past eight months is barely at 1%. October was a good month for retail sales; however the City experienced a negative growth for November, December and January in retail sales as great as 18% as compared to one year ago. Staff is concerned that what is happening in the business license arena is the increase of internet sales. Most of the growth will only come in with new businesses.

<u>Licenses &amp; Fees Category</u>	
<u>Source</u>	<u>2013 Budget</u>
Current Business License	\$ 4,075,000
Insurance License	2,760,000
Telecommunications License	280,000
Delinquent License	190,000
Franchise Fees	<u>3,550,000</u>
<b>Total Licenses &amp; Fees</b>	<b>\$ 10,855,000</b>



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MARCH 28, 2013 – PAGE 5

General Fund  
Franchise Fees Collection  
Five Year Comparisons

Fiscal Yr.	Collections	% Change	Fiscal Yr.	Collections	% Change
2009	\$ 3,566,878 <sup>1</sup>	21.95%	2004	\$ 1,807,319	-10.77%
2010	3,496,188	-1.98%	2005	1,628,666	-9.88%
2011	3,479,557	-0.48%	2006	1,706,776	4.92%
2012	3,351,868	-3.67%	2007	1,852,498	8.41%
2013*	3,260,000	2.74%	2008	2,924,809 <sup>1</sup>	57.88%
<b>Average Change</b>			<b>Average Change</b>		
<b>-2.22%</b>			<b>-1.83%</b>		

<sup>1</sup>Because Franchise Fee increased from 3% to 5%, the 2008 and 2009 % change was not calculated in average changes.

\*Projected collection

Note: Change from highest collection year to current year projection = **(\$306,878)**

Franchise fees collection; Progress Energy, Time Warner and SCE&G, are going down and have been for the past 10 years. Unless there are sizable increases in Progress Energy rates, these collections will stay down. Also, any time someone does not buy their cable service through Time Warner, the City loses 5% off of their cable bill each month. The reason for the increase in years 2008 and 2009 is due to the City increasing the franchise fees from 3% to 5%. Franchise fees are a strong revenue source for the City.

GENERAL FUND  
Additional Revenue Sources

Category	FY 2013	% of Total
Property Taxes	\$ 9,137,900	31.30%
Licenses & Fees	10,855,000	37.18%
Govt. Reimbursements	1,854,000	6.35%
Charges for Service	1,899,000	6.50%
Fines & Forfeitures	710,000	2.43%
Other Revenues	816,000	2.79%
Interfund Transfers	<u>3,928,100</u>	<u>13.45%</u>
<b>TOTAL</b>	<b>\$ 29,200,000</b>	<b>18.07%</b>

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Government reimbursements, charges for service, fines and forfeitures and other revenues make up 18% of the budget or close to \$5 million dollars.

**Government Reimbursements Category**

<b><u>Source</u></b>	<b><u>2013 Budget</u></b>
State Accommodations Tax – 5% Funds	\$ 48,000
<b>Local Government Fund</b>	<b>670,000</b>
SRO Program	294,000
CCC Security	210,000
Marketing and Promotions	100,000
Miscellaneous Grants	425,000
Police Grants	<u>107,000</u>
<b>Total Government Reimbursements</b>	<b>\$ 1,854,000</b>

**General Fund**

**Local Government Fund Collection**

**Five Year Comparisons**

<b>Fiscal Yr.</b>	<b>Collections</b>	<b>% Change</b>	<b>Fiscal Yr.</b>	<b>Collections</b>	<b>% Change</b>
2009	\$ 942,306	-4.59%	2004	\$ 791,510	0.29%
2010	790,254	-16.14%	2005	806,944	1.95%
2011	711,684	-9.94%	2006	829,065	2.74%
2012	677,583	-4.79%	2007	893,660	7.79%
2013*	686,730	1.35%	2008	987,666 <sup>1</sup>	10.52%
<b>Average Change</b>		<b>-6.82%</b>	<b>Average Change</b>		<b>4.66%</b>

<sup>1</sup>A one time additional check in the amount of \$112,626 was received in FY 2013, but was not included for comparative purposes.

\*Projected collection

Note: Change from highest collection year to current year projection = **(\$255,576)**

The Local Government Fund is collected by the state government and then given back to the city. The fund was strong in the prior five years but has been declining over the current five years. The net change is \$255,000 per year.

**Charges for Service Category**

<b><u>Source</u></b>	<b><u>2013 Budget</u></b>
Landfill Fees	\$ 1,330,000
Sanitation Collection Fees	312,000
Planning & Zoning Fees	28,000
Skate Park User Fees	1,000
Gymnastic Program Fees	75,000
Batting Cage User Fees	3,000
FF Gate Fees	<u>150,000</u>
<b>Total Charges for Service</b>	<b>\$ 1,899,000</b>

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General Fund  
Landfill & Sanitation Fee Collection  
Five Year Comparisons

<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>	<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>
2009	\$ 1,560,818	1.54%	2004	\$ 1,250,913	11.03%
2010	1,606,692	2.94%	2005	1,283,593	2.61%
2011	1,636,529	1.86%	2006	1,417,666	10.45%
2012	1,646,497	0.61%	2007	1,486,878	4.88%
2013*	1,660,000	0.82%	2008	1,537,192	3.38%
<b>Average Change</b>			<b>Average Change</b>		
<b>1.55%</b>			<b>6.47%</b>		

\*Projected collection

The Landfill fees and sanitation collection fees are \$1.6 million dollars. Landfill and sanitation fees have never been meant to be a revenue generator. They are a pass through cost for the City. They are a fee that is charged by the City and in turn Waste Management charges the City to haul and dispose of the waste at the landfill. These fees have no net effect on the City.

Fines & Forfeitures Category

<u>Source</u>	<u>2013 Budget</u>
<b>Criminal Fines</b>	\$ <b>160,000</b>
<b>Traffic Fines</b>	<b>520,000</b>
Parking Violation Fines	16,000
Animal Control Fines	4,000
Livability Court Fines	<u>10,000</u>
<b>Total Fines &amp; Forfeitures</b>	\$ <b>710,000</b>

General Fund  
Criminal Fines Collection  
Five Year Comparisons

<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>	<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>
2009	\$ 168,103	3.16%	2004	\$ 169,574	22.57%
2010	169,298	0.71%	2005	124,767	-26.42%
2011	156,474	-7.57%	2006	135,053	8.24%
2012	166,124	6.17%	2007	152,323	12.79%
2013*	164,000	-1.28%	2008	162,956	6.98%
<b>Average Change</b>			<b>Average Change</b>		
<b>0.24%</b>			<b>4.83%</b>		

\*Projected collection

Note: Change from highest collection year to current year projection = **(\$5,745)**

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General Fund  
Traffic Fines Collection  
Five Year Comparisons

Fiscal Yr.	Collections	% Change	Fiscal Yr.	Collections	% Change
2009	\$ 540,557	-16.92%	2004	\$ 437,090	-13.59%
2010	602,192	11.40%	2005	448,091	2.52%
2011	509,315	-15.42%	2006	536,217	19.67%
2012	510,174	0.17%	2007	662,315	23.52%
2013*	515,000	0.95%	2008	650,648	-1.76%
<b>Average Change</b>		<b>-3.97%</b>	<b>Average Change</b>		<b>6.07%</b>

\*Projected collection

Note: Change from highest collection year to current year projection = **(\$147,315)**

Criminal and traffic fines are a revenue category but are never used to raise money. The total collections for this category are \$710,000.

Other Revenue Category

<u>Source</u>	<u>2013 Budget</u>
Interest	\$ 20,000
Sponsorships	45,000
Concessions Revenue	65,000
Pro Shop Revenue	45,000
Pet Adoptions	56,000
Other Animal Shelter Revenue	75,000
Miscellaneous Revenue	75,000
From Unappropriated Reserves	<u>435,000</u>
<b>Total Other Revenue</b>	<b>\$ 816,000</b>

All of these are budgeted items. Interest earnings (\$20,000) is what the City is receiving at this time; Sponsorships (\$45,000) are mostly in the athletic programs and directly supports what they do; Concessions revenue (\$65,000) is mostly a convenience but the City does net a little out of it, about \$15-20,000; Pro shop revenue (\$45,000) is very similar to concessions revenue and nets about \$5,000; Pet adoptions (\$56,000); Other animal shelter revenue (\$75,000) and Miscellaneous revenue (\$75,000); and the Unappropriated reserves (\$435,000) is never used to balance the budget. This amount changes every year and is almost completely based upon an approved project of Council.

SPECIAL MEETING OF FLORENCE CITY COUNCIL  
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**GENERAL FUND**  
**Interfund Transfers**

Category	FY 2013	% of Total
Property Taxes	\$ 9,137,900	31.30%
Licenses & Fees	10,855,000	37.18%
Govt. Reimbursements	1,854,000	6.35%
Charges for Service	1,899,000	6.50%
Fines & Forfeitures	710,000	2.43%
Other Revenues	816,000	2.79%
Interfund Transfers	<u>3,928,100</u>	<u>13.45%</u>
<b>TOTAL</b>	<b>\$ 29,200,000</b>	<b>13.45%</b>

**Interfund Transfers Category**

<u>Source</u>	<u>2013 Budget</u>
From Water & Sewer Fund	\$ 2,635,000
From Stormwater Fund	175,000
From Hospitality Fund	805,000
From Victim Services Fund	113,000
From Rollcart/Equipment Replacement Fund	<u>200,100</u>
<b>Total Other Revenue</b>	<b>\$ 3,928,100</b>

Interfund transfers are approximately \$4 million dollars. This is where the City's growth is and what enables the City to meet the needs.

**General Fund**  
**Interfund Transfers**  
**Five Year Comparisons**

Fiscal Yr.	Collections	% Change	Fiscal Yr.	Collections	% Change
2009	\$ 2,417,000	5.32%	2004	\$ 1,797,400	0.02%
2010	2,824,000	16.84%	2005	1,794,000	-0.19%
2011	2,864,000	1.42%	2006	1,792,000	-0.11%
2012	3,362,000	17.39%	2007	1,777,000	-0.84%
2013*	3,928,100	16.84%	2008	2,295,000	29.15%
<b>Average Change</b>		<b>11.56%</b>	<b>Average Change</b>		<b>5.61%</b>

\*Projected transfer

The prior five years of Interfund transfers show an average change of 5.61% while the current five years reflect an average change of 11.56%. This is the only growth that the City is seeing within the budget and the economy.

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Five Year Comparisons  
Average Change by Source

Source	FY 2009-13	FY 2004-08
Property Tax/Local Option Sales Tax	1.92%	2.43%
Business Licenses	0.55%	5.32%
Franchise Fees	-2.22%	-1.83%
Local Government Fund	-6.82%	4.66%
Landfill and Sanitation Fees	1.55%	6.47%
Criminal Fines	0.24%	4.83%
Traffic Fines	-3.97%	6.07%
Interfund Transfers	11.56%	5.61%

This chart shows (in red figures) that in every category, from the prior five years to the current five years, the City is in a downward position. Mr. Griffin stated that the concern he has and the important aspect of this is, it doesn't appear that it will change this year or next year.

History of Major General Fund  
Revenue Sources

<u>Fiscal Year</u>	<u>Action</u>
1987	A completely revised, comprehensive business license ordinance establishing business classifications and rates was adopted. <b>Rates for businesses located inside the City limits have not been increased since this adoption.</b>
1989	Property tax millage increased 6 mills. The millage was increased for the first time <b>since the 1970s</b> to fund the construction of Freedom Florence.
1991	Property tax millage reduced by 11.6 mills due to reassessment (prior reassessment was 9 years earlier in 1982).
1995	Local Option Sales Tax adopted in 1993 and applied as property tax rollback providing property taxpayer "relief." No increase in revenues resulted for the City.
1995	Property tax millage reduced by 8 mills, resulting in a reversal of the 1989 millage increase.
1996	Property tax millage reduced again by 5 mills.
2000	Property tax millage reduced by 7.6 mills due to reassessment.
2004	Hospitality Fee imposed resulting in an effective revenue increase in the General Fund when certain expenditures provided by the General Fund were "redirected" to the Hospitality Fee Fund. Redirected General Fund revenues used largely for public safety.
2006	Property tax millage reduced by 5.9 mills due to reassessment.
2007	Franchise fees increased for all franchisees from 3% to 5% to provide for additional operating costs related to the Planning Department, Police Department, Barnes Street, Veterans Park and GASB 45 OPEB.
2009	Business license rates for non-resident businesses increased as recommended by MASC model business license ordinance.
2011	Property tax millage for operations reduced by 1.2 mills due to scheduled reassessment. 3 mills added for debt service for a net millage increase of 1.8 mills

This is a history of major general fund revenue sources to show what the City has done for the past 26 years to adjust or deal with revenue

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CDBG Fund  
Revenue Trends

Community Development  
Block Grant  
Five Year Comparisons

<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>	<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>
2009	\$ 333,809	-3.74%	2004	\$ 421,000	-18.09%
2010	337,525	1.11%	2005	407,000	-3.33%
2011	364,792	8.08%	2006	385,457	-5.29%
2012	305,076	-16.37%	2007	347,365	-9.88%
2013	224,853	-26.30%	2008	346,785	-0.17%
<b>Average Change</b>			<b>Average Change</b>		
<b>-7.44%</b>			<b>-7.35%</b>		

Note: Changes from the highest collection year to the 2013 projection = **(\$196,147)**  
Projection for 2014 is \$200,000, a reduction of **11.05%** from 2013.

The CDBG was \$421,000 in 2004. The grant for 2013 is projected to be \$224,853 and it is anticipated to be lowered another \$20,000 for this fiscal year.

Hospitality Fund  
Revenue Trends

Hospitality Fees Collection  
Five Year Comparisons

<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>	<u>Fiscal Yr.</u>	<u>Collections</u>	<u>% Change</u>
2009	\$ 2,800,739	0.06%	2004	\$ 2,244,566 <sup>1</sup>	NA
2010	2,841,585	1.46%	2005	2,283,203	1.72%
2011	2,926,340	2.98%	2006	2,371,249	3.86%
2012	3,092,529	5.68%	2007	2,661,073	12.22%
2013*	3,210,000	3.80%	2008	2,799,149	5.19%
<b>Average Change</b>			<b>Average Change</b>		
<b>2.80%</b>			<b>5.75%</b>		

\*Projected collection

<sup>1</sup>The first year of collections was for six months only. However, for comparative purposes, the collections amount has been annualized.

For the prior five years the growth of the Hospitality Fund was 5.75%. The current five years shows the growth at 2.80%. This is anticipated to continue to grow as new restaurants are opened in Florence.

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Accommodations Tax Fund  
Revenue Trends

Accommodations Tax Collection  
Five Year Comparisons

Fiscal Yr.	Collections	% Change	Fiscal Yr.	Collections	% Change
2009	\$ 343,238	2.77%	2004	\$ 217,531	4.34%
2010	413,542	20.48%	2005	225,764	3.78%
2011	460,921	11.46%	2006	257,077	13.87%
2012	546,190	18.50%	2007	325,551	26.64%
2013*	573,129	4.93%	2008	333,999	2.59%
<b>Average Change</b>			<b>Average Change</b>		
<b>11.63%</b>			<b>10.25%</b>		

\*Projected collection

The Accommodation Tax Fund indicates an even better growth rate at 10.25% for the previous five year period and 11.63% for the current five year period. The City's growth is in the Accommodations and Hospitality Tax funds.

In answer to a question by Council, Mr. Griffin stated that his biggest concerns with the budget are that the City is not investing in what we already own. The City is not able to maintain or invest in the parks, and that there are expectations of the community that are not being met because the budget is flat. In every category of business that the City does, prices are increasing. There is definitely an increase in cost to do business and the ways to raise money are very limited.

**BREAK: 5:10 p.m. to 5:25 p.m.**

Councilman Robinson left the meeting at 5:55 p.m.

**NEIGHBORHOOD REDEVELOPMENT DISUCSSION**

Mr. Griffin stated that a final draft of the Florence Neighborhood Action Plan has been distributed to City Council.

The Neighborhood priority needs as identified by the consultants were:

- Abandoned homes and properties
- Corridor improvements (complete streets)
- Safe Streets/Neighborhoods
- Drainage
- Property maintenance
- City/County "edge" issues
- Preservation of neighborhood character – North Florence
- Lack of neighborhood retail – East Florence

These are the most common and the highest priority areas identified by the neighborhood groups.

Other needs identified included Dilapidated housing and abandoned properties; Street improvements (sidewalks, drainage, streetscaping, neighborhood identity); Eliminations of illegal activity (illegal drug activity, burglary, vandalism, assaults, larceny); Drainage (public and private); Unmaintained and deteriorating properties – lack of tools by the City to cause improvements (residential



**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
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maintenance codes); and Pockets of neighborhoods that reside outside city limits (illegal activities and lack of effective enforcement).

**Neighborhood Statistics (From the neighborhood meetings)**

- Owner occupied and non-owner occupied housing units by City
- Criminal activity by City/neighborhood
- Nuisance/Code related activity by City/neighborhood
- Sanitation trouble spots by area

From this analysis and discussion, we will determine conclusions or direction for staff as relates to neighborhood redevelopment.

The control area for this analysis is the South Florence area. It is made of up 74% owner occupied units with 3,673 total housing units. This area had 947 incidents (reports generated by police and code violations); 0.26 incidents per housing unit; and 8.71% of total crime in 2012.

East Florence is 48% owner occupied with 341 total housing units. There were 756 incidents; 2.22 incidents per housing unit; 6.65% total crime in 2012. Residents in East Florence have an 8.4 times more likelihood of having a police or code violation in their area than a resident of the South Florence area.

North Florence is 53% owner occupied with 1,876 total housing units. There were 1,703 incidents; 0.91 incidents per housing unit; 11.18 percent of total crime for 2012 and residents in this area have a 3.50 times more likelihood to have an incident in their area than the control area of South Florence.

Northwest Florence is 35% owner occupied with 1,039 total housing units. There were 1,176 incidents; 1.13 incidents per housing unit. Total percent of crime for 2012 for this area was 8.17% and residents living in Northwest Florence have a 4.35 times more likelihood to have an incident than a resident of South Florence.

Two other areas included in this analysis are Timrod Park and Maple Park.

Timrod Park area is 51% owner occupied with 459 total housing units. There were 344 incidents with 0.75 incidents per housing unit. Percent of total crime in 2012 for this area was 2.41%. A resident of this area is 2.88 times more likely to have an incident in their area than in the South Florence area.

Maple Park is 51% owner occupied with 496 total housing units. There were 234 total incidents with 0.47 incidents per housing unit. Percent of total crime for 2012 for this area was 1.83%. Maple Park residents have a 1.81 times more likelihood of having an incident in their area than a resident in the South Florence area.

The final analysis was made up of the Neighborhood Action Plan Study area (targeted neighborhoods) and compared to the control area. There are 3,256 total housing units with 47% being identified as owner occupied. There were 3,635 total incidents with 1.12 incidents per housing unit. Percent of total crime for this area for 2012 was 25.99 % and a resident in this area is 4.31 times more likely to experience an incident than a resident of the South Florence area.

One conclusion that can be drawn from the last analysis as relates to the targeted area, is that non-owner occupied housing is closely tied to other issues that deteriorates or may assist in complete blight of an area. In the context of Florence, this area is very large and it either directly or indirectly impacts the economic development opportunity for downtown and other areas of Florence. The perception of a neighborhood is very important in recruitment and economic development. It will be a challenge to decide what the next steps are to improve these neighborhoods and change the perception of them.

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Neighborhood Improvement Strategies identified are:

- Neighborhood Planning Program
- Community Capacity Building
- Community Development Corporation
- Vacant and Abandoned Property Maintenance Ordinance
- Infrastructure Improvements
- Employer Assisted Initiatives
- Neighborhoods as Gateways
- Residential Branding/Marketing
- Residential Appearance and Design

Neighborhood planning and community capacity building goes to changing the way a neighborhood views themselves and also changes the way the Florence community views those neighborhoods.

People struggle with the concept of a Property Maintenance Ordinance, however as much as you want to fix the problem neighborhoods, the strong neighborhoods need strong codes and planning initiatives to preserve the integrity of them. The Unified Development Code is designed to help do that.

Infrastructure improvements, employer assisted initiatives, neighborhoods as gateways, residential branding/marketing and residential appearance and design are all part of the answer to improving our neighborhoods. One thing that was made clear during the neighborhood meetings was that people want to live in a safe environment and have an opportunity for housing.

Mr. Griffin stated there is \$290,000 in the budget that he would recommend a portion of it be used to move forward with an analysis to determine what the City's next steps should be.

Council discussed how the City could work with a Community Development Corporation; realizing how non-owner occupied housing is affecting the neighborhoods; looking into how realtors are presenting the different areas of Florence to future residents; and, focusing on maintaining existing neighborhoods while improving the neighborhoods in East, Northwest and North Florence.

Mr. Griffin stated that the best tools the City can have are property maintenance codes and a good basic Unified Development Code that addresses buffering, property land use, and decisions about how zoning is changed. In addition, the controversial areas would become best management practices.

Mayor Wukela stated that the general consensus of Council is a desire to move forward.

Councilman Willis made a motion to direct staff to move forward with the next steps and to give council plans for what would follow. Councilwoman Ervin seconded the motion, which carried unanimously.

Mayor Wukela made a motion to have direct council involvement on this issue on a regular basis and appointed Councilwoman Ervin to head up a three person committee to work directly with staff and help develop the proposals for the next steps. In addition, Councilwoman Ervin will appoint two members of Council to serve with her on this committee. Mayor Pro tem Brand seconded the motion, which carried unanimously.

**EXECUTIVE SESSION**

Mayor Wukela stated an Executive Session has been requested by staff to discuss a contractual and legal matter.

Councilman Willis made a motion to enter into Executive Session. Councilwoman Ervin seconded the motion, which carried unanimously.

Council entered into Executive Session at 6:44 p.m.

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**ADJOURN**

The meeting was adjourned at 7:12 p.m.

Dated this 13<sup>th</sup> day of May, 2013

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Dianne M. Rowan, Municipal Clerk

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Stephen Wukela, Mayor

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
MONDAY, APRIL 8, 2013 - 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 1:03 p.m. with the following members present: Councilman Robby L. Hill; Councilwoman Teresa Myers Ervin; Mayor Pro tem Buddy Brand; Councilwoman Octavia Williams-Blake and Councilman Glynn F. Willis. Councilman Ed Robinson arrived at 1:14 p.m.

**ALSO PRESENT:** Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney; Phillip Lookadoo, Director of Urban Planning, Research and Development; Thomas Chandler, Director of Finance; Michael Hemingway, Director of Utilities; Ray Reich, Downtown Development Manager; Chuck Pope, Director of Public Works; Scotty Davis, Director of General Services; and Chief Randy Osterman, Florence Fire Department.

Notice of the date, time and location of the meeting was provided to the media and those individuals requesting copies of the City Council agenda.

Mr. John Sweeney of the Morning News and Ms. Tonya Brown of WPDE-TV 15 were present for the meeting.

