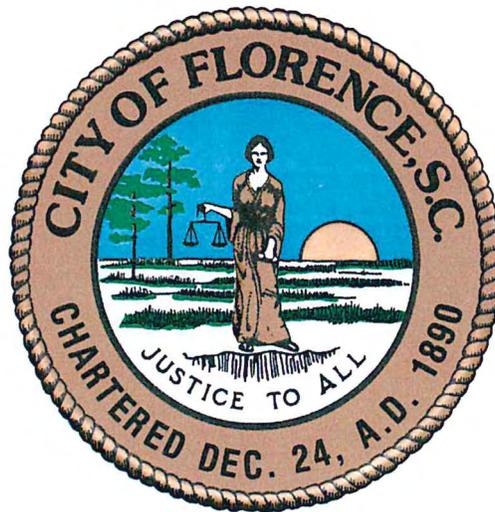


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA

MONDAY
DECEMBER 14, 2015
1:00 P.M.

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, DECEMBER 14, 2015 – 1:00 P.M.

CITY CENTER – COUNCIL CHAMBERS

324 W. EVANS STREET

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

III. APPROVAL OF MINUTES

October 19, 2015 – Regular Meeting

November 9, 2015 – Regular Meeting

IV. HONORS AND RECOGNITIONS

SERVICE RECOGNITIONS

Gregory Allen – 25 years – Public Works/Beautification & Facilities

Chuck Pope – 25 years – Public Works

Travis Franks – 15 years – Public Works/Sanitation

Hazle Wilson – 10 years – Justice & Law/City Court

EDUCATIONAL RECOGNITION

Justin Galloway – Passed his Certification Exam for Water Treatment – Class C

V. APPEARANCES BEFORE COUNCIL

a. *Presentation of the City of Florence, SC Comprehensive Annual Financial Report and Audited Financial Statements by the independent Certified Public Accounting Firm of Burch, Oxner, Seale Company, CPA's, PA.*

b. *Mr. Tim Waters – To report on redevelopment project opportunities within the City's Neighborhood Redevelopment areas.*

VI. PUBLIC HEARING

A Public Hearing will be held to receive public input on designating portions of downtown as a State Cultural District.

VII. ORDINANCES IN POSITION

- a. Bill No. 2015-32 – Second Reading**
An Ordinance to replace, in whole, Chapter 3, Animals and Fowl with Chapter 3, Animal Care and Control.
- b. Bill No. 2015-37 – Second Reading**
An Ordinance to zone R-1, pending annexation, property located at 2305 W. Foxtail Lane, said property being specifically designated in the Florence County Tax Records as Tax Parcel 90008-03-011.

VIII. INTRODUCTION OF ORDINANCES

- a. Bill No. 2015-38 – First Reading**
An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2015, and ending June 30, 2016.
- b. Bill No. 2015-39 – First Reading**
An Ordinance to amend the Planned Development District Ordinance for the Advanced Dental, Tax Map Number 90011-04-003 to expand and define the development plan.
- c. Bill No. 2015-40 – First Reading**
An Ordinance to annex and zone property located at 2494 Parsons Gate, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 01221-01-280.

IX. INTRODUCTION OF RESOLUTIONS

- a. Resolution No. 2015-26**
A Resolution to authorize the service of alcoholic beverages by approved groups and organizations at the Dr. Eddie Floyd Florence Tennis Center.
- b. Resolution No. 2015-27**
*A Resolution of the Florence City Council designating portions of downtown as a State Cultural District.
(This Resolution is sponsored by Councilman Jebaily)*

- c. **Resolution No. 2015-28**
A Resolution Authorizing the Execution of an Intergovernmental Agreement Between the City of Florence and Florence County, South Carolina to Construct, Furnish and Equip Certain Improvements to and Expansion of the Florence Civic Center to Promote the Tourism Industry and Economic Development in the City and the County.

X. REPORT TO COUNCIL

- a. **Appointments to Boards and Commissions**
- b. **Councilman Robinson – Consideration of third Christmas holiday for City employees.**

XI. EXECUTIVE SESSION

- a. **Contractual/Legal Matter**
- b. **Contractual/Legal Matter**

XII. ADJOURN

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, OCTOBER 19, 2015 – 2:00 P.M.
CITY CENTER COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA**

PRESENT: Mayor Wukela called the meeting to order at 2:00 p.m. with the following members present: Mayor Pro tem Brand; Councilman Robby Hill; Councilwoman Teresa Myers Ervin, Councilman Ed Robinson; Councilwoman Octavia Williams-Blake and Councilman George Jebaily.

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

Notices of this regularly scheduled meeting were sent to the media and individuals requesting a copy of the agenda, informing them of the date, time and place of the meeting.

MEDIA PRESENT: Joe Perry of the Morning News and Nick Sturdivant of WBTW TV13 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 adopt the minutes of the Regular Meeting of September 8, 2015. Councilman Hill and Councilman Jebaily seconded the motion, which carried unanimously.

HONORS AND RECOGNITIONS

Service Recognitions

Mayor Wukela presented Michael Melvin a Certificate of Recognition for completing 20 years of service with the City of Florence.

John Miller received a Certificate of Recognition for completing 20 years of service with the City of Florence.

Donald Covington and William Kelley were presented Certificates of Recognition from Mayor Wukela for completing 15 years of service with the City.

Mayor Wukela presented a Certificate of Recognition to Billy Law for completing 10 years of service with the City.

**A REPORT ON THE PARKS AND BEAUTIFICATION COMMISSION'S
RECOMMENDATION TO CITY COUNCIL REGARDING THE RELOCATION OF THE WWI
MONUMENT FROM FRED SEXTON AMERICAN LEGION POST 1 TO THE FLORENCE
VETERANS PARK.**

Mr. Barry Wingard, Chairman of the Veterans Park Committee, speaking only on his behalf, gave a report on his findings related to a plaque that honors and lists 67 Florence County veterans who lost their lives in World War I. The plaque is a part of a World War I monument that is being considered for relocation to the Florence Veterans Park. The monument was originally erected in 1928 with the names listed under three headings. The first is a list of four names under the heading of "White – Officers". The second group consists of 38 names listed under the heading of "Enlisted Men". The third and final group is 25 names listed under the heading of "Colored – Enlisted Men". The issue before Council is to approve the relocation of the monument as proposed by the Parks and Beautification Commission with no change to the original plaque but to add an additional plaque/marker that provides a historical background and explanation of the original 1928 plaque. Mr. Wingard is in agreement with the recommendation of the Parks and Beautification Commission.

There was a lengthy discussion regarding leaving the plaque as is and the impact it could possibly have and how it would be perceived with the names listed in a segregated manner.

Mr. James McLaughlin, Commander of VFW Post 3181 and member of the Parks and Beautification Commission spoke to Council regarding the relocation of the monument and the wording on the plaque. Mr. McLaughlin stated that the members of his Post voted to keep the monument as is. Mr. McLaughlin stated that personally he does not feel the monument needs to be changed nor does it need an explanation. However, if an additional plaque is added it should explain that "Colored" means more than Black or African American; it can mean Puerto Rican, Indian or other minorities.

Mr. Charles Bethea, Commander of American Legion Post 1 stated that the public forum said to leave the monument as it is. The monument is to honor World War I Veterans and deserves to be in the Veterans Park.

Mr. Bill Pickle stated for historical purposes the plaque and monument should remain as it is and use the plaque as a teaching tool. Mr. Pickle feels the monument should be relocated to the Veterans Park.

Councilman Jebaily stated this is a very challenging and important issue before Council. Councilman Jebaily stated that while it is troubling to him to have the plaque remain in its original form, there are lessons to be learned from it as to where we were then and where we are today and what we can do to be better. Councilman Jebaily feels a teaching opportunity will be lost if the plaque is changed. For these reasons, the educational and learning value, Councilman Jebaily stated he will support bringing the monument, as is, to the Veterans Park, with the original plaque and an additional explanatory plaque that can give full meaning to the monument for the purpose of using it as a teaching opportunity/tool for future generations.

Councilman Robinson stated he is in agreement to leave the plaque as is and to relocate the monument to the Veterans Park where people will have the opportunity to learn from it. Councilman Robinson added this could be used to show how things were in 1928 and to bring forth the fact that we have to do a better job of making things better in the future. Councilman Robinson also stated that our children need to know where we were and what we were called in 1928. Councilman Robinson stated in his opinion, he thinks that in the 60's when the City of Florence received the All-America City Award, there was a positive forward movement; however in 2015 there is a negative movement. The reason for that is not equality; it is segregation. As stated before, the word "colored" means you are less than. Councilman Robinson also stated he felt this decision should be made by the veterans and not by City

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Council and the veterans he has spoken with want the plaque left as is and the monument relocated to the Veterans Park.

Mayor Wukela stated that he is very concerned that regardless of the intent, he feels that if the monument and plaque are erected in the Veterans Park it may cause, unintentionally, “clouds of inferiority” to form in young minds. Mayor Wukela stated he is “very recalcitrant” to do anything that takes the City back from progress that has been made. Everyone should be very careful that reminders of our history are not perceived as reminiscence or endorsement of that history. For these reasons, Mayor Wukela stated he would vote not to accept the plaque unchanged.

Councilwoman Williams-Blake stated she does not feel that the plaque should be changed as that would be rewriting history and that would not be right. However, she feels the plaque should be in a museum and not placed in a public park. For the record, Councilwoman Williams-Blake stated she would never vote to place a segregated monument in a public park.

Councilwoman Ervin stated for the record that she does not support relocating the existing monument to a public park; it should either be in a museum or leave it at its current location. Councilwoman Ervin feels relocating the monument to the Veterans Park will be a step back in race relations for the City of Florence. Councilwoman Ervin also stated that her vote is representative of the individuals, constituents and Veterans that she has spoken with regarding the plaque and the World War I monument.

The motion on the floor to relocate from the American Legion location to the Veterans Park, the monument in question with the original plaque accompanied by a second explanatory plaque was passed with a 4-3 vote.

Voting in favor of the motion was Councilman Hill, Councilman Robinson, Mayor Pro tem Brand and Councilman Jebaily.

Voting in opposition to the motion was Councilwoman Ervin, Mayor Wukela and Councilwoman Williams-Blake.

ORDINANCES IN POSITION

BILL NO. 2015-29 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY LOCATED AT NORTH EAST CORNER OF N. CASHUA DRIVE AND E. DARLINGTON STREET, SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCELS 00122-01-340 AND 00123-01-090.

An Ordinance to annex and zone property located at North East corner of N. Cashua Drive and E. Darlington Street, said property being specifically designated in the Florence County Tax Records as Tax Map Parcels 00122-01-340 and 00123-01-090 was adopted on second reading.

Councilman Hill made a motion to adopt Bill No. 2015-29 on second reading. Mayor Pro tem Brand seconded the motion.

Council voted unanimously to adopt Bill No. 2015-29.

BILL NO. 2015-30 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY LOCATED AT 928 WEST MARION STREET, SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 90060-12-023.

An Ordinance to annex and zone property located at 928 West Marion Street, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 90060-12-023 was adopted on second reading.

Councilwoman Ervin made a motion to adopt Bill No. 2015-30 on second reading. Mayor Pro tem Brand seconded the motion, which carried unanimously.

BREAK

There was no objection to a request for Council to recess for a break. Mayor Wukela recessed the meeting at 3:58 p.m. for a short break and reconvened the regular meeting at 4:08 p.m.

INTRODUCTION OF ORDINANCES

BILL NO. 2015-32 – FIRST READING

AN ORDINANCE TO REVISE AND AMEND SECTION 3 OF THE CITY OF FLORENCE CODE OF ORDINANCES RELATING TO ANIMAL CARE AND CONTROL IN THE CITY OF FLORENCE.

An Ordinance to revise and amend Section 3 of the City of Florence Code of Ordinances relating to Animal Care and Control in the City of Florence was passed on first reading.

Mayor Wukela stated this is a re-write of this Section of the Code of Ordinances. Mayor Wukela added his preference is to pass Bill No. 2015-32 on first reading and appoint a Committee of Council, chaired by Mayor Pro tem Brand, to review this re-write and then make recommendations to Council before second reading of the Ordinance.

Councilwoman Williams-Blake made a motion to pass Bill No. 2015-32 on first reading and to appoint a committee to review the proposed Ordinance. Councilman Hill seconded the motion.

Voting in favor of the motion was Mayor Wukela, Mayor Pro tem Brand, Councilman Hill, Councilwoman Ervin, Councilwoman Williams-Blake and Councilman Jebaily.

Voting in opposition to the motion was Councilman Robinson.

BILL NO. 2015-33 – FIRST READING

AN ORDINANCE TO AUTHORIZE THE LEASE OF A PORTION OF THE ELEVATED TANK AND WATER PLANT SITE AT 3381 PINE NEEDLES ROAD, FOR THE PLACEMENT OF A RADIO EQUIPMENT BUILDING, ANTENNA SYSTEM AND COAXIAL TRANSMISSION LINE.

An Ordinance to authorize the lease of a portion of the elevated tank and water plant site at 3381 Pine Needles Road, for the placement of a radio equipment building, antenna system and coaxial transmission line was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2015-33 on first reading. Councilman Hill seconded the motion.

Mr. Thomas Chandler, Director of Finance reported this is an Ordinance for Council's consideration that would authorize the City Manager to execute a water tank lease agreement with Cellco

**REGULAR MEETING OF FLORENCE CITY COUNCIL
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Partnership, doing business as Verizon Wireless, to negotiate a lease agreement for the use of a portion of the elevated tank located at 3381 Pine Needles Road (also known as the ESAB tank) for the placement of a radio equipment building, antenna system and coaxial transmission line. This agreement has been thoroughly reviewed by City Staff and the City Attorney. The agreement provides for a lease rate of \$23,100 annually for five years with Verizon's ability to extend the lease for four additional five year terms. The annual lease for each of the five extension terms would be increased by 10% over the annual lease amount due for the preceding five year term.

Council voted unanimously to pass Bill No. 2015-33.

BILL NO. 2015-34 – FIRST READING

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016.

An Ordinance to amend the General Fund Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2015 and ending June 30, 2016 was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2015-34 on first reading. Councilwoman Williams-Blake seconded the motion.

Mr. Thomas Chandler, Director of Finance reported that on September 2, 2015 the City sold property located on the corner of Irby and Darlington Streets to Palmetto Petro, LLC. On October 1, 2015 a Special City Council meeting was held to discuss the allocation of proceeds from the sale of the City property to Palmetto Petro, LLC. As directed by Council, a portion of the proceeds from the sale of the Palmetto Petro property will be used for immediate and longer term improvements to the new PDRTA bus transfer station adjacent to the Palmetto Petro site. In addition, a portion of the proceeds will be used for the rehabilitation of property owned by the City located at 142 North Dargan Street to house the Art Trail Gallery.

The Ordinance amends the General Fund Budget to provide for the receipt and expenditures as directed by City Council of these proceeds.

Council voted unanimously to pass Bill No. 2015-34.

BILL NO. 2015-35 – FIRST READING

AN ORDINANCE TO AMEND PLANNED DEVELOPMENT DISTRICT ORDINANCE 1987-29.

An Ordinance to amend Planned Development District Ordinance 1987-29 was passed on first reading.

Councilman Hill made a motion to pass Bill No. 2015-35. Councilman Jebaily seconded the motion.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported in August 1987, City Council adopted an Ordinance (1987-29) that rezoned two lots (Tax Map Number 00099-01-067 and 068) owned by JDN Enterprises to a Planned Development District. This Ordinance allowed for the development of a shopping center on the property that would tie into the existing Wal-Mart development.

The current owner of Tax Map Parcel 00099-01-067 is requesting to amend PDD Ordinance 1987-29 to allow for the creation of a one acre outparcel and the construction of a restaurant on this outparcel.

On September 8, 2015 the Planning Commission held a Public Hearing on this request and recommended unanimously (9-0) to approve the request.

The applicant proposes that allowed signage for the PDD follow the regulations as set forth in the City of Florence Zoning Ordinance, Article 5 for the B-3, General Commercial Zoning District.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
OCTOBER 19, 2015 – PAGE 6**

All other regulations would remain the same as stated in Ordinance 1987-29.
Council voted unanimously to pass Bill No. 2015-35.

BILL NO. 2015-36 – FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLORENCE AUTHORIZING ACCEPTANCE OF TERMS AND CONDITIONS OF A COMMITMENT LETTER AND A PROMISSORY NOTE IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$700,000 WITH THE SOUTH CAROLINA COMMUNITY LOAN FUND RELATING TO A LOAN IN CONNECTION WITH THE VISTA STREET REDEVELOPMENT PROJECT; AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS INCLUDING THE COMMITMENT LETTER AND THE PROMISSORY NOTE; AND OTHER MATTERS RELATING THERETO.

An Ordinance of the City Council of the City of Florence authorizing acceptance of terms and conditions of a commitment letter and a promissory note in the principal amount of not exceeding \$700,000 with the South Carolina Community Loan Fund relating to a loan in connection with the Vista Street Redevelopment Project; authorizing the execution and delivery of various documents including the Commitment Letter and the Promissory Note; and other matters relating thereto was passed on first reading.

Councilwoman Ervin made a motion to pass Bill No. 2015-36. Councilman Hill seconded the motion.

Mr. Thomas Chandler, Director of Finance reported that on December 18, 2014 City Council adopted a Neighborhood Revitalization Strategy. This is a plan for the steps required to achieve comprehensive neighborhood revitalization.

The goal of this revitalization initiative is to implement stabilization strategies through catalytic redevelopment and new construction projects that improve and enhance the North, Northwest and East Florence communities.

The South Carolina Community Loan Fund program provides a means for the City to enter a 36 month, \$700,000 loan agreement at an interest rate of 5.25% to provide construction financing for a comprehensive catalytic project located on Vista Street in North Florence.

These funds will be used for contractor financing assistance, with emphasis on encouraging minority contractor participation, for construction of seven new single family houses for sale and two restored houses for rental.

The loan will be repaid from the proceeds of the sale of the newly constructed houses.

Council voted unanimously to pass Bill No. 2015-36.

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 2015-21

A RESOLUTION TO ADOPT A MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT FOR IMPROVEMENTS TO SOUTH CASHUA DRIVE.

A Resolution to adopt a Municipal State Highway Project Agreement for improvements to South Cashua Drive was adopted by Council.

Councilman Hill made a motion to adopt Resolution No. 2015-21. Councilman Jebaily seconded the motion, which carried unanimously.

Mr. Phillip Lookadoo reported to Council that the improvements to South Cashua Drive are part of the Florence Area Transit Study (FLATS) efforts to lessen traffic congestion on South Cashua. South

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OCTOBER 19, 2015 – PAGE 7**

Cashua will be widened from Second Loop Road to South Knollwood Road, approximately 2.7 miles. From Second Loop Road to Celebration Boulevard there will be a five lane highway, with two travel lanes in each direction and a center turn lane. From Celebration Boulevard to South Knollwood Road there will be a three lane road with one travel lane in each direction and a center turn lane. Existing signal lights will be maintained and new ones will be added at McCown Drive and Jefferson Drive. Sidewalks are proposed along both sides of the roadway throughout the entire length of the project.

To be in compliance with this agreement, the City will be required to relocate water and sewer lines at a cost in excess of \$1,750,000. Also, to the degree necessary, under this agreement, the City will assist the SCDOT in coordinating other utilities to move their lines as well.

Council voted unanimously to adopt Resolution No. 2015-21.

RESOLUTION NO. 2015-22

A RESOLUTION TO RECOGNIZE THE SENSATIONAL BROWN BROTHERS.

A Resolution to recognize the Sensational Brown Brothers was adopted by Council.

Councilwoman Ervin made a motion to adopt Resolution No. 2015-22. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

ITEM ADDED TO THE AGENDA

RESOLUTION NO. 2015-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLORENCE TO REAFFIRM AND RE-ESTABLISH TWO HOUR PARKING IN THE DOWNTOWN AREA.

A Resolution to reaffirm and re-establish two hour parking in the downtown area was adopted by Council.

Mayor Wukela stated this Resolution, which involves two hour parking in downtown Florence, was adopted by a previous Council. Recently, there have been numerous discussions with downtown merchants regarding the enforcement of the two hour parking restriction. Staff would like to move forward with the enforcement of the pre-existing rule. Staff was unable to find the original documents that adopted the original Resolution and therefore is requesting Council to re-new the Resolution in order to codify the previously adopted Resolution.

Mr. Griffin, City Manager added that a public meeting on two hour parking was held about two months ago at the Art Trail Gallery.

Councilman Jebaily made a motion that exigent circumstances do exist for this Resolution to be added to the agenda and that a 2/3 majority vote of Council is necessary to add this to today's agenda. Councilman Hill seconded the motion, which carried unanimously (7-0) with the finding of exigent circumstances.

REPORT TO COUNCIL

A REPORT ON THE APPROPRIATIONS OF THE ACCOMMODATIONS TAX FUNDS FOR FY 2015-2016.

Mr. Chad Patterson, Chairman of the Accommodations Tax Advisory Committee reported on the recommendations and distributions of the 2015-2016 funds.

The committee is responsible for making recommendations to City Council for the expenditure of the 65% of the accommodations tax funds received from the state. These funds are estimated to be

**REGULAR MEETING OF FLORENCE CITY COUNCIL
OCTOBER 19, 2015 – PAGE 8**

\$388,000 for this year and are available to be distributed among the 26 applicants to be used for tourism promotion. Based on state laws and city guidelines, the committee carefully reviewed the 26 organizations and the events based on their past, present and future ability to bring tourists to our community and increase the overall quality of life for citizens in Florence.

While the committee was only able to fund approximately 56.5% of the \$686,500 in requests, the committee is confident that the allocations recommended are fiscally responsible investments back into the community.

Councilman Hill made a motion to accept the recommendations for the distribution of funds as presented by the Committee. Mayor Pro tem Brand and Councilman Jebaily seconded the motion.

Councilman Jebaily abstained from voting on this matter as he serves as the Chairman of the South Carolina Pecan Festival, one of the recipients of accommodations tax funds.

Council voted unanimously (6-0) to accept the recommendations of the Accommodation Tax Advisory Committee.

APPOINTMENTS TO BOARDS AND COMMISSIONS

ACCOMMODATIONS TAX ADVISORY COMMITTEE

Councilwoman Ervin deferred her appointment to the Accommodations Tax Advisory Committee.

Councilman Jebaily deferred his appointment to the Accommodations Tax Advisory Committee.

CITY OF FLORENCE PLANNING COMMISSION

Councilman Hill made a motion to reappoint Mr. Derrick Owens to serve on the City of Florence Planning Commission. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Mr. Derrick Owens was reappointed to serve on the City of Florence Planning Commission for a term to begin immediately and end June 30, 2018.

CITY OF FLORENCE BOARD OF ZONING APPEALS

Councilwoman Ervin deferred her appointment to the Board of Zoning Appeals.

Councilman Robinson made a motion to appoint Mr. Nathaniel Rowell Poston to serve on the City of Florence Board of Zoning Appeals. Councilman Hill seconded the motion, which carried unanimously.

Mr. Nathaniel Rowell Poston was appointed to serve on the City of Florence Board of Zoning Appeals for a term to begin immediately and end June 30, 2018.

CITY OF FLORENCE DESIGN REVIEW BOARD

Councilwoman Williams-Blake made a motion to appoint Mr. Jamie Carsten to serve on the City of Florence Design Review Board. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Mr. Jamie Carsten was appointed to serve on the City of Florence Design Review Board for a term to begin immediately and end June 30, 2019.

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OCTOBER 19, 2015 – PAGE 9**

PARKS AND BEAUTIFICATION COMMISSION

Councilwoman Ervin deferred her appointment to the Parks & Beautification Commission.

Mayor Pro tem Brand deferred his appointment to the Parks & Beautification Commission.

MS. CINDY WILLIAMS – A REPORT ON RUNAWAY AND HOMELESS YOUTH

This report was deferred until the November, 2015 City Council meeting.

EXECUTIVE SESSION

There was no objection to enter into Executive Session to consider the Downtown Incentive Grant applications and staff's report.

Council entered into Executive Session at 4:57 p.m.

Mayor Wukela reconvened the regular meeting at 5:23 p.m.

Mayor Wukela stated Council discussed the most recent and for this fiscal year, the last series of grant applications. The City has sufficient funds to award three grants. Council received the rankings of the applications from staff.

Councilwoman Williams-Blake made a motion to award the top three ranked applications. Mayor Pro tem Brand seconded the motion, which carried unanimously.

COUNCILMAN ROBINSON

Councilman Robinson informed Council and the public that Representative Robert Williams and he have formed a committee to work with representatives from FEMA to help people who had storm damage as a result of the recent heavy storms that occurred in our area. Interested individuals can contact Councilman Robinson at the Carolina Regional Black Chamber of Commerce or Representative Robert Williams at the Families and Fatherhood program.

ADJOURN

There being no further business before Council, the meeting was adjourned at 5:25 p.m.

Dated this 14th day of December, 2015.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, NOVEMBER 9, 2015 – 1:00 P.M.
COUNCIL CHAMBERS – CITY CENTER
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA**

PRESENT: Mayor Wukela called the regular meeting of Florence City Council to order at 1:00 p.m. with the following members present: Mayor Pro tem Frank J. “Buddy” Brand, II; Councilwoman Octavia Williams-Blake; Councilwoman Teresa Myers Ervin; Councilman Robby L. Hill; Councilman George D. Jebaily; and Councilman Edward Robinson.

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

Notices of this regular meeting were sent to the media and individuals requesting a copy of the agenda, informing them of the date, location and time of the meeting.

MEDIA PRESENT: Josh Lloyd of the Morning News was present for the meeting.

INVOCATION

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

APPROVAL OF MINUTES

Mayor Pro tem Brand made a motion to adopt the minutes of the October 1, 2015 Special Meeting. Councilman Hill seconded the motion. The minutes were unanimously adopted.

Mayor Wukela requested that the minutes of the October 19, 2015 Regular meeting be deferred so that staff can revise and extend the minutes in a more verbatim fashion. There was no objection.

HONORS AND RECOGNITIONS

Mayor Wukela presented a Certificate of Recognition to Lt. Gerald Cameron in recognition of his 30 years of service with the Florence Police Department.

Dianne Rowan received a Certificate of Recognition from Mayor Wukela in recognition of completing 20 years of service with the City of Florence.

Robbie Holland received a Certificate of Recognition from Mayor Wukela in recognition of completing 20 years of service with the Florence Fire Department.

Mayor Wukela presented Jennifer Lee a Certificate of Recognition to recognize her 15 years of service with the City of Florence Public Works Department.

Mayor Wukela presented Phillip Lookadoo a Certificate of Recognition for completing 10 years of service with the City of Florence.

EDUCATIONAL RECOGNITION

Justin Galloway and Steven Rasmussen received an educational recognition for passing their Water Treatment Class D Certification examination.

ORDINANCES IN POSITION

BILL NO. 2015-32 – SECOND READING

AN ORDINANCE TO REVISE AND AMEND SECTION 3 OF THE CITY OF FLORENCE, CODE OF ORDINANCES RELATING TO ANIMAL CARE AND CONTROL IN THE CITY OF FLORENCE.

An Ordinance to revise and amend Section 3 of the City of Florence, Code of Ordinances relating to Animal Care and Control in the City of Florence was deferred by Council.

BILL NO. 2015-33 – SECOND READING

AN ORDINANCE TO AUTHORIZE THE LEASE OF A PORTION OF THE ELEVATED TANK AND WATER PLANT SITE AT 3381 PINE NEEDLES ROAD, FOR THE PLACEMENT OF A RADIO EQUIPMENT BUILDING, ANTENNA SYSTEM AND COAXIAL TRANSMISSION LINE.

An Ordinance to authorize the lease of a portion of the elevated tank and water plant site at 3381 Pine Needles Road, for the placement of a radio equipment building, antenna system and coaxial transmission line was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2015-33 on second reading. The motion was seconded by Councilman Hill and Councilwoman Williams-Blake. Council voted unanimously to adopt Bill No. 2015-33.

BILL NO. 2015-34 – SECOND READING

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016.

An Ordinance to amend the General Fund Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2015 and ending June 30, 2016 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2015-34 on second reading. Councilman Hill seconded the motion, which carried unanimously.

BILL NO. 2015-35 – SECOND READING

AN ORDINANCE TO AMEND PLANNED DEVELOPMENT DISTRICT ORDINANCE 1987-29.

An Ordinance to amend Planned Development District Ordinance 1987-29 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2015-35 on second reading. Councilwoman Williams-Blake and Councilman Jebaily seconded the motion. Council voted unanimously to adopt Bill No. 2015-35.

BILL NO. 2015-36 – SECOND READING (AS AMENDED)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLORENCE AUTHORIZING ACCEPTANCE OF TERMS AND CONDITIONS OF A COMMITMENT LETTER AND A PROMISSORY NOTE IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$700,000 WITH THE SOUTH CAROLINA COMMUNITY LOAN FUND RELATING TO A LOAN IN CONNECTION WITH THE VISTA STREET REDEVELOPMENT PROJECT; AUTHORIZING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS INCLUDING THE COMMITMENT LETTER AND THE PROMISSORY NOTE; AND OTHER MATTERS RELATING THERETO.

An Ordinance of the City Council of the City of Florence authorizing acceptance of terms and conditions of a Commitment Letter and a Promissory Note in the principal amount of not exceeding \$700,000 with the South Carolina Community Loan Fund relating to a loan in connection with the Vista Street Redevelopment Project; authorizing the execution and delivery of various documents including the Commitment Letter and the Promissory Note; and other matters relating thereto was adopted on second reading.

Mayor Wukela stated that the second reading of this Bill includes the Promissory Note that was authorized in the first reading but was not actually included

Mayor Pro tem Brand made a motion to adopt Bill No. 2015-36 as amended. Councilman Hill seconded the motion.

Council voted unanimously to adopt Bill No. 2015-36 on second reading.

INTRODUCTION OF ORDINANCES

BILL NO. 2015-37 – FIRST READING

AN ORDINANCE TO ZONE R-1, PENDING ANNEXATION, PROPERTY LOCATED AT 2305 W. FOXTAIL LANE, SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX PARCEL 90008-03-011.

An Ordinance to zone R-1, pending annexation, property located at 2305 W. Foxtail Lane, said property being specifically designated in the Florence County Tax Records as Tax Parcel 90008-03-011 was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2015-37. Councilman Hill seconded the motion.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported that this property is currently located in the County and is unzoned. The proposed zoning district is R-1, which is the same as other surrounding properties that have been annexed into the City. The property has water and sewer services currently available and there is no cost to extend these services.

The Planning Commission met on October 13, 2015 and voted unanimously (8-0) to recommend the zoning of R-1 and staff concurs with that recommendation.

Council voted unanimously to pass Bill No. 2015-37 on first reading.

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 2015-24

A RESOLUTION FOR THE CITY OF FLORENCE RECOGNIZING BILLY CECIL JEFFORDS AND JACKIE LEVERNE JEFFORDS FOR THEIR CONTRIBUTIONS TO THE FLORENCE COMMUNITY AS LIFETIME RESIDENTS, BUSINESS OWNERS AND BEACH MUSIC ARTISTS.

A Resolution for the City of Florence recognizing Billy Cecil Jeffords and Jackie Leverne Jeffords for their contributions to the Florence Community as lifetime residents, business owners and beach music artists was adopted by Council.

Councilman Jebaily made a motion to adopt Resolution No. 2015-24. There was no objection.

RESOLUTION NO. 2015-25

A RESOLUTION TO PROCLAIM DECEMBER 4, 2015 AS ARBOR DAY.

A Resolution to proclaim December 4, 2015 as Arbor Day was adopted by Council.

Councilwoman Williams-Blake made a motion to adopt Resolution No. 2015-25. Councilwoman Ervin seconded the motion, which carried unanimously.

REPORT TO COUNCIL

APPOINTMENTS TO BOARDS AND COMMISSIONS

ACCOMMODATIONS TAX ADVISORY COMMITTEE

Councilwoman Ervin deferred her appointment to the Accommodations Tax Advisory Committee.

Councilman Jebaily made a motion to appoint Mr. Larry Smith to serve on the Accommodations Tax Advisory Committee. Councilwoman Ervin seconded the motion, which carried unanimously.

Mr. Larry Smith was appointed to serve on the Accommodations Tax Advisory Committee for a term to begin immediately and end June 30, 2018.

CITY OF FLORENCE ZONING BOARD OF APPEALS

Councilwoman Ervin deferred her appointment to the Zoning Board of Appeals.

PARKS AND BEAUTIFICATION COMMISSION

Councilwoman Ervin deferred her appointment to the Parks and Beautification Commission.

Mayor Pro tem Brand deferred his appointment to the Parks and Beautification Commission.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
NOVEMBER 9, 2015 – PAGE 5**

12th ANNUAL PECAN FESTIVAL

Councilman Hill thanked City staff and all the volunteers that worked with the Pecan Festival on November 7, 2015. Councilman Hill stated the event showcases the City of Florence across the state. Councilman Hill thanked Festival Chairman Councilman Jebaily and the countless volunteers that made the Festival a success.

Councilman Jebaily thanked the City staff for their involvement in the Pecan Festival and especially Ray Reich and Allene Tellis of Downtown Development. Councilman Jebaily also thanked the Committee for their work with the Pecan Festival and also the volunteers and sponsors.

Mr. Drew Griffin, City Manager thanked the Public Works, Utilities, Police and Fire Departments for their work with the Festival. Mr. Griffin also thanked the Downtown Development Office and all of the volunteers.

Councilwoman Ervin thanked the City employees for their work. Also, Councilwoman Ervin thanked Ms. Pat Gibson Hye Moore (one of the co-founders of the Festival) for her diligent work on the Festival. Councilwoman Ervin pointed out that the event has grown considerably and is continuing to grow each year.

Councilman Jebaily added that people from Texas, North Carolina, South Carolina, and Missouri came to the Festival this year. These individuals stayed in the local hotels and ate at the local restaurants, thereby making this event an economic development tool for the Florence area. Councilman Jebaily also thanked Co-Founders, Ms. Pat Gibson Hye-Moore and Ms. Jeanne Downing.

ADJOURN

There being no further business on the agenda, Councilwoman Ervin made a motion to adjourn the meeting. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

The meeting was adjourned at 1:27 p.m.

Dated this 14th day of December, 2015.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

V. a.
Annual Financial
Report

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2015
AGENDA ITEM: Presentation of Audited Financial Statements
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

The City of Florence, SC Comprehensive Annual Financial Report and audited financial statements will be presented to City Council by the independent certified public accounting firm of Burch, Oxner, Seale Company, CPA's PA.

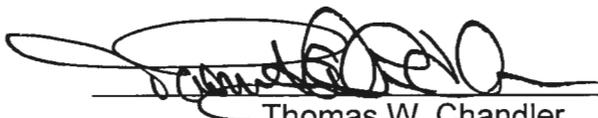
II. CURRENT STATUS/PREVIOUS ACTION TAKEN

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

III. POINTS TO CONSIDER

A. The accounting firm Burch, Oxner, Seale Company, Co., CPA's, PA has completed its audit of the City's financial statements for the year ending June 30, 2015. Mr. Tracy Huggins of the firm will present the report and distribute bound copies of the completed audit report to members of Council at the meeting.