**INVOCATION**

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

**APPROVAL OF MINUTES**

Mayor Pro tem Brand made a motion to approve the minutes of the Regular Meeting of March 11, 2013. Councilman Willis seconded the motion, which carried unanimously.

**HONORS AND RECOGNITIONS**

**Service Recognitions**

Mayor Wukela recognized the following employees for their years of service:

James Grooms – 20 years - Stormwater  
Bryan Evans – 10 years - Wastewater  
Kendrick Spears – 10 years - Police

PUBLIC HEARING

A PUBLIC HEARING WILL BE HELD TO RECEIVE INPUT ON THE CITY'S  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR FISCAL YEAR  
2013-2014.

Mr. Scotty Davis, Director of General Services reported that the City of Florence is an entitlement city and receives Community Development Block Grant (CDBG) funds each year. The CDBG formula allocation is based on total population, percentage of low to moderate income persons, and the unemployment rate of a jurisdiction. The three main CDBG National Objectives that must be met when using the funds are: 1) Benefit low to moderate income persons; 2) Aid in the elimination of slum or blight; and 3) Meeting a need having particular urgency. These funds have been used in the past for the: Acquisition of real property; Rehabilitation of residential structures; Construction of public facilities and improvements (water and sewer facilities, streets, neighborhood centers, etc.); Road repaving; Demolition of abandoned units/lot clearing; Subdivision development; Down payment assistance; Upgraded Water/Sewer Lines; Drainage projects; Emergency rehabilitation; and Recreation projects.

At the direction of Council, the City's CDBG funding is allowed to provide funding to subrecipients (human service agencies that provide a service to the citizens of Florence). Previous subrecipients include:

- Boys and Girls Club
- Downtown Redevelopment Corporation
- Florence County DSN
- Florence School District One
- Girl Scouts
- Kemet School
- Light House Ministries
- Pee Dee Community Action Agency (Transitional Shelter, Micro Loan Program and Weed and Seed)
- Senior Citizen's Association

Several public hearings have been held throughout the City of Florence for the purpose of receiving input from the public on the expenditure of the CDBG funds. Neighborhood requests included the following:

- Abandoned homes and properties
- Drainage/flooding problems
- Lack of neighborhood retail
- Road conditions
- A request for a Community Center at Iola Jones Park

The 2013-2014 Proposed CDBG Budget includes:

- \$100,000 for Recreational Improvements (Section 108 Loan)
- \$70,000 for Emergency Rehabilitation
- \$30,000 for the Pee Dee Transitional Shelter.

Mayor Wukela declared the public hearing open at 1:13 p.m. for the purpose of receiving questions or comments regarding the CDBG funding for the 2013-2014 fiscal year.

There was no one present requesting to speak; therefore Mayor Wukela declared the public hearing closed at 1:14 p.m.

**SPECIAL RECOGNITION**

**Councilwoman Teresa Myers Ervin – to recognize the Florence Stings – Eastern District Championship Runners Up**

Councilwoman Ervin recognized Mr. Spencer Scott, Coach of the Girls 12 and under City Recreation Basketball Team who recently earned the title of 2013 Eastern District Runners Up. Other honors for the program included the sixth grade girls' team placing sixth at the National Tournament held in Florida and the eleventh grade girls' team were runners up in the State Championship Tournament and third place in the National Championship Tournament. The third grade boys played in the Asheville, North Carolina Twin City Classic and won in their bracket as well.

Councilwoman Ervin thanked Mr. Scott and his assistant coaches for the job they are doing with these young boys and girls.

**APPEARANCE BEFORE COUNCIL**

**Mr. John Jebaily, Chairman, Parks and Beautification Commission**

Mr. Jebaily, Chairman of the Parks and Beautification Commission presented the Commission's Annual Plan to Council.

Mr. Jebaily began his report by thanking city staff for their support and work with the Commission. The Annual Plan solicits for additional funding for both amenities for the parks and additional staffing. Mr. Jebaily reported on the following activities.

**Arbor Day** was held on December 7, 2012 in the City's breezeway where two trees were replanted that were rescued from the Bush Recycling site. The City of Florence continues to lead the state with the number of trees planted each year. This is the 32<sup>nd</sup> year in a row that Florence has been known as a Tree City and the 9<sup>th</sup> consecutive year that the Growth Award has been received.

**The Teen Center** at Barnes Street continues to be strong, offering a variety of different programs that attract children throughout the community. In addition, the Center hosts adult programs such as Community Wellness, and GED Assistance courses. The teen programs consist of after school homework, culinary prep, basic barbering and others.

**The Florence Trail System** continues to be well utilized by residents of the community and a connector to the Trail System has been added near the Williams Heights Community.

**The Blue Trail in Jefferies Creek** is mostly for kayaks and canoes. Launch points are planned for Naturally Outdoors, Jefferies Creek and Freedom Florence.

**Athletics** - It is estimated that over 5,000 children have and will continue to participate in athletic programs here in Florence. Mr. Jebaily stated that the Commission continues to solicit support for a new gymnasium. Currently there are two basketball gymnasiums; one at Moore Middle School and one at Williams Middle School.

**Afterschool programs** continue to run Monday through Friday and include homework club, healthy snack program, movie night, board games, reading, playstation and wellness activities. There are approximately 191 children enrolled in afterschool programs at Maple Park, Levy Park, Northwest Park and the Barnes Street Activity Center.

**Florence Tennis Complex** – Since Mr. Jebaily's last report to Council, there has been 11 tournaments held at the Complex. At the 11 tournaments there were 2,196 players, 5,490 spectators, of which 95% were from outside the Florence area. This had an economic impact of \$4,700,000 when factoring in a minimum of two nights hotel accommodations as well as food, fuel, entertainment and miscellaneous spending.

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**Freedom Florence** continues to be a revenue generator and is still the largest generator of visitors that adds to the City's accommodations taxes. There were 38 tournaments held at Freedom Florence since the last report to Council. The tournaments resulted in an economic impact to the City of Florence of approximately \$15.8 million dollars. This included 23,440 players and spectators. It is estimated that 11,720 nights in hotel rooms were utilized. Mr. Jebaily requested that Council allocate funds for a playground to be placed at Freedom Florence.

**Senior programs** – There are senior programs everyday at Levy Park and Northwest Park and two days a week at Maple Park.

**Improvements and Needs for area Parks** - Improvements at Levy Park have been completed and new paving is underway for the basketball courts at Iola Jones Park and Northwest Community Center. Basketball courts are being resurfaced and old tennis courts are being replaced by green space. The old tennis courts at Northside Park are being removed. Three bids have been awarded for the Barnes Street Improvement Project, however no contracts have been signed. At Maple Park the old playground equipment has been removed and the contractors should be installing the new playground equipment is being installed. At Timrod Park certain pieces of equipment are to be removed this week and a new playground will be installed. The entrance sign at Freedom Florence needs to be replaced. The Bruce Lee Foundation donated \$100,000 to be used at McLeod Park for improvements and upgrades. An agreement was signed with URS (the old BP Barber Engineering firm) to conduct a survey to determine the best way to correct the drainage problems.

The Commission just completed their 10<sup>th</sup> retreat on January 26, 2013. As last year, it was held at the Dr. Eddie Floyd Tennis Complex. Many new ideas continue to emerge at the roundtable discussions with staff. This year different divisions of city staff were engaged. Each described their role and how they interact with the citizens of the community. Darlene Buchanon performed the welcome; department updates were conducted with Adam Swindler and Matt Watts; healthy trees vs unhealthy trees were identified with Jennie Lee; Matthew Watts discussed the department accomplishments; Chuck Pope delivered current project update; new member orientation was conducted; also new program development; brainstorming and closing comments.

**Beautification Committee** – In this discussion the Committee found out Florence is just like every other community; there are issues to discuss and hopefully resolve. What can we do to beautify our city? One item that constantly comes up is to bury the power lines – one block at a time. Mr. Jebaily stated that once again he would like to commend the Mayor for his efforts to clean up and raze dilapidated homes scattered throughout the community. They are a breeding ground of undesirable activities and his efforts have had a positive impact in making significant changes in the right direction of restoring family values in those neighborhoods. Another item discussed is illuminating the railroad underpasses on both Cheves and Church Streets and Palmetto and Church Streets. The committee believes this will reduce unwanted activities in the area and beautify the entrance into the downtown. Councilman Willis and Councilman Hill are actively involved in this process and hopefully it will become a reality.

**The Veterans Park** continues to be an attraction to the local public as well as travelers on I-95.

Mr. Barry Wingard, Chairman of the Veterans Park Committee, provided an update on the activities of the Veterans Park.

Mr. Wingard reported that work is still being done on a World War II monument for the Park. Recently United Hospice donated the materials and the labor to create a steel kiosk at the Park. The kiosk will be used to house information and maps of the Veterans Park. An anonymous contribution was received that paid for three plaques to honor the three soldiers from the Timmonsville Unit that were killed in Afghanistan. It is the intent of the Committee to dedicate the next panel, which will include those three names, at the next Veterans Day ceremony.

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Last July the Veterans Park hosted a concert by the South Carolina Army National Guard Band with about 700 people attending. In September, the 133<sup>rd</sup> MPs returned to South Carolina from Afghanistan with about 1,000 people in attendance. Last November the Veterans Day ceremony was held at the Park with about 800 people attending.

On April 19<sup>th</sup> a flag retirement ceremony will be held at the park. This is an Eagle Scout Project and the request was made from a local boy scout. On April 27<sup>th</sup>, for the first time, the Park will be used as the venue for a wedding.

Mr. Wingard thanked City Staff for their continued help.

In closing, Mr. Wingard requested that if there are changes made at the Civic Center, that a permanent restroom facility be added at the end of the parking lot. This would benefit the people that use the Civic Center that park on that end as well as visitors of the Veterans Park. Mr. Wingard also stated that a back entrance to the Park coming off of Woody Jones Blvd. would be very beneficial, both to the Civic Center and the Veterans Park.

**Councilman Robby Hill, Chairman, Florence County Legislative Day**

Councilman Hill gave an update on the 11<sup>th</sup> Annual Florence County Legislative Day that was held in Columbia, SC on March 19, 2013. Florence County Legislative Day is a three-way partnership between the City of Florence, Florence County and the Florence County Progress division of the county's economic development office. Together these three entities host an event for the South Carolina Legislature that showcases the industry and progress of Florence County. There were 24 exhibitors from the Florence area that attended the event. Councilman Hill thanked City staff for their participation in the event and also thanked Florence County for their support.

**Councilman Glynn F. Willis, Co-Chair, City County Conference Committee – will give a report on the March 20, 2013 meeting of the Committee**

Councilman Willis reported on the items that were discussed at the March 20 City County Conference Committee meeting.

The first item was improving the appearance of the East Palmetto Street corridor entering the City from the Airport area. The next item was exploring the development of a new specialized building code ordinance that will better meet the needs of property owners and developers that desire to remodel existing older commercial and residential buildings, both in the City and the County.



ORDINANCES IN POSITION

BILL NO. 2013-03 – SECOND READING

A SERIES ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BORROWING OF THE CITY OF FLORENCE, AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989, AS AMENDED; APPROVING THE FINANCING OF SYSTEM IMPROVEMENTS IN THE CITY OF FLORENCE, SOUTH CAROLINA, THROUGH THE BORROWING OF NOT EXCEEDING \$10,626,372 PLUS CAPITALIZED INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND, BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; PROVIDING FOR THE AGREEMENT TO MAKE AND TO ACCEPT A LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE CITY OF FLORENCE TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

A Series Ordinance making provision for the terms and conditions of combined waterworks and sewerage system revenue borrowing of the City of Florence, authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989, as amended; approving the financing of system improvements in the City of Florence, South Carolina, through the borrowing of not exceeding \$10,626,372 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund, by agreement with the South Carolina Water Quality Revolving Fund Authority pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended; providing for the agreement to make and to accept a loan, the execution and delivery of a loan agreement between the City of Florence and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the City of Florence to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2013-03 on second reading. Councilman Willis seconded the motion, which carried unanimously.

INTRODUCTION OF ORDINANCES

BILL NO. 2013- 04 – FIRST READING

AN ORDINANCE TO GRANT TO CROWN CASTLE NG EAST INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AND AUTHORITY TO CONSTRUCT, INSTALL, MAINTAIN, AND OPERATE IN, OVER, UPON AND UNDER THE STREETS AND PUBLIC PLACES OF THE CITY OF FLORENCE, ITS LINES, POLES, WIRES, CABLES, AND OTHER TELECOMMUNICATIONS FACILITIES TO RENDER TELECOMMUNICATIONS SERVICES TO ITS CUSTOMERS IN THE CORPORATE LIMITS OF THE CITY OF FLORENCE FOR SUCH PERIOD AS PROVIDED HEREIN; AND TO PROVIDE FOR THE PAYMENT OF COMPENSATION FOR THE USE OF THE STREETS AND PUBLIC PLACES.

An Ordinance to grant to Crown Castle, NG East Inc., its successors and assigns, the right, power, and authority to construct, install, maintain, and operate in, over, upon and under the streets and public places of the City of Florence, its lines, poles, wires, cables, and other telecommunications facilities to

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render telecommunications services to its customers in the corporate limits of the City of Florence for such period as provided herein; and to provide for the payment of compensation for the use of the streets and public places was passed on first reading.

Mr. Thomas Chandler, Director of Finance reported that the City has received a request for a franchise and consent agreement ordinance from Crown Castle, a Delaware corporation in the telecommunications business. State Law does provide for authorization by a municipality for the construction, installation, maintenance and operation in and under streets and rights-of-ways of the municipality for the company's lines, antennas, wires, cables, etc. to provide telecommunications services to its customers in the municipality. State Law also provides for an annual fee, for a municipality of our size, \$1,000 per year. This agreement would be for a 10 year period and would continue in force each year thereafter until properly terminated by either party.

Councilman Willis made a motion to pass Bill No. 2013-04 on first reading. Councilman Hill seconded the motion.

Mr. Christopher Sinclair, Director of Government Relations for Crown Castle answered Council's questions regarding their application to access the public way for the provision of telecommunications services and what will be involved to provide those services. Crown Castle has been approached by a household wireless company requesting they develop a network that will improve their coverage and/or capacity within the city limits of Florence.

Council voted unanimously to pass Bill No. 2013-04.

**BILL NO. 2013-05 – FIRST READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY FLORENCE SCHOOL DISTRICT ONE.**

An Ordinance to annex and zone property owned by Florence School District One was passed on first reading.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported this is a request to annex Tax Map # 00099-01-003, into the City of Florence and zone it to R-3, Single Family Residential District. The request is being made by the property owner, Florence School District One.

Water and sewer services are currently available and there is no cost to extend utility services.

A public hearing for zoning was held at the March 12, 2013 Planning Commission meeting. No one was present to voice concerns or support the request. The Planning Commission members voted 8-0 to recommend the zoning request of R-3, Single Family Residential District.

Mayor Pro tem Brand made a motion to pass Bill No. 2013-05 on first reading. Councilman Hill seconded the motion, which carried unanimously.

**BILL NO. 2013-06 – FIRST READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY THE CITY OF FLORENCE.**

An Ordinance to annex and zone property owned by the City of Florence was passed on first reading.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported to Council that this is a request to annex property located at 121 N. Ebenezer Road. The property is shown more specifically on Florence County Tax Map #00099-01-155. The request is to annex the property into the City of Florence and zone it to R-3, Single Family Residential District. The request is being made by the property owner, the City of Florence. This site has a City of Florence Water Production Plant located on it.

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A public hearing for zoning was held at the March 12, 2013 Planning Commission meeting. No one was present to voice concerns or support the request. The Planning Commission members voted 8-0 to recommend the zoning request of R-3, Single Family Residential District. The Utilities Department will add a fire hydrant at the site.

Councilman Willis made a motion to pass Bill No. 2013-06 on first reading. Mayor Pro tem Brand seconded the motion, which carried unanimously.

**BILL NO. 2013-07 – FIRST READING**

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE LAND DEVELOPMENT AND SUBDIVISION ORDINANCE IN ORDER TO REESTABLISH THE CITY'S VESTED RIGHTS ORDINANCE WHICH, AS A RESULT OF CLERICAL ERROR, WAS INADVERTENTLY OMITTED FROM ORDINANCE NO. 2007-39.**

An Ordinance to amend the City of Florence Land Development and Subdivision Ordinance in order to reestablish the City's Vested Rights Ordinance which, as a result of clerical error, was inadvertently omitted from Ordinance No. 2007-39 was passed on first reading.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported that in 2005 the City was required to have a Vested Rights Ordinance adopted and Council adopted one. In 2007 the City was also required to adopt provisions or amendments to the Land Development Subdivision Regulations in accordance with the NPDES Phase II Stormwater Requirements. In that process the Vested Rights section of the Land Development Subdivision Regulations was inadvertently left out. This was noticed recently and was due to a clerical error. In consultation with the City Attorney, it was determined that staff could reinstate the exact identical Vested Rights Ordinance back into the City's Code. Bill No. 2013-07 is an amendment that reflects the exact insertion of the old Code into the new Subdivision Code.

Mayor Pro tem Brand made a motion to pass Bill No. 2013-07 on first reading. Councilwoman Ervin seconded the motion, which carried unanimously.

**BILL NO. 2013-08 – FIRST READING**

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE SECTION 8.7, CERTIFICATES OF ZONING COMPLIANCE – WHEN REQUIRED AND SECTION 8.8, CERTIFICATES OF ZONING COMPLIANCE – REPAIR PERMITS.**

An Ordinance to amend the City of Florence Zoning Ordinance Section 8.7, Certificates of Zoning Compliance – When Required and Section 8.8, Certificates of Zoning Compliance – Repair Permits was passed on first reading.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported that currently the Zoning Ordinance requires that a Zoning Compliance be issued for all permits requiring a building permit. Until recently, building permits were issued for routine maintenance and repair work, such as plumbing, electrical and mechanical jobs. The Building Department has amended their permitting structure so that now plumbing, electrical and mechanical repairs require a trade permit rather than a building permit. With the proposed text amendments, a Certificate of Zoning Compliance would not be required for permits that do not result in a change of land use or alter the building footprint or vertical elevation. The only exception to that is if it is in one of the downtown overlay districts.

At the March 12, 2013 Planning Commission meeting, the members present voted 8-0 to approve the amendment.

Councilwoman Ervin made a motion to pass Bill No. 2013-08 on first reading. Councilman Willis seconded the motion, which carried unanimously.

**BILL NO. 2013-09 – FIRST READING**

**AN ORDINANCE AUTHORIZING THE TRANSFER OF PARCEL CONTAINING APPROXIMATELY 23.4 ACRES AND DESIGNATED AS TAX MAP 00178-01-001 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR.**

An Ordinance authorizing the transfer of parcel containing approximately 23.4 acres and designated as Tax Map 00178-01-001 in the records of the Florence County Tax Assessor was passed on first reading.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported this is the same property that at the March 11, 2013 meeting Council voted to declare as surplus. It is a combination for a 14.9 acre parcel that was subdivided out of the remaining portion of the land that the City owns adjacent to the Wastewater Facility. It was combined with the property that formally housed the Animal Shelter. This is part of a larger master plan that was spoken about earlier for the Florence Stockade and actually completes the footprint that was contemplated for the Stockade. It was also subject to a grant stipulation for the Animal Shelter that the City deed this land to the Friends of the Florence Stockade as a condition of that grant. Staff recommends that Council approve the proposed Ordinance allowing for the conveyance of this property to the Friends of the Florence Stockade.

Mayor Pro tem Brand made a motion to pass Bill No. 2013-09 on first reading. Councilman Willis seconded the motion, which carried unanimously.

**BILL NO. 2013-10 – FIRST READING**

**AN ORDINANCE APPROVING THE EXECUTION OF THE AGREEMENT WITH THE TOWN OF TIMMONSVILLE TO CARRY OUT THE CONVEYANCE OF TIMMONSVILLE'S COMBINED WATER AND WASTEWATER INFRASTRUCTURES AND UTILITIES CONTINGENT UPON BEING ABLE TO FINALIZE BOTH FINANCING AND A CONSENT DECREE SATISFACTORY TO THE CITY OF FLORENCE AND CONTINGENT UPON THE TOWN OF TIMMONSVILLE'S HOLDING A SUCCESSFUL REFERENDUM AND ADOPTING NECESSARY ORDINANCES APPROVING THE CONVEYANCE TO THE CITY OF FLORENCE.**

An Ordinance approving the execution of the agreement with the Town of Timmons ville to carry out the conveyance of Timmons ville's combined water and wastewater infrastructures and utilities contingent upon being able to finalize both financing and a consent decree satisfactory to the City of Florence and contingent upon the Town of Timmons ville's holding a successful referendum and adopting necessary ordinances approving the conveyance to the City of Florence was passed on first reading.

Mayor Wukela stated before Council votes on and discusses this matter, it may be appropriate that Legal Advice is received in Executive Session.

**EXECUTIVE SESSION**

Mayor Pro tem Brand made a motion to enter into Executive Session to receive legal advice regarding Bill No. 2013-10. Councilwoman Ervin seconded the motion, which carried unanimously.

Council entered into Executive Session at 2:30 p.m.

Mayor Wukela reconvened the Regular Meeting at 3:23 p.m.

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
APRIL 8, 2013 – PAGE 10**

**BILL NO. 2013-10**

Mayor Wukela stated Council received legal advice while in Executive Session with regard to Bill No. 2013-10.

Mayor Wukela reported that the City of Florence is on the path to what is hopefully a resolution to the desperate situation in Timmons ville with regard to their water and wastewater system. To recap the situation: Timmons ville's water and wastewater system is in violation of both its permits with the EPA as well as the SC DHEC. They have been discharging untreated waste into the river for some time and their water capacity is so perilous that Honda, which operates on their system, has at least on one recent occasion, been very close to not having sufficient pressure to continue to operate. For the past few months, City staff and Council have been involved in trying to reach some sort of resolution for a desperate problem that exists in Timmons ville. Mayor Wukela recognized Congressman Rice's office and Senator Graham's office, as well as the rest of the delegation, all of which have been very helpful in trying to craft a Resolution to the problem. That has also been the case with Senator Scott as well and Congressman Clyburn and Senator Leatherman, who has been particularly helpful. A critical issue has been the reality that Timmons ville's system requires immediate improvements within the next two years but also in the long term it is going to require at least \$12 million dollars to bring their system into compliance with their permits and to make their water safe and to cease the violations of the Clean Water Act. Also, Timmons ville has a \$6.5 million debt with the U.S. Department of Agriculture, of which they have notified the USDA they will not be repaying. This is a system that requires \$18.5 million dollars, both new and old money combined in order to make it compliant with law and simple safety.