B. The audited financial statements continue to reflect a sound financial position by the City. For the fiscal year ending June 30, 2015, the City's General Fund balance has increased, and the net position in both the Water and Sewer Combined Utilities and the Stormwater Utility Enterprise Funds has increased. The City has been fortunate over the past several years to experience financial stability while at the same time facing challenging economic conditions.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

VII. a.
Bill No. 2015-32
Second Reading

FLORENCE CITY COUNCIL MEETING

DATE: October 19, 2015
AGENDA ITEM: Animal Care and Control Ordinance – First Reading
DEPARTMENT / DIVISION: Public Works Department

I. ISSUE UNDER CONSIDERATION:

Consideration of an ordinance replacing Chapter 3 of the City of Florence Code of Ordinances regarding animal care and control.

II. PREVIOUS ACTION:

This is the initial consideration of this ordinance.

III. POINTS TO CONSIDER:

1. The current City of Florence Code of Ordinances, Chapter 3 – Animals and Fowl, has been in effect for at least 40 years.
1. City staff and Florence Area Humane Society representatives has been interested in updating the Animal Care and Control ordinance.
2. City staff has met with representatives of the Florence Area Humane Society to hear their ideas and suggestions regarding the revised ordinance.
3. The ordinance as proposed in a combination of the City's current ordinance, the county ordinance regarding animal control and the state code regarding animal control.
4. The purpose of the ordinance is to clarify and make the City's ordinance consistent with county and state codes.
5. To view the City's existing ordinance refer to the City's website (Chapter 3 – Animals and Fowl of the City's Code of Ordinances).

V. OPTIONS:

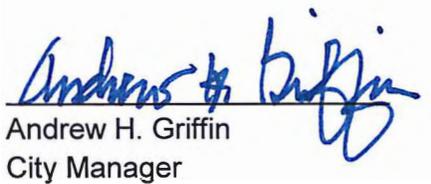
1. Approve the revised and amended ordinance.

VI. STAFF RECOMMENDATION:

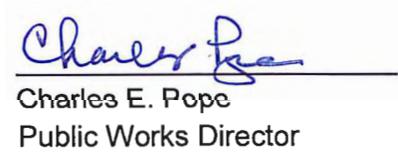
Staff recommends approval of Ordinance 2015 – 32.

VII. ATTACHMENTS:

1. A copy of Ordinance 2015 – 32.



Andrew H. Griffin
City Manager



Charles E. Pope
Public Works Director

ORDINANCE NO. 2015 – 32

AN ORDINANCE TO REPLACE, IN WHOLE, CHAPTER 3, ANIMALS AND FOWL WITH CHAPTER 3, ANIMAL CARE AND CONTROL.

WHEREAS, the City of Florence provides a variety of animal care and control services in the municipal limits, many of which are mandated by state law; and

WHEREAS, pursuant to South Carolina State Code, Section 47-3-20; the governing body of each county or municipality in this state may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations; and

WHEREAS, recognizing that dogs, cats, and other animals are an integral and valuable part of all communities, and contribute to the well being of humans, whether as companions, service animals or therapy pets; and

WHEREAS, understanding that municipalities have an important role in ensuring the well being of the animals while balancing the needs of pet owners and non-pet owners; and

WHEREAS, the City's animal care and control officers provide service to city residents for over 600 requests per year dealing with domestic animals and other wildlife; and

WHEREAS, the City of Florence Jayne H. Boswell Animal Shelter partners with other local agencies, including the Florence Area Humane Society and the City of Florence Police Department; and

WHEREAS, it is the intent of the City of Florence to ensure that animals are treated humanely and responsibly through public education and through exercise of the powers vested to municipalities through the State of South Carolina; and

WHEREAS, the City Council of the City of Florence, South Carolina, find that adoption of an Animal Care and Control Ordinance is necessary and desirable; and

WHEREAS, the City Council of the City of Florence, South Carolina, is authorized and empowered to adopt such resolutions.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Florence, South Carolina, hereby replaces Chapter 3, Animals and Fowl of the City of Florence Code of Ordinances with Chapter 3, Animal Care and Control.

ADOPTED THIS ____ day of December, 2015.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK

City of Florence Code of Ordinances
Animal Care & Control Ordinance 2015-32

Chapter 3 – ANIMAL CARE AND CONTROL

Section 3-1 – Local Animal Care and Control Ordinances Authorized:

Pursuant to South Carolina State Code, Section 47-3-20; the governing body of each county or municipality in this State may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations.

Sec. 3-2. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment: Deserting, forsaking, or intending to give up absolutely an animal without securing another owner for it or without providing the necessities of life.

Acts of agents: The acts of agents will be imputed to corporations, business associations, or partnerships. The knowledge and acts of agents and persons employed by corporations, partnerships or business associations in regard to animals transported, owned or employed by or in the custody of such corporations, partnerships, business associations shall be held to be the acts and knowledge of such corporations, partnerships or business associations.

Animal: Any live, vertebrate creature, domestic or wild, except a homo sapien.

Animal Shelter Supervisor: Any person or persons designated by the City Manager which performs animal control functions under the laws of the State of South Carolina, charged with the enforcement of this chapter and performs supervisory control of the daily operations of the Shelter.

Animal Control Officer (ACO): Any person or persons designated by the City Manager which operates under direct supervision of the Animal Shelter Supervisor to perform animal control functions under the laws of the State of South Carolina and charged with the enforcement of this chapter.

City of Florence Jayne H. Boswell Animal Shelter (Shelter): The facility owned, maintained, and operated by the City of Florence for the purpose of impounding, harboring, care, adoption, or euthanasia of seized, stray, homeless, abandoned, or unwanted dogs, cats, or other animals. Here after referred to as the "Shelter".

Dangerous/vicious animal: Any animal of the canine, feline, or wild animal family:

- (1) Which the owner knows or reasonably should know (because of prior complaints, training or attacks) has a propensity, tendency, or disposition to attack unprovoked. The attack must be unprovoked and result in bodily injury to a human being or another domestic animal or livestock. The attack may or may not occur in a place other than where the animal is confined; or
- (2) Unprovoked (of an attack, or display of aggression or emotion as to an animal's space): not caused by anything done or said; occurring without motivation or provocation.
- (2) Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.
- (3) "Dangerous animal" does not include:
 - (a) an animal used exclusively for agricultural purposes; or
 - (b) an animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner.

Domestic animal: Any animal whose usual and customary habitat is within the control of human beings; animals which are not wild.

Feral animal: Any animal that is untamed or wild by nature or any animal that has reverted to a wild state.

Owner: Any person, partnership, or corporation that (a) has a right of property in a pet; (b) keeps or harbors a pet or who has it in his care or acts as its custodian, or (c) permits a pet to remain on or about any premises occupied or owned by him.

Pet: Any animal kept for pleasure or utility that principally resides on or about property within the city and is fed by the owner of the property or receives from the owner, other "necessities of life" as described in the ordinance.

Restraint: Animals secured by a properly sized leash or a lead and halter or collar suitable to maintain complete control; or within the real property limits of its owner.

Running-at-large: Any animal that is off of the owner's property and not under restraint.

Shelter: A structure that reasonably may be expected to protect an animal from physical suffering or impairment of health due to exposure to the elements or adverse weather or temperatures. Proper shelter for an outdoor animal (excluding livestock) shall include, but is not limited to, a permanent structure with three sides, a top and a bottom. The structure shall have a waterproof roof, be structurally sound with three solid sides, top and bottom, and shall protect the animal from the elements, with space to stand up, sit down, turn around and lie down in a normal posture. The structure and surrounding area needs to be free of trash or waste so as not to threaten the physical well being of the animal. Examples of inadequate shelter include, but are not limited to, lean-tos, cardboard boxes, uncovered vented plastic airline carriers, abandoned vehicles, uncovered porches, uncovered decks, or material that does not provide sufficient protection from the elements.

Sustenance: Adequate food provided at suitable intervals of quantities of wholesome foodstuffs suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight; and adequate water provided with constant access to a supply of clean, fresh and potable water provided in a suitable manner for the species.

Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Wild animals: All animals commonly accepted as being "wild" including, but not limited to, the following, no matter how domesticated they may be:

- (1) Alligators and crocodiles, (2) Bears, (3) Bobcats, tigers, leopards, lions, and panthers, (4) Coyotes, foxes, wolves, including the offspring of one of the foregoing with a domestic dog wherein the proportion of wild animal exceeds one-eighth, (5) Porcupine, (6) Non-human primates, (7) Raccoon, (8) Skunks, (9) Venomous snakes, constrictor snakes, (10) Venomous lizards, (11) Weasels, except ferrets, and (12) Members of the cervidae (deer) family.

*Specific animals are excluded from applicability under this definition listing in every instance where South Carolina state laws or DHEC regulations permit specified activities or possessions.

Sec. 3-3. – Animal Care.

An owner shall provide, for their animal, the necessities of life. "Necessities of life", includes:

- (1) Adequate water which means a constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species;
- (2) Adequate food which means provision at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight;
- (3) Adequate shelter shall be provided for the animal;

- (4) No person shall sell, trade, or give away as a pet any carnivorous animal that is normally not domesticated. Such animal shall include, but not be limited to those listed in Section 3-1, definition of wild animals.

Animal care also encompasses the following:

- (1) No person shall abandon any animal by forsaking the animal entirely or by neglecting or refusing to provide or perform the legal obligations for care and support of the animal to include reasonable medical or veterinary care.
- (2) No animal shall be confined to a vacant or abandoned structure or property without evidence of the provision of the "necessities of life", as defined in this article, as well as maintaining the property in a clean and sanitary like manner.

When a pet or animal is found in a condition which evidences a first-time violation of any paragraph of Section 3-2. – Animal Care, the ACO shall issue a "notice of violation" to its owner, if known. The owner shall then have 24 hours to correct the violation.

Any person violating any provision of this section shall be subject to the following:

- (1) For a first and second offense in which the owner fails to correct the violation within 24 hours, the person shall pay an administrative fine of \$100.00 per offense.
- (2) For a third or subsequent offense, the person, upon conviction, shall be fined not more than \$500.
- (3) Each day's violation of any provision of this section shall constitute a separate offense.

If this violation occurs a third time, or if the owner does not correct or remedy the first-time violation within twenty-four hours, or if the person violates any other section of this chapter, the ACO shall cause a "summons" to be issued to such person and the matter shall be heard before a court of competent jurisdiction. However, nothing in this chapter shall limit an ACO from taking immediate action, when it is deemed to be in the best interest of the pet or animal.

Sec. 3-4. – Animal Cruelty

- (1) No person shall beat, cruelly treat, torment, overload, overwork, abuse any animal, or by omission or commission knowingly or intentionally causes or commits an act of cruelty or torture that causes an animal to suffer serious injury or death or that inflicts or subjects an animal to unreasonable physical pain, suffering, or agony, or fails to provide a constant supply of fresh water or appropriate sustenance. No person shall cause, instigate, or permit any dog fight or other combat between animals or between animals and humans.
- (2) No owner shall abandon an animal.
- (3) No person, except a licensed veterinarian who is qualified to perform such operations, shall crop a dog's or a cat's ears, or crop a dog's or cat's tail, or neuter or spay any pet.
- (4) No person shall expose any known poisonous substance, whether mixed with food or not, such that it may be eaten by any animal. It shall not be unlawful for a person to expose on their own property common rat poison mixed according to the manufacturer's recommendation or through a properly licensed exterminator or through a governmental agency charged with the responsibility for public health.
- (5) No owner or person shall confine any animal in a motor vehicle or other enclosed containment in a manner that places it in a potentially life threatening situation. In order to protect the health and safety of an animal, a law enforcement officer, who has probable cause to believe that this section is being violated and the animal may be in danger, shall have the authority to enter such motor vehicle or containment by any reasonable means under the circumstances after making an immediate and reasonable effort to locate the owner or other person responsible.
- (6) Persons reporting violations of this chapter shall provide identification, which shall remain confidential to the agency receiving the report unless such report provides for the release the name or subsequent release of the name is formally required by rules of evidentiary hearings or a judge in a court having jurisdiction in the matter. Identification may be released pursuant to the South Carolina Freedom of Information Act as applicable.

- (7) Nothing in this chapter shall be construed to limit any person from bringing a private cause of action against the owner of a pet or animal for violation under the chapter.
- (8) Nothing in this chapter shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to the Shelter or to an approved animal humane organization in lieu of proceeding to a forfeiture hearing. Voluntary relinquishment shall have no effect on other charges that may be pursued by appropriate authorities.
- (9) Any violation of Section 3-4. – Animal Cruelty, is subject to being charged a misdemeanor or greater offense as determined by the appropriate party.
- (10) Nothing in this chapter shall limit an ACO or other law enforcement officer from taking immediate action to seize a pet or animal, to include forced entry into a vehicle, when it is deemed to be in the best interest of the pet or animal.
- (11) For the purposes of this section, cruelty nor animal torture, shall not include any alteration or destruction of any animal done by any person or unit of government pursuant to statute, ordinance, court order, or the direction of a licensed veterinarian. Such alteration or destruction shall include, but not be limited to: castration, culling, declawing, defanging, ear cropping, euthanasia, gelding, neutering, shearing, shoeing, slaughtering, spaying, and tail docking.
- (12) Any licensed veterinarian who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is reasonable possibility that the animal was engaged in or utilized for a fighting event for the purpose of sport, wagering, or entertainment shall file a report with the City of Florence Police Department or Florence County Environmental Services and shall cooperate by furnishing the owners' names, dates, and descriptions of the animal(s) involved.
- (13) This section does not apply to non-domesticated fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50 of the South Carolina Code of Laws, including any activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise.

Sec. 3-5. – Tethering

"Tethered" or "tethering" means attaching an animal to a stationary object by means of a chain, choke chain, cable, rope, running line, harness, or similar device. Tethering shall not include the use of an appropriate leash to walk a dog.

It shall be unlawful for any person to tether, fasten, chain, tie, restrain or otherwise cause a dog to be fastened, chained, tied or restrained, without limitation to houses, trees, garages, or other stationary or immobile objects by means of a chain, choke chain, cable, rope, running line, harness or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

- (1) The tether must be attached to a properly fitting harness or collar and not directly to the dog's neck. The tether must be at least 15 feet in length; positioned so that at its greatest length it prevents injury, strangulation or entanglement with any obstruction, man-made or natural or another animal; and employ a swivel on at least one end of the tether to minimize tangling.
- (2) The tether, assembly or attachments shall not exceed one-tenth of the dog's body weight so as to inhibit the free movement of a dog within the area tethered.
- (3) Tethering of dogs for more than eight hours during any 24-hour period is prohibited.
- (4) A dog is not to be tethered outside during extreme weather including, but not limited to, extreme heat or near-freezing temperatures, thunderstorms, or floods without proper shelter and sustenance as defined in this ordinance.
- (5) A tethered dog must have access to adequate shade, shelter, food, and water.
- (6) A tethered dog must be at least 15 feet from the edge of any public road or sidewalk and not in an area open to teasing or attacks, or where the ground is continuously wet or muddy. The dog must be tethered in a manner that will prevent the animal from leaving any part of the owner's property.

- (7) A tethered dog must be six months of age or older.
- (8) A tethered dog must not be sick or injured.
- (9) If there are multiple dogs, each dog must be tethered separately with sufficient space placed between the dogs to ensure that there is no contact with another tethered animal.

When a pet or animal is found in a condition which evidences a first-time violation of any paragraph of Section 3-5. – Tethering, the animal control officer (ACO) shall issue a "notice of violation" to its owner, if known. The owner shall then have 24 hours to correct the violation.

Any person violating any provision of this section shall be subject to the following:

- (1) For a first and second offense, the person shall pay an administrative fine of \$100.00 per offense.
- (2) For a third or subsequent offense, the person, upon conviction, shall be fined not more than \$500.
- (3) Each day's violation of any provision of this section shall constitute a separate offense.

If this violation occurs a third time, or if the owner does not correct or remedy the first-time violation within twenty-four hours, or if the person violates any other section of this chapter, the ACO shall cause a "summons" to be issued to such person and the matter shall be heard before a court of competent jurisdiction. However, nothing in this chapter shall limit an ACO from taking immediate action, when it is deemed to be in the best interest of the pet or animal.

Sec. 3-6. – Running at Large – Animals.

- (1) It shall be unlawful for any owner or custodian of any pet or animal to permit same to run at large at any time upon any street or highway or other property within the City of Florence, except upon property owned or rented by the owner or custodian or with the direct permission of the owner.
- (2) Any animal running at large or any animal determined to be abandoned may be picked up or trapped by an ACO and transported to the Shelter and there confined until redeemed or disposed of as hereinafter provided. In the case of livestock, animal control may place such animals with individuals, agencies, veterinary hospitals, or others for the impoundment period.
- (3) Within 24 hours after impounding any animal, the Shelter Supervisor or designee shall exercise due diligence to ascertain the owner of such animal and to inform the owner of the conditions whereby he or she can regain custody of the animal.
- (4) No pet or animal shall be permitted to be on school grounds, in a shopping area, or similar public place unless on a leash.
- (5) Upon receipt of a complaint by a resident of the city, the City shall investigate the complaint and may impound the animal and issue a notice of ordinance violation.

Each day's violation of any provision of this section shall constitute a separate offense and shall be subject to a fine as follows:

- (a) First offense: Warning ticket. Future violations (second, third and subsequent offenses) shall be from the date of the first offense violation and extend over a period of 12 months. At the end of this 12 month period, a subsequent offense shall be considered a first offense violation.
- (b) Second offense: \$75.00 administrative fine.
- (c) Third and subsequent offenses: \$100.00 administrative fine.