This process began when the City of Florence was approached by the EPA with regard to whether the City would consider operating as a receiver for the Town of Timmons ville. It was determined quickly that a receivership was not a viable solution simply because of the sheer amount of improvements and repairs that needed to be made to the system. A receiver doesn't bring any money, they simply come in and operate a system and there wasn't anything that could be done to operate Timmons ville's system in compliance with the permits without making massive amounts of repairs and improvements. The next discussion was trying to determine whether there was a way that the City of Florence would accept a conveyance of the system from Timmons ville to the City of Florence. During these discussions there was one critical and necessary prerequisite and that was that the City of Florence rate payer be held harmless in this process and see no effect in their rate, quality of service, or the credit worthiness and the financial stability of Florence's system. The City of Florence Utility System is very healthy and it was critical that it not be jeopardized in any way by this endeavor. The City of Florence has entered into discussions with the Town of Timmons ville and the USDA, with the help of members of Congress and Senator Leatherman to try and devise a solution that met that prerequisite. Bill No. 2013-10 is an authorization of an agreement with the Town of Timmons ville to accept the conveyance of the system with necessary caveats and contingencies. Those contingencies are: 1) That the City of Florence is able to finalize financing with the USDA that meets the prerequisite that the City's rate payers are unaffected and held harmless; and 2) that a referendum is held in the Town of Timmons ville that authorizes the Town to make that conveyance. Staff has been discussing this for some months and feels that there is no other option. The jeopardy that the people of the Town of Timmons ville and their industry, particularly Honda, are in requires the City of Florence's action.

Mayor Pro tem Brand made a motion to pass Bill No. 2013-10 on first reading. Councilwoman Ervin seconded the motion, which carried unanimously.

**INTRODUCTION OF RESOLUTIONS**

**RESOLUTION NO. 2013-08**

**A RESOLUTION TO DECLARE APRIL 16, 2013 AS HEALTHCARE DECISIONS DAY**

A Resolution to declare April 16, 2013 as Healthcare Decisions Day was adopted by Council.

**RESOLUTION NO. 2013-09**

**A RESOLUTION TO DECLARE THE WEEK OF APRIL 15 – APRIL 22, 2013 AS DAYS OF REMEMBRANCE**

A Resolution to declare the week of April 15-April 22, 2013 as Days of Remembrance was adopted by Council.

**RESOLUTION NO. 2013-10**

**A RESOLUTION TO DECLARE APRIL 9, 2013 AS NATIONAL SERVICE RECOGNITION DAY**

A Resolution to declare April 9, 2013 as National Service Recognition Day was adopted by Council.

Mayor Wukela requested that a single motion be made to adopt Resolution No. 2013-08, Resolution No. 2013-09, and Resolution No. 2013-10.

Councilwoman Ervin made a motion to adopt Resolution No. 2013-08, Resolution No. 2013-09, and Resolution No. 2013-10. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

**ADJOURN**

Councilman Hill made a motion to adjourn the meeting. Councilman Willis seconded the motion, which carried unanimously.

The meeting was adjourned at 3:31 p.m.

Dated this 13<sup>th</sup> day of May, 2013.

\_\_\_\_\_  
Dianne M. Rowan, Municipal Clerk

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

**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
MONDAY, APRIL 15, 2013 - 4:30 P.M.  
CITY-COUNTY COMPLEX, CONFERENCE ROOM 605  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Wukela called the special meeting to order at 4:33 p.m. with the following members present: Councilman Robby L. Hill; Mayor Pro tem Buddy Brand; Councilman Ed Robinson and Councilman Glynn F. Willis.

**MEMBERS ABSENT:** Councilwoman Octavia Williams-Blake and Councilwoman Teresa Myers Ervin.

**ALSO PRESENT:** Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney and Mr. Thomas Chandler, Director of Finance.

Notice of the date, time and location of the special meeting was provided to the media and those individuals requesting copies of the City Council agenda.

Mr. Ken Baker of WMBF News was present for the meeting.

**INVOCATION**

Councilman Glynn F. Willis gave an invocation before the meeting. The Pledge of Allegiance to the American Flag followed the invocation.

**ORDINANCES IN POSITION**

**BILL NO. 2013-03 – SECOND READING**

**AN ORDINANCE APPROVING THE EXECUTION OF THE AGREEMENT WITH THE TOWN OF TIMMONSVILLE TO CARRY OUT THE CONVEYANCE OF TIMMONSVILLE'S COMBINED WATER AND WASTEWATER INFRASTRUCTURES AND UTILITIES CONTINGENT UPON BEING ABLE TO FINALIZE BOTH FINANCING AND A CONSENT DECREE SATISFACTORY TO THE CITY OF FLORENCE AND CONTINGENT UPON THE TOWN OF TIMMONSVILLE'S HOLDING A SUCCESSFUL REFERENDUM AND ADOPTING NECESSARY ORDINANCES APPROVING THE CONVEYANCE TO THE CITY OF FLORENCE.**

An Ordinance approving the execution of the agreement with the Town of Timmons ville to carry out the conveyance of Timmons ville's combined water and wastewater infrastructures and utilities contingent upon being able to finalize both financing and a consent decree satisfactory to the City of Florence and contingent upon the Town of Timmons ville's holding a successful referendum and adopting necessary ordinances approving the conveyance to the City of Florence was adopted on second reading.

Mr. Jim Peterson confirmed that the Town of Timmons ville has passed their ordinance regarding this agreement. Their ordinance calls for a referendum to be held June 25, 2013 and everything in the agreement is contingent upon the referendum passing. The referendum approves the same agreement that is attached to Bill No. 2013-03 that is before City Council for second reading. The City's Ordinance approves the execution of the agreement with Timmons ville and if all of the contingencies are met, including the passage of the referendum, Timmons ville will convey their water and sewer utility to the City of Florence. If the referendum passes, a Resolution agreeing to accept the conveyance will be presented to City Council for their approval at the July 8<sup>th</sup> City Council meeting.

**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
APRIL 15, 2013 – PAGE 2**

Mayor Pro tem Brand made a motion to adopt Bill No. 2013-03 on second reading. Councilman Willis seconded the motion, which was approved unanimously.

**ADJOURN**

There being no further business, Mayor Pro tem Brand made a motion to adjourn the meeting. Councilman Willis seconded the motion, which carried unanimously.

The meeting was adjourned at 4:46 p.m.

Dated this 13<sup>th</sup> day of May, 2013.

\_\_\_\_\_  
Dianne M. Rowan, Municipal Clerk

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



FLORENCE CITY COUNCIL MEETING

VII. a.  
Bill No. 2013-04  
Second Reading

DATE: April 8, 2013  
AGENDA ITEM: Ordinance – First Reading  
DEPARTMENT: Finance

I. ISSUE UNDER CONSIDERATION

An Ordinance granting Crown Castle NG East Inc. ("Crown Castle"), a Delaware corporation (formerly known as NextG Networks of NY, Inc.), the non-exclusive right to construct and maintain telecommunications facilities in public rights-of-way and to use those facilities to render telecommunication services to its customers within the City of Florence.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

- A. No previous action has been taken on this ordinance.
- B. The City currently has franchise/consent agreements with Palmetto Net, Inc. and Spirit Communications for fiber optic cable constructed along public rights-of-way in the City of Florence.

III. POINTS TO CONSIDER

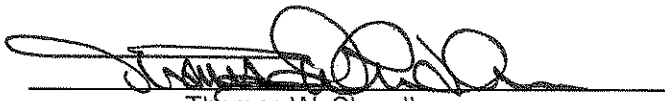
- A. Crown Castle has requested that the City of Florence grant a non-exclusive franchise and consent authorizing the company the non-exclusive right to construct and maintain fiber optic cable to connect a distributed antenna system (DAS) network of microcellular node sites, consisting of small antennas and optical repeaters, generally on existing infrastructure, in public rights-of-way and to use those facilities to render telecommunication services to its customers within the City of Florence.
- B. Payment for consent to use the public right-of-way will be in the form of an annual fee of \$1,000 per year, as provided by State law.
- C. This franchise and consent agreement constitutes a contract between the City of Florence, SC and Crown Castle for a period of ten (10) years and shall continue in force each year thereafter until properly terminated by either party.


IV. STAFF RECOMMENDATION

Approval and adoption of the proposed ordinance.

V. ATTACHMENTS

- A. Franchise and Consent Agreement Ordinance
- B. Copy of SC State Law Pertaining to Municipal Charges to Telecommunications Providers
- C. Documents provided by Crown Castle:
  - Letter of request by Crown Castle
  - Letter with narrative describing planned network
  - Preliminary Network Map
  - Crown Castle Certificate of Liability Insurance
  - SC Public Service Commission Order for NextG
  - State of Delaware, Secretary of State, Document, "Certificate of Amendment of Certificate of Incorporation of NextG Networks of NY, Inc."
  - Local Official's Guide to a Telecommunications Application from Crown Castle

  
Thomas W. Chandler  
Finance Director

  
Andrew H. Griffin  
City Manager

SOUTH CAROLINA CODE OF LAWS

TITLE 58, CHAPTER 9

ARTICLE 20.

MUNICIPAL CHARGES TO TELECOMMUNICATIONS PROVIDERS

**SECTION 58-9-2200.** Definitions.

As used in this article:

(1) "Telecommunications service" means the provision, transmission, conveyance, or routing for a consideration of voice, data, video, or any other information or signals of the purchaser's choosing to a point, or between or among points, specified by the purchaser, by or through any electronic, radio, or similar medium or method now in existence or hereafter devised. The term "telecommunications service" includes, but is not limited to, local telephone services, toll telephone services, telegraph services, teletypewriter services, teleconferencing services, private line services, channel services, Internet protocol telephony, and mobile telecommunications services and to the extent not already provided herein, those services described in North American Industry Classification System Manual (NAICS) 5171, 5172, 5173, 5174, and 5179, except satellite services exempted by law.

(2) "Retail telecommunications service" includes telecommunications services as defined in item (1) of this section but shall not include:

(a) telecommunications services which are used as a component part of a telecommunications service, are integrated into a telecommunications service, or are otherwise resold by another provider to the ultimate retail purchaser who originates or terminates the end-to-end communication including, but not limited to, the following:

(i) carrier access charges;

(ii) right of access charges;

(iii) interconnection charges paid by the providers of mobile telecommunications services or other telecommunications services;

(iv) charges paid by cable service providers for the transmission by another telecommunications provider of video or other programming;

(v) charges for the sale of unbundled network elements;

(vi) charges for the use of intercompany facilities; and

(vii) charges for services provided by shared, not-for-profit public safety radio systems approved by the FCC;

(b) information and data services including the storage of data or information for subsequent retrieval, the retrieval of data or information, or the processing, or reception and processing, of data or information intended to change its form or content;

(c) cable or video services that are subject to franchise fees;

(d) satellite television broadcast services.

(3) "Telecommunications company" means a provider of one or more telecommunications services.

(4) "Cable service" includes, but is not limited to, the provision of video programming or other programming service to purchasers, and the purchaser interaction, if any, required for the selection or use of the video programming or other programming service, regardless of whether the programming is transmitted over facilities owned or operated by the cable service provider or over facilities owned or operated by one or more other telecommunications service providers.

(5) "Mobile telecommunications service" includes, but is not limited to, any one-way or two-way radio communication service carried on between mobile stations or receivers and land stations and by mobile stations communicating among themselves, through cellular telecommunications services, personal communications services, paging services, specialized mobile radio services, and any other form of mobile one-way or two-way communications service.

(6) "Service address" means the location of the telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a retail customer. If this location is not a defined location, as in the case of mobile phones, paging systems, maritime systems, and the like, "service address" means the location of the retail customer's primary use of the telecommunications equipment or the billing address the customer gives to the service provider, provided that the billing address is within the licensed service area of the service provider. A sale of postpaid calling services is sourced to the origination point of the telecommunications signal as first identified by either (i) the seller's telecommunications system; or (ii) information received by the seller from its service provider, if the system used to transport such signals is not that of the seller.

(7) "Bad debt" means any portion of a debt that is related to a sale of telecommunications services and which has become worthless or uncollectible, as determined under applicable federal income tax standards.

(8) "Postpaid calling service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number that is not associated with the origination or termination of the telecommunications service.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2003 Act No. 69, Section 3.TT, eff January 1, 2005; 2005 Act No. 8, Section 1, eff January 13, 2005; 2005 Act No. 8, Section 2, eff January 13, 2005; 2007 Act No. 8, Section 3, eff March 30, 2007.

**SECTION 58-9-2210.** Cable service franchise agreement authority.

Nothing in this article shall limit a municipality's authority to enter into and charge for franchise agreements with respect to cable services as governed by 47 U.S.C. Section 542.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

**SECTION 58-9-2220.** Retail telecommunications services business license taxes; maximum rates.

Notwithstanding any provision of law to the contrary:

(1) A business license tax levied by a municipality upon retail telecommunications services for the years 1999 through the year 2003 shall not exceed three-tenths of one percent of the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The business license tax levied by a municipality upon retail telecommunications services for the year 2004 and every year thereafter shall not exceed the business license tax rate as established in Section 58-9-2220(2). For a business in operation for less than one year, the amount of business license tax authorized by this section must be computed based on a twelve-

month projected income.

(2) The maximum business license tax that may be levied by a municipality on the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality for a business license tax year beginning after 2003 is one percent of gross income derived from the sale of retail telecommunication services.

(3) A business license tax levied by a municipality upon the retail telecommunications services provided by a telecommunications company must be levied in a competitively neutral and nondiscriminatory manner upon all providers of retail telecommunications services.

(4) The measurement of the amounts derived from the retail sale of telecommunications services does not include:

(a) an excise tax, sales tax, or similar tax, fee, or assessment levied by the United States or any state or local government including, but not limited to, emergency telephone surcharges, upon the purchase, sale, use, or consumption of a telecommunications service, which is permitted or required to be added to the purchase price of the service; and

(b) bad debts.

(5) A business license tax levied by a municipality upon a telecommunications company must be reported and remitted on an annual basis. The municipality may inspect the records of the telecommunications company as they relate to payments under this article.

(6) The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2005 Act No. 8, Section 3, eff January 13, 2005.

**SECTION 58-9-2230.** Public rights-of-way franchise, consent and administrative fees; authorized taxes; mobile telecommunications services.

(A) A municipality shall manage its public rights of way on a competitively neutral and nondiscriminatory basis and may impose a fair and reasonable franchise or consent fee on a telecommunications company for use of the public streets and public property to provide telecommunications service unless the telecommunications company has an existing contractual, constitutional, statutory, or other right to construct or operate in the public streets and public property including, but not limited to, consent previously granted by a municipality. A fair and reasonable franchise or consent fee imposed upon a telecommunications company shall not exceed the annual sum set forth in the following schedule based on population:

Tier I--1--1,000--\$ 100.00

Tier II--1,001--3,000--\$ 200.00

Tier III--3,001--5,000--\$ 300.00

Tier IV--5,001--10,000--\$ 500.00

Tier V--10,001--25,000--\$ 750.00

Tier VI--Over 25,000--\$1,000.00

This franchise or consent fee is in lieu of any permit fee, encroachment fee, degradation fee, or other fee assessed on a telecommunications provider for its occupation of or work within the public right of way.

(B) A municipality shall manage its public rights of way on a competitively neutral and nondiscriminatory basis and may impose an administrative fee upon a telecommunications company that is not subject to subsection (A) in this section and that constructs or installs or has previously constructed or installed facilities in the public streets and public property to provide telecommunications service. The fee imposed on a telecommunications company shall not exceed the annual sum set forth in the following schedule based on population:

Tier I--1--1,000--\$ 100.00

Tier II--1,001--3,000--\$ 200.00

Tier III--3,001--5,000--\$ 300.00

Tier IV--5,001--10,000--\$ 500.00

Tier V--10,001--25,000--\$ 750.00

Tier VI--Over 25,000--\$1,000.00

This administrative fee is in lieu of any permit fee, encroachment fee, degradation fee, or other fee assessed on a telecommunications provider for its occupation of or work within the public right of way.

(C) A municipality shall not levy any tax, license, fee, or other assessment on a telecommunications service, other than (1) the business license tax authorized by this article, and (2) franchise fees as defined and regulated under 47 U.S.C. Section 542; provided, however, that nothing in this subsection restricts the right of a municipality to impose ad valorem taxes, sales taxes, or other taxes lawfully imposed on other businesses within the municipalities. This subsection does not prohibit a municipality from assessing upon a telecommunications company fees of general applicability such as sanitation fees, building permit fees, and zoning permit fees that are not related to the telecommunications company's occupation of or work within the public right of way.

(D) A telecommunications company, including a mobile telecommunications company providing mobile telecommunications services, is not considered to be using public streets or public property unless it has constructed or installed physical facilities in public streets or on public property. The use of public streets or public property under lease, site license, or other similar contractual arrangement between a municipality and a telecommunications company does not constitute the use of public streets or public property for purposes of this article. Without limiting the generality of the foregoing, a telecommunications company is not considered to be using public streets or public property for purposes of this article solely because of its use of airwaves within a municipality. If a telecommunications company, including a telecommunications company providing mobile telecommunications services, requests of a municipality permission to construct or install physical facilities in public streets or on public property, that request must be considered by the municipality in a manner that is competitively neutral and nondiscriminatory as among all telecommunications companies.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2005 Act No. 8, Section 4, eff January 13, 2005.

**SECTION 58-9-2240.** Regulatory control by local government.

A municipality may not use its authority over the public streets and public property as a basis for asserting or exercising regulatory control over telecommunications companies regarding matters within the

jurisdiction of the Public Service Commission or the Federal Communications Commission or the authority of the Office of Regulatory Staff, including, but not limited to, the operations, systems, service quality, service territory, and prices of a telecommunications company. Nothing in this section shall be construed to limit the authority of a local governmental entity over a cable television company providing cable service as permitted by 47 U.S.C. Section 542.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2006 Act No. 318, Section 70, eff May 24, 2006.

**SECTION 58-9-2250.** Existing consent agreements.

A telecommunications company, its successors or assigns, that is occupying the public streets and public property of a municipality on the effective date of this article with the consent of the municipality to use such public streets and public property shall not be required to obtain additional consent to continue the occupation of those public streets and public property.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

**SECTION 58-9-2260.** Enforcement of ordinances or practices conflicting with article.

(A) No municipality may enforce an ordinance or practice which is inconsistent or in conflict with the provisions of this article, except that:

(1) As of the time of the effective date of this article, any municipality which had entered into a franchise agreement or other contractual agreement with a telecommunications provider prior to December 31, 1997, may continue to collect fees under the franchise agreement or other contractual agreement through December 31, 2003, regardless of whether the franchise agreement or contractual agreement expires prior to December 31, 2003.

(2) Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise or other contractual agreement in the event that the franchise agreement or other contractual agreement should expire after December 31, 2003.

(3) In the event that a municipality collects these fees under a franchise agreement or other contractual agreement herein, the fees shall be in lieu of fees or taxes that might otherwise be authorized by this article.

(4) Any municipality that, as of the effective date of this article, has in effect a business license tax ordinance, adopted prior to December 31, 1997, under which the municipality has been imposing and a telecommunications company has been paying a business license tax higher than that permitted under this article but less than five percent may continue to collect the tax under the ordinance through December 31, 2003, instead of the business license tax permitted under this article.

(5) Any municipality which, by ordinance adopted prior to December 31, 1997, has imposed a business license tax and/or franchise fee on telecommunications companies of five percent or higher of gross income derived from the sale of telecommunications services in the municipality, to which tax and/or fee a telecommunications company has objected, failed to accept, filed suit to oppose, failed to pay any license taxes or franchise fees required thereunder, or paid license taxes or franchise fees under protest, may enforce the ordinance and the ordinance shall continue in full force and effect until December 31, 2003, unless a court of competent jurisdiction declares the ordinance unlawful or invalid. In this event, the municipality is authorized until December 31, 2003, to collect business license taxes and/or franchise fees thereunder, not exceeding three percent of gross income derived from the sale of telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality instead of the business license tax permitted under this article; however, this proviso applies to any business license ordinance and/or telecommunications franchise ordinance notwithstanding that same is amended or has been amended subsequent to December 31, 1997.

(B) The exception to this article described in subsection (A)(5) no longer applies after December 31, 2003.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

**SECTION 58-9-2270.** Customer bill disclosure of business license tax.

A telecommunications company may include the following statement or substantially similar language in any municipal customer's bill when that customer's municipality charges a business license tax to the telecommunications company under this chapter: "Please note that included in this bill there may be a line-item charge for a business license tax assessed by your municipality".

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.



Crown Castle  
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Alexandria, Virginia 22303-2522  
Christopher.Sinclair@crowncastle.com

Tel 703-960-4775  
Fax 703-960-4605  
www.crowncastle.com

20 November 2012

**By United States Postal Service**

Mr. Thomas W. Chandler  
Finance Director  
City of Florence  
City-County Complex AA  
180 North Irby Street  
Florence, South Carolina 29501-3456

Re: Formal Application to Access the Public Rights of Way  
For the Provision of Telecommunications Services

Dear Mr. Chandler:

Please consider this correspondence the formal franchise application by Crown Castle NG East Inc. ("Crown Castle"), a Delaware corporation (formerly known as NextG Networks of NY, Inc.), to access the public rights of way within the City of Florence for the provision of telecommunications services as a State-certificated utility. Crown Castle respectfully submits the enclosed information and documentation in accordance with Section 253 of the federal Telecommunications Act of 1996 and applicable State laws governing the use of the public way by telecommunications providers.

Crown Castle offers wireless operators (such as cellular and PCS providers) innovative solutions to enhance their wireless performance, to include improved network coverage and/or capacity and call quality, that do not require the construction of traditional macro sites, such as towers, monopoles, or rooftop installations. Critical areas can be covered by using optical fiber to connect a distributed antenna system (DAS) network of microcellular node sites, consisting of small antennas and optical repeaters, typically attached to existing infrastructure, such as utility distribution poles and street light poles, where available, in the public way. DAS networks generally are implemented in areas where macro sites cannot adequately reach or when siting new macro facilities may prove to be impractical.

Communities recognize the numerous advantages of Crown Castle and DAS. Deployment is not premised on the construction of new towers or monopoles, often a controversial issue within any jurisdiction. Visually unobtrusive, the equipment is concealed and easy to install and maintain. Improved cellular capacity and/or coverage and expanded service offerings, to include emerging broadband technologies, are provided without public investment or environmental impact.



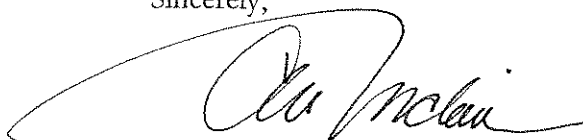
20 November 2012

Page 2

Enclosed for your reference you will find general information and documentation on Crown Castle, including the clean and redlined versions of a draft franchise agreement (as adapted), a certificate of insurance, preliminary network maps (subject to field engineering), a copy of the Certificate of Public Convenience and Necessity granted by the Public Service Commission of South Carolina, and an FAQ document entitled "A Local Official's Guide: Responding to a Telecommunications Application from Crown Castle".

At your earliest convenience, please review the enclosed materials and kindly advise the next steps in the municipal franchise approval process. Feel free to contact me with any questions, and thank you in advance for your assistance in this matter.

Sincerely,



Christopher T. Sinclair  
Director of Government Relations  
Southeastern Region

Enclosures: Seybold Article Reprint  
Local Official's FAQ  
Draft Franchise Agreement,  
Clean and redlined versions  
Certificate of Insurance  
Preliminary Network Maps (2)  
State Regulatory Approval  
State of Delaware, Secretary of State, Document,  
"Certificate of Amendment of Certificate of  
Incorporation of NextG Networks of NY, Inc."

Cc: Mr. Andrew H. Griffin, City Manager,  
With Enclosures  
Ms. Dianne M. Rowan, City Clerk,  
With Enclosures  
James W. Peterson, Jr. Esq., City Attorney  
With Enclosures  
Robert L. Delsman, Esq.



Crown Castle  
5902 Mount Eagle Drive, Suite 1517  
Alexandria, Virginia 22303-2522  
Christopher.Sinclair@crowncastle.com

Tel 703-960-4775  
Fax 703-960-4605  
www.crowncastle.com

21 March 2013

**Via Electronic Mail**

Mr. Thomas W. Chandler  
Finance Director  
City of Florence  
City-County Complex AA  
180 North Irby Street  
Florence, South Carolina 29501-3456

Re: Preliminary Network Plan and Route Narrative

Dear Mr. Chandler:

Pursuant to your request concerning the pending formal franchise application by Crown Castle NG East Inc. ("Crown Castle"), a Delaware corporation (formerly known as NextG Networks of NY, Inc.), to access the public rights of way within the City of Florence for the provision of telecommunications services as a State-certificated utility, enclosed please find a map depicting our preliminary network plan within the municipal limits, to include installing wireless communications facilities to approximately 15 new or existing poles in the public right of way and deploying approximately 15.5 miles of fiber optic cable, both aerial and underground, in the public right of way along the following routes, subject to field engineering, route accessibility, pole availability and constructability, jurisdictional requirements and restrictions, and related factors and considerations:

- US-52/W. Lucas Street, between the western municipal boundary (at or near Pisgah Street) and N. Fraser Street, approximately 3.34 miles
- US-52/N. Irby Street and US-52/US-301/S. Irby Street, between W. Lucas Street and W. John Paul Jones Road, approximately 5.10 miles
- SR-343/N. Irby Street, between W. Lucas Street and E. Wilson Road; E. Wilson Road, between SR-343/N. Irby Street and N. Buckingham Road; and N. Buckingham Road, between E. Wilson Road and a point south of E. Orange Circle, approximately 1.32 miles
- W. and E. Roughfork Streets, between SR-343/N. Irby Street and E. Oakland Avenue; E. Oakland Avenue, between E. Roughfork Street and E. Royal Street; and E. Royal Street, between E. Oakland Avenue and Malloy Street, approximately 1.27 miles
- W. Darlington Street, between US-52/N. Irby Street and W. Lucas Street, approximately 0.25 mile

21 March 2013

Page 2

- US-76/W. Palmetto Street, between US-52/Irby Street and S. Coit Street; and S. Coit Street, to a point midblock south of W. Cheves Street, approximately 0.20 mile
- US-76/US-301/E. Palmetto Street, between US-52/Irby Street and S. Jeffords Street, approximately 1.03 miles
- SR-51/Pamplico Highway, between US-52/US-301/S. Irby Street and the eastern municipal boundary (at or near S. Vance Drive), approximately 1.00 mile
- US-301/Freedom Boulevard, between SR-51/Pamplico Highway and Rowland McLaughlin Boulevard; Rowland McLaughlin Boulevard, between US-301/Freedom Boulevard and Scotsman Drive, and Scotsman Drive, between Rowland McLaughlin Drive to the southern end, approximately 0.48 mile
- W. Attwood Drive, between US-52/US-301/S. Irby Street and S. Dexter Drive; and S. Dexter Drive, between W. Attwood Drive and W. YMCA Drive, approximately 0.40 mile
- W. 3<sup>rd</sup> Loop Road, between US-52/US-301/S. Irby Street and S. Deerfield Drive; S. Deerfield Drive, between W. 3<sup>rd</sup> Loop Road and S. Wood Duck Lane; and S. Wood Duck Lane, between S. Deerfield Drive and Crown Pointe Drive, approximately 0.76 mile

Please contact me with any questions, and thank you for your continued assistance.

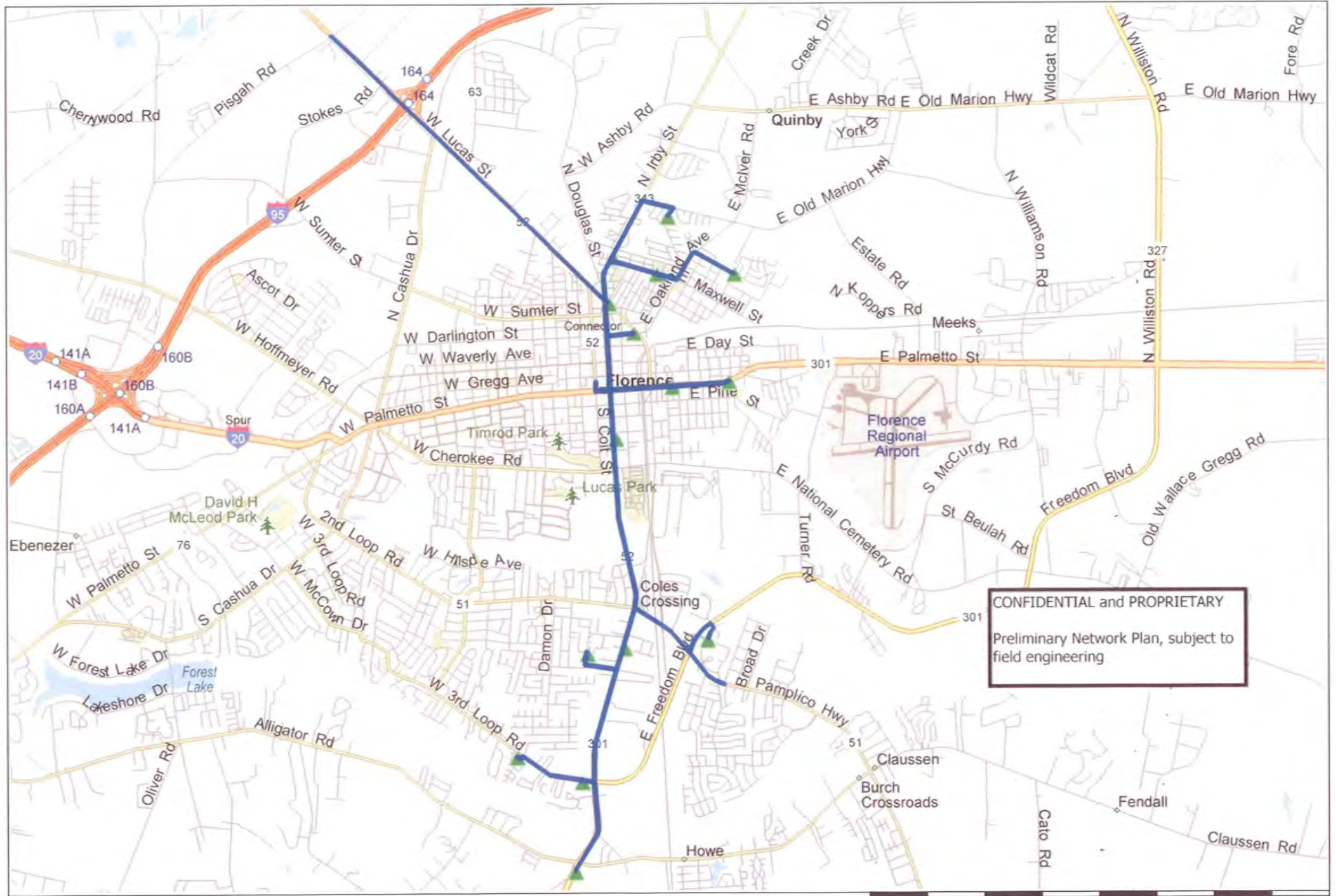
Sincerely,

/S/

Christopher T. Sinclair  
Director of Government Relations  
Southeastern Region

Enclosure: Preliminary Network Plan  
(Map v031513m2)

201317 FlorenceSC 031513m2



CONFIDENTIAL and PROPRIETARY  
Preliminary Network Plan, subject to field engineering

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Certain mapping and direction data © 2010 NAVTEQ. All rights reserved. The Data for areas of Canada includes information taken with permission from Canadian authorities, including: © Her Majesty the Queen in Right of Canada, © Queen's Printer for Ontario. NAVTEQ and NAVTEQ ON BOARD are trademarks of NAVTEQ. © 2010 Tele Atlas North America, Inc. All rights reserved. Tele Atlas and Tele Atlas North America are trademarks of Tele Atlas, Inc. © 2010 by Applied Geographic Systems. All rights reserved.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/15/2012

Page 1 of 2

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  Willis of Pennsylvania, Inc. c/o 26 Century Blvd. P. O. Box 305191 Nashville, TN 37230-5191	CONTACT NAME:		
	PHONE (A/C, NO., EXT):	877-945-7378	FAX (A/C, NO.): 888-467-2378
	E-MAIL ADDRESS:	certificates@willis.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #	
	INSURER A: Federal Insurance Company	20281-005	
INSURED  CROWN CASTLE INTERNATIONAL CORP. See Attached Named Insured List 1220 Augusta Dr. Suite 500 Houston, TX 77057	INSURER B: New Hampshire Insurance Co.	23841-000	
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

**COVERAGES** CERTIFICATE NUMBER: 18862994 REVISION NUMBER: See Remarks

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L INSRD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	Y	70210228	4/1/2012	4/1/2013	EACH OCCURRENCE	\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	Y	Y	70210229	4/1/2012	4/1/2013	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	Y	Y	61844671	4/1/2012	4/1/2013	EACH OCCURRENCE	\$ 5,000,000
							AGGREGATE	\$ 5,000,000
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	71710698	4/1/2012	4/1/2013	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach Acord 101, Additional Remarks Schedule, if more space is required)  
THIS VOIDS AND REPLACES PREVIOUSLY ISSUED CERTIFICATE DATED: 11/15/2012 WITH ID: 18862377

Purpose: Telecommunications Franchise; Project code: 201317

See Attached

## CERTIFICATE HOLDER

City of Florence  
City-County Complex AA  
180 North Irby Street  
Florence, SC 29501-3456

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  
*Danna B. Lariky*



## ADDITIONAL REMARKS SCHEDULE

AGENCY Willis of Pennsylvania, Inc.		NAMED INSURED CROWN CASTLE INTERNATIONAL CORP. See Attached Named Insured List 1220 Augusta Dr. Suite 500 Houston, TX 77057	
POLICY NUMBER See First Page		EFFECTIVE DATE: See First Page	
CARRIER See First Page	NAIC CODE		

**ADDITIONAL REMARKS**

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
 FORM NUMBER: 25      FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

Certificate Holder is included as an Additional Insured under the General, Automobile and Umbrella Liability policies as required by written agreement and only with respect to the liability arising out of the operations performed by or on behalf of the Named Insured.

General, Automobile, Umbrella Liability and Workers Compensation include a Waiver of Subrogation in favor of the Certificate Holder when required by written contract but always subject to the policy terms, conditions and exclusions as permitted by law.

Additional Insured: City of Florence

# Crown Castle International Corp. Consolidated Subsidiaries

Entity Name	10/31/2012 edition
AirComm of Avon, L.L.C.	Crown Castle NG West Inc. (eff 5/3/12) fka NextG Networks of California Inc
Atlantic Coast Communications LLC	Crown Castle No 1 Pty Ltd (eff 6/14/11)
AZ - CLEC LLC	Crown Castle Operating Company
CA - CLEC LLC	Crown Castle Operating LLC
CC Castle International LLC	Crown Castle Orlando Corp.
CC Finance LLC	Crown Castle PR LLC
CC Holdings GS V LLC	Crown Castle PT Inc.
CC Site Acquisitions II LLC	Crown Castle Puerto Rico Corp.
CC TM PA LLC (eff 10/31/2012)	Crown Castle Service LLC (eff 6/24/2011)
CC Towers Guarantor LLC	Crown Castle Solutions Corp.
CC Towers Holding LLC	Crown Castle South LLC
CCGS Holdings Corp.	Crown Castle Towers 05 LLC
CCPE Acquisitions LLC	Crown Castle Towers 06-2 LLC
CCTM Holdings LLC (eff 10/31/2012)	Crown Castle Towers 09 LLC
CCTMO LLC (eff 10/31/2012)	Crown Castle Towers LLC
Coastal Antennas LLC	Crown Castle USA Inc.
CO-CLEC (11/19/09)	Crown Communication LLC (formerly Crown Communication Inc. eff 1/1/11)
Comsite Venture, Inc.	Crown Communication New York, Inc.
Coverage Plus Antenna Systems LLC	Crown Mobile Systems, Inc
Crown Atlantic Company LLC	CTTA Pty Limited (eff 8/13/08)
Crown Castle AS LLC (eff 4/29/11)	DC - CLEC LLC
Crown Castle Atlantic LLC	FL - CLEC LLC
Crown Castle Augusta LLC	Global Signal Acquisitions II LLC
Crown Castle Australia Holdings Pty Ltd	Global Signal Acquisitions III LLC
Crown Castle Australia Pty Ltd	Global Signal Acquisitions IV LLC
Crown Castle BP ATT LLC	Global Signal Acquisitions LLC
Crown Castle CA Corp.	Global Signal GP LLC
Crown Castle GS III Corp.	Global Signal Holdings III LLC
Crown Castle GT Company LLC	Global Signal Holdings IV LLC
Crown Castle GT Corp.	Global Signal Operating Partnership, L.P.
Crown Castle GT Holding Sub LLC	Global Signal Services LLC
Crown Castle International Corp.	GoldenState Towers, LLC
Crown Castle International Corp. de Puerto Rico	GS Savings Inc.
Crown Castle International LLC	GSPN Intangibles LLC
Crown Castle Investment Corp	High Point Management Co. LLC
Crown Castle MM Holding Corp.	JCB Towers, LLC
Crown Castle MM Holding LLC	IL - CLEC LLC
Crown Castle MU LLC	IN - CLEC LLC
Crown Castle MUPA LLC	In SITE Fiber of Virginia, Inc.
Crown Castle Nevada LLC	InSITE Solutions, LLC
Crown Castle NG Acquisitions Corp (eff 12/14/11)	Interstate Tower Communications LLC
Crown Castle NG Atlantic Inc. (eff 5/4/12) fka NextG Networks Atlantic Inc	Intracoastal City Towers LLC
Crown Castle NG Central Inc. (eff 5/3/12) fka NextG Networks of Illinois Inc	JBCM Towers LLC
Crown Castle NG East Inc. (eff 5/3/12) fka NextG Networks of NY Inc	KAW Consulting Pty Ltd (eff 12/12/01)
Crown Castle NG Networks Inc. (eff 5/3/12) fka NextG Networks Inc	MA - CLEC LLC
MD - CLEC LLC	TowerOne Warminster 001, LLC (eff 3/2/2012)
Mobile Media California LLC	TowerOne Warrington 002, LLC (eff 3/2/2012)
Mobile Media National LLC	Towers Finco II LLC
Modeo LLC	Towers Finco III LLC
MW Cell REIT 1 LLC (eff 1/31/12)	Towers Finco LLC

# Crown Castle International Corp. Consolidated Subsidiaries

Entity Name	10/31/2012 edition
MW Cell TRS 1 LLC (eff 1/31/12)	TVHT, LLC
New Path Networks, Inc.	VA-CLEC LLC
New Path Networks, LLC	WA - CLEC LLC
NextG Networks, Inc. (effective 4/10/12)	WCP Wireless Lease Subsidiary, LLC (eff 1/31/2012)
NextG Networks of NY, Inc (effective 4/10/12)	WCP Wireless Site Funding LLC (eff 1/31/2012)
NextG Networks of California, Inc. (effective 4/10/12)	WCP Wireless Site Holdco LLC (eff 1/31/2012)
NextG Networks of Illinois, Inc. (effective 4/10/12)	WCP Wireless Site Non-RE Funding LLC (eff 1/31/2012)
NextG Networks Atlantic, Inc. (effective 4/10/12)	WCP Wireless Site Non-RE Holdco LLC (eff 1/31/2012)
NJ - CLEC LLC	WCP Wireless Site RE Funding LLC (eff 1/31/2012)
NV - CLEC LLC	WCP Wireless Site RE Holdco LLC (eff 1/31/2012)
NY - CLEC LLC	Wireless Funding, LLC (eff 1/31/2012)
OH CLEC LLC (effective 7/20/11)	Wireless Revenue Properties, LLC (eff 1/31/2012)
OP LLC	
PA - CLEC LLC	
Pinnacle San Antonio L.L.C.	
Pinnacle St. Louis LLC	
Pinnacle Towers Acquisition Holdings LLC	
Pinnacle Towers Acquisition LLC	
Pinnacle Towers Asset Holding LLC	
Pinnacle Towers Canada Inc.	
Pinnacle Towers III LLC	
Pinnacle Towers Limited	
Pinnacle Towers LLC	
Pinnacle Towers V Inc.	
Radio Station WGLD LLC	
RECC Properties Limited (eff 9/20/05)	
SC - CLEC LLC	
Shaffer & Associates, Inc.	
Sierra Towers, Inc.	
Thunder Towers LLC	
Tower Systems LLC	
Tower Technology Company of Jacksonville LLC	
Tower Ventures III, LLC	
TowerOne Partners, LLC (eff 3/2/2012)	
TowerOne 2012, LLC (eff 3/2/2012)	
TowerOne Allentown 001, LLC (eff 3/2/2012)	
TowerOne Doylestown, LLC (eff 3/2/2012)	
TowerOne Middletown 003, LLC (eff 3/2/2012)	
TowerOne North Coventry LLC (eff 3/2/2012)	
TowerOne Upper Pottsgrove 002, LLC (eff 3/2/2012)	

Inactive Entities
Crown Castle Europe LLC eff 12/9/2009
Crown Castle Mexico, S.A. de C.V. eff 12/2010



BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2006-305-C - ORDER NO. 2007-81

FEBRUARY 1, 2007

IN RE: Application of NextG Networks of NY, Inc. ) ORDER GRANTING  
for a Certificate of Public Convenience and ) CERTIFICATE AND  
Necessity to Provide Resold and Facilities- ) APPROVING FLEXIBLE  
Based Local Exchange and Interexchange ) REGULATION  
Telecommunications Services in the State of )  
South Carolina and for Flexible Regulation )

This matter comes before the Public Service Commission of South Carolina ("Commission") by way of the Application of NextG Networks of NY, Inc. ("NextG" or the "Company") requesting a Certificate of Public Convenience and Necessity authorizing it to provide resold and facilities-based local exchange and interexchange telecommunications services within the State of South Carolina. The Company's Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 2006) and the rules and regulations of the Commission. By its Application, NextG also requests flexible regulation of its local exchange service offerings pursuant to Order No. 98-165 in Docket No. 1997-467-C, and waiver of certain Commission regulations.

The Commission's Docketing Department instructed NextG to publish, one time, a Notice of Filing in newspapers of general circulation in the areas of the state affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the Application of NextG and of the manner and time in which to file the appropriate

pleadings for participation in the proceeding. NextG complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. A Petition to Intervene was filed by the South Carolina Telephone Coalition (“SCTC”). Subsequent to the intervention, NextG and SCTC reached a Stipulation, attached hereto as Order Exhibit 2.

Subsequently, NextG and ORS filed a Settlement Agreement attached hereto as Order Exhibit 1. A hearing was convened on January 16, 2007 at 11:30 a.m. in the offices of the Commission in Columbia, South Carolina, before David Butler, Hearing Examiner. NextG was represented by John J. Pringle, Jr., Esquire and T. Scott Thompson, Esquire. The Office of Regulatory Staff (“ORS”) was represented by Nanette S. Edwards, Esquire. The South Carolina Telephone Coalition did not appear at the hearing.

Robert L. Delsman, Vice-President, Government Relations and Regulatory Affairs appeared and testified in support of the Company’s Application. The record reveals that NextG is incorporated in Delaware and has registered to transact business in South Carolina as a foreign corporation. According to Mr. Delsman, the Company seeks authority both as a reseller and facilities-based provider of local services and interexchange services. Mr. Delsman explained the Company’s request for authority, and the record further reveals the Company’s services, operations, and marketing procedures. The Company’s primary market is as a carrier’s carrier. NextG will offer transport of voice and data signals via fiber optic lines, initially focused on serving wireless providers. NextG’s “RF transport services” use fiber optic technology, including multi-wavelength optical technology over dedicated transport facilities, to provide

telecommunications companies with more efficient transport and greater overall network service options, according to Mr. Delsman. The Company has no plans to offer services to residential or business end-users at this time.

Mr. Delsman also discussed NextG's technical, financial, and managerial resources to provide the services for which it seeks authority. Mr. Delsman offered that NextG possesses sufficient financial resources to support its operations in South Carolina.

With regard to management and technical capabilities, the Company's Application and Mr. Delsman's testimony both evidence that NextG's management has extensive experience in telecommunications, information technology, regulatory matters, and accounting and finance. Mr. Delsman also testified that NextG will operate in accordance with Commission rules, regulations, guidelines, and Commission Orders. Mr. Delsman offered that approval of NextG's Application would serve the public interest.

Mr. Delsman, on behalf of the Company, requests a waiver of 26 S.C. Code Ann. Regs. 103-610, since the Company's books are maintained in California. Further, the Company requests an exemption from record keeping policies that require maintenance of financial records in conformance with the Uniform System of Accounts ("USOA"). NextG maintains its books in accordance with Generally Accepted Accounting Principles ("GAAP"). In addition, the Company requests that it not be required to publish local exchange directories or furnish operating area maps, and therefore requests waivers of 26 S.C. Code Ann. Regs. 103-631 and 103-612.2.3, respectively.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. NextG is incorporated under the laws of the State of Delaware and is authorized to do business as a foreign corporation in South Carolina by the Secretary of State.
2. NextG desires to operate as a provider of resold and facilities-based local and interexchange services in South Carolina.
3. We find that NextG possesses the managerial experience and capability to operate as a provider, through resale or on a facilities basis, of local services and interexchange services in South Carolina.
4. We find, based on the financial statements submitted by the Company and the testimony at the hearing, that NextG possesses sufficient financial resources to provide the services as described in its Application and testimony.
5. We find that the issuance of a Certificate of Public Convenience and Necessity to NextG to operate as a facilities-based and/or reseller of local exchange telecommunications and interexchange services in South Carolina would be in the best interest of the citizens of South Carolina by providing more innovative services as a carrier's carrier in South Carolina.
6. NextG requests a waiver of 26 S.C. Code Ann. Regs. 103-610. The Commission finds NextG's requested waiver reasonable and understands the potential

difficulty presented to NextG should the waiver not be granted. Further, we find that a waiver of 26 S.C. Code Ann. Regs. 103-610 to be in the public interest. We also believe that exemption from the policies that would require the Company to keep its records under the USOA is reasonable. Additionally we find that a waiver of 26 S.C. Code Ann. Regs. 103-631 and 103-612.2.3 is reasonable and in the public interest.