Sec. 3-7. – Public Nuisance.

Actions of any animal, including cats or other nonregulated animal or fowl, constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with ordinary use and enjoyment of their property. No person shall own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:

- (1) Allowing or permitting an animal to damage the property of anyone other than its owner.
- (2) Maintaining an animal that is diseased and dangerous to the public health.
- (3) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles, or any animal whose behavior constitutes a reasonable risk of injuring a human or other animal.
- (4) Any animal that runs at large upon public or private property without permission from the property owner.
- (5) Any animal that defecates on public or private property, other than the property of the owner, unless the owner immediately removes and properly disposes of the waste.
- (6) Failure to remove animal fecal matter such that adjacent property owners or inhabitants are unable to enjoy the use of his or her property due to the odor or smell.
- (7) Any animal(s) which causes unsanitary or dangerous conditions to exist.
- (8) Any feral animal.
- (9) Allowing or permitting an animal to bark, howl, or whine in an excessive, continuous, untimely, or unreasonable fashion, or to make other noise in such a manner so as to result in annoyance or interference with the reasonable use and enjoyment of neighboring premises.

Upon receipt of a verbal or written complaint by a resident of the city, in addition to, or in lieu of impounding the animal, the ACO or other law enforcement officer shall investigate the complaint and may issue to the owner, if known, of such animal, a notice of ordinance violation. If the owner is not known or cannot be found, the ACO or other law enforcement officer shall post a copy of the notice at the property where the animal was seized. The owner shall be charged with an administrative fine and shall pay such fine to the Shelter within seven (7) days from the date of the issuance.

Any animal, which has been determined to be a habitual (done regularly or repeatedly within any 12 month period) public nuisance by the Shelter Supervisor or designee, may be impounded and shall not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated and until such owner has paid all impoundment, redemption, and boarding fees.

Any person violating any provision of this section shall be subject to an administrative fine. Each day's violation of any provision of this section shall constitute a separate offense and shall be subject to a fine as follows:

- (a) First offense: Warning ticket. Future violations (second, third and subsequent offenses) shall be from the date of the first offense violation and extend over a period of 12 months. At the end of this 12 month period, a subsequent offense shall be considered a first offense violation.
- (b) Second offense: \$50.00 administrative fine.
- (c) Third and subsequent offenses: \$75.00 administrative fine.

Sec. 3-8. – Impoundment or Seizure.

- (1) Following seizure of an animal, the ACO shall issue to the owner, if known, a notice of ordinance violation. The Shelter Supervisor in consultation with its Department Director shall make a determination as to whether the animal is returned to the owner or transferred to the Shelter or may cause a hearing to be held to determine the disposition of the animal. The animal shall remain in the custody and care of the Shelter until fines are paid and/or the matter is adjudicated in municipal court. After adjudication through municipal court, if the owner does not pay the administrative fines and/or court ordered fines, redemption fees and redeem the animal within five days, the animal shall become the property of the Shelter and may be placed for adoption or euthanized. However, nothing in this chapter shall be construed to prohibit the euthanasia for humane purposes of a critically injured or ill animal. The Shelter Supervisor and the Department Director shall investigate and consult with law enforcement, court and other agencies prior to its determination.

- (2) Pets or animals impounded pursuant to this section shall remain impounded at the Shelter for a period of not less than seven days subject to other provisions of this chapter.
- (3) Any pet or animal impounded with a severe, contagious, or life-threatening medical condition may be isolated, treated by a veterinarian, or immediately euthanized at the discretion of the Shelter Supervisor or designee, and such medical condition shall be documented in the records of the Shelter.
- (4) If an animal is impounded, due to the owner's physical unavailability, as the result of an action taken by state, federal or other local law enforcement, against the animal's *owner*, the Shelter will hold that animal for 14 days. If the owner or his designee does not make arrangements for the care and custody of the animal before the expiration of that 14-day period, the animal shall become the property of the Shelter and may be placed for adoption or euthanized. However, any animal impounded in this manner with a severe, contagious, or life-threatening medical condition may be isolated, treated by a veterinarian, or immediately euthanized at the discretion of the Shelter Supervisor. Such medical condition shall be documented in the records of the shelter.

Sec. 3-9. – Redemption.

- (1) The owner shall be entitled to resume possession of an impounded pet or animal within seven days from the date of impoundment upon compliance with all requirements as set forth below. If all such requirements are not met within the seven day time period, the pet or animal shall be deemed abandoned and shall immediately and irrevocably become the property of the Shelter to adopt or humanely euthanized at their discretion.
- (2) Identifiable animals or pets, not appearing to be abandoned or feral as determined by the City Manager or his designee, shall be held for seven days. Thereafter such animal or pet shall become the property of the shelter and may be placed for adoption or humanely euthanized following agreed upon collaborative consultation between FAHS and the Shelter Supervisor or designee unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to trial.
- (3) For the purposes of this section, it shall be deemed that, the owner is notified when the Shelter Supervisor or designee makes telephone or direct contact with the owner. Such notification shall, at a minimum, identify the animal, advise the owner of how and where to redeem the animal, and indicate that if, within the seven day time period from the date of impoundment, the owner does not pay all redemption fees and redeem the animal, then the animal shall become the property of the Shelter.
 - (a) The owner must identify the animal by giving detailed verbal, written, photographic, or other acceptable description of the animal to the Shelter staff.
 - (b) Payment of all fees due, which include but are not limited to the following:
 - i. Administrative fines for notice of violation(s),
 - ii. A boarding fee of \$5.00 per day per animal or such fee as may be set by city,
 - iii. Medical costs incurred for the care of the animal while it was impounded in the custody of the shelter.
- (4) Fees collected for impoundment shall be turned over, in accordance with established city policies, to the City of Florence Finance Department.
- (5) Pursuant to Section 47-3-480 of the SC Code of Laws, 1976 as amended, any animal redeemed or adopted from the Shelter must be spayed or neutered by a licensed veterinarian within 30 days of adoption of a sexually mature pet or within 12 weeks of a non-sexually mature animal. Written verification from a licensed veterinarian is required for proof of spaying or neutering and this proof must be provided to the City of Florence. Failure to provide proof of spaying or neutering will result in a \$50.00 fine, and the immediate forfeiture of same animal.

Sec. 3-10. – Rabies Control.

- (1) It shall be unlawful for any person to own, keep, or harbor any dog, cat or ferret within the city where such dog, cat or ferret is older than four months of age unless such animal has been inoculated against rabies as provided herein. A person shall have thirty days from the time they acquire a dog or cat or ferret, four months of age or older, to obtain the necessary rabies inoculation.
- (2) The penalty for violating this section shall be \$50.00 per violation, payable to the City, provided however, that proof of vaccination shall be accepted in lieu of the fine, for the first offense, within three days (72 hours) from the date of issuance of notice of violation. Each day the animal remains unvaccinated will constitute a separate violation.
- (3) The owner of a dog, cat or ferret must have it inoculated against rabies at a frequency to provide continuous protection of the animal from rabies using a vaccine approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and licensed by the United States Department of Agriculture, Veterinary Biology Division.
- (4) Evidence of rabies inoculation is a certificate signed by a licensed veterinarian. This certificate shall be in a form approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and will be issued by a licensed veterinarian for each animal stating the name and address of the owner; the name, breed, color and markings, age, and sex of animal; the veterinary or pharmaceutical control number of the vaccine; and the name and address of the licensed veterinarian administering the vaccination.
- (5) Coincident with the issuance of the certificate, the licensed veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate and including the name and telephone number of the veterinarian, veterinary practice or hospital.
- (6) It is unlawful in the City of Florence for any person or organization, other than a licensed veterinarian or someone under his/her direct control, to sell or administer rabies vaccine; provided, however, the sale of the rabies vaccine to a registered veterinarian is not precluded by this section.
- (7) When, in the opinion of SCDHEC's regional medical director, an animal with or without identification tags and suspected of having rabies, is involved in a human bite incident, such director shall have the prerogative of ordering the animal to be euthanized and its head submitted for examination to determine if the rabies virus has been transmitted to the bite victim.
- (8) Any animal under ten-day quarantine at the Shelter or any approved alternate location shall not be released unless such release is authorized by South Carolina DHEC.

Sec. 3-11. – Dangerous/Vicious Animal Enforcement.

- (1) No person shall be permitted to own or harbor a dangerous or vicious animal within the limits of the City of Florence. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.
- (2) A person who violates this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense must be fined not more than \$200.00 or imprisoned not more than thirty days, and upon conviction of a subsequent offense, must be fined not more than \$500.00, none of which may be suspended.
- (3) A dangerous animal which attacks a human being or domestic animal must be ordered destroyed when, in the court's judgment, the dangerous animal represents a continued threat of serious harm to human beings or domestic animals.
- (4) Nothing in this section shall abrogate any civil remedies available under statutory, common, or other superior law.

Sec. 3-12. – Disposition of Seized Animals.

- (1) If a person is found to be in violation of this chapter, all animal(s) seized from him, if not previously ordered forfeited or previously forfeited by operation of law, are forfeited to the City and must be put up for adoption or humanely euthanized. Any outstanding costs incurred by the City of Florence for boarding and treating the animal(s) pending disposition of the case and any costs incurred in disposing of the animal(s) must be paid by the person found in violation.
- (2) Any person authorized by this section to care for animal(s), to treat animal(s), or to attempt to restore animal(s) to good health and who is acting in good faith is immune from any liability that may result from his other actions pursuant to this chapter.

Sec. 3-13. – Enforcement.

- (1) Pursuant to SC 47-3-20, the Animal Shelter Supervisor and or any ACO shall have the authority to enter public or unfenced private property within the city to carry out the duties imposed by this article.
- (2) Pursuant to SC 47-3-20, the Animal Shelter Supervisor and or any ACO shall have the authority to enter fenced private property, exclusive of buildings when:
 - (a) The owner or keeper of an animal, which has bitten or otherwise exposed a human or domestic/wild animal to rabies, refuses to surrender such animal for rabies quarantine.
 - (b) The animal control officer is taking possession of any animal found neglected or cruelly treated.
- (3) The Shelter Supervisor shall have the authority to enforce all applicable laws concerning animal control as set forth by this article or other laws and such additional duties, procedures, and responsibilities as the City Manager shall establish. At its discretion, the city may contract any portion or all of the enforcement and administration of this article, as it deems appropriate. However, nothing herein shall abridge or limit the right and duty of local law enforcement authorities to enforce the provisions of this or any other law.
- (4) No person shall interfere with, hinder, or molest the duly authorized ACO or his equipment or any such agent of the city in the performance of his duty, or seek to release animals in the custody of the duly authorized ACO or any agent of the city. As public employees, animal control officers are protected pursuant to of the 1976 SC Code of Laws, Section 16-3-1040, as amended, and any other applicable statute.
- (5) Any person who knowingly makes a false or misleading material statement to a public servant is guilty of a misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his/her official powers or duties.
- (6) A person found guilty of violating this Chapter shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public; direct medical treatment and medical follow-up expenses incurred by a victim of an attack from a dangerous animal and those of any city employee incurred as a result of the seizure and handling of the animal; and other expenses required for the destruction of the animal.

VII. b.
Bill No. 2015-37
Second Reading

CITY OF FLORENCE COUNCIL MEETING

DATE: November 9, 2015

AGENDA ITEM: Ordinance to Amend Zoning Ordinance
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Zone R-1, pending annexation, property located at 2305 West Foxtail Lane, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 90008-03-011.

II. POINTS TO CONSIDER:

- (1) The property is currently un-zoned.
- (2) The lots are currently occupied by a single-family residence.
- (3) The proposed zoning is R-1, Single Family Residential.
- (4) The lot meets the dimensional requirements of the R-1 zoning district per the City of Florence Zoning Ordinance.
- (5) City water services are currently available; there is no cost to extend.
- (6) City staff recommends the parcel be zoned R-1, Single Family Residential as requested, contingent upon annexation into the City of Florence. This recommendation is based on the current use of the property and the adjacency to identical uses.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

Planning Commission held a public hearing on October 13, 2015 regarding this matter. The Planning Commission voted unanimously (8-0) to recommend the parcel be zoned R-1, Single-Family Residential upon successful annexation into the City of Florence.

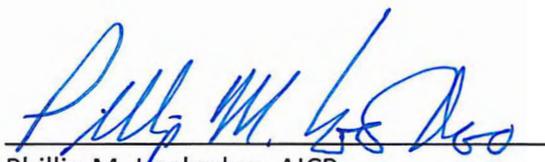
IV. OPTIONS

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.

V. ATTACHMENTS:

- (1) Ordinance
- (2) Location Map
- (3) Petition and Application

A handwritten signature in blue ink, appearing to read "Phillip M. Lookadoo", written over a horizontal line.

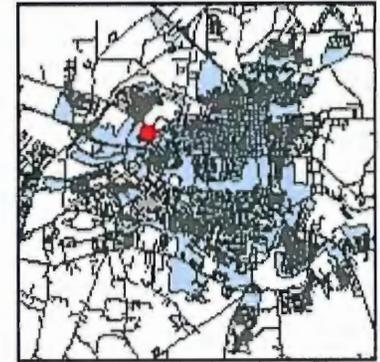
Phillip M. Lookadoo, AICP
Planning, Research, & Development Director

A handwritten signature in blue ink, appearing to read "Andrew H. Griffin", written over a horizontal line.

Andrew H. Griffin
City Manager

Attachment 2

Location Map 2305 W. Foxtail Lane



Legend

◆ Address

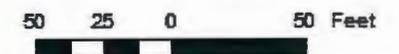
— Roads

City Limits

Parcels



DISCLAIMER:
The City of Florence Department of Planning, Research, and Development data represented on this map 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.



City of Florence Planning, Research & Development Department
324 West Evans St., Florence, SC 29501
Phone (843) 665-2047 Fax (843) 292-4911
ZONING/REZONING APPLICATION

Date filed: 8.24.15 Request No. PC 2015-26

FOR OFFICE USE ONLY

Hearing Date: 10.13.15 Fee Paid: 100- Notice Published: 9.29.15

Planning Commission Recommendation: _____
Date of Recommendation: _____
Governing Council Action: _____
Date of Action: _____

INSTRUCTIONS

A zoning map amendment may be initiated by the property owner, Planning Commission, or Governing Council. The City of Florence Planning, Research & Development Department must then hold a public hearing. The applicant and/or agent must appear at the hearing to present the case before the Planning Commission. After the Planning Commission has made its recommendation, the issue will then go to the respective Governing Council. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not the owner, the owner(s) must sign the Designation of Agent section.

A \$100.00 fee must accompany this application.

THE APPLICANT (S) HEREBY REQUEST (S) that the property described below be zoned/rezoned from unzoned to R-1, Single-Family.

THE APPLICANT(S) is/are the property owner(s), () agent of property owner(s) or () option holder(s)

APPLICANT (S) (Please print or type): Name(s):

Faye O'Kelley
Address: 2305 W. Foxtail Ln Florence, SC 29501
Telephone Number: 843-629-9668(hm) [work] 843-664-2600 [home] (WK)

[Use reverse side if more space is needed] PROPERTY ADDRESS:

9008-03-011 Tax Map No. _____
_____, Block _____, Parcel _____, Lot _____, Subdivision _____
_____, Page _____, Lot _____ Plat Book _____

Dimensions: _____ Area: 0.43 acres Zoning District: _____ Zoning Map Page: _____

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this request for rezoning. The signature(s) of the owner(s) must be notarized.

Signature: _____ Date: _____

I (we) certify that the information in this request is correct. Applicant(s) signature:

Faye R. O'Kelley Date: 8-24-15
Printed name: Faye R. O'Kelley Date: 8-24-15

IV. Proposed Change:

Amendment to Map. It is requested that the property described and shown on the attached site plan be zoned to R-1, Single-Family Residential

Amendment to Map. It is requested that the property described and shown on the attached site plan be rezoned from _____ to _____.

Present use of property: _____

Proposed use of property: _____

I certify that I have received and read the attached copy of Section 2.5 Table III Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area and Impervious Surface Requirements for Residential, Business, and Rural Districts and understand that the property must meet these requirements.

I understand that other conditions such as a bufferyard or special setbacks may also be imposed by the Zoning Ordinance.

★ Applicant(s) signature: Jayne R. O'Kelley Date: 8-24-15

V. Proposed Change (Check those applicable)

Amendment to Text. It is requested that Section _____ of the Consolidated Zoning Ordinance be amended to read as follows:

Note: An amendment to the text of the Ordinance may be implemented only by Zoning Officials, Planning Commission and Governing Councils.

VI. Adjacent Property Owners List all property adjacent to the subject property.

See attached

Name Address Present Use

★ I certify that all of the above information including any attachments provided along with this application is true and accurate to the best of my knowledge.

Signature: Jayne R. O'Kelley Date: 8-24-15

ORDINANCE NO. 2015-_____

AN ORDINANCE TO ANNEX TAX MAP NUMBER 90008-03-011, LOCATED AT 2305 WEST FOXTAIL LANE, R-1, SINGLE-FAMILY RESIDENTIAL:

WHEREAS, a Public Hearing was held in the City Center Council Chambers on October 13, 2015 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 owner, Faye O’Kelley, requesting an amendment to the City of Florence Zoning Atlas that the aforementioned 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 B-3, General Commercial District:

The properties requesting annexation is shown more specifically on Florence County Tax Map 90008, block 03, parcel 011 (0.43+/- acres).