7. The Company has the managerial, technical, and financial resources to provide the services as described in its Application. S.C. Code Ann. Section 58-9-280 (B) (1) (Supp. 2006).

8. The Commission finds that the Company's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. Section 58-9-280 (B) (3) (Supp. 2006).

9. The Commission finds that the Company will support universally available telephone service at affordable rates. S.C. Code Ann. Section 58-9-280 (B) (4) (Supp. 2006).

10. The Commission finds that services to be provided by the Company will meet the service standards of the Commission. S.C. Code Ann. Section 58-9-280 (B) (2) (Supp. 2006).

11. The Commission finds that the provision of local exchange service by the Company "does not otherwise adversely impact the public interest." S.C. Code Ann. Section 58-9-280(B)(5) (Supp. 2006).

12. Following execution of a Stipulation with intervenor South Carolina Telephone Coalition ("SCTC"), the SCTC withdrew its opposition to the Application.

**CONCLUSIONS OF LAW**

1. The Commission concludes that NextG possesses the managerial, technical, and financial resources to provide the telecommunications services as described in its Application.

2. The Commission concludes that NextG will participate in the support of universally available telephone service at affordable rates to the extent that NextG may be required to do so by the Commission.

3. The Commission concludes that NextG will provide services which will meet the service standards of the Commission.

4. The Commission concludes that approval of NextG's Application to provide intrastate telecommunications services within South Carolina will serve the public interest by providing for efficient use of existing telecommunications resources.

5. The Commission concludes that the provision of telecommunications service by NextG will not adversely impact the public interest.

6. The Commission concludes that the issuance of the authority to provide intrastate local exchange and interexchange telecommunications services as requested by NextG and as set forth in its Application and Mr. Delsman's testimony is in the best interests of the citizens of the State of South Carolina.

7. The Commission concludes that a Certificate of Public Convenience and Necessity should be granted to NextG to provide resold and facilities-based intrastate local exchange telecommunications services and intrastate interexchange telecommunications services.

8. The Commission adopts a rate design for NextG for its interexchange services, should it offer services to end-users, which includes maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984). The Commission concludes, however, that the Company's rates shall normally be designated by contract.

9. NextG shall not adjust its residential interexchange rates below the approved maximum level without notice to the Commission and to the public, should the Company offer its services to end-users. NextG shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level for residential interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp.2006).

10. The Commission concludes the Company's local exchange telecommunications services shall be regulated in accordance with the principles and

procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for the Company's competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels approved by the Commission. Further, the Company's local exchange service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

11. We conclude that NextG's request for waiver of 26 S.C. Code Ann. Regs. 103-610 should be granted as strict compliance with the regulation would potentially cause undue hardship on that Company. We also grant exemption from the policies requiring the use of USOA. In addition, we grant waiver of 26 S.C. Code Ann. Regs. 103-631 which requires publication of a local telephone directory and 26 S.C. Code Ann. Regs. 103-612.2.3, which requires the filing of operating area maps.

12. The Stipulation and Settlement Agreement between the various parties should be approved.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. A Certificate of Public Convenience and Necessity should be granted to NextG to provide intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through resale of intrastate Wide Area



Telecommunications Services (“WATS”), Message Telecommunications Service (“MTS”), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission, as well as to provide facilities-based or resold local exchange telecommunications services within the State of South Carolina. The Company is also specifically authorized to provide facilities-based and resold inbound and outbound interexchange telecommunications services.

2. The Company’s rate designs for its products shall conform to those designs described in Conclusions of Law above.

3. If it has not already done so by the date of issuance of this Order, NextG shall file its revised tariff, if any, and an accompanying price list for any applicable rates within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission’s Rules and Regulations, as well as the provisions of the NextG-ORS Settlement Agreement.

4. To the extent applicable, NextG is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers and facilities-based interexchange carriers should be treated similarly.

5. With regard to the Company’s resale of service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

6. NextG shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If NextG changes underlying carriers, it shall notify the Commission in writing.

7. With regard to the origination and termination of toll calls within the same LATA, NextG shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the FCC pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209). Specifically, NextG shall comply with the imputation standard as adopted by Order No. 93-462 and more fully described in paragraph 4 of the Stipulation and Appendix B approved by Order No. 93-462.

8. NextG shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipt report will necessitate the filing of intrastate information. Therefore, NextG shall keep financial records on an intrastate basis for South Carolina to comply with the annual report and gross receipts filings. The proper form for filing annual financial information can be found at the Commission's website at [www.psc.sc.gov/forms.asp](http://www.psc.sc.gov/forms.asp) or at the ORS's website at [w.w.w.regulatorystaff.sc.gov](http://w.w.w.regulatorystaff.sc.gov). The title of this form is "Telecommunications Company Annual Report." This form shall be utilized by the Company to file annual financial information with the Commission and ORS and shall be filed no later than **April 1<sup>st</sup>**.

Commission gross receipts forms are due to be filed with the Commission and ORS no later than **August 31<sup>st</sup>** of each year. The proper form for filing gross receipts information can be found at the ORS website at [www.regulatorystaff.sc.gov](http://www.regulatorystaff.sc.gov), and the appropriate form is entitled “Gross Receipts Form.”

Each telecommunications company certified in South Carolina is required to file annually with the ORS the Intrastate Universal Service Fund (“USF”) worksheet, which may be found on the ORS’s website at [www.regulatorystaff.sc.gov](http://www.regulatorystaff.sc.gov). This worksheet provides ORS information required to determine each telecommunications company’s liability to the State USF fund. The Intrastate USF worksheet is due to be filed annually no later than **August 15<sup>th</sup>** with the Commission and ORS.

9. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission and ORS in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. NextG shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The “Authorized Utility Representative Information” form can be found at the Commission’s website at [www.psc.sc.gov/forms.asp](http://www.psc.sc.gov/forms.asp); this form shall be utilized for the provision of this information to the Commission and ORS. Further, the Company shall promptly notify the Commission and ORS in writing if the representatives are replaced.

10. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

11. At the hearing, NextG requested a waiver of 26 Code Ann. Regs. 103-610 (Supp. 2006), which requires that records required by the Commission's Rules and Regulations be maintained in South Carolina. The Commission finds NextG's requested waiver reasonable and understands the potential difficulty presented to NextG should the waiver not be granted. The Commission therefore grants the requested waiver. However, NextG shall make available its books and records at all reasonable times upon request by the Office of Regulatory Staff, and NextG shall promptly notify the Commission and ORS if the location of its books and records changes.

12. NextG also requests that it be exempt from record keeping policies that require a carrier to maintain its financial records in conformance with the Uniform System of Accounts. The USOA was developed by the FCC as a means of regulating telecommunications companies subject to rate base regulation. As a competitive carrier, NextG maintains its book of accounts in accordance with Generally Accepted Accounting Principles. GAAP is used extensively by interexchange carriers and other providers. Accordingly, NextG requests an exemption from the USOA requirements. We grant the Company's request for the reasons stated above.

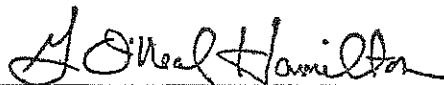
13. Should the Company offer applicable service in the future, NextG is required to comply with Title 23, Chapter 47 of the South Carolina Code Annotated, which governs the establishment and implementation of a "Public Safety Communications Center," which is more commonly known as a "911" system or "911

service.” Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs NextG to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating, should the Company become interconnected to the public switched telephone network. Contact with the appropriate 911 service authorities is to be made before beginning local telephone service in South Carolina. Accompanying this Order is a memo from the State 911 Office of the Office of Research & Statistics of the South Carolina Budget and Control Board. This memo provides information about contacting County 911 Coordinators. By this Order and prior to providing local telephone services in South Carolina, NextG shall contact the 911 coordinator in each county (and city where the city has its own 911 system) and shall provide information regarding the Company’s operations as required by the 911 system.


14. The Stipulation and Settlement Agreement between the various parties are hereby approved.

15. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
\_\_\_\_\_  
G. O'Neal Hamilton, Chairman

ATTEST:

  
\_\_\_\_\_  
C. Robert Moseley, Vice Chairman

(SEAL)

# Delaware

PAGE 1

*The First State*

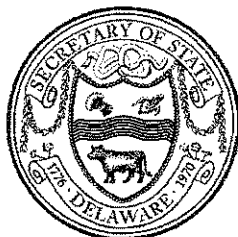
I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "NEXTG NETWORKS OF NY, INC.", CHANGING ITS NAME FROM "NEXTG NETWORKS OF NY, INC." TO "CROWN CASTLE NG EAST INC.", FILED IN THIS OFFICE ON THE THIRD DAY OF MAY, A.D. 2012, AT 7:27 O'CLOCK P.M.

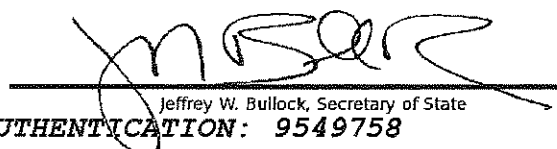
A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

3587157 8100

120509186

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 9549758

DATE: 05-04-12

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
NEXTG NETWORKS OF NY, INC.

NextG Networks of NY, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Company") DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said Corporation by Unanimous Written Consent has adopted a resolution that the Corporation amend Article 1 of its Certificate of Incorporation as on file with the Secretary of State of Delaware to read in its entirety as set forth below:

1. This corporation's name is Crown Castle NG East Inc. (the "Company").

SECOND: That the amendment has been consented to and authorized by all the holders of the issued and outstanding capital stock of the Corporation by written consent given in accordance with the provisions of section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said NextG Networks of NY, Inc. has caused this Certificate to be signed this 3<sup>rd</sup> day of May, 2012.

NextG Networks of NY, Inc.

By 

E. Blake Hawk  
Executive Vice President



*A Local Official's Guide:*

**RESPONDING TO A TELECOMMUNICATIONS APPLICATION  
FROM CROWN CASTLE  
(State of South Carolina)**

Crown Castle NG East Inc. ("Crown Castle"), a wholly-owned indirect subsidiary of Crown Castle International Corp. (NYSE:CCI) formerly known as NextG Networks of NY, Inc., has submitted to you an application under the federal Communications Act for access to the public rights of way to construct and maintain facilities necessary to provide telecommunications services. In order to assist you in analyzing and responding to Crown Castle's application, Crown Castle sets forth below answers to common questions raised by local officials upon receipt of such an application.

**Q. Who is Crown Castle?**

A. Crown Castle is an industry leader in the ownership and operation of infrastructure that facilitates wireless communications. Among its various service offerings it provides managed RF transport and backhaul services to wireless communications service providers, including mobile network operators and public WLAN service providers. Crown Castle's innovative and cost-effective RF-over-Fiber ("RFoF") transport solution enables wireless service providers to expand their coverage and/or capacity throughout metropolitan regions and in dense urban and isolated suburban areas.

**Q. What kind of service does Crown Castle provide?**

A. Crown Castle provides Telecommunications Services. Specifically, it carries voice and data traffic handed off to it by wireless providers (such as cellular and PCS). It carries that traffic via its fiber optic lines from antennas located on utility and/or street light poles to a central switching-like location, and from there, either back to another antenna or out to the public switched telephone network or Internet.

**Q. What is Crown Castle asking of the Municipality?**

A. Crown Castle is applying for the right to construct, operate, manage, and maintain a telecommunications network in the public ways of the Municipality in compliance with the Municipality's ordinances and permitting requirements in order to serve its wireless customers and to improve wireless coverage and/or capacity in the Municipality. To that end Crown Castle requests authorization for the following:

- ✚ the right to enter into the public way to provide telecommunications services;
- ✚ the right to utilize any municipally-owned streetlight poles and traffic signal poles for an agreed annual fee for the collocation of Crown Castle's facilities; and
- ✚ the right to utilize third-party-owned infrastructure (such as utility poles, fiber optic cable, and conduit) in the public way for deployment of Crown Castle's network; and
- ✚ the right to utilize any available municipally-owned fiber and/or conduit for an agreed annual fee for the collocation of Crown Castle's fiber facilities.

**Q. How long does the municipality have to respond to Crown Castle's application?**

A. Under federal law, local authorities must act on Crown Castle's application, in writing, expeditiously. Unreasonable delay or a failure to act expeditiously has been held to constitute an unlawful barrier to entry under federal law. The FCC has held that 90 days is a reasonable time for action on a collocation application (*i.e.*, proposal to attach to an existing pole in the public way) and 150 days for an action on an application proposing facilities other than collocations. Failure to act by a local authority within these time periods shall constitute a "failure to act" and thus trigger a provider's rights to sue under the federal Communications Act.

**Q. What information can the municipality require from Crown Castle?**

A. Local authorities may only request information directly related to Crown Castle's physical construction in and occupation of the public rights of way. Local authorities are prohibited from inquiring into the "legal, technical, or financial" qualifications of Crown Castle or other matters unnecessary for the local authority's ability to oversee Crown Castle's construction and to manage the public rights of way.

**Q. Can the municipality impose restrictions on Crown Castle's use of the public way?**

A. Local authorities are permitted only to "manage" Crown Castle's construction and physical occupation of the public rights of way. This has been held to include matters such as requiring insurance or bonds and imposing standard construction permitting and safety regulations. This authority has also been described as extending to the "time and manner" of construction.

**Q. Can the Municipality regulate Crown Castle's activities as a telecommunications provider in the public way?**

A. No. Section 253 of the Communications Act prohibits local authorities from regulating the provision of telecommunications services.

**Q. Is the municipality required to treat Crown Castle in the same way as the Municipality treats the incumbent local telephone company?**

A. Yes. Local authorities must treat competitive providers, like Crown Castle, in a competitively-neutral and non-discriminatory manner. As a result, local authorities cannot impose on Crown Castle requirements or fees that are not imposed on the incumbent telephone company, regardless of the difference of facility installation or service offering.

**Q. Who will own the equipment utilized in Crown Castle's network and what effect does that have on Crown Castle's rights?**

A. Crown Castle will own or control the fiber by means of which it provides RF Transport Services in all cases. The optical repeaters and antennas may be owned by either Crown Castle or its carrier customers; however, in all cases the optical repeaters and antennas will be incorporated into the Crown Castle network, even if title remains with the customer. Because under its tariff and agreements Crown Castle will operate, manage, maintain, and control all equipment incorporated into its network, including the optical repeaters and antennae, those facilities are part of Crown Castle's network and accorded the same rights as the rest of Crown Castle's network facilities.

This is a new model that Crown Castle is pioneering and with which the Municipality may not be familiar. Thus, although title to certain equipment may remain with Crown Castle's customer in a particular installation, such equipment will nonetheless constitute a part of Crown Castle's network and may also remain part of the customer's larger wireless network in an "overlapping circles" architecture. In all cases, permit applications will be submitted either solely by Crown Castle or jointly with its customer, and Crown Castle will be responsible to the Municipality under the applicable permit in all cases.

**Q. What are the consequences for the Municipality if it fails to respond to Crown Castle's application or restricts its right to provide its services?**

A. Local authorities may be liable to Crown Castle for damages under federal law if they exceed their limited authority under law, unreasonably delay their response, or interfere with Crown Castle's right to provide telecommunications services.

**Q. Has Crown Castle been certified by the State to provide telecommunications services?**

A. Yes. On February 1, 2007, NextG received a certificate of public convenience and necessity ("CPCN") from the Public Service Commission of South Carolina to provide competitive telecommunications services in South Carolina.

**Q. Is Crown Castle a wireless provider?**

A. No. Crown Castle is not licensed to provide wireless services and does not control any wireless spectrum. Crown Castle is a "carrier's carrier" whose customers are wireless providers.

**Q. What facilities does Crown Castle need to install to provide service in the community?**

A. Crown Castle provides its service with a combination of fiber optic lines connected to small wireless antennas, optical repeaters, and associated equipment. Thus, it must generally install a certain amount of fiber optic cable, either underground or aerially on existing utility poles. In addition, it must install small wireless antennas and associated equipment on utility poles and/or streetlight poles, typically located in the public rights of way. When possible and appropriate, Crown Castle may lease capacity on existing fiber optic facilities owned by the Municipality or other providers.

**Q. Will Crown Castle use existing utility poles?**

A. Crown Castle will generally seek to collocate its facilities on existing utility or streetlight poles, typically located in the public rights of way. To the extent that it will be using privately-owned utility poles, Crown Castle has entered into (or is in the process of entering into) any necessary pole attachment agreement. South Carolina State statutes, the Public Service Commission of South Carolina, and ultimately the federal Pole Attachment Act govern the rates, terms, and conditions that private utility pole owners may impose on Crown Castle's access to such poles and require those utility companies to provide Crown Castle access to their poles.

**Q. Will Crown Castle need to install any new poles of its own?**

A. Generally, no; however, if there is no available infrastructure, or if the Municipality does not wish to allow Crown Castle to attach to its streetlight or traffic signal poles, Crown Castle may need to install its own utility poles. In such cases, Crown Castle will comply with all lawful local regulations governing such installations.

**Q. What are the benefits from Crown Castle's entry into the community?**

A. Crown Castle's service allows wireless carriers to expand the coverage and/or capacity of wireless services using existing utility and/or streetlight poles. Traditional wireless technologies have suffered from "dead spots" and bandwidth capacity limitations. Crown Castle's combination of fiber optics and lower antennas helps wireless providers eliminate such coverage gaps and increase bandwidth needed for emerging and future services. In addition, Crown Castle introduces competition that will help provide more service choices and more competitive prices for consumers. Finally, network operations will provide revenue to the Municipality to the extent it allows Crown Castle to use its poles, fiber, and/or conduit for Crown Castle's network deployment.

**Q. What are Crown Castle's rights under Federal law?**

A. Section 253 of the Communications Act grants Crown Castle the right to provide telecommunications services and prohibits municipalities from imposing requirements that prevent Crown Castle from providing telecommunications services or that "have the effect of prohibiting" Crown Castle from providing telecommunications services. Recent court decisions applying § 253 have held that any municipal requirement that "materially inhibits" Crown Castle's ability to compete is preempted. This includes imposing on Crown Castle requirements such as fees or franchises that are not imposed on the incumbent telephone company, denying access to all or sections of the public rights of way, and excluding Crown Castle from offering its services in certain districts within the Municipality, such as residential neighborhoods. The fact that Crown Castle's facilities include wireless elements does not alter Crown Castle's rights under federal law. Ultimately, municipalities may not exercise discretion over whether Crown Castle can access the public rights of way and provide service.

Section 253 reserves to municipalities only the authority to "manage" Crown Castle's physical occupation of the public rights of way (*i.e.*, construction permitting and safety issues). Crown Castle complies with all applicable and lawful local permitting requirements concerning construction in the public rights of way.

**Q. Do South Carolina's laws address Crown Castle's facilities and services?**

A. Under South Carolina law a telecommunications provider "may construct, maintain, and operate its line through, upon, over, and under any of the public lands of [South Carolina], under, over, along and upon any of the highways or public roads of [South Carolina], over, through or under any of the waters of [South Carolina], on, over and under the lands of any person in [South Carolina] and along, upon, and over the right of way of any railroad or railway company in [South Carolina]." S.C. CODE § 58-9-2020. South Carolina law also requires municipalities to manage public rights of way on a nondiscriminatory and competitively neutral basis. S.C. CODE § 58-9-2230. In addition, South Carolina law limits the amount a municipality may charge a telecommunications company for access to its rights of way. S.C. CODE § 58-9-2230.

**Q. Are radio frequency (RF) emissions an issue with the equipment related to Crown Castle's service?**

A. No. The wireless antennas associated with Crown Castle's service produce RF radiation at levels well below the FCC's permitted maximums for general-population, uncontrolled exposures, which are



themselves conservatively low. Indeed, most facilities associated with Crown Castle's services are "categorically excluded" from the FCC's requirement for routine environmental evaluation for RF exposure.

**Q. Can the Municipality require zoning for such facilities in the public rights of way for a State-certificated provider of telecommunications services?**

A. Generally, no. Under both South Carolina and federal laws, a Municipality cannot impose regulations on Crown Castle's access to the public rights of way to which it otherwise does not subject the incumbent telephone company, regardless of the wireless component of Crown Castle's network. As noted above, South Carolina law requires municipalities to manage public rights of way on a nondiscriminatory and competitively neutral basis. S.C. CODE § 58-9-2230.

ORDINANCE NO. \_\_\_\_\_ - 2013

**AN ORDINANCE TO GRANT TO CROWN CASTLE NG EAST INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AND AUTHORITY TO CONSTRUCT, INSTALL, MAINTAIN, AND OPERATE IN, OVER, UPON AND UNDER THE STREETS AND PUBLIC PLACES OF THE CITY OF FLORENCE, ITS LINES, POLES, WIRES, CABLES, AND OTHER TELECOMMUNICATIONS FACILITIES TO RENDER TELECOMMUNICATIONS SERVICE TO ITS CUSTOMERS IN THE CORPORATE LIMITS OF THE CITY OF FLORENCE FOR SUCH PERIOD AS PROVIDED HEREIN; AND TO PROVIDE FOR THE PAYMENT OF COMPENSATION FOR THE USE OF THE STREETS AND PUBLIC PLACES**

**WHEREAS**, Crown Castle NG East Inc., a Delaware corporation (formerly known as NextG Networks of NY, Inc.) ("Crown Castle"), has requested consent of the City of Florence to use the streets and public places of the City to construct, install, maintain, and operate its facilities for use in providing telecommunications services to its customers within the municipality for its own business purposes and profit; and

**WHEREAS**, other telecommunications providers either have or are likely to seek a similar consent; and

**WHEREAS**, it is the policy of the City to permit such entry into the corporate limits and such use of the streets and public places for the provision of telecommunication services, subject to the duty and authority of the City to manage its streets, public property, and rights-of-way to require fair and reasonable compensation from telecommunications providers for the use thereof on a competitively neutral and nondiscriminatory basis, and to publicly disclose the amount of such compensation;

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the City of Florence, that:

**Section 1:** As used in this ordinance, the word "Company" means Crown Castle NG East Inc., a Delaware corporation (formerly known as NextG Networks of NY, Inc.) ("Crown Castle"), existing under the laws of the State of South Carolina and duly authorized to do business in South Carolina, its successors and assigns.

**Section 2:** As used in this ordinance, the word "Municipality" means the City of Florence, South Carolina.

**Section 3:** As used in this ordinance, the term "Telecommunications Services" has the meaning and definition given to that same term by S.C. Code Ann. Sections 58-9-10 and 58-9-2200(1) and 47 U.S.C. § 153; provided, however, for purposes of this ordinance, the term "Telecommunications Services" does not include cable television. Cable television services may only be provided in the municipal limits pursuant to a separate franchise pursuant to 42 USC 542.

**Section 4:** The non-exclusive right, power, and authority is hereby granted and vested in the Company to construct, install, maintain, and operate in, over, under, and upon the streets, alleys, bridges, rights-of-way and other public places of the Municipality, its lines, poles, antennas, wires, cables, cabinets, conduits, converters, equipment, and other telecommunications facilities and to use those facilities to render Telecommunication Services to its customers within the corporate limits of the Municipality.