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

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 and annexing the aforementioned property R-1, Single-Family Residential and incorporating them into the City Limits of the City of Florence

EXECUTED ON ONE (1) ADDITIONAL PAGE

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 _____, 2015

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

VIII. a.
Bill No. 2015-38
First Reading

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2015
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

An amendment to the FY 2015-16 City of Florence Budget is presented to update the current year budget.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER

A. The objective of the proposed ordinance is to more closely align budgeted amounts with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories. Funds are being re-appropriated from fiscal year 2014-15 to 2015-16 in the General Fund, the Water & Sewer Utilities Enterprise Fund, the Hospitality Fund, and the Water & Sewer Equipment Replacement Fund to complete projects and purchases which were not finalized at the end of fiscal year 2014-15.

B. The General Fund budget is also being amended to provide for funding from the South Carolina Department of Transportation for Florence County Transportation Committee (CTC) street resurfacing projects not completed in FY 2014-15. The General Fund budget is being further amended to provide for funding from Florence County for the Dorothy Hines Nature Trail not included in the original FY 2015-16 budget. A portion of the funds already planned and included in the City's re-appropriation budget for this nature trail are being reclassified and appropriated as additional funding for the Pee Dee Regional Transportation Authority.

C. The Water and Sewer Utilities Enterprise Fund is being amended to provide funding from the Series 2015 Refunding Revenue Bond for issuance costs and offsetting bond proceeds to cover these costs that were not included the original FY 2015-16 budget.

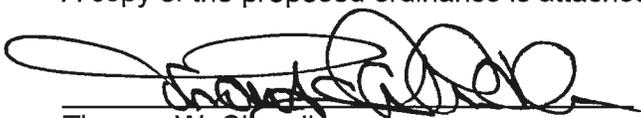
D. Additionally, the Hospitality Fund is being amended to provide funding from Unappropriated Reserve for Soccer Complex debt service closing and interest costs associated with the short-term general obligation debt anticipated to be incurred in March 2016 for construction of a soccer complex.

IV. STAFF RECOMMENDATION

Approve and adopt the proposed ordinance.

V. ATTACHMENTS

A copy of the proposed ordinance is attached.


Thomas W. Chandler
Finance Director


Andrew H. Griffin
City Manager

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, AND ENDING JUNE 30, 2016.

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2015, and ending June 30, 2016, is hereby amended as follows:

Section 1. That the category of revenues of the General Fund in said budget is hereby amended by the additional appropriations as follows:

100120-790000 Miscellaneous Grants is increased in the amount of \$113,300 to provide for funding from Florence County for Dorothy Hines Nature Trail (\$20,000), and from the SC Department of Transportation for Florence County Transportation Committee (CTC) street resurfacing projects (\$93,300).

100375-435010 From Unappropriated Reserve is funded in the amount of \$1,868,000 from fund balance.

Section 2. That the category of expenditures of the General Fund in said budget is hereby amended by the additional appropriations as follows:

10041200-580020 Office Furniture (City Court) is funded in the amount of \$1,000 to provide for the miscellaneous office furnishings.

10041200-580030 Office Equipment (City Court) is funded in the amount of \$1,500 to provide for a replacement shredder.

10042100-580010 Buildings & Fixed Equipment (Police) is funded in the amount of \$3,000 to provide for the purchase of a storage shed.

10042100-580030 Office Equipment (Police) is funded in the amount of \$3,200 to provide for the acquisition of cabinets for the Records Unit.

10042100-580060 Other Equipment (Police) is increased in the amount of \$23,000 to provide for downtown camera transmitter replacement (\$11,000) and in-car camera systems (\$12,000).

10042100-580070 Data Processing Equipment (Police) is funded in the amount of \$3,300 to provide for Criminal Investigation Unit software.

10042200-580010 Buildings & Fixed Equipment (Fire) is increased in the amount of \$95,000 to provide for Station 3 emergency generator (\$35,000), Station 4 exterior wall and roof repair (\$50,000), and Station 1 front pad repair (\$10,000).

FY 2015-2016 Budget Amendment Ordinance (continued)

- 10042200-580020 Office Furniture (Fire) is funded in the amount of \$3,000 to provide replacement of furnishings at fire stations.
- 10042200-580040 Auto Equipment (Fire) is funded in the amount of \$62,000 to provide for replacement training pickup truck # 258 (\$30,000) and replacement Deputy Chief vehicle # 261 (\$32,000).
- 10042200-580060 Other Equipment (Fire) is funded in the amount of \$70,000 to provide for the first of seven payments for the installment-purchase replacement of fifty-five air pack devices.
- 10043020-580040 Auto Equipment (Beautification & Facilities) is funded in the amount of \$76,000 to provide for the replacement of pickup truck # 321 (\$25,000), pickup truck # 361 (\$26,000), and pickup truck # 362 (\$25,000).
- 10043020-580060 Other Equipment (Beautification & Facilities) is funded in the amount of \$94,500 to provide for the replacement of mower # 370 (\$10,000); mower # 378 (\$10,000); mower # 951 (\$12,000); mower # 963 (\$12,000); trailer # 348 (\$3,000); stump grinder # 381 (\$40,000); an Ethernet switch (\$4,500); and HVAC tools and equipment (\$3,000).
- 10043022-580040 Auto Equipment (Sanitation) is funded in the amount of \$25,000 to provide for the replacement of a pickup truck # 400.
- 10043023-580040 Auto Equipment (Equipment Maintenance) is funded in the amount of \$65,000 to provide for the replacement of pickup truck # 477 (\$20,000) and pickup truck # 482 (\$45,000).
- 10043023-580060 Other Equipment (Equipment Maintenance) is funded in the amount of \$8,200 to provide for the replacement of a grease pump (\$1,500); a bumper jack (\$4,500); a transmission jack (\$1,000); and a Mentor Scan System upgrade (\$1,200).
- 10043024-580010 Buildings & Fixed Equipment (Recreation) is funded in the amount of \$10,000 to provide for parks signage.
- 10043024-580040 Auto Equipment (Recreation) is funded in the amount of \$56,600 to provide for the replacement of bus # 921.
- 10043024-580050 Facility Improvements (Recreation) is funded in the amount of \$69,700 for Timrod Park improvements (\$25,000); the Dorothy Hines Nature Trail (\$31,800); and HVAC units for Northwest Park and Levy Park(\$12,900).
- 10043024-890000 Miscellaneous Grants (Recreation) is increased in the

FY 2015-2016 Budget Amendment Ordinance (continued)

- amount of \$6,800 to provide for grant expenditures related to improvements at Lucas Park and Maple Park.
- 10043025-560070 Marketing and Promotions (Athletic Programs) is increased in the amount of \$96,000 to provide for Freedom Florence and Tennis Center marketing.
- 10043025-580050 Facility Improvements (Athletic Programs) is funded in the amount of \$167,700 for Tennis Center Maintenance Building (\$35,700); Freedom Florence Seating Canopy (\$20,000); Gymnastics Center roof replacement (\$64,000); and Tennis Center court resurfacing (\$48,000).
- 10043025-580060 Other Equipment (Athletic Programs) is funded in the amount of \$46,400 to provide for the replacement of trailer # 971 (\$2,400); ball field drag machine # 901 (\$12,000); and turf mower # 906 (\$32,000).
- 10049200-593020 Transit System (Community Programs) is increased in the amount of \$12,000 to provide for additional funding for the Pee Dee Regional Transit Authority bus route number 6 in South Florence.
- 10049300-594015 City Center (Non-Departmental) is increased in the amount of \$26,000 to provide for the General Fund portion of carpet replacement at the City Center.
- 10049300-594020 Contingency Fund (Non-Departmental) is increased in the amount of \$8,000 to provide for contingency funding for unanticipated General Fund projects, programs and/or other requirements in FY 2015-16.
- 10049300-594042 Ivanhoe Dr. Resurfacing (Non-Departmental) is funded in the amount of \$93,300 to provide for the remaining SCDOT CTC funding for the street resurfacing of 0.47 miles on Ivanhoe Drive.
- 10049300-594070 Management System Software (Non-Departmental) is increased in the amount of \$12,000 to provide funds for the General Fund portion of the Financial and HR management software conversion and implementation.
- 10049300-594105 McLeod Park Improvements (Non-Departmental) is funded in the amount of \$1,500 to provide for the completion of McLeod Park improvements.
- 10049300-594130 IT Upgrades (Non-Departmental) is funded in the amount of \$10,000 to provide funds for IT upgrades in the General Fund related to management system software implementation and development.
- 10049300-594140 Rail Trail – DHEC (Non-Departmental) is funded in the

FY 2015-2016 Budget Amendment Ordinance (continued)

amount of \$10,200 to provide for DHEC grant-funded trail system improvements.

10049300-594145 FMU Health Science Building (Non-Departmental) is increased in the amount of \$491,400 to account for 2014 receipts that exceeded the estimated \$1 million to be collected from a designation of 50% of the revenues generated from the "County/Municipality Revenue Fund" portion of the Local Option Sales Tax, approved by City Council on July 8, 2013 in Ordinance No.2013-17.

10049300-594160 Property Acquisitions (Non-Departmental) is funded in the amount of \$330,000 to provide for property acquisition of the 142 North Dargan Street building.

Section 3. That the category of revenues of the Water and Sewer Enterprise Fund in said budget is hereby amended by the additional appropriations as follows:

200325-430000 Miscellaneous Revenue is increased in the amount of \$50,000 from bond proceeds to offset issuance costs for the Series 2015 Refunding Revenue Bond that were not included in the original FY 2015-16 budget.

200375-435010 From Unappropriated Reserve is funded in the amount of \$1,019,800 from unrestricted net assets.

Section 4. That the category of expenses of the Water and Sewer Enterprise Fund in said budget is hereby amended as follows:

20041506-550510 Meters, Parts & Supplies (Utilities and Licensing) is increased in the amount of \$22,000 to provide for additional iPerl meters.

20044041-580050 Facility Improvements (Wastewater) is increased in the amount of \$456,000 to provide for upgrades to the Lake Shore Pump Station (\$151,400); the Rosedale Pump Station (\$256,000); and the Williamson Road Pump Station (\$48,600).

20044042-580050 Facility Improvements (Surface Water) is increased in the amount of \$316,800 to provide for upgrades to the Surface Water Plant bulk chemical tanks replacement (\$66,800), and force main installation (\$250,000).

20044043-580050 Facility Improvements (Ground Water) is increased in the amount of \$56,000 to provide for South Florence water treatment plant filter media replacement.

20044044-580060 Other Equipment (Distribution Operations) is funded in the amount of \$20,000 for the acquisition of GPS equipment.

FY 2015-2016 Budget Amendment Ordinance (continued)

- 20044045-537000 Vehicle Repairs & Maintenance (Collection Operations) is increased in the amount of \$23,000 to provide for sewer equipment repairs.
- 20049300-594015 City Center (Non-Departmental) is increased in the amount of \$26,000 to provide for the W/S Utilities Enterprise Fund portion of carpet replacement at the City Center.
- 20049300-594020 Contingency Fund (Non-Departmental) is increased in the amount of \$50,000 to provide for contingency funding for unanticipated water and sewer facilities maintenance and improvements required in FY 2015-16.
- 20049300-594070 Management System Software (Non-Departmental) is increased in the amount of \$40,000 to provide funds for the W/S Utilities Enterprise Fund portion of the Financial and HR management software conversion and implementation.
- 20049300-594080 Special Projects (Non-Departmental) is increased in the amount of \$50,000 to provide funds to offset issuance costs for the Series 2015 Refunding Revenue Bond that were not included the original FY 2015-16 budget.
- 20049300-594130 IT Upgrades (Non-Departmental) is funded in the amount of \$10,000 to provide funds for IT upgrades in the W/S Utilities Enterprise Fund related to management system software implementation and development.

Section 5. That the category of revenues of the Water and Sewer Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

- 210375-435010 From Unappropriated Reserve is funded in the amount of \$344,500 from unrestricted net assets.

Section 6. That the category of expenses of the Water and Sewer Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

- 21041506-580070 Data Processing Equipment (Utilities and Licensing Equipment Replacement) is funded in the amount of \$40,000 to provide funding for the purchase of utility billing computer hardware.
- 21044040-580060 Other Equipment (Engineering Equipment Replacement) is increased in the amount of \$25,000 to provide funding for a fuel dispensing system.
- 21044041-580040 Auto Equipment (Wastewater Treatment Equipment Replacement) is increased in the amount of \$92,500 to provide funding for the replacement of boom truck # 774.

FY 2015-2016 Budget Amendment Ordinance (continued)

- 21044041-580060 Other Equipment (Wastewater Treatment Equipment Replacement) is increased in the amount of \$54,500 to provide funding for the replacement of backhoe # 733.
- 21044043-580060 Other Equipment (Ground Water Equipment Replacement) is funded in the amount of \$80,000 to provide funding for the replacement of and emergency generator.
- 21044044-580010 Buildings and Fixed Equipment (Distribution Operations Equipment Replacement) is funded in the amount of \$7,500 to provide funding for the purchase of a heat pump replacement.
- 21044044-580040 Auto Equipment (Distribution Operations Equipment Replacement) is increased in the amount of \$45,000 to provide funding for the purchase of replacement dump truck # 663.

Section 7. That the category of revenues of the Hospitality Fund in said budget is hereby amended by the additional appropriations as follows:

- 400375-435010 From Unappropriated Reserve is funded in the amount of \$100,000 from fund balance.

Section 8. That the category of expenditures of the Hospitality Fund in said budget is hereby amended by the additional appropriations as follows:

- 40049900-598045 Downtown Improvements (Hospitality Fund General Expenditures) is funded in the amount of \$15,000 for downtown beautification and improvements.
- 40049900-598049 Wayfinding Signage (Hospitality Fund General Expenditures) is funded in the amount of \$25,000 for the acquisition of wayfinding signage.
- 40049900-598075 Soccer Complex Debt Service (Hospitality Fund General Expenditures) is funded in the amount of \$60,000 for the closing costs and interest costs associated with the short-term general obligation debt to be incurred for construction of the soccer complex.

Section 9. That all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

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

FY 2015-2016 Budget Amendment Ordinance (continued)

ADOPTED THIS _____ DAY OF _____, 2016.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Diane Rowan
Municipal Clerk

VIII. b.
Bill No. 2015-39
First Reading

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2015

AGENDA ITEM: First Reading, Ordinance to Amend Planned Development District Ordinance 1986-54

DEPARTMENT/DIVISION: Planning, Research & Development

I. ISSUE UNDER CONSIDERATION

Request to amend Planned Development District Ordinance 1986-54.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On November 10, 2015 Planning Commission held a public hearing on this matter. The Planning Commissioners voted unanimously, 7-0, to recommend the Planned Development District amendment.

III. POINTS TO CONSIDER

- (1) In December of 1986, City Council adopted an ordinance that annexed and zoned two lots (tax map numbers 90011-04-003 and 004 owned by Mr. Arnold J. Smith to a Planned Development District. The properties were later combined into a single parcel.
- (2) This ordinance allowed for the development of a commercial property that would front W. Palmetto Street and allow a rear setback of 8 feet. (Attachment 3).
- (3) The current owner of tax map parcel 90011-04-003, Dr. Joe Griffin, Jr., would like to amend PDD Ordinance 1986-54 to update the development plan; allow the building setbacks to be: rear of 8 feet, side of 5 feet, and front of 35 feet; allow the construction of the 1,700 square foot addition; and to allow the rezoning and combination of a 0.22 acre outparcel with the existing Planned Development parcel per the attached development plan (Attachment 4). A site plan has been submitted (Attachment 5) that further illustrates the site requirements for the development.
- (4) The applicant proposes that all other zoning requirements within the Planned Development District shall comply with the City of Florence Zoning Ordinance as defined under B-3 zoning.
- (5) All other regulations would remain the same as stated in Ordinance 1986-54.

IV. OPTIONS

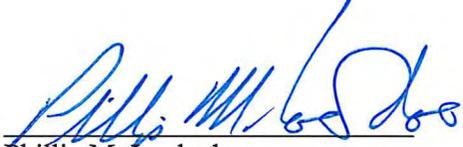
City Council may:

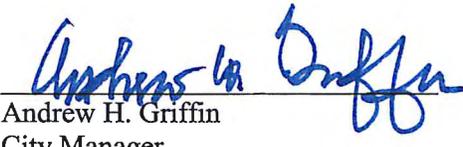
- (1) Approve the request as presented based on the information submitted.
- (2) Defer the request should additional information be needed.
- (3) Suggest other alternatives
- (4) Deny the request.

V. PERSONAL NOTES

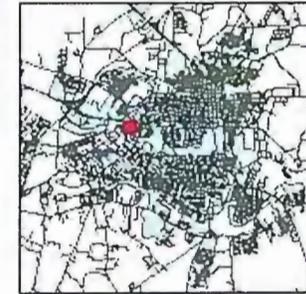
VI. ATTACHMENTS

- (1) Ordinance
- (2) Location Map
- (3) Ordinance 1986-54 and Support Documents
- (4) Proposed Site Plan


Phillip M. Lookadoo
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

PC PDD Amendment Attachment A Location Map 2214 West Palmetto



Legend

-  Proposed Parcel
-  Roads
-  Parcels



DISCLAIMER:
The City of Florence Department of Planning, Research, and Development data presented on this map 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.



Attachment 2:

Attachment 3:

APPROVED FOR RECORDING AT A MEETING OF THE CITY OF FLORENCE
ON <u>November 10, 1986</u>
2ND <u>November 11, 1986</u>
3RD <u>November 12, 1986</u>
COPY MAILED TO _____
ON _____

ORDINANCE # 86 54

AN ORDINANCE TO ANNEX AND ZONE THE PROPERTY OF MR. ARNOLD J. SMITH, 2210 & 2214 W. PALMETTO STREET BY AMENDING THE ZONING ATLAS OF THE CITY OF FLORENCE.