**Section 5:** Prior to the commencement or continuation of any construction or operation in the corporate limits of the Municipality, the Company shall be duly authorized to do business in South Carolina and shall have received any necessary certificate of public convenience and necessity or other required authorization from the Public Service Commission of South Carolina. Evidence that such authority has been acquired or that it is not required will be filed with the Municipality.

**Section 6:** All work upon the streets and public places of the Municipality shall be in accordance with all applicable standards, codes, and ordinances, and will be done under the general supervision of the Municipality through the application for and administration of an encroachment permit from the Municipality. All new construction, wherever practicable, will be placed underground, and in no event will service lines/cables be placed aboveground if other existing service lines/cables in that area are underground. Any necessary aboveground construction, wherever practicable, will utilize existing utility poles. No street, alley, bridge, right-of-way, or other public place used by the Company shall be obstructed longer than necessary during its work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. No part of any street, alley, bridge, right-of-way, or other public place of the Municipality, including any public drain, sewer, catch basin, water pipe, pavement or other public improvement, shall be damaged. However, should any such damage occur, the Company shall repair the same as promptly as possible, and, in default thereof, the Municipality may make such repairs and charge the reasonable cost thereof to and collect the same from the Company.

**Section 7:** The Company (as the Indemnifying Party) agrees to indemnify, defend and hold the Municipality, its affiliates and their respective officers, directors, members, partners and employees (the "Indemnified Party") harmless of and from any damage, liability, loss, cost or expense (including, without limitation, reasonable attorney's fees and expenses), judgments, settlements and penalties of every kind arising from or relating to claims, actions or demands on account of (a) any personal injury, wrongful death, or loss of or damage to any tangible personal property or facilities of any person to the extent arising out of or resulting from the negligent or otherwise wrongful acts or omissions of the Indemnifying Party (including its employees or agents) in the performance of its obligations under this franchise; or (b) the violation by the Indemnifying Party of any requirement of any applicable law, regulation or court order in connection with the performance of its obligations under this franchise. In no event shall either party be liable to the other, its employees, subcontractors, affiliates and/or agents, or any third party for any indirect, incidental, special, consequential, or punitive damages, or lost profits for any claim or demand of any nature or kind, arising out of or in connection with this franchise or the performance or breach thereof.

**Section 8:** In consideration of the grant of authority to utilize the streets and public places of the Municipality for the provision of Telecommunication Services, and in accordance with applicable laws and ordinances, the Company shall pay such lawful franchise fees, business license taxes, and administrative fees as are presently permitted by Article 20 of Chapter 9 of Title 58 of the 1976 Code of Laws of South Carolina, as enacted in 1999, and as may be enacted and imposed by the Municipality. The Company shall also pay all such ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Municipality. Provided, however, that in the event that Article 20 of Chapter 9 of Title 58 of the 1976 Code of Laws of South Carolina, as enacted in 1999, or other laws governing franchise fees, business license taxes and/or other fees with respect to Telecommunication Services shall be substantially modified by subsequent legislation or court

decision, the provisions herein contained shall be brought into conformity with the changes in the applicable law by appropriate amendment to this ordinance. If the limitations on the amount of franchise fees, administrative fees, and business license taxes on providers of Retail Telecommunications Services presently contained in said statute shall be removed or modified, the Municipality will be free, by amendment to this ordinance, to impose such fair, reasonable, competitively neutral, and nondiscriminatory fees and taxes as may then be permitted by that statute or by such applicable South Carolina and federal law as may then govern.

**Section 9:** Except as specifically provided herein, or otherwise mandated by law, the privilege granted to the Company by this ordinance does not exempt or excuse the Company from the police power and all other lawfully imposed municipal authority and laws including, but not limited to, those relating to zoning, permitting, traffic control, construction and excavation, planning, aesthetics, and the environment.

**Section 10:** (a) This franchise may be terminated by either party upon forty five (45) days' prior written notice to the other party upon a default of any material covenant or term hereof by the other party, which default is not cured within forty-five (45) days of receipt of written notice of default (or, if such default is not curable within forty-five (45) days, if the defaulting party fails to commence such cure within forty-five (45) days or fails thereafter diligently to prosecute such cure to completion). Except as expressly provided herein, the rights granted under this franchise are irrevocable during the term.

(b) The non-exclusive franchise and consent granted by this ordinance shall be in force and effect for an initial term of ten (10) years and shall continue in force and effect thereafter until properly terminated by either party. Either party may terminate the contract at the end of its initial ten-year term, or at any time thereafter, by giving written notice of its intention to do so no less than two (2) years before the proposed date of termination.

(c) In the event of a termination of the franchise pursuant to the terms of this Section, it shall be the responsibility of the Company, its successors or assigns, to remove all antenna and related improvements from the rights of way, streets or public places within one hundred eighty (180) days of the date of termination.

**Section 11:** This franchise and consent ordinance is subject to the constitution and laws of the State of South Carolina. In conforming this ordinance to the requirements of S.C. Code Ann. Section 58-9-2200 et. seq. as enacted by the General Assembly of South Carolina in 1999, the Municipality does not concede or imply that the General Assembly has the authority to restrict by general law the powers denied to the General Assembly and reserved to the municipalities of South Carolina by Article VIII Section 15 of the Constitution of South Carolina.

**Section 12:** Any notice to either party shall be in written form and addressed as follows:

If to the Municipality:  
City of Florence  
City-County Complex AA  
180 North Irby Street  
Florence, SC 29501-3456



If to the Company:

Crown Castle NG East Inc.  
c/o Crown Castle USA, Inc.  
2000 Corporate Drive  
Canonsburg, PA 15317-8564  
Attention: E. Blake Hawk, General Counsel, Legal Department

With a copy to:

Crown Castle NG East Inc.  
890 Tasman Drive  
Milpitas, CA 95035-7439  
Attention: Contracts Management

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

Approved as to form:

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

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

Attest:

\_\_\_\_\_  
Dianne M. Rowan  
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: April 8, 2013

AGENDA ITEM: Ordinance  
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

---

I. ISSUE UNDER CONSIDERATION:

Request to annex Tax Map Number 00099-01-003, into the City of Florence and zone to R-3, Single Family Residential District. The request is being made by the property owner, Florence School District One.

II. POINTS TO CONSIDER:


- (1) Request is being considered for first reading.
- (2) Portion of parcel already annexed (Lucie T. Davis Elementary).
- (3) City water and sewer services are currently available; there is no cost to extend utility services.
- (4) A Public Hearing for zoning was held at the March 12, 2013 Planning Commission meeting. No one was present to voice concerns or support the request.
- (5) Planning Commission members voted 8-0 to recommend the zoning request of R-3 single Family Residential District.
- (6) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-3 Single Family Residential District.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

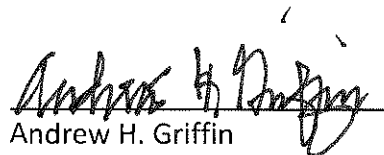
- (1) No previous action has been taken by City Council on this request.

IV. ATTACHMENTS:

- (1) Ordinance and map showing the location of the property.



Phillip M. Lookadoo, AICP  
Planning, Research, & Development Director



Andrew H. Griffin  
City Manager

# Annexation Request Location Map



**Legend**

- Road Segment
- Parcels
- Planning.DBO.CityLimits



**DISCLAIMER:**  
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ORDINANCE NO. 2013\_\_\_\_\_

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY FLORENCE SCHOOL DISTRICT ONE.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on March 12, 2013 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Florence School District One, owner of TMN 00099-01-003 was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single Family Residential District:

**The properties requesting annexation are shown more specifically on Florence County Tax Map 00099, block 01, parcel 003. (132.35 Acres)**

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

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence and annexing the aforesaid properties to R-3, Single Family Residential District and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013**

**Approved as to form:**

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

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

**Attest:**

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

CITY OF FLORENCE COUNCIL MEETING

DATE: April 8, 2013

AGENDA ITEM: Ordinance  
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

---

I. ISSUE UNDER CONSIDERATION:

Request to annex 121 N. Ebenezer Road, Tax Map Number 00099-01-155, into the City of Florence and zone to R-3, Single Family Residential District. The request is being made by the property owner, the City of Florence.

II. POINTS TO CONSIDER:

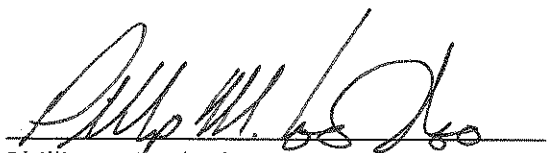
- (1) Request is being considered for first reading.
- (2) City water and sewer services are currently available; a fire hydrant will be added by City of Florence Utilities Department.
- (3) A Public Hearing for zoning was held at the March 12, 2013 Planning Commission meeting. No one was present to voice concerns or support the request.
- (4) Planning Commission members voted 8-0 to recommend the zoning request of R-3 single Family Residential District.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-3 Single Family Residential District.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) No previous action has been taken by City Council on this request.

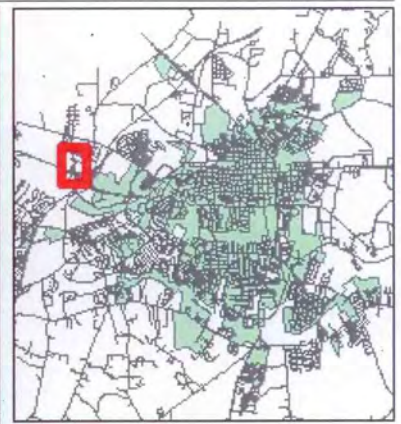
IV. ATTACHMENTS:

- (1) Ordinance and map showing the location of the property.

  
Phillip M. Lookadoo, AICP  
Planning, Research, & Development Director

  
Andrew H. Griffin  
City Manager

# Annexation Request Location Map (TMN: 00099-01-155)



**Legend**

- RoadSegment
- Parcels
- Planning, DBO, City Limits



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**ORDINANCE NO. 2013 \_\_\_\_\_**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY THE CITY OF FLORENCE.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on March 12, 2013 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by the City of Florence, owner of 121 North Ebenezer Road, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single Family Residential District:

**The property requesting annexation are shown more specifically on Florence County Tax Map 00099, block 01, parcel 155. (1.01 Acres)**

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

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence and annexing the aforesaid properties to R-3, Single Family Residential District and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013**



**Approved as to form:**

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

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

**Attest:**

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

FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2013

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

DEPARTMENT/DIVISION: Planning, Research & Development

---

**I. ISSUE UNDER CONSIDERATION**

A text amendment replacing the Vested Rights Ordinance in the City of Florence Land Development and Subdivision Ordinance.

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

This text amendment replaces the Vested Rights Ordinance inadvertently removed from the Land Development Ordinance in 2007.

**III. POINTS TO CONSIDER**

1. The proposed Vested Rights Ordinance is identical to the Vested Rights Ordinance the City of Florence adopted and added to the Land Development and Subdivision Ordinance in 2005.
2. When the Land Development and Subdivision Ordinance was rewritten and adopted in 2007, the Vested Rights Ordinance was omitted due to clerical error.
3. This error was recently discovered; therefore, the text amendment would correct that error, and eliminate any confusion regarding vested rights in the City of Florence.

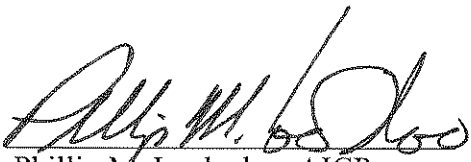
**IV. OPTIONS**


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

  
Phillip M. Lookadoo, AICP  
Planning, Research & Development Director

  
Andrew H. Griffin  
City Manager

**ORDINANCE NO. 2013 \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE LAND DEVELOPMENT AND SUBDIVISION ORDINANCE IN ORDER TO REESTABLISH THE CITY'S VESTED RIGHTS ORDINANCE WHICH, AS A RESULT OF CLERICAL ERROR, WAS INADVERTANTLY OMITTED FROM ORDINANCE NO. 2007-39.**

**WHEREAS**, on June 27, 2005, the City of Florence adopted Ordinance No. 2005-19 to provide for and govern vested rights pursuant to the authority granted to municipalities by the Vested Rights Act adopted by the State of South Carolina through the passage of Act 287 in 2004;

**WHEREAS**, the above referenced vested rights ordinance was established as a portion of Chapter 18 of the City's Code under the existing Subdivision Ordinance;

**WHEREAS**, the City Council adopted a complete overhaul of the Ordinance regulating Land Development and Subdivisions in 2007 by its adoption of Ordinance No. 2007-39, and this new ordinance was drafted with the assistance of outside consultants in order to address new regulations related to storm water drainage under Phase II of the National Pollutant Discharge Elimination System (NPDES) permit;

**WHEREAS**, the provisions of the Vested Rights Ordinance, through clerical error, were inadvertently omitted from Ordinance No. 2007-39; and

**WHEREAS**, while the City has continued to apply the provisions of the vested rights ordinance, it was recently discovered that, as a result of the clerical error cited above, the vested rights ordinance no longer appears as part of the City Code;

**NOW, THEREFORE**, in order to correct the confusion caused by the clerical error cited above and to remove any doubt related to the vested rights ordinance, it is hereby ordained by the City Council of the City of Florence, in meeting duly assembled and by the authority thereof, that the Land Development and Subdivisions Ordinance found in Chapter 18 of the City Code is hereby amended to add "Article X: Vested Rights Ordinance" which will read in its entirety as follows:

## **ARTICLE X: VESTED RIGHTS ORDINANCE**

### **10.1 VESTED RIGHTS TO DEVELOP PROPERTY**

All applicable ordinances, municipal code sections, and regulations relating to zoning, planning and land development within the municipality are subject to this Ordinance, which shall be known as the Vested Rights to Develop Property Ordinance.

### **10.2 DEFINITIONS**

As used in this Vested Rights Ordinance (Definitions herein provided from the "Vested Rights Act", SC Code of Laws Title 6, Chapter 29, Article 11 with various changes incorporated):

- a) "Approved" or "approval" shall mean the final action that results in the authorization of a site specific development plan by the official or body of the local governing body authorized to approve a site specific development plan. This action shall include the payment of all associated fees.
- b) "Building permit" means a written warrant or license issued by a local building official that authorizes the construction or renovation of a building or structure at a specified location.
- c) "City" shall mean the incorporated area of the City of Florence.
- d) "Conditionally approved" or "conditional approval" means an action taken by the local governing body that provides interim approval for a site-specific development plan but is contingent upon additional approvals by other regulatory agencies.
- e) "Landowner" means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purpose of submitting proposed site-specific development plan pursuant to this Ordinance.
- f) "Local governing body" shall mean the City, City Planning Commission, City Board of Zoning Appeals, Construction Board of Appeals, or the City of Florence Design Review Board.
- g) "Person" means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.
- h) "Phased development plan" means development plan submitted to a local governing body by a landowner that shows the types and density or intensity of

uses for a specific property or properties to be developed in phases, but do not satisfy the requirements for a site-specific development plan.

- i) "Real property" or "property" means all real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.
- j) "Site specific development plan", shall mean a complete plan, plat or application as defined within the City's applicable Land Development Regulations or Code of Ordinances and/or the Consolidated Zoning Ordinance. For the purposes of this Ordinance a site-specific development plan shall include and be limited to the following: certificate of zoning compliance including approval of a conditional use permit, building permit, demolition permit, variance, summary plat approval, special exception, planned unit development/planned development district, sketch/preliminary plan, development plat, preliminary approval of a certificate of appropriateness, and/or certificate of appropriateness.
- k) "Vested right" means the right to undertake and complete the development of property under the terms and conditions of site specific development plan as provided in this Ordinance, the Vested Rights Act, and City land development ordinances or regulations adopted pursuant to this chapter.

### **10.3 ESTABLISHMENT OF VESTED RIGHTS**

Elements herein provided from the "Vested Rights Act", SC Code of Laws Title 6, Chapter 29, Article 11 with various changes incorporated:

- a) A vested right to develop property in accordance with a site specific development plan is triggered upon the "signed, dated, and stamped" approval of a site specific development plan by the official or body of the City given the authority to approve a site specific development plan and the payment of all applicable fees.
- b) A vested right for an approved site specific development plan expires two years after the date of final approval by the official or body authorized to approve a site specific development plan and may, upon application, be extended on an annual basis for an additional five years.
- c) No sooner than three (3) months prior to, but no later than, the expiration of the vested right period for an approved site specific development plan, the landowner of real property with a vested right may apply to the local governing body for an annual extension of the vested right. The local governing body must approve applications for at least five annual extensions of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval of the site specific development plan. A new application

must be made for each annual extension of the vested right. No more than five annual extensions of the vested right may be approved.

- d) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans. An approved or conditionally approved site specific development plan is required prior to approval of each phase of a phased development plan.
- e) Specific prior vested rights, including, but not limited to, rights arising from development agreements, associated with property proposed for annexation shall be binding upon the City only upon application and approval by action of City Council.

#### **10.4 CONDITIONS AND LIMITATIONS OF VESTED RIGHTS**

Elements herein provided from the "Vested Rights Act", SC Code of Laws Title 6, Chapter 29, Article 11 with various changes incorporated:

- a) A vested right established by this Ordinance and in accordance with the standards and procedures in the land development ordinances or regulations adopted pursuant to this chapter is subject to the following conditions and limitations:
  - (1) a vested right established under a conditionally approved site specific development plan may be terminated by the local governing body upon its determination, following notice and public hearing, that the landowner has failed to meet the terms of the conditional approval;
  - (2) a site specific development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation, or special exception is obtained;
  - (3) a vested site specific development plan may be amended if the amendment does not cause an increase in the intensity, density, and change in use; does not affect more than 25% of land area or does not affect more than 50% of the number of subdivided lots; does not cause a reduction in the amount of open space or buffer area; does not adversely impact the stormwater management system/plan and adversely impact the existing riparian buffer(s); and does not adversely impact pedestrian/vehicular access or circulation. All other provisions of the consolidated zoning ordinance, land development ordinance, planning standards, and City code sections or regulations at the time of vesting must be satisfied. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right;

- (4) a validly issued building permit does not expire or is not revoked upon expiration of a *vested* right, except for public safety reasons or as prescribed by the applicable building code;
- (5) a *vested* right to a site specific development plan is subject to revocation by the local governing body upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval;
- (6) a *vested* site specific development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the *vested* right. The issuance of a building permit *vests* the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;
- (7) a *vested* site specific development plan is subject to later City *overlay* zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;
- (8) a change in the zoning district designation or land-use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a *vested* site specific development plan without consent of the landowner;
- (9) if real property having a *vested* site specific development plan is annexed, the City must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the *vested* right is effective after the annexation;
- (10) a local governing body must not require a landowner to waive his *vested* rights as a condition of approval or conditional approval of a site specific development plan; and,

## **10.5 NATURE OF VESTED RIGHTS**

Elements herein provided from the "Vested Rights Act", SC Code of Laws Title 6, Chapter 29, Article 11 with various changes incorporated:

A *vested* right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a *vested* right pursuant to this article may rely upon and exercise the *vested* right for its duration subject

to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This article does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Development Agreement Act in Chapter 31 of Title 6.

**10.6 SEVERABILITY**

Should any section or provision of this Ordinance be held invalid, unenforceable, or unconstitutional by any Court of competent jurisdiction under any circumstances, such holding shall not affect the validity or enforceability thereof of this Ordinance as a whole or for any other section or provisions of this Ordinance.

**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 \_\_\_\_\_, 2013**

**Approved as to form:**

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

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

**Attest:**

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



FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2013

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

DEPARTMENT/DIVISION: Planning, Research & Development

---

**I. ISSUE UNDER CONSIDERATION**

Amend the City of Florence Zoning Ordinance Section 8.7, Certificates of Zoning Compliance – When Required and Section 8.8, Certificates of Zoning Compliance – Repair Permits.

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

On March 12, 2013, Planning Commissioners voted unanimously, 8-0, to approve the amendment.

**III. POINTS TO CONSIDER**

1. Currently, the Zoning Ordinance requires that a Zoning Compliance be issued for all permits requiring a building permit.
2. Until recently, building permits were issued for routine maintenance and repair work, such as plumbing, electrical and mechanical jobs.
3. The Building Department has amended their permitting structure so that now plumbing, electrical, and mechanical repairs require a trade permit rather than a building permit.
4. With the above text amendments, a Certificate of Zoning Compliance would not be required for permits that do not result in a change of land use or alter the building footprint or vertical elevation.

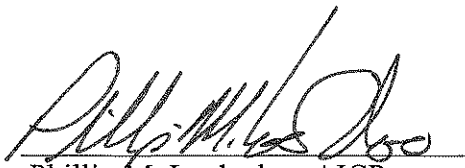
**IV. OPTIONS**

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



Phillip M. Lookadoo, AICP  
Planning, Research & Development Director



Andrew H. Griffin  
City Manager

**ORDINANCE NO. 2013-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE  
SECTION 8.7, CERTIFICATES OF ZONING COMPLIANCE –WHEN REQUIRED AND  
SECTION 8.8, CERTIFICATES OF ZONING COMPLIANCE – REPAIR PERMITS:**

**WHEREAS**, Section 8.7 of the City of Florence Zoning Ordinance states that a Certificate of Zoning Compliance is required prior to the issuance of a building permit;

**WHEREAS**, the City-County Building Department has revised its permitting structure to also include trade permits;

**WHEREAS**, trade permits include electrical, plumbing, mechanical work and other repairs that do not alter the building footprint or elevation or change land use;

**WHEREAS**, amending the Zoning Ordinance to not require Zoning Compliances for permits that do not change building footprint, elevation or land use delivers more efficient customer service;

**THEREFORE**, Sections 8.7 and 8.8, Certificates of Zoning Compliance, shall read as follows:

**Section 8.7 Certificates of Zoning Compliance**

**Section 8.7-1 When Required**

A Certificate of Zoning Compliance shall be required in advance of:

1. The issuance of a building permit for new construction or a building addition that alters the existing building footprint or vertical elevation.
2. Excavation preparatory to the construction of a structure for which a building permit is required.
3. The placement or relocation manufactured homes.
4. Grading, filling, surfacing, or enlarging parking areas containing more than six parking spaces for a new or changed use.
5. Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.
6. Installation of any sign for which a permit is required.
7. The establishment of a temporary use.
8. Certificates of Zoning Compliance are not required for maintenance work, repair work or trade work provided that the work will not result in a change of use or alter the building footprint or vertical elevation.

**Section 8.8 Repair Permits**

Where an application for a Certificate of Zoning Compliance is to effect repairs only, the Zoning Administrator may waive the requirements of an approved plat or plan. The work to be performed shall be clearly defined in the Certificate of Zoning Compliance; however, if there is no change of land use or the repairs do not result in altering the building footprint or vertical elevation, a Certificate of Zoning Compliance is not required.

**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 \_\_\_\_\_, 2013**

**Approved as to form:**

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

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

**Attest:**

\_\_\_\_\_  
Dianne M. Rowan  
Municipal Clerk

**VII. f.**  
**Bill No. 2013-09**  
**Second Reading**

**CITY OF FLORENCE COUNCIL MEETING**

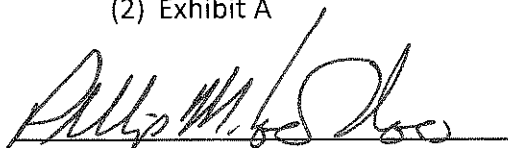
**DATE:** April 08, 2013

**AGENDA ITEM:** Report to Council

**DEPARTMENT/DIVISION:** Department of Planning, Research & Development/City Manager

---

- I. ISSUE UNDER CONSIDERATION:** To convey surplus property, land totaling approximately 23.4 acres located on Stockade Drive (TMN 00178-01-001), to the Friends of the Florence Stockade as a condition of the grant for the new Animal Shelter.
- II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**
- (1) A 14.9 acre parcel was split from tax parcel 00149-01-012 and combined with tax parcel 00178-01-001. The combined property is designated as map 00178 block 01 parcel 001.
  - (2) The land currently has the vacated facilities associated with the old City of Florence Animal Shelter.
  - (3) The property has been declared surplus property by the City of Florence.
- III. POINTS TO CONSIDER:**
- (1) The total area of the property is approximately 23.4 acres.
  - (2) Receipt of the grant from Drs. Bruce and Lee Foundation for the new animal shelter was conditioned upon conveyance of this property to the Friends of the Florence Stockade. This conveyance was discussed years earlier in conjunction with the Stockade master plan, which completes assembly of property containing the entire footprint of the Stockade.
- IV. STAFF RECOMMENDATION:**
- Staff recommends that City Council adopt the proposed ordinance authorizing the City Manager to execute the deed conveying the aforementioned property to the Friends of the Florence Stockade.
- V. ATTACHMENTS:**
- (1) Proposed ordinance.
  - (2) Exhibit A



Phillip M. Lookadoo, AICP

Director

Department of Planning, Research, and Development

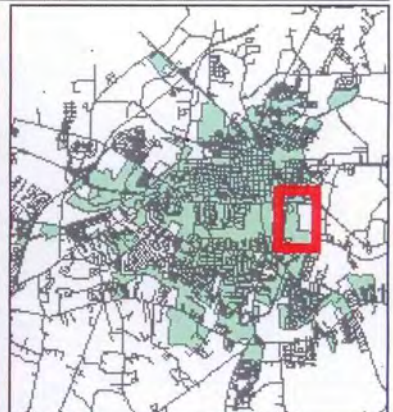


Andrew H. Griffin

City Manager

# Exhibit A

## Location Map TMN: 00178-01-001



**Legend**

- RoadSegment
- ▭ Parcels



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201 South Dargan Street  
Florence, South Carolina 29506  
Phone (843) 664-2870  
Fax (843) 664-2815  
e-mail blfound@bellsouth.net

March 25, 2013

Mr. Andrew H. Griffin, City Manager  
City of Florence  
P. O. Drawer AA, City-County Complex  
Florence, SC 29501-3456

Re: Old Animal Shelter property on Stockade Road

Dear Drew:


Thank you for forwarding the information on the subject property that we received 3/13/2013.

The matter of accepting the property as a gift from the City of Florence was again discussed at the Foundation's March 19<sup>th</sup> Board meeting and recently with the Friends of the Florence Stockade organization.

At this stage, all agree that the property should be gifted directly to the "Friends."

We very much appreciate the City's consideration of the Foundation in this regard.

Yours sincerely,

  
L. Bradley Callcott  
Executive Director

/mmb

cc: Mr. Haigh Porter  
Mr. Mark W. Buyck, Jr.

Exhibit "A"  
Tract One - Legal Description

DEED

FILED

Dec 8 2 49 PM '93

STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE )

KNOW ALL MEN BY THESE PRESENTS, that <sup>BERNICE B. PARKER</sup> Willis Construction Company, a corporation organized and existing under the laws of South Carolina, County of Florence, in the State aforesaid, for and in consideration of the sum of FIVE AND NO/100 (\$5.00) Dollars, the receipt of which is hereby acknowledged, have granted, bargained, sold, and released unto The City of Florence, a municipality, its successors and assigns, all of my rights, title and interest in and to the following described property.

LEGAL DESCRIPTION

All that certain piece, parcel or tract of land situate, lying and being in Florence County, South Carolina containing 9.69 acres, more or less and shown more fully on a plat prepared by Jones/Godfrey and Associates Land Surveyors dated June 10, 1993, and recorded in Platbook 51, page 261 in the office of the Clerk of Court of Florence County and bounded as follows:

On the north by property of the United States of America, on the east by property of Marsh Associates, Inc. and Annie Mae Jackson, on the south by property of the City of Florence and on the west by property of the United States of America and Department of Mental Retardation.

This being a portion of the property conveyed to grantor by deed of H.E. Willis, dated February 26, 1965, and recorded March 18, 1965 in Deed Book A-19 at page 329, in the office of the Clerk of Court for Florence County, South Carolina.

This property is designated as tax parcel 178-01-001.

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee's(s) heirs or successors and assigns, forever. And, the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee's(s') heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

249 RECORDED  
P.M. 12-8-93  
BOOK 0405 PAGE 273  
BERNICE B. PARKER  
C.C.C.P. FLORENCE COUNTY

THIS PROPERTY DESIGNATED AS  
MAP 00178 BLOCK 01 PARCEL 001  
ON FLORENCE COUNTY TAX MAPS  
SPLIT FROM  
FLORENCE COUNTY TAX RECORDS

000273

Exhibit A  
Tract Two

MAR - 1 AM 9:11  
FLORENCE COUNTY, SC

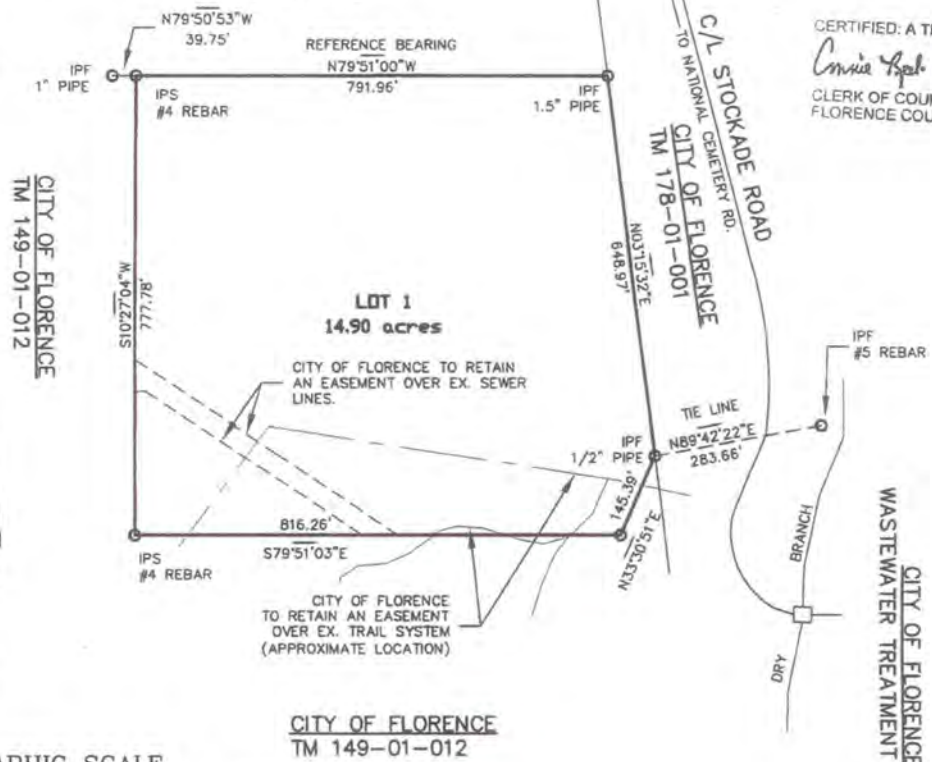
THIS PROJECT/RECORDING IS  
MAP 178 01 PARCEL 001  
ON PLOT 1, E. COUNTY TAX MAPS  
SPLIT FROM 149-01-012  
FLORENCE COUNTY TAX ASSESSOR  
OWNERSHIP CHANGES  
SUBJECT TO RECORDING



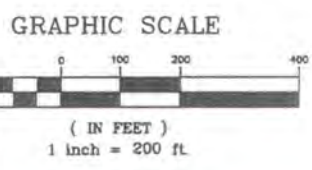
VICINITY MAP  
N.T.S.

CERTIFIED: A TRUE COPY  
*Conie Lyle Spain*  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

**SOUTH CAROLINA DEPARTMENT OF  
DISABILITIES AND SPECIAL NEEDS**  
TM 149-01-008



CITY OF FLORENCE PLANNING DEPARTMENT  
Hereby certifies that this plat is approved on  
the day of *March*, 2012  
CITY PLANNER



CITY OF FLORENCE  
TM 149-01-012

REFERENCE MADE TO PLAT FOR S.C. DEPARTMENT OF YOUTH SERVICES  
BY ERVIN ENGINEERING CO., DATED MAY 1, 1973, AND RECORDED IN  
PLAT BOOK 69, PAGE 191

STATE: SOUTH CAROLINA  
COUNTY: FLORENCE

DATE: JULY 6, 2012

1001362

**BOUNDARY SURVEY**

OF A PARCEL OF LAND BEING CARVED FROM TAX PARCEL 149-01-012 . REFERENCE BEING MADE  
TO DEED BOOK A321, PAGE 2186 AND IS A PORTION OF THE 56.553 ACRE TRACT AND A PORTION  
OF THE 18.52 ACRE TRACT AS DESCRIBED IN SAID DEED.

PREPARED FOR:  
**THE CITY OF FLORENCE**

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE,  
INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON  
WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF  
THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE  
OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS  
OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B"  
SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO  
ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*Gregory A. Brown*  
GREGORY A. BROWN, P.L.S., #18628  
968 E. BILLY FARROW HWY  
DARLINGTON, SC 29532



TRACT TWO  
LEGAL DESCRIPTION

All that certain piece, parcel or tract of land situate, lying and being in Florence County, South Carolina containing 14.90 acres, more or less and shown more fully on a plat prepared by the City of Florence dated July 6, 2012, and recorded in Plat Book 100, page 362 in the office of the Clerk of Court of Florence County and bounded as follows:

On the north by property of South Carolina Department of Disabilities and Special Needs, of the east, south, and west by property of the City of Florence.

This being a portion of the property described in Deed Book A321, page 2186.

ORDINANCE NO. 2013-\_\_\_\_\_

AN ORDINANCE AUTHORIZING THE TRANSFER OF PARCEL CONTAINING APPROXIMATELY 23.4 ACRES AND DESIGNATED AS TAX MAP 00178-01-001 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR.

WHEREAS, after due consideration, the City has concluded that the land designated as Map 178 Block 01 Parcel 001 is surplus land to the City, and conveyance of said property to Friends of the Florence Stockade is in the best interest 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 Deed, and other documentation in order to convey title to the property described on Exhibit "A" attached hereto to Friends of Florence Stockade.

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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
STEPHEN J. WUKELA  
Mayor

Approved as to form:

Attest:

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

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

FLORENCE CITY COUNCIL MEETING

DATE: May 13, 2013

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

DEPARTMENT/DIVISION: Planning, Research & Development

---

**I. ISSUE UNDER CONSIDERATION**

Request to rezone Tax Map Number 00180-01-010, from R-1, Single-Family Residential District and RU-1, Rural Community District to R-3, Single-Family Residential District.

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

On April 9, 2013, Planning Commission held a public hearing on this matter. The Planning Commissioners voted unanimously, 5-0, to approve the request.

**III. POINTS TO CONSIDER**

1. The property is currently split zoned R-1 and RU-1.
2. The applicant requests to rezone only 17.35 acres of the 38 acre tract to R-3.
3. The first few feet of the tract would still be zoned R-1.
4. The rezoned property would be part of the Spring Haven Subdivision.
5. Rezoning the property does meet the purpose of the Future Land Use Map, Neighborhood Conservation.

**IV. OPTIONS**

City Council may:

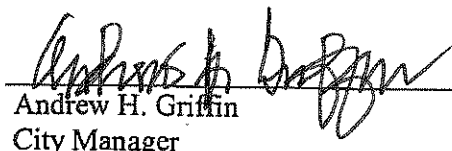
1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

**IV. ATTACHMENTS**

1. Ordinance



Phillip M. Lookadoo, AICP  
Planning, Research & Development Director

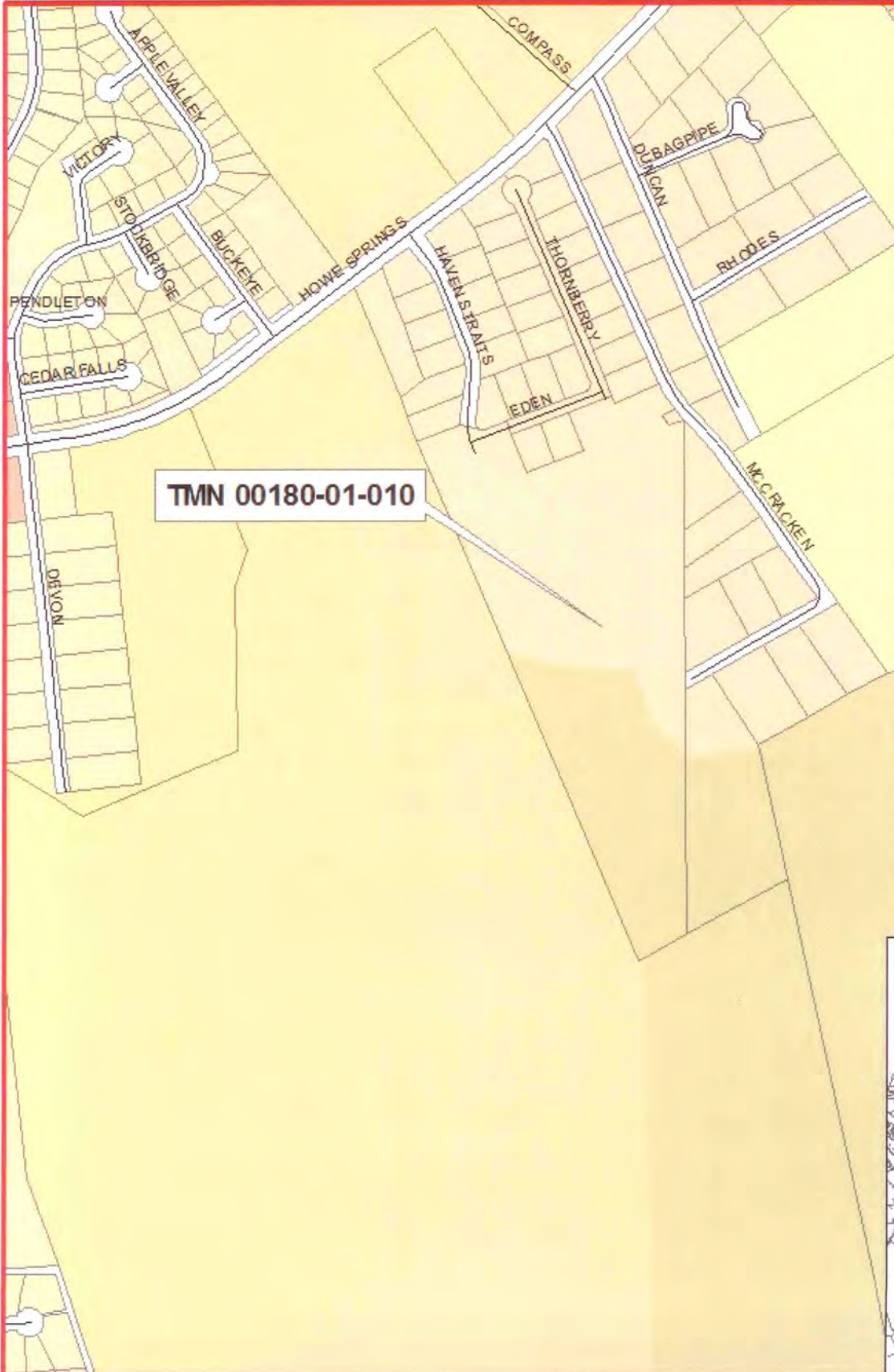


Andrew H. Griffin  
City Manager

# Future Land Use Map



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

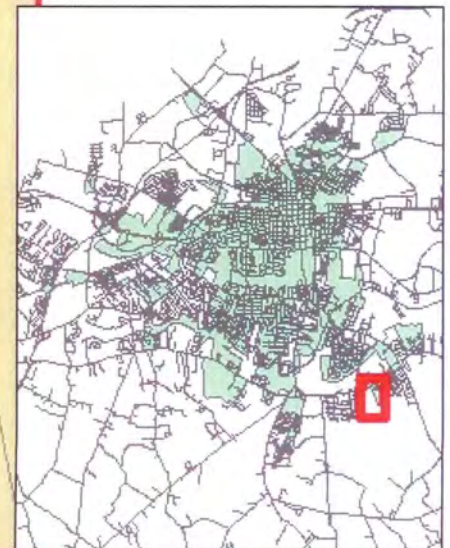


## Legend

- Road Segment
- Parcels
- Rural
- Neighborhood Conservation
- Residential Estate
- Residential Sub-Urban
- Residential Auto-Urban
- Residential Transition
- Residential Urban
- Sub-Urban Commercial
- Auto-Urban Commercial
- Central Business District
- Business Parks
- Industrial
- Public and Institutional
- Parks and Open Space



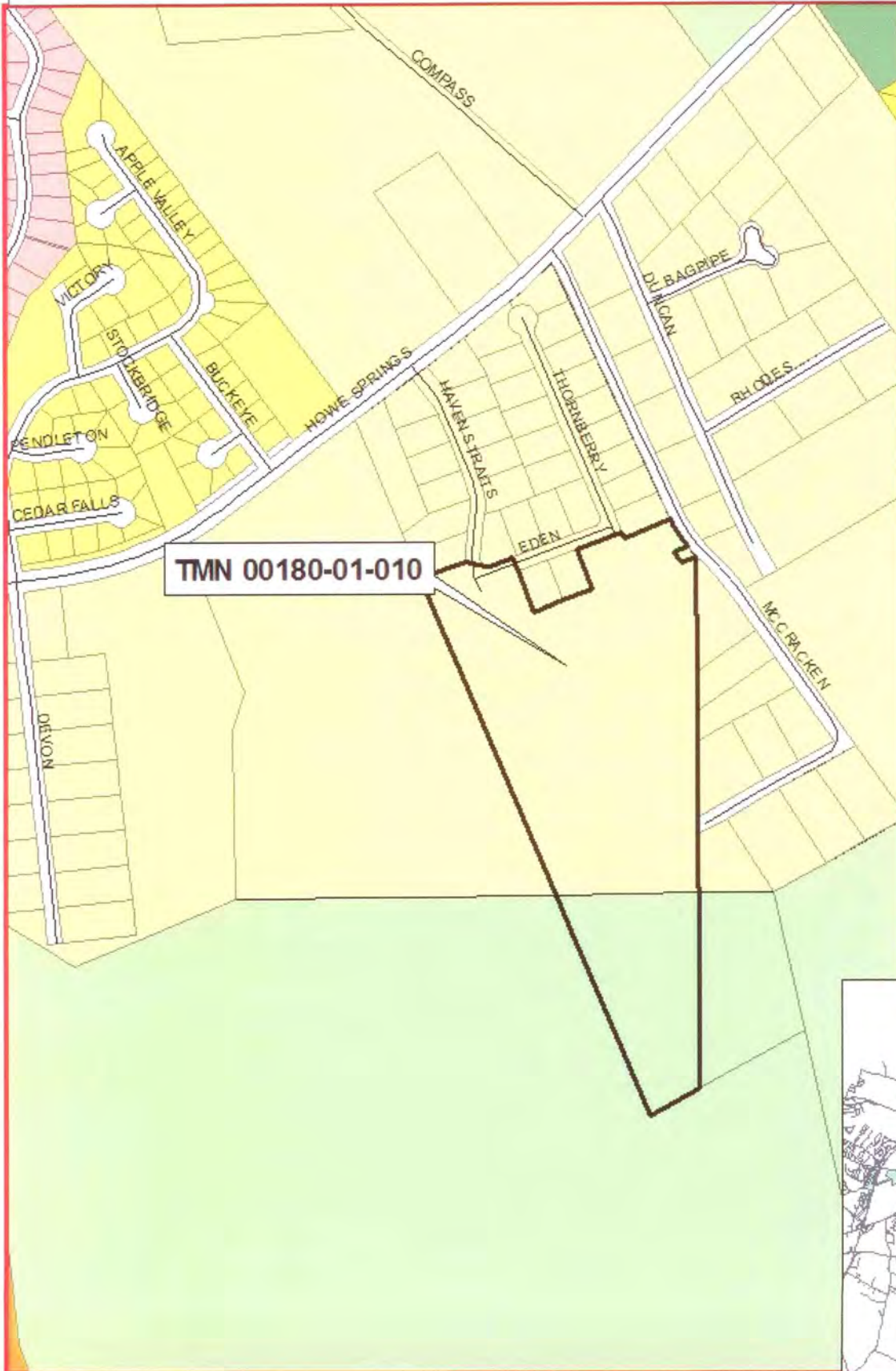
**DISCLAIMER**  
The City of Florence Urban Planning and Development Department data represented on this map or plan is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without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



# ZONING MAP



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

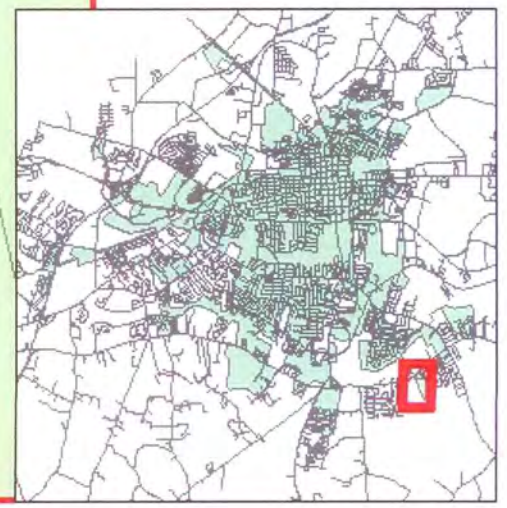


### Legend

- RoadSegment
- Parcels
- Zoning
- ZONE CODE**
- 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



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**ORDINANCE NO. 2013-\_\_\_\_\_**

**AN ORDINANCE TO REZONE TAX MAP NUMBER 00180-01-010, FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT AND RU-1, RURAL COMMUNITY DISTRICT TO R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT:**

**WHEREAS**, a Public Hearing was held in Room 604 of the City-County Complex on April 9, 2013 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, Southbrook Properties, LLC made application to rezone Tax Map Number 00180-01-010, located off of Haven Straits and McCracken Drive, from R-1, Single-Family Residential District and RU-1, Rural Community District to R-3, Single-Family Residential District;

**WHEREAS**, the rezoning request was made for developing a single-family residential subdivision;

**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 R-3, Single-Family Residential 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 \_\_\_\_\_, 2013**

**Approved as to form:**

---

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

---

Stephen J. Wukela,  
**Mayor**

**Attest:**

---

Dianne M. Rowan  
**Municipal Clerk**

**CITY OF FLORENCE COUNCIL MEETING**

**IX. a.  
Resolution  
No. 2013-11**

**DATE:** May 13, 2013

**AGENDA ITEM:** Introduction of Resolution No. 2013-11

**DEPARTMENT:** City Council

**I. ISSUE UNDER CONSIDERATION:**

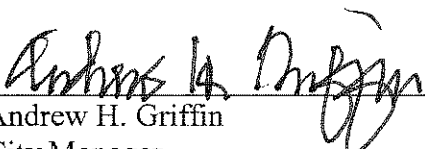
A Resolution to declare May, 2013 as Foster Care Month.