WHEREAS, A public hearing was held in room 604, City County Complex on October 28, 1986 at 7:00 p.m. before the City Planning Commission and notice of said hearing was duly given; and

WHEREAS, an application by Mr. Albert Smith was presented requesting an amendment to the City Zoning Atlas adding the zoning district classification of Planned Unit Development-Commercial shown on Tax Map 90- 011, Block 4, Parcel 3 & 4.

WHEREAS, an annexation petition was presented to the City Council by Mr. Arnold Smith that the aforesaid property be incorporated in the City limits of the City of Florence under the provisions of Section 5-3-20 of the 1976 Code of Laws of South Carolina; and zoned Planned Unit Development- Commercial and ;

WHEREAS, the City Council approves of the foresaid 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 entitled "Zoning Ordinance" adopted by the City of Florence on March 20, 1972 is hereby amended by adding the zoning classification of Planned Unit Development- Commercial the aforesaid property and incorporating it 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 4th DAY OF November, 1986

Approved as to form:

James Bell
James Bell, City Attorney
Tim Meachem
Tim Meachem, Staff Attorney

Joe W. Pearce, Jr.
Joe W. Pearce, Jr., Mayor
John A. Sellers
John A. Sellers, Mayor Protem

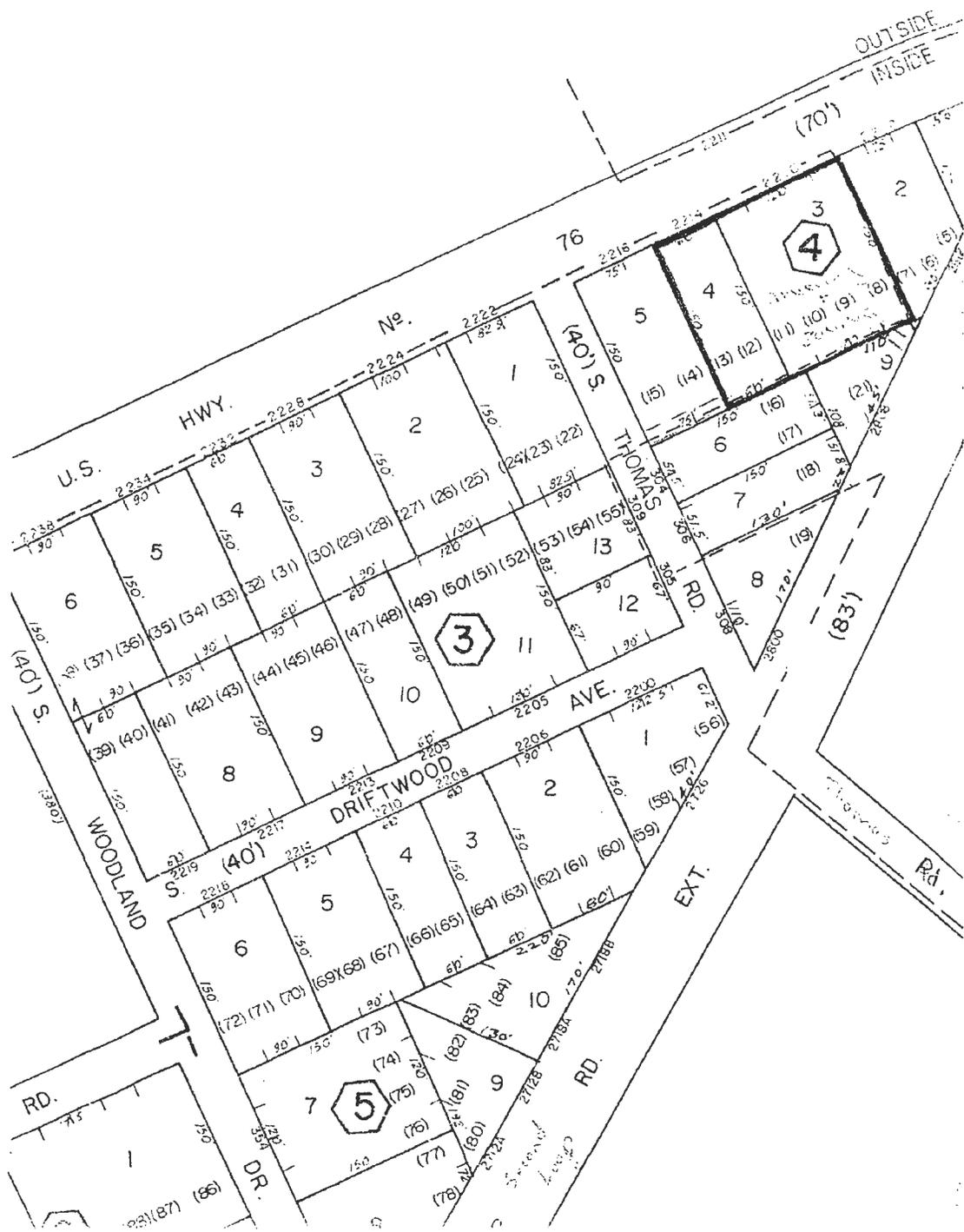
Ben Dozier
Ben Dozier, Councilman
James T. Schofield
James T. Schofield, Councilman

ATTEST:

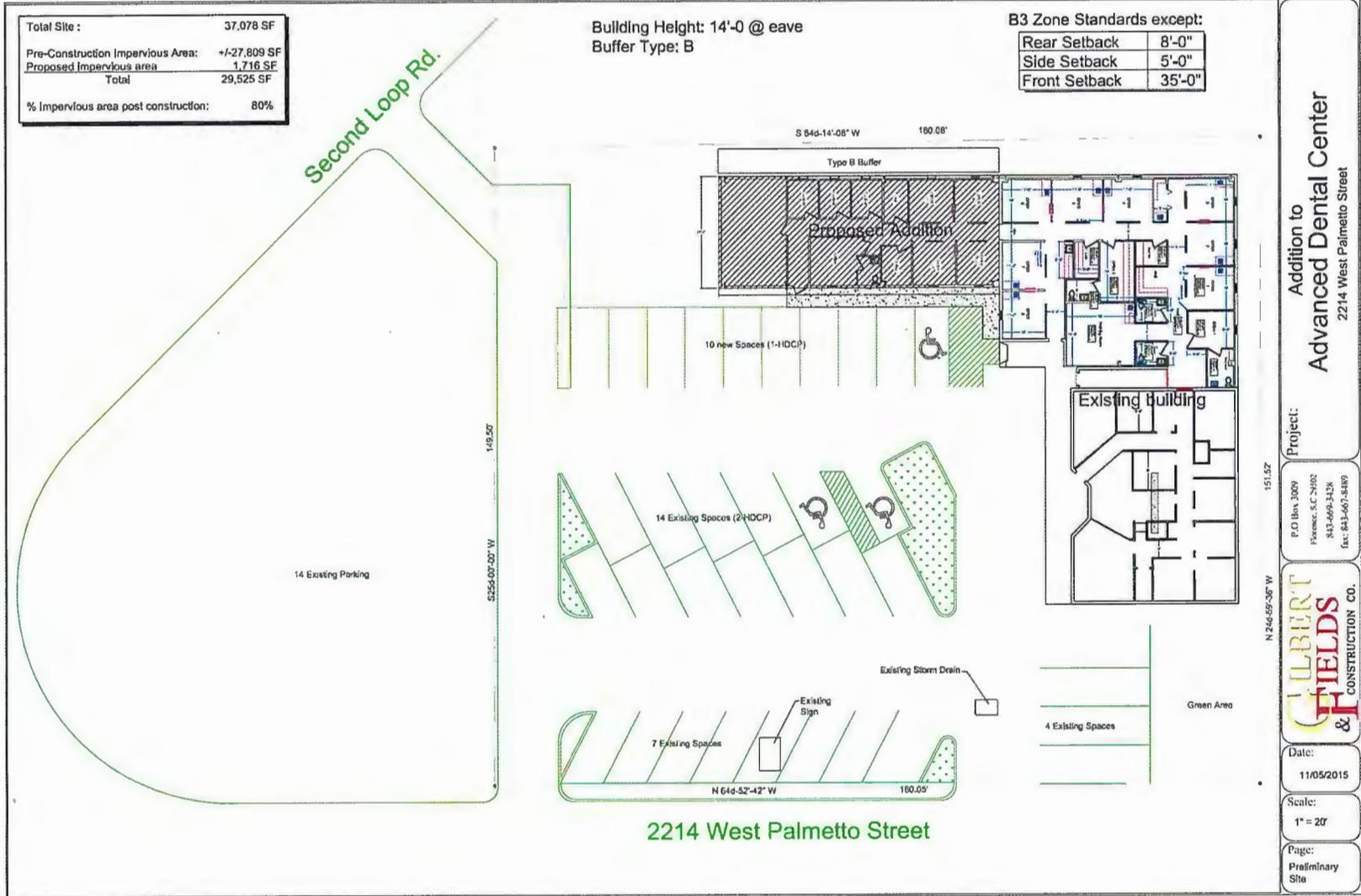
K. Fred Samra
K. Fred Samra, Councilman

Joyce E. Wiggins
Joyce E. Wiggins
Municipal Clerk

Herbert G. Ham
Herbert G. Ham, Councilman
James L. Daniels
James L. Daniels, Councilman



Attachment 4:



ORDINANCE NO. 2015-_____

**AN ORDINANCE TO AMEND PLANNED DEVELOPMENT DISTRICT
ORDINANCE 1986-54**

WHEREAS, a Public Hearing was held in City Council Chambers on November 10, 2015 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Dr. Joe Griffin, Jr. made application to amend Planned Development District Ordinance 1986-54 to update the development plan, construct a 1,700 square foot addition, establish new setbacks per the site plan, and allow for the rezoning and the combination of a 0.22 acre adjacent parcel on which the use of parking is established;

WHEREAS, all other zoning requirements, with exception to the building setbacks, within the Planned Development District shall comply with the City of Florence Zoning Ordinance as defined under B-3 zoning;

WHEREAS, the City of Florence Planning Commission voted unanimously, 6-0, to recommend the Planned Development District amendment;

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

Ordinance No. 2015-_____

Page 2 – December, 2015

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 Planned Development District Ordinance 1986-54 to update the development plan; allow the building setbacks to be: rear of 8 feet, side of 5 feet, and front of 35 feet; allow the construction of the 1,700 square foot addition; and to allow the aforementioned rezoning and combination of a 0.22 acre outparcel with the existing Planned Development parcel per the attached development plan; furthermore, all other zoning requirements within the Planned Development District shall comply with the City of Florence Zoning Ordinance as defined under B-3 zoning.
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 _____, 2015

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2015

AGENDA ITEM: Public Hearing and Ordinance to Annex and Zone Property Owned by Gregory A. May, TMN 01221-01-280

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at 2494 Parson's Gate, Tax Map Number 01221-01-280, into the City of Florence and zone to R-1, Single-Family Residential District. The request is being made by the property owner, Gregory A. May.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On November 10, 2015 Planning Commission held a public hearing on this matter. The Planning Commission voted unanimously, 6-0 to recommend the zoning request of R-1, Single-Family Residential District.

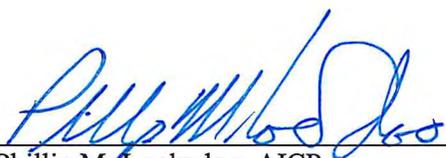
III. POINTS TO CONSIDER:

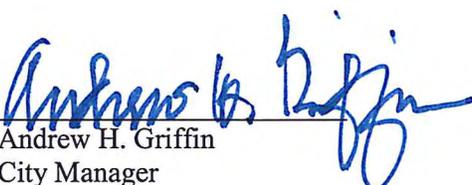
- (1) Request is being considered for first reading.
- (2) The lot is currently the site of a single-family dwelling.
- (3) City water and sewer services are currently available; there is no cost to extend utility services.
- (4) A Public Hearing for zoning was held at the November 10, 2015 Planning Commission meeting.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-1, Single-Family Residential District.

IV. PERSONAL NOTES:

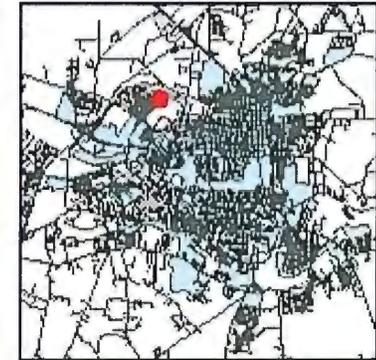
V. ATTACHMENTS:

- (1) Ordinance
- (2) Map showing the location of the property
- (3) Petition for Annexation form


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


Andrew H. Griffin
City Manager

Location Map 2494 Parsons Gate



Legend

- Proposed Parcel
- Manhole
- Gravity Mains
- Water Mains
- Roads
- City Limits
- Parcels



DISCLAIMER:
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STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

- 1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
- 2. That the petitioner(s) desires to annex the property more particularly described below:

Florence County Tax Map 01221-01-280

- 3. Annexation is being sought for the following purposes:

★ Services (City)

- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

★

Total Residents	<u>6</u>
Race	<u>C</u>
Total 18 and Over	<u>3</u>
Total Registered to Vote	<u>3</u>

★ Date 10/1/15

Gregory G. King
Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition:	FOR OFFICIAL USE ONLY
Date <u>10/2/15</u>	<u>JSD</u>

ORDINANCE NO. 2015 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY GREGORY A. MAY, TMN 01221-01-280

WHEREAS, a Public Hearing was held in the Council Chambers on November 10, 2015 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Gregory A. May, owner of TMN 01221-01-280, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-1, Single-Family Residential District:

The property requesting annexation is shown more specifically on Florence County Tax Map 01221, block 01, parcel 280 (0.52 acres).

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

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 annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 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 _____, 2015
Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2015
AGENDA ITEM: Resolution 2015-26
DEPARTMENT / DIVISION: Public Works Department - Recreation

I. ISSUE UNDER CONSIDERATION:

A resolution to provide for the service and consumption of alcoholic beverages at the Dr. Eddie Floyd Florence Tennis Center.

II. CURRENT ACTION / PREVIOUS ACTION:

On May 12, 2014 City Council passed Ordinance 2014-12 to amend sections 14-13.1 and 15-34 of the City Code to provide for the possession and consumption of beer and wine in certain limited public rights-of-way, parking lots, courtyards, lawns, and plazas; to provide for the issuance of event permits; and to establish the areas and the permitting process for such event permits.

III. POINTS TO CONSIDER:

1. City Council may, if so requested, authorize and permit the possession and consumption of alcoholic beverages in other spaces within the city through the adoption of a resolution.
2. The Florence Tennis Association has requested that the City allow the possession and consumption of alcoholic beverages (beer and wine) at certain social functions and tennis events at the Dr. Eddie Floyd Florence Tennis Center.
3. The City currently has an established permit policy with guidelines governing the possession, service, consumption, and distribution of beer and wine at social functions and special events occurring on public spaces within the City.
 - The Recreation Division shall develop a policy which governs the approval process, the requirements for insurance, security and or law enforcement, and the dates / times that consumption of beer and wine is allowed.
 - The policy shall be given consideration by the Parks & Beautification Commission, City Attorney and approved by the City Manager.
 - In all cases, consideration shall first be given to the public use of the tennis facility.

- Prior to the use of the tennis facility for the consumption of beer and wine, an application shall be submitted by the non-profit group and presented to the Parks & Beautification Commission for consideration and approval or disapproval.
- The consumption and distribution of beer and wine will be limited to the second floor and second floor deck area of the tennis facility.
- All costs associated with the consumption of beer and wine shall be borne by the non-profit permitted by the Parks & Beautification Commission.
- Failure of a non-profit to follow the approved policy and any conditions associated with the policy shall cause the non-profit to lose its privilege associated with the consumption of beer and wine.

V. OPTIONS:

1. Approve the Resolution 2015-26.
2. Deny the approval of the Resolution 2015-26.

VI. STAFF RECOMMENDATION:

Staff is comfortable with being in a position of administering a permit and approval process through the Parks & Beautification Commission.

VII. ATTACHMENTS:

1. A copy of Resolution 2015 – 26.



Andrew H. Griffin
City Manager



Charles E. Pope
Public Works Director

(STATE OF SOUTH CAROLINA)

()

(CITY OF FLORENCE)

RESOLUTION NO. 2015-26

A RESOLUTION TO AUTHORIZE THE SERVICE OF ALCOHOLIC BEVERAGES BY APPROVED GROUPS AND ORGANIZATIONS AT THE DR. EDDIE FLOYD FLORENCE TENNIS CENTER.

WHEREAS, continued activities at the Dr. Eddie Floyd Florence Tennis Center have created a desire to allow for the provision of alcoholic beverages for specific tennis related events,

WHEREAS, the provision of alcoholic beverages will be administered and allowed for appropriately permitted organizations and groups,

WHEREAS, only those organizations who are noted and confirmed as a non-profit, 501c3 or 501c4 entity shall be eligible for permitting,

WHEREAS, permitting is allowed through the completion of an appropriate application as administered through the Recreation Division pursuant to compliance and conformity with state law, city ordinances and all rules and regulations governing the use of the City of Florence recreation facilities which include the Dr. Eddie Floyd Florence Tennis Center,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA AS FOLLOWS:

That upon the issuance of the required permit by the City of Florence, alcoholic beverages shall be allowed to be served in designated areas of the Dr. Eddie Floyd Florence Tennis Center.