**II. POINTS TO CONSIDER**

- a. There are approximately 3,369 children and youth in foster care in South Carolina.
- b. Foster families play a vital role in helping children and families heal and reconnect.
- c. Foster parents provide a valuable and enduring contribution to children in and leaving foster care.

**ATTACHMENTS:**

Resolution No. 2013-11

  
\_\_\_\_\_  
Andrew H. Griffin  
City Manager



(State of South Carolina)  
( )  
(City of Florence)

## RESOLUTION 2013-11

- WHEREAS**, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our nation, and
- WHEREAS**, in South Carolina there are approximately 3,369 children and youth in foster care being provided with a safe, secure and stable home along with the compassion and nurture of a foster family, and
- WHEREAS**, all young people in foster care need a meaningful connection to a caring adult who becomes a supportive and lasting presence in their lives, and
- WHEREAS**, foster, kinship and adoptive families who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect thereby launching young people into successful adulthood, and
- WHEREAS**, dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families, and
- WHEREAS**, there are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care "system" is only as good as those who choose to be part of it.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Florence, South Carolina, hereby declares May 2013 as

### FOSTER CARE MONTH

in the City of Florence, and we urge all citizens to come forward and do something positive that will help change a lifetime for children and youth in foster care and eliminate child abuse and neglect from our community.

**AND IT IS SO RESOLVED**, this 13th day of May, 2013.

Approved as to form:

---

James W. Peterson, City Attorney

---

Stephen J. Wukela, Mayor

ATTEST:

---

Dianne M. Rowan, Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

**IX. b.**  
**Resolution**  
**No. 2013-12**


**DATE:** May 13, 2013

**AGENDA ITEM:** Introduction of Resolution No. 2013-12

**DEPARTMENT:** City Council

**I. ISSUE UNDERCONSIDERATION**

A Resolution to establish a Municipal State Highway Project Agreement for the Safe Routes to School Project at North Vista Elementary School in the City of Florence.

  
Andrew H. Griffin  
City Manager

MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FLORENCE ) RESOLUTION

Road/Route S-655 (Vista Street), Fraser Street, Roughfork Street  
File 21.039866  
Item  
Project SRSP(040)  
PIN 39866OT01

WHEREAS, the South Carolina Department of Transportation ("SCDOT") proposes to construct, reconstruct, alter, or improve the certain segments of the highway(s) in the State Highway System referenced above which are located within the corporate limits of the City of Florence (hereinafter, "the City").

WHEREAS, the City wishes to authorize the construction and improvements of the aforesaid highway(s) in accordance with plans to be prepared by the SCDOT ("the Project Plans").

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code Ann. §57-5-820 (1991), the City does hereby consent to the construction or improvements of the aforesaid highway(s) within its corporate limits in accordance with the Project Plans. The foregoing consent shall be the sole approval necessary from the City for SCDOT to complete the project under the Project Plans and constitutes a waiver of any and all other requirements with regard to construction within the City's limits. The foregoing waiver and consent shall also extend to the benefit of utility companies engaged in relocating utility lines on account of the project. Further, the City shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the highway(s) from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED, that the City will assist SCDOT in causing all water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located within the existing right-of-way to be relocated at the utility company's expense, except where the utility can demonstrate a prior right of occupancy. To the extent that City-owned utilities are to be relocated, those utility lines and/or appurtenances may be replaced upon the new highway right-of-way at such locations as may be approved by SCDOT. SCDOT shall not be liable for damages to property or injuries to persons as a consequence of the placing, maintenance, or removal of any utilities by the City or its contractors. Future utility installations by the City within the limits of the new right-of-way after project completion shall be pursuant to a standard utility encroachment permit obtained in the normal course and issued pursuant to SCDOT's "A Policy for Accommodating Utilities on Highway Rights-of-Way."

BE IT FURTHER RESOLVED, that the City hereby signifies its intention to faithfully observe the provisions of Chapter 5, Title 56, Code of Laws of South Carolina, 1976, and all amendments thereto relating to the regulation of traffic on the street, or streets, to be constructed, reconstructed, altered or improved as hereinabove identified and further agrees to refrain from placing or maintaining any traffic control devices upon any section of said street, or streets, without having first obtained written approval of the South Carolina Department of Transportation as required in S.C. Code §56-5-930 (1976, as amended), nor enacting any traffic regulation ordinances inconsistent therewith.

IN WITNESS WHEREOF, this Resolution is adopted and made a part of the Municipal records this \_\_\_\_\_ day of \_\_\_\_\_, 2013, and the original of this Resolution will be filed with the South Carolina Department of Transportation at Columbia.

Dated: \_\_\_\_\_, South Carolina  
Municipality

ATTEST: By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FLORENCE CITY COUNCIL MEETING**

**DATE:** May 13, 2013  
**AGENDA ITEM:** Resolution  
**DEPARTMENT/DIVISION:** General Services/Community Services

**I. ISSUE UNDER CONSIDERATION**

A resolution to adopt the Community Development Block Grant budget for fiscal year 2013-2014.

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

The City of Florence held public hearings at the following locations:

- March 4, 2013 at 6:30 pm – Wilson Road Church
- March 5, 2013 at 7:00 pm – Williams Heights
- March 13, 2013 at 7:00 pm – Levy Park Community Center
- March 19, 2013 at 7:00 pm – North West Community Center
- March 21, 2013 at 2:00 pm – City Council Chambers
- April 8, 2013 at 1:00 pm - City Council Chambers

**III. POINTS TO CONSIDER**

- A. The City of Florence will receive approximately **\$200,000** in Community Development Block Grant funding for FY 2013-2014.
- B. The President issued a sequestration order canceling \$85 billion in budgetary resources across the Federal Government for FY 2013.
- C. OMB calculates that the sequestration requires a 5.1 percent reduction in non-exempt nondefense discretionary funding. Because these cuts must be achieved over only seven months instead of 12, the effective percentage reductions will be approximately 9 percent for non-exempt nondefense programs.

D. The recommended budget provides funding for projects in each of CDBG targeted areas of North Florence, North West Florence, and East Florence. The recommended projects are as follows:

-Housing Rehabilitation	\$70,000
-Funding for the Pee Dee Transitional Shelter	\$30,000
-Debt service on the Section 108 loan, which was used to make improvements to Levy Park and the Barnes Street facility.	\$100,000

**IV. STAFF RECOMMENDATION**

Approve and adopt the CDBG budget as presented.

**V. PERSONAL NOTES:**

**VI. ATTACHMENTS**

2013-2014 CDBG Budget Resolution



\_\_\_\_\_  
Scotty Davis  
Director of Community Services



\_\_\_\_\_  
Andrew H. Griffin  
City Manager

**Resolution No. 2013**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF FLORENCE, SOUTH CAROLINA**

**WHEREAS**, the City of Florence is an Entitlement City as defined by the United States Department of Housing and Urban Development; and

**WHEREAS**, the City of Florence will receive approximately **\$200,000** in Community Development Block Grant funding from the United States Department of Housing and Urban Development for fiscal year 2013-2014; and

**WHEREAS**, the City of Florence is required by the United States Department of Housing and Urban Development to approve and adopt a Community Development Block Grant budget;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Florence, South Carolina in a meeting duly assembled do hereby adopt the following Community Development Block Grant budget for fiscal year 2013-2014:

<b>Emergency Rehabilitation</b>	<b>\$ 70,000</b>
<b>Pee Dee CAA Transitional Shelter</b>	<b>\$ 30,000</b>
<b>Section 108 Loan repayment</b>	<b>\$100,000</b>

ADOPTED, this **13th** day of **May, 2013**.

**Approved as to form:**

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

\_\_\_\_\_  
Steven Wukela, **Mayor**

**Attest:**

\_\_\_\_\_  
Dianne M. Rowan  
**Municipal Clerk**

**X. a.  
Report To  
Council**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** May 13, 2013

**AGENDA ITEM:** Report to Council


**DEPARTMENT:**

**I. ISSUE UNDER CONSIDERATION:**

A discussion regarding an amendment to the City's Code of Ordinances making it unlawful for the City or a private employer to make inquiries regarding an arrest or criminal accusation in the initial employment of that person.

**II. ATTACHMENTS**

- a. Copy of Ordinance from the City of Philadelphia

  
\_\_\_\_\_  
Andrew H. Griffin  
City Manager



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 110111-A**  
**(As Amended on Floor 3/24/2011)**

**Introduced February 17, 2011**

**Councilmember Miller**

**Referred to the  
Committee on Public Safety**

## **AN ORDINANCE**

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by enacting a new Chapter 9-3000, entitled "Fair Criminal Record Screening Standards," to establish provisions and requirements for the screening of criminal records by certain employers within the City of Philadelphia, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," is hereby amended by adding a new Chapter 9-3500, entitled "Fair Criminal Record Screening Standards," to read as follows:

*CHAPTER 9-3500. FAIR CRIMINAL RECORD SCREENING STANDARDS.*

*§9-3501. Legislative Findings and Purpose.*

(1) *The City Council of the City of Philadelphia finds that:*

*(a) Persons with criminal records suffer from pervasive discrimination in many areas of life – employment, housing, education, and eligibility for many forms of social benefits; and*

*(b) As of 1999, more than 71 million people nationwide had criminal records and are reported to experience lifelong discrimination because of their past convictions, and Pennsylvania has a higher corrections population than all but eight*



# City of Philadelphia

BILL NO. 110111-A, as amended continued

states, resulting in large numbers of people whose backgrounds include past criminal convictions and/or imprisonment; and

(c) It is estimated that approximately one-fifth of Philadelphia's population has some type of Criminal Record.

(d) Nearly 3200 people are released from the Philadelphia Prison System annually and it holds an average daily population of 8500 people – each one released burdened by and shadowed with a criminal record of some type; and

(e) The percentage of people of color convicted and incarcerated nationwide exceeds the percentage of their representation in the population as a whole, which disproportionately impacts their lives, families and communities; and

(f) Criminal background checks by employers have increased at a record rate, with a vast majority of employers in the U.S. now screening their workers for criminal records; and

(g) Formerly-incarcerated people represent a group of job-seekers, ready to contribute and add to the work force; and

(h) Lack of employment is a significant cause of recidivism; people who are employed are significantly less likely to be re-arrested; and

(i) Obstacles to employment for people with criminal records and other barriers to re-entry are creating permanent members of an underclass that threatens the health of the community and undermines public safety.

(j) This legislation concerns a sensitive and highly controversial subject, and should not be construed to require an employer to hire someone with a criminal record, nor to limit an employers ability to choose the most qualified and appropriate applicant for the employment opportunity at hand.

(k) This legislation is intended to give the individual with a criminal record an opportunity to be judged on his or her own merit during the submission of the application and at least until the completion of one interview.

(2) It is the intent and purpose of this Chapter:

# City of Philadelphia

BILL NO. 110111-A, as amended continued

(a) to assist the successful reintegration of formerly-incarcerated people back into the community by removing barriers to gainful employment after their release from prison;

(b) to enhance the health and security of the community by assisting people with criminal records to provide for their families and themselves; and

(c) to ensure that, within the City of Philadelphia, just and fair measures are implemented and practiced when screening and identifying persons who may or may not have criminal records.

§9-3502. Definitions.

As used in this Chapter the following terms have the following meanings:

(1) "Applicant." Any person considered or who requests to be considered for employment by an employer.

(2) "City agency" means the City, or any City department, agency, board or commission.

(3) "Conviction" shall mean any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

(4) "Employment" means any occupation, vocation, job, work for pay or employment, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. "Employment" shall not, for the purposes of this Chapter, include membership in any law enforcement agency.

(5) "Inquiry" means any direct or indirect conduct intended to gather information, using any mode of communication.

(6) "Interview" means any direct contact by the employer with the applicant, whether in person or by telephone, to discuss the employment being sought or the applicant's qualifications.

# City of Philadelphia

BILL NO. 110111-A, as amended continued

(7) "Criminal Justice Agency" means any court, including the minor judiciary, with criminal jurisdiction or any other governmental agency, or subunit thereof, created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to such function; and agencies whose principal function relates to the administration of criminal justice, including but not limited to organized State and municipal police departments, local detention facilities, correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, pardon boards, and public agencies that provide care, guidance and control to adjudicated delinquents.

(8) "License" means any certificate, license, permit, authorization or grant of permission required by the City as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. "License" shall not, for the purposes of this Chapter, include any license, authorization or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(9) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons within the City of Philadelphia. It includes job placement and referral agencies and other employment agencies.

§9-3503. Prohibition Against Unfair discrimination against persons previously arrested for one or more criminal offenses.

(1) In connection with the licensing or employment of any person, it shall be an unlawful discriminatory practice for a City agency or private employer to knowingly and intentionally make any inquiry about or to take any adverse action against any person on the basis of any arrest or criminal accusation made against such person, which is not then pending against that person and which did not result in a conviction. It shall further be an unlawful discriminatory practice for a City agency or private employer to require any person to disclose or reveal any arrest or criminal accusation made against such person which is not then pending against that person and which did not result in a conviction.

# City of Philadelphia

BILL NO. 110111-A, as amended continued

§9-3504. *Prohibition Against Unfair discrimination against persons previously convicted of one or more criminal offenses.*

(1) *In connection with the licensing or employment of any person, it shall be an unlawful discriminatory practice for a City agency or private employer to make any inquiry regarding or to require any person to disclose or reveal any criminal convictions during the application process. The application process shall begin when the applicant inquires about the employment being sought and shall end when an employer has accepted an employment application.*

(2) *It shall further be an unlawful discriminatory practice for a City agency or private employer to make any inquiry regarding, or to require any person to disclose or reveal any criminal convictions against such person before and during the first interview. If an employer does not conduct an interview, that employer is prohibited from making any inquiries or gathering any information regarding the applicant's criminal convictions. If the applicant voluntarily discloses any information regarding his or her criminal convictions at the interview, the employer may discuss the criminal conviction disclosed by the applicant.*

§ 9-3505. *Exemptions.*

(1) *The prohibitions of this Chapter shall not apply if the inquiries or adverse actions prohibited herein are specifically authorized by any other applicable law.*

(2) *The prohibitions of this Chapter shall not apply to a Criminal Justice Agency as defined herein.*

(3) *Nothing in this Chapter shall modify or waive the requirements and limitations on the use of criminal records in Pennsylvania pursuant to 18 Pa. C.S. §9125.*

§9-3506. *Enforcement.*

(1) *The Mayor's office of Labor Standards, or such other office or agency as the Mayor shall designate, shall administer and enforce this Chapter.*

(2) *Each violation of this Chapter shall constitute a "Class III" offense and any person who violates this Chapter shall be subject to a fine as set forth in §1-109(3).*

§9-3507. *Fair Criminal Record Screening Advisory Committee.*

(1) *Establishment. The City Council hereby calls upon the Mayor to establish*

# City of Philadelphia

BILL NO. 110111-A, as amended continued

*a nine (9) person committee entitled the "Fair Criminal Record Screening Advisory Committee," the purpose of which shall be to review the implementation and effectiveness of this Chapter and to make recommendations to the Mayor and City Council regarding this Chapter.*

*(2) Members. The Committee shall be composed of nine (9) members. (5) appointed by the Mayor and (4) appointed by City Council, provided that at least two appointees shall be people with criminal records, no more than four (4) appointees shall be members of the business community and at least one appointee must be appointed to represent the office of Inspector General and one appointee must be appointed to represent the Mayor's Office of Reintegration Services for Ex-offenders ( R.I.S.E.).*

*(3) Meetings. The Committee shall meet at least quarterly. All meetings shall be open to the public and will allow for public testimony on policies or conduct relating to this Chapter.*

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance, or the application of such provision to persons or circumstances other than those as to which it is held invalid. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION 3. This Ordinance shall take effect 90 days after it becomes law.

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**Explanation:**

*Italics indicate new matter added.*

# City of Philadelphia

*BILL NO. 110111-A, as amended continued*

## A MORE FAIR EMPLOYMENT BILL:

1. *The City of Florence finds that:*
  - A. Persons with criminal records suffer from pervasive discrimination in many areas of life-employment housing, education, and eligibility for many forms of social benefits:  
and
  - B. As of 2000, more than 70 million people nationwide had criminal records and are reported to experience lifelong discrimination because of their past convictions, and Florence has a high corrections population because of their past convictions:, and
  - C. As of 2000 there have been approximately 35,000 arrest within the city of Florence of which approximately 60% are because recidivism: and
  - D. The percentage of people of color arrested and convicted both local and nationwide exceed the percentage of their representation in the population as a whole, which disproportionately impacts their lives, families and communities; and
  - E. Criminal background checks by employers have increased at a record rate, with a vast majority of employers in the U.S. now screening their workers for criminal records;  
and
  - F. Formerly-incarcerated people represents a group of job-seekers, ready to contribute and add to the work force; and
  - G. Lack of employment is a significant cause of recidivism; people who employed are significantly less likely to be re-arrested; and

- H. Obstacles to employment for people with criminal records and other barriers to re-entry are creating permanent members of an underclass that threatens the health of the community and undermines public safety.
  - I. This Legislation concerns a sensitive and highly controversial subject, and should not be construed to require an employer to hire someone with a criminal record, nor to limit an employer's ability to choose the most qualified and appropriate application for the employment opportunity at hand.
  - J. This legislation is intended to give the individual with a criminal/arrest record an opportunity to be judged on his or her own merit during the submission of the application and at least until the completion of one interview.
2. It is the intent and purpose of this Chapter:
- A. To assist the successful reintegration of formerly-incarcerated people back into the community by removing barriers to gainful employment after their release from jail/prison;
  - B. To enhance the health and security of the community by assisting people with criminal/arrest records to provide for their families and themselves; and
  - C. To ensure that, within the City of Florence, just and fair measures are implemented and practiced when screening and identifying persons who may or may not have criminal records.

Definitions.

As used in this Chapter this Chapter the following terms have the following meanings:

- 1. "Applicant" Any person considered or who requests to be considered for employment by an employer



2. "City agency" means the city, or any City department, agency, board or commission.
3. "Conviction" shall mean any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.
4. "Employment" means any occupation, vocation, job, work for pay or employment, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. "Employment" shall not, for the purpose of this Chapter, include membership in any law enforcement agency.
5. "Inquiry" means any direct or indirect conduct intended to gather information, using any mode of communication.
6. "Interview" means any direct contact by the employer with the applicant, whether in person or by telephone, to discuss the employment being sought or the applicant's qualifications.
7. "Criminal Justice Agency" means any, court including the minor judiciary, with criminal jurisdiction or any other governmental agency, or subunit thereof, created by statute or by the state or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to such function; and agencies whose principal function relates to the administration of criminal justice, including but not limited to organized State and municipal police departments, local detention facilities, correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, pardon boards and public agencies that provide care, guidance and control to adjudicated delinquents.
8. "License" means any certificate, license, permit, authorization or grant of permission required by the City as a condition for the lawful practice of any occupation, employment, trade, vocation,

business, or profession. "License" shall not for the purpose of this Chapter, include any license, authorization or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

9. "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons within the City of Florence. It includes job placement and referral agencies and other employment agencies.

PROHIBITION AGAINST UNFAIR DISCRIMINATION AGAINST PERSONS PREVIOUSLY ARRESTED FOR ONE OR MORE CRIMINAL OFFENSES.

1. In connection with the licensing or employment of any person, it shall be an unlawful discriminatory practice of a City agency or private employer to knowingly and intentionally make any inquiry about or to take any adverse action against any person on the basis of any arrest or criminal accusation made against such person, which is not then pending against that person and which did not result in a conviction. It shall further be an unlawful discriminatory practice for a City agency or private employer to require any person to disclose or reveal any arrest or criminal accusation made against such person which is not then pending against that person and which did not result in a conviction.

PROHIBITION AGAINST UNFAIR DISCRIMINATION AGAINST PERSONS PREVIOUSLY CONVICTED FOR ONE OR MORE CRIMINAL OFFENSES.

1. In connection with licensing or employment of any person, it shall be an unlawful discriminatory practice for a City agency or private employer to make any inquiry regarding or to require any person to disclose or reveal any criminal convictions during the application process. The application process shall begin when the applicant inquires about the

employment bent sought and shall end when an employer has accepted an employment application.

2. It shall further be an unlawful discriminatory practice for a City agency or private employer to make any inquiry regarding, or to require any person to disclose or reveal any criminal convictions against such person before and during the first interview. If an employer does not conduct an interview, that employer is prohibited from making any inquires or gathering any information regarding the applicant's criminal convictions. If the applicant voluntarily discloses any information regarding his or her criminal conviction at the interview, the employer may discuss the criminal conviction disclosed by the applicant.

#### EXEMPTIONS.

1. The prohibitions of this Chapter shall not apply if the inquires or adverse actions prohibited herein are specifically authorized by any other applicable law.
2. The prohibitions of this Chapter shall not apply to a Criminal Justice Agency as defined herein.
3. Nothing in this Chapter shall modify or waive the requirements and limitations on the use of criminal records in Florence.

#### ENFORCEMENT.

1. The City Manager shall designate the appropriate city department to administer and enforce this Chapter.
2. Each violation of this Chapter shall constitute a "Class III" offense and any person who violates this Chapter shall be subject to a fine as set forth under "Class III" offenses.

#### FAIR CRIMINAL RECORD SCREENING ADVISORY SCREENING ADVISORY COMMITTEE:

1. *Establishment.* The City Council hereby calls upon the City Manager to establish a nine (9) person committee entitled the "The Criminal Record Screening Advisory Committee" the purpose of

which shall be to review the implementation and effectiveness of this Chapter and to make recommendations to the City Council regarding this Chapter.

2. Members. The Committee shall be composed of nine (9) members, one (1) each by each Council member, one (1) by the City Manager, and of the eight shall appoint one (1) other to be Chairperson. The appointees shall consist of: two (2) that have arrest/criminal records, two (2) from the business community, two (2) from general public, one (1) minister, and the other two, shall be the committee appointee and City Manager's appointee, no restrictions
3. Meetings: The committee shall meet at least quarterly. All meetings shall be open to the public and will allow for public testimony on policies or conduct relating to this Chapter.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance, or the application of such provision to persons or circumstances other than those as to which it is held invalid. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.