AND IT IS SO RESOLVED, this _____ day of _____

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
City Attorney

STEPHEN J. WUKELA
Mayor

ATTEST:

DIANNE M. ROWAN
Municipal Clerk

IX. b.
Resolution No.
2015-27

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2015

AGENDA ITEM: Public Hearing and Resolution Designating Portions of
Downtown as a State Cultural District

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Creation of the City of Florence Arts and Entertainment District

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

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

III. POINTS TO CONSIDER:

- 1) A cultural district is a geographic area that has a concentration of cultural facilities, activities and assets. It is an area that is easily identifiable to visitors and residents and serves as a center of cultural, artistic and economic activity. A cultural district may contain galleries, live performance venues, theaters, artist studios, museums, arts centers, arts schools, and public art pieces. A cultural district may also contain businesses like restaurants, banks or parks whose primary purpose is not arts, but that regularly make their spaces available to artists or create opportunities for the public to encounter the arts.
- 2) Legislation ratified by the South Carolina General Assembly and signed by Governor Nikki Haley authorizes the S.C. Arts Commission to grant official state designation to cultural districts in the Palmetto State. The legislation specifies the goals of this program:
 - a. attract artists, creative entrepreneurs and cultural enterprises to communities
 - b. encourage economic development
 - c. foster local cultural development
 - d. provide a focal point for celebrating and strengthening local cultural identity
- 3) Requirements include:
 - a. Creation of a steering committee composed of organizations and individuals who represent the interests of the district.
 - b. Engage in community-based planning activities that establish locally defined goals for the district identify resources for sustaining the district and create measures for determining progress toward achieving the goals.
 - c. Hold a public hearing regarding the district and pass a resolution making a commitment to establish a state-designated cultural district.
- 4) Application Process
 - a. Confirm eligibility
 - b. Site visit
 - c. Map the district
 - d. Submit application
- 5) Reporting Requirements – Upon approval of the designation of the district, the City must document and measure the impact of a cultural district on the community in the form of an annual report to the S.C. Arts Commission. The report must be a narrative

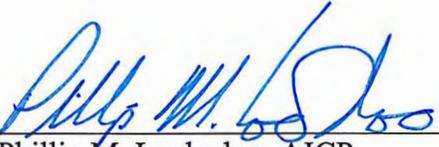
describing activities in the district during the previous year and reporting data that measures the impact and reflects the stated goals of the district.

- 6) Recertification – The district must be recertified every five years. This process includes a review of the annual reports by S.C. Arts Commission staff that will assess the district’s impact and continued viability for state designation.

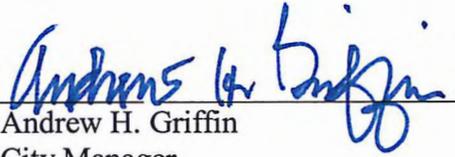
IV. PERSONAL NOTES:

V. ATTACHMENTS:

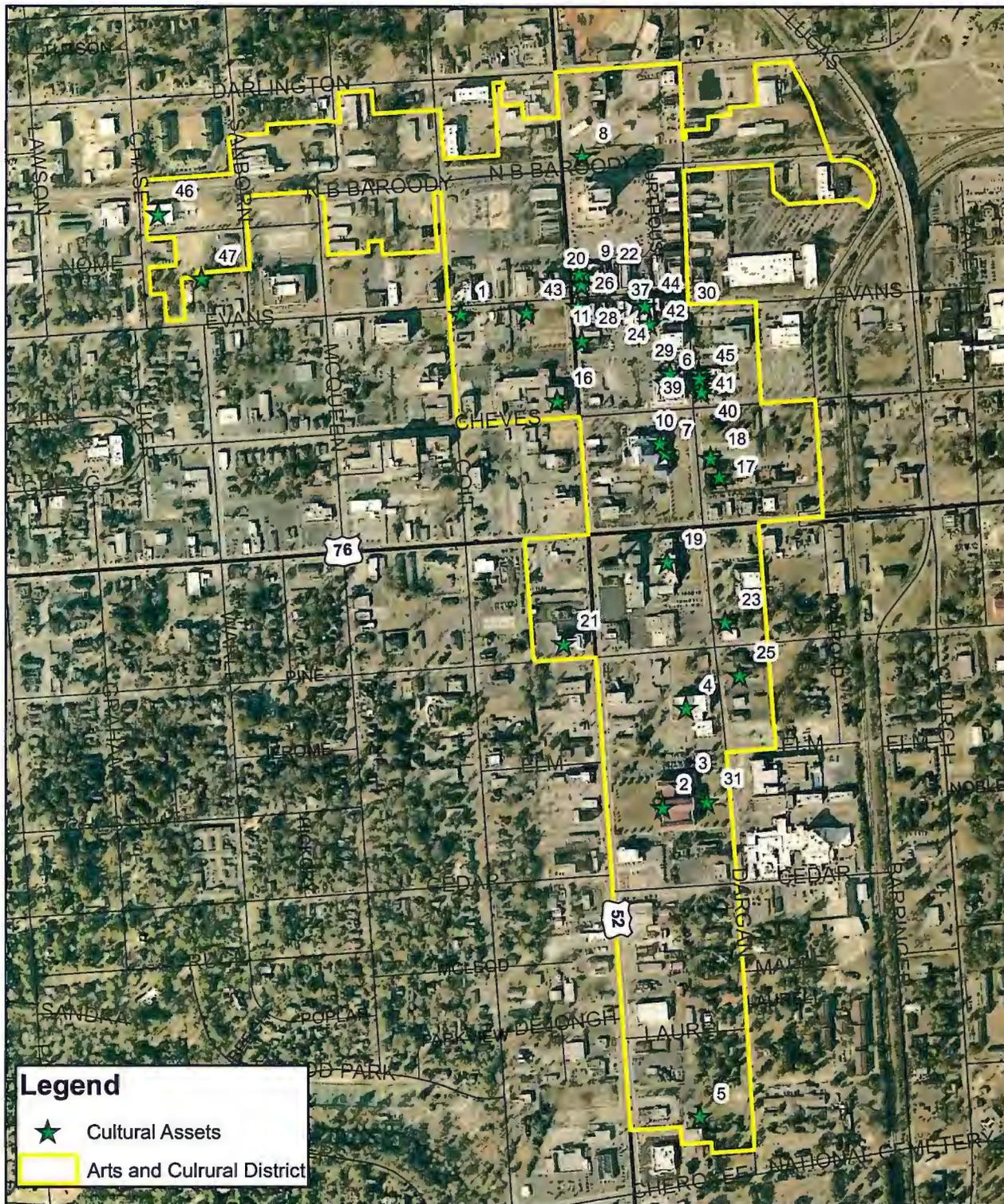
- (1) Model resolution
- (2) Map of the proposed district



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



Andrew H. Griffin
City Manager



Legend

- ★ Cultural Assets
- Arts and Cultural District

Arts and Entertainment District Designation Map

ID*	Cultural Asset
1	Addie's Baby Art and Design Studio
2	Dr. Bruce and Lee County Library
3	Dr. N Lee Morris Gallery
4	Florence Little Theatre
5	Florence County Parks and Recreation Center
6	Florence County Museum
7	Francis Marion Performing Arts Center
8	Florence Railroad Museum
9	Francis Marion's Recording Studio
10	Office of the Florence Symphony Orchestra
11	The Art Trail Gallery
12	The Clay Pot
13	The Studio of Alex Palkovich
16	Central United Methodist
17	St. John's Episcopal Church
18	Radio Free Florence
19	Poyner Building
20	Former US Post Office
21	Turner Padgett Law Office
22	Ella's
23	Hamilton House
24	Mainstream Boutique
25	Mary's Flowers and Gifts
26	Smart Phone Repair
27	Thieves' Market
28	Vintage Vogue
29	Florence County Museum Courtyard
30	James Allen Plaza
31	Florence County Library Lawn
32	National Cemetery
33	Mt. Hope Cemetery
35	Renaissance Courtyard
37	West Evans Breezeway
38	1031 American Grill
39	Dolce Vita
40	Thai House
41	Wholly Smokin'
42	Victor's
43	Top Hat Special Teas
44	Hotel Florence
45	The Library
46	Barnes St
47	Gym

Resolution 2015- 27

A RESOLUTION OF THE FLORENCE CITY COUNCIL DESIGNATING PORTIONS OF DOWNTOWN AS A STATE CULTURAL DISTRICT.

WHEREAS, the South Carolina General Assembly passed and the Governor signed into law Act No. 232 of 2014, providing for the establishment of State-Designated Cultural Districts by the South Carolina Arts Commission; and

WHEREAS, the City of Florence has a long history of being home to cultural facilities creative enterprises and art venues, as enumerated in the attached “Inventory of Cultural Assets;” and

WHEREAS, these cultural assets continue to attract artists and entrepreneurs to the Downtown area, encourage economic development local cultural development, and provide a focal point for celebrating unique cultural identity of Florence; and

WHEREAS, a certain section of Downtown Florence has been researched and proposed as the area to be designated as the Arts and Entertainment District, as illustrated in the attached “Arts and Entertainment District Designation Map” and

WHEREAS, the Florence Regional Arts Alliance has voted to support the designation, and will serve as the designated partner organization to manage the proposed District; and

WHEREAS, the Florence Downtown Development Corporation Board has a voted to support the designation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE:

That the Council supports the designation of Downtown Florence as a South Carolina Cultural District.

RESOLVED THIS FOURTEENTH DAY OF December, 2015.

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK

IX. c.
Resolution No.
2015-28

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2015
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

A Resolution authorizing the execution of an Intergovernmental Agreement between the City of Florence and Florence County to construct, furnish, and equip improvements to and expansion of the Florence Civic Center.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. On October 1, 1990 the City and the County entered into an Agreement to Design, Construct, Operate and Maintain the Florence City-County Civic Center.

B. Since that time, both the City and the County have equally shared the costs associated with operations and maintenance deficits of the Civic Center. The City and County have also equally shared the cost of capital improvements, including debt service requirements for facility construction and improvements.

III. POINTS TO CONSIDER

A. To promote tourism and economic development in the City and the County, and to meet the increasing need for additional conference space at the Civic Center, the City and the County have agreed to an expansion of and certain improvements to the Civic Center.

B. To finance the expansion and improvements, at an estimated construction cost of \$15 million, Florence County will issue Accommodations Fee Revenue Bonds payable for 25 years beginning in May 2015 and ending in May 2040 at an interest rate of 3.79%.

C. As part of the County's issuance of these bonds, it has been deemed prudent for the City and County to enter into an Intergovernmental Agreement in addition to the original agreement from 1990.

D. The Intergovernmental Agreement necessitated by the issuance of the Bonds maintains the spirit of the Civic Center Agreement entered in 1990 in terms of responsibilities shared by the City and the County for the planning, construction, and financing of the Florence Civic Center.

E. The Intergovernmental Agreements provides that the City will pay the County annually the amounts set forth in an exhibit to the Intergovernmental Agreement for the Civic Center expansion and improvement. These amounts represent equal, or one-half shares of the total debt service annual payments.

F. The new debt service payments to be made over a period of 25 years have been structured so that the equal amounts paid by the City and the County for the new debt service approximate the current debt service amount presently being paid by both the City and the County.

G. By executing this Intergovernmental Agreement the City agrees to continue its responsibilities of assisting with the operational cost of the Civic Center and with expansion and improvement project costs.

IV. STAFF RECOMMENDATION

Adopt the attached resolution which authorizes the City Manager to execute the Intergovernmental Agreement between the City and the County to construct, furnish and equip certain improvements to and expansion of the Civic Center.

V. ATTACHMENTS

The proposed Resolution and Intergovernmental Agreement with the annual contribution schedule are attached.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

RESOLUTION NO. 2015-_____

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FLORENCE AND FLORENCE COUNTY, SOUTH CAROLINA TO CONSTRUCT, FURNISH, AND EQUIP CERTAIN IMPROVEMENTS TO AND EXPANSION OF THE FLORENCE CIVIC CENTER TO PROMOTE THE TOURISM INDUSTRY AND ECONOMIC DEVELOPMENT

WHEREAS, South Carolina Constitution Article VIII, Section 13 and Section 4-9-41(A) of the Code of Laws of South Carolina of 1976, as amended, provide that any county, incorporated municipality, or other political subdivision may provide for the joint administration of any function and exercise of powers and the sharing of costs thereof; and

WHEREAS, the City of Florence (the "City") and Florence County (the "County") entered into an Agreement to Design, Construct, Operate and Maintain the Florence City-County Civic Center dated October 1, 1990 (the "Original Agreement") to provide for the responsibilities of the City and the County with regard to the planning, construction, and financing of the Florence Civic Center (the "Civic Center"); and

WHEREAS, the City and the County have agreed on a plan to construct, furnish and equip certain improvements to and expansion of the Civic Center in order to promote the tourism industry and economic development in the City and the County (the "Civic Center Project"); and

WHEREAS, such improvements shall be financed through the issuance of Accommodations Fee Revenue Bonds of Florence County, Series 2015 (the "Bonds"); and

WHEREAS, pursuant to the County's issuance of the Bonds for improvements to and expansion of the Civic Center, an Intergovernmental Agreement between the City and the County has been determined to be prudent and appropriate for this financing; and

WHEREAS, the City and the County acknowledge the continuing legal effect of the Original Agreement; and

WHEREAS, the Intergovernmental Agreement necessitated by the issuance of the Bonds maintains the spirit of the Original Agreement in terms of responsibilities for the planning, construction, and financing of the Florence Civic Center; and

WHEREAS, the City has agreed to continue its responsibilities by assisting with the operational costs of the Civic Center as well as the Civic Center Project pursuant to the Intergovernmental Agreement attached hereto as Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED that in order to give full effect to the intent and meaning of this Resolution and the Intergovernmental Agreement and actions therein authorized, the City Manager is hereby authorized to execute and deliver the Intergovernmental Agreement between the City and the County to construct, furnish and equip certain improvements to and expansion of the Civic Center.

RESOLVED THIS _____ DAY OF _____, 2015.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne Rowan
Municipal Clerk

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (the “**Agreement**”), dated December 17, 2015, is by and between The City of Florence, South Carolina, a body politic and corporate and a municipal corporation organized under the laws of the State of South Carolina (the “**City**”) and The County of Florence, South Carolina, a body politic and corporate and a county organized under the laws of the State of South Carolina (the “**County**”).

WITNESSETH:

WHEREAS, the City and the County entered into an Agreement to Design, Construct, Operate and Maintain Florence City-County Civic Center dated October 1, 1990 (the “**Original Agreement**”) to provide for the responsibilities of the City and the County with regard to the planning, construction and financing of the Florence Civic Center (the “**Civic Center**”); and

WHEREAS, the City and the County acknowledge the continuing legal effect of the Original Agreement; and

WHEREAS, the City and the County have now agreed to construct, furnish and equip certain improvements to and expansion of the Civic Center in order to promote the tourism industry and economic development in the City and the County (the “**Civic Center Project**”), and to finance such improvements through the issuance of Accommodations Fee Revenue Bonds of Florence County, Series 2015 (the “**Bonds**”), which Bonds shall be secured by a pledge of a local accommodations fee (the “**Accommodations Fees**”) collected by the County pursuant to Article 7, Chapter 1 of Title 6 of the Code of Laws of South Carolina, 1976, as amended (the “**Code**”); and

WHEREAS, the City has agreed to pay to the County a capital contribution to the County to help defray the cost of the Civic Center Project; and

WHEREAS, South Carolina Constitution Article VIII, Section 13 and Section 4-9-41(A) of the Code of Laws of South Carolina of 1976, as amended, provide that any county, incorporated municipality, or other political subdivision may provide for the joint administration of any function and exercise of powers and the sharing of costs thereof.

NOW, THEREFORE, for valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto hereby formally covenant and agree as follows:

Section 1. Representations and Warranties.

1.1 The County represents and warrants that:

(a) it has full legal right, power and authority to levy and collect the Accommodations Fees and apply them for the purpose of financing certain improvements to the Civic Center; and it has full legal right, power and authority to enter into this Agreement and to carry out and consummate all other transactions contemplated by this Agreement.

(b) it has duly authorized the execution, delivery and performance of its obligations under this Agreement and the taking of any and all actions as may be required on the part of the County to carry out, give effect to, and consummate the transactions contemplated by this Agreement.

(c) this Agreement constitutes a legal, valid and binding obligation of the County, enforceable in accordance with its terms.

(d) the execution and delivery by the County of this Agreement and compliance with the provisions hereof will not conflict with or constitute a breach of, or default under, any material commitment, agreement or other instrument to which the County is a party or by which it is bound, or any provision of law, rule, regulation, ordinance, judgment, order, or decree to which the County is subject.

1.2 The City represents and warrants that:

(a) it has full legal right, power and authority to enter into this Agreement and to carry out and consummate all transactions contemplated by this Agreement.

(b) it has duly authorized the execution, delivery and performance of its obligations under this Agreement and the taking of any and all actions as may be required on the part of the City to carry out, give effect to, and consummate the transactions contemplated by this Agreement.

(c) this Agreement constitutes a legal, valid and binding obligation of the City, enforceable in accordance with its terms.

(d) the execution and delivery by the City of this Agreement and compliance with the provisions hereof will not conflict with or constitute a breach of, or default under, any material commitment, agreement or other instrument to which the City is a party or by which it is bound, or any provision of law, rule, regulation, ordinance, judgment, order, or decree to which the City is subject.

Section 2. Payment of Capital Contribution; Operation and Maintenance Payment; Term.

2.1 The City hereby agrees to pay to the County on such payment date(s) as the County may reasonably request, the amounts set forth on "Exhibit A" hereto annually as a capital contribution relative to the Civic Center Project (the "**Capital Contribution**"). The County may utilize each payment of the Capital Contribution for payment of any capital costs relating to the Civic Center Project, including without limitation deposit of such monies into the Debt Service Fund for the Bonds to be maintained by the Trustee for the Bonds.

2.2 The City and the County acknowledge that the proceeds from the Bonds will be used solely for improvements and related costs for the Civic Center. The City agrees that all payments of the

Capital Contribution may, at the election of the County, be used by the County for payment of principal of and interest on the Bonds.

2.3 Further to its undertaking in Section 3 of the Original Agreement and as an express continuation thereof for the term of this Agreement, the City hereby agrees to pay to the County on such payment date(s) as the County may reasonably request an amount equal to one-half of the annual cost of operation and maintenance of the Civic Center (the "Operations Contribution"). Such Operations Contribution shall be payable by the City in such installments as shall be agreed upon between the City and the County, but not less frequently than annually, upon presentation by the County to the City of such documentation of operation and maintenance expenses relative to the Civic Center as the City may reasonably request.

2.4 The term of this Agreement and the obligation of the City to pay the Capital Contribution and the Operations Contribution shall terminate upon the satisfaction and discharge of the Bonds.

2.5 No other provision of this Agreement withstanding, it is understood and agreed to between the City and the County that the City's agreement to pay the Capital Contribution and the Operations Contribution as provided herein is not secured by, or in any way entitled to a pledge of, the full faith, credit, and taxing power of the City; is not an indebtedness of the City within the meaning of any provision of the Constitution or Statutes of the State of South Carolina, and is not a pecuniary liability of the City or a charge against the City's general credit or taxing power. No property or right of the City is pledged as security for the Bonds.

2.6 The City expects to fund its payment of the Capital Contribution and the Operations Contribution from a portion of the local hospitality fees it receives pursuant to Article 7, Chapter 1 of Title 6 of the Code; however, the City reserves the right to make such payments from any source of funds available to it, and contributions by the City from any source of revenue shall be junior and subordinate to any pledge of such revenues made by the City to secure revenue indebtedness now or hereafter issued and secured by such source of revenue.

Section 3. Miscellaneous.

3.1 No covenant, obligation, or agreement contained herein shall be deemed to be a covenant, obligation, or agreement of any present or future member, officer, agent, or employee, of the County or the City, in any other than his official capacity, and no official executing this Agreement shall be personally liable thereon or be subject to any personal liability or accountability by reason of the covenants, obligations, or agreements of the County or the City contained in this Agreement.

3.2 This Agreement shall inure to the benefit of and shall be binding in accordance with its terms upon the County, the City, and their respective successors and assigns.

3.3 This Agreement may not be effectively amended, changed, modified, altered, or terminated, except with the written consent of all parties hereto.

3.4 This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

3.5 If any provision of this Agreement, or any covenant, obligation, or agreement contained herein, is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect any other provision, covenant, obligation, or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation, or agreement shall be deemed to be effective, operative, made, entered into, or taken in the manner and to the full extent permitted by law.

3.6 This Agreement shall be deemed to be a contract made under the laws of the State of South Carolina and for all purposes shall be governed by and construed in accordance with the laws of the State of South Carolina.

3.7 The City and County agree that, if and to the extent any continuing disclosure or posting or filing of any materials or information relating to the City is required by state or federal securities laws with respect to the Bonds, such obligation will be undertaken by, and will be the sole responsibility of, the County; provided, however, that the City agrees to cooperate with the County in meeting such requirements and to provide in a timely fashion any such necessary information regarding the City as may be required for such purposes.

IN WITNESS WHEREOF, the County and the City have caused this Agreement to be duly executed in their respective names, all effective the date first above written.

FLORENCE COUNTY, SOUTH CAROLINA

Attest:

By: _____

By: _____

Its: _____

Its: _____

CITY OF FLORENCE, SOUTH CAROLINA

Attest:

By: _____

By: _____

Its: _____

Its: _____

Exhibit A

Date	Annual Capital Contribution	Monthly Payment (1/12 of Annual Contribution)
4/1/2016	-	-
4/1/2017	-	-
4/1/2018	-	-
4/1/2019	406,618.75	33,884.90
4/1/2020	412,668.75	34,389.06
4/1/2021	418,568.75	34,880.73
4/1/2022	425,068.75	35,422.40
4/1/2023	431,168.75	35,930.73
4/1/2024	439,368.75	36,614.06
4/1/2025	444,568.75	37,047.40
4/1/2026	451,868.75	37,655.73
4/1/2027	458,668.75	38,222.40
4/1/2028	467,468.75	38,955.73
4/1/2029	700,668.75	58,389.06
4/1/2030	709,268.75	59,105.73
4/1/2031	714,368.75	59,530.73
4/1/2032	722,000.00	60,166.67
4/1/2033	730,500.00	60,875.00
4/1/2034	737,375.00	61,447.92
4/1/2035	745,125.00	62,093.75
4/1/2036	751,125.00	62,593.75
4/1/2037	757,875.00	63,156.25
4/1/2038	765,906.25	63,825.52
4/1/2039	775,218.75	64,601.56
4/1/2040	780,718.75	65,059.90
Total	13,246,187.50	

X. a.

Appointments to Boards/Commission

FLORENCE CITY COUNCIL MEETING

DATE: December 14, 2015

AGENDA ITEM: Report To Council/Boards and Commissions

DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

Council will consider nominations for City Boards and/or Commissions

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

There are three boards or commissions that have either a vacancy or an expired term as of June 30, 2015.

III. ATTACHEMENTS:

Spreadsheet of Council Nominations to Boards and Commissions
Letters from Board Members indicating if they want to continue to serve
Applications Received

SCHEDULE OF COUNCIL NOMINATIONS TO BOARDS AND COMMISSIONS - December 2015

	District 1	District 2	District 3	At-Large 1	At-Large 2	At-Large 3	Mayor	
	Ervin	Robinson	Brand	Jebaily	Wms-Blake	Hill	Wukela	
Accommodations Tax Advisory Committee	X ^a							Vacancy ^a
City of Florence Zoning Board of Appeals	X							Scott Kozacki
Parks and Beautification Commission	X		X			X		Vacancy; Vacancy; Vacancy

^a Vacancy - Hospitality/Lodging (Lyles C. Lyles - Resigned)

(See attached highlighted sections of the SC Code of Laws for Committee Member requirements)

**South Carolina Code of Laws
Title 6 - Local Government**

CHAPTER 4.
ALLOCATION OF ACCOMMODATIONS TAX REVENUES

**Definitions and Regulations Pertaining to Advisory Committee Appointment
Section 6-4-5 and Section 6-4-25**

SECTION 6-4-5. Definitions.

As used in this chapter:

(1) "County area" means a county and municipalities within the geographical boundaries of the county.

(2) "Cultural", as it applies to members of advisory committees in Section 6-4-25, means persons actively involved and familiar with the cultural community of the area including, but not limited to, the arts, historical preservation, museums, and festivals.

(3) "Hospitality", as it applies to members of the committees in item (2), means persons directly involved in the service segment of the travel and tourism industry including, but not limited to, businesses that primarily serve visitors such as lodging facilities, restaurants, attractions, recreational amenities, transportation facilities and services, and travel information and promotion entities.

(4) "Travel" and "tourism" mean the action and activities of people taking trips outside their home communities for any purpose, except daily commuting to and from work.

HISTORY: 1991 Act No. 147, Section 1; 2001 Act No. 74, Section 2; 2002 Act No. 312, Section 2.

SECTION 6-4-25. Advisory Committee; guidelines for expenditures; annual reports; reports to Accommodations Tax Oversight Committee.

(A) A municipality or county receiving more than fifty thousand dollars in revenue from the accommodations tax in county areas collecting more than fifty thousand dollars shall appoint an advisory committee to make recommendations on the expenditure of revenue generated from the accommodations tax. The advisory committee consists of seven members with a majority being selected from the hospitality industry of the municipality or county receiving the revenue. At least two of the hospitality industry members must be from the lodging industry where applicable. One member shall represent the cultural organizations of the municipality or county receiving the revenue. For county advisory committees, members shall represent the geographic area where the majority of the revenue is derived. However, if a county which receives more in distributions of accommodations taxes than it collects in accommodations taxes, the membership of its advisory committee must be representative of all areas of the county with a majority of the membership coming from no one area.

Accommodations Tax Advisory Committee

Current Board Member

Status

Councilmember to make appointment

1) Vacancy

Lyles C. Lyles resigned

Councilwoman Ervin

Notes:

1) Hospitality/Lodging Appointment

Attachments:

Letters of interest from current board member
Applications received



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: Accommodations Tax Advisory Committee			
Your Name (Last, First, Middle) Willis, Glynn Furman	County Florence	Council District District 3	
Residential Address 1709 Damon Drive	City Florence	State South Carolina	Zip Code 29505
Mailing Address 1385 Alice Drive	City Florence	State South Carolina	Zip Code 29505
Your Occupation- Title Real Estate Manager	Business Phone (843)662-4514	Residence Phone (843) 669-2968	
Employer Name Adams Outdoor Advertising		E-Mail Address gwillis@adamsoutdoor.com	
Employer Address 1385 Alice Drive	City Florence	State South Carolina	Zip Code 29505

General Qualifications

Are you a resident of the City? Yes No How Long? 26 years

Why would you like to serve?

I would like to again serve in a role to assist the city in improving the quality of life of citizens and in doing so improve the overall economy of our city.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

SCDOT Agri-Tourism and Tourist Oversight Comm., Columbia, SC
Florence Co. Disabilities & Special Needs Board - Legislative Appoint.

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

SC Scenic Highways Comm., (two terms), Both the Florence Co./Municipal Planning Comm. and the City of Flor. Planning Comm.

14 years of total service in planning

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

American Red Cross of the Pee Dee - former board member and Chairman - 8 yrs. of service, Presently serve as Flor. Co. volunteer leader for the Red Cross

Are you involved in any Community Activities? If so, please list:

Florence Rotary Club, Boy Scouts of America Board, Pee Dee Center's Volunteer Board, Queenies Helping Hands Board, Salvation Army Board, UNCF Leadership Committee, Widows of Deceased Veterans Board, Realtors

What are your goals and objectives if appointed to the Commission/Board? Association of the Pee Dee

I would like to work with this committee to assist in making reasonable and appropriate recommendations to council.

I certify that the information above is true and correct. Information on this form will be considered public information.

Glynn F. Willis
Signature

Nov. 19, 2015
Date

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence, City Center
324 West Evans Street, Florence, SC
29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	<u>Nov. 19, 2015</u>
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <i>Accommodations Tax Advisory Committee</i>			
Your Name (Last, First, Middle) <i>JONES, ELIJAH T.</i>	County <i>Florence</i>	Council District <i>1</i>	
Residential Address <i>912 Kenley Hall</i>	City <i>FLORENCE</i>	State <i>South Carolina</i>	Zip Code <i>29501</i>
Mailing Address <i>Same</i>	City <i>Same</i>	State <i>South Carolina</i>	Zip Code <i>Same</i>
Your Occupation - Title <i>Small Business Owner</i>	Business Phone <i>843-673-0790</i>	Residence Phone <i>843-992-7664</i>	
Employer Name <i>Son-Shine Mgmt. Systems, Inc.</i>	E-Mail Address <i>elijah.jones@smsflo.com</i>		
Employer Address <i>1340 Celebration Blvd Unit C</i>	City <i>Florence</i>	State <i>South Carolina</i>	Zip Code <i>29501</i>

General Qualifications

Are you a resident of the City? Yes No How Long? *3 yrs.*
County Resident for 30 years

Why would you like to serve?
I believe I have a great perspective as a home owner and business owner in the City of Florence to help move our community forward to be an excellent place for generations to come to call home.
Do you presently serve on any Commissions/Boards of the City/ County/ State? If so, please list:

Have applied to County Commissions without appointment

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

No

Are you involved in any Community Activities? If so, please list:

*Active on a public charter school board - Virtus Academy
Active in downtown events from time to time.*

What are your goals and objectives if appointed to the Commission/Board?

To keep our community a desirable area for current and future residents to call home and cultivate new business and housing opportunities for developing areas.

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature *[Signature]*

Date *1 Dec 2014*

RETURN COMPLETED FORM TO:
Office of the City Clerk
City of Florence, City County Complex AA,
180 N. Irby Street, Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	<i>12-1-2014</i>
Appointed to:	
Date:	

City of Florence Board of Zoning Appeals

Current Board Member

Status

Councilmember to make appointment

Scott Kozacki

Did not return letter

Councilwoman Ervin

Attachments:

Letters of interest from current board member
Applications received



CITY ADMINISTRATION

TEL: (843) 665-3113

FAX: (843) 665-3110

May 20, 2015

Mrs. Kathryn Wilcox
802 Cherokee Road
Florence, SC 29501

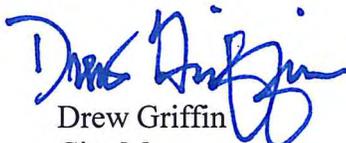
Dear Mrs. Wilcox:

Our records indicate that your term on the City of Florence Board of Zoning Appeals will expire June 30, 2015. City Council will begin making appointments to the various boards and commissions at the July 2015 meeting. Please indicate by marking the appropriate blank below if you are interested in being considered for reappointment or if you wish to discontinue serving on this committee. Please sign and return this letter to our office in the enclosed envelope as soon as possible.

We appreciate your past service to the City of Florence.

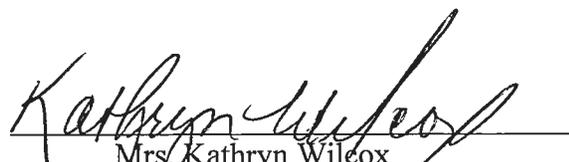
If you have any questions, please feel free to contact me.

Sincerely,


Drew Griffin
City Manager

I would like to continue to serve on the City of Florence Board of Zoning Appeals.

I do not want to serve on the City of Florence Board of Zoning Appeals.


Mrs. Kathryn Wilcox



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <i>City of Florence Zoning Board of Appeals</i>			
Your Name (Last, First, Middle) <i>JONES, ELIJAH T.</i>	County <i>Florence</i>	Council District <i>1</i>	
Residential Address <i>912 Kenley Hall</i>	City <i>FLORENCE</i>	State <i>South Carolina</i>	Zip Code <i>29501</i>
Mailing Address <i>Same</i>	City <i>Same</i>	State <i>South Carolina</i>	Zip Code <i>Same</i>
Your Occupation - Title <i>Small Business Owner</i>	Business Phone <i>843-673-0790</i>	Residence Phone <i>843-992-7664</i>	
Employer Name <i>SonShine Mgmt. Systems, Inc.</i>	E-Mail Address <i>elijah.jones@smsflo.com</i>		
Employer Address <i>1340 Celebration Blvd Unit C</i>	City <i>Florence</i>	State <i>South Carolina</i>	Zip Code <i>29501</i>

General Qualifications

Are you a resident of the City? Yes No How Long? *23 yrs.*
County Resident for 30 years

Why would you like to serve?
I believe I have a great perspective as a home owner and business owner in the City of Florence to help move our community forward to be an excellent place for generations to come to call home.

Do you presently serve on any Commissions/Boards of the City/ County/ State? If so, please list:
Have applied to County Commissions without appointment

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:
No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:
No

Are you involved in any Community Activities? If so, please list:
*Active on a public charter school board - Virtus Academy
Active in downtown events from time to time.*

What are your goals and objectives if appointed to the Commission/Board?
To keep our community a desirable area for current and future residents to call home and cultivate new business and housing opportunities for developing areas.

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature *[Signature]*

Date *1 Dec 2014*

RETURN COMPLETED FORM TO:
Office of the City Clerk
City of Florence, City County Complex AA,
180 N. Irby Street, Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	<i>12-1-2014</i>
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: City of Florence Zoning Board of Appeals			
Your Name (Last, First, Middle) Brown, Jr. L. Winfield		County Florence	Council District 2
Residential Address 410 Poplar St		City Florence	State South Carolina
Mailing Address 410 Poplar St		City Florence	State South Carolina
Your Occupation - Title Psychology Instructor		Business Phone 843 661 8069	Residence Phone 843 661 6182
Employer Name Florence Darlington Tech. College		E-Mail Address WBrown12@SC.RR.COM	
Employer Address PO Box 100548		City Florence	State South Carolina
			Zip Code 29502

General Qualifications

Are you a resident of the City? Yes No How Long? **35 years**

Why would you like to serve?
Want to be part of the process. Zoning is an important part of how a city grows and there needs to be reasonableness applied in any proposed "exception"

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:
No

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:
No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:
No

Are you involved in any Community Activities? If so, please list:
Yes. Member/Secy. treasurer of Timrod Park Neighborhood Assoc.; participate in Keep Florence Beautiful; Volunteer with Florence Area Humane Society

What are your goals and objectives if appointed to the Commission/Board?
Help ensure that "special exception" is really that and that interpretation of ordinances are consistent

I certify that the information above is true and correct. **Information on this form will be considered public information**

Signature **W/B**

Date **3/15/15**

RETURN COMPLETED FORM TO:

Office of the City Clerk
 City of Florence, City County Complex AA,
 180 N. Irby Street, Florence, SC 29501
 Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	3-16-2015
Appointed to:	
Date:	

Parks and Beautification Commission

<u>Current Board Member</u>	<u>Status</u>	<u>Councilmember to make appointment</u>
Vacancy	Mr. Gabriel resigned	Councilwoman Ervin
Vacancy	Mrs. Helen Sims resigned	Councilman Brand
Vacancy	Mrs. Vanessa Murray resigned	Councilman Hill

Attachments:

Letters of interest from current board member
Applications received