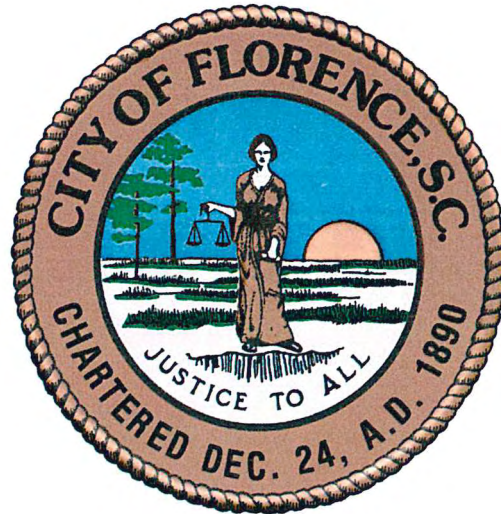


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA

MONDAY
JUNE 11, 2018
1:00 P.M.

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, JUNE 11, 2018 – 1:00 P.M.

CITY CENTER – COUNCIL CHAMBERS

324 WEST EVANS STREET

FLORENCE, SOUTH CAROLINA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

May 14, 2018 – Regular Meeting

IV. HONORS AND RECOGNITIONS

SERVICE RECOGNITIONS

John Davis – 10 years – Police

Melvin Gregg – 10 years – Collection Operations

Gordon Washington – 10 years – Waste Water Operations

Kevin Crawford – 20 years – Public Works / Beautification & Facilities

EDUCATIONAL RECOGNITION

*Tremon Shannon – Passed his “E” Water Operator Certification Exam on
May 24, 2018.*

*Michael Morris – Has completed the Wastewater Certification Program through
Central Carolina Technical College.*

V. APPEARANCE BEFORE COUNCIL

- a. *Ms. Laura Poston – to speak regarding development on Thomas Road.*

VI. ORDINANCES IN POSITION

a. **Bill No. 2018-08 – Second Reading**

An Ordinance authorizing the transfer of land to Brandon Granger, specifically a portion of tax parcel 00150-01-029.

b. **Bill No. 2018-11 – Second Reading**

A Series Ordinance making provision for the terms and conditions of Combined Waterworks and Sewerage System Revenue borrowing of the City of Florence, South Carolina, authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989, as amended; approving the financing of system improvements through the borrowing of not exceeding \$2,260,938 plus capitalized interest, if any, from the State Drinking Water Revolving Loan Fund by agreement with the South Carolina Water Quality Revolving Fund Authority pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended; providing for the agreement to make and to accept the loan, the execution and delivery of a loan agreement between the City of Florence and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the City of Florence to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto.

c. **Bill No. 2018-12 – Second Reading**

A Series Ordinance making provision for the terms and conditions of Combined Waterworks and Sewerage System Revenue borrowing of the City of Florence, South Carolina, authorized by a bond ordinance of the City of Florence adopted October 24, 1989, as amended; approving the financing of system improvements through the borrowing of not exceeding \$5,730,149 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund by agreement with the South Carolina Water Quality Revolving Fund Authority pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended; providing for the agreement to make and to accept the loan, the execution and delivery of a loan agreement between the City of Florence and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the City of Florence to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto.

d. **Bill No. 2018-13 – Second Reading**

An Ordinance declaring as surplus and authorizing the conveyance of real estate parcels to the Florence Affordable Housing Corporation for the purposes of neighborhood stabilization as part of the South Carolina State Housing Finance and Development Authority's Neighborhood Stabilization Program (NSP).

- e. **Bill No. 2018-14 – Second Reading**
An Ordinance authorizing the City to extend the lease on the real estate known as 228 West Darlington Street and designated as Tax Parcel 90086-02-004 in the records of the Florence County Tax Assessor to Pee Dee Regional Transportation Authority under the terms and conditions set out in the written lease attached as Exhibit A to this Ordinance.
- f. **Bill No. 2018-15 – Second Reading**
An Ordinance authorizing the conveyance to Francis Marion University Foundation of the real estate known as Tax Parcel 90170-01-011 described more fully on Exhibit “A” attached hereto, said property to be utilized pursuant to the terms and conditions set out in the Conditional Grant and Development Agreement between the City and Francis Marion University.
- g. **Bill No. 2018-17 – Second Reading**
An Ordinance to annex the property located at 2491 Rainford Rd., said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 01221-01-159.

VII. INTRODUCTION OF ORDINANCES

- a. **Bill No. 2018-19 – First Reading**
An Ordinance to annex and zone the property located at 2508 West Edgefield Road, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 01221-01-053.
- b. **Bill No. 2018-20 – First Reading**
An Ordinance to annex and zone the property located along Lake Oakdale, said property being specifically designated in the Florence County Tax Records as Tax Map Parcels 00052-01-001, 00052-01-005, 00052-01-049, 00052-01-061, 00052-01-068, 00052-01-069, 00075-01-022, 00522-01-027 and a portion of Tax Map Parcel 00751-01-049.
- c. **Bill No. 2018-21 – First Reading**
An Ordinance to annex and zone the property located on Second Loop Road and South Thomas Road, said property being specifically designated in the Florence County Tax Records as Tax Map Parcels 90019-01-003, 90019-01-023, and 90019-01-024.
- d. **Bill No. 2018-22 – First Reading**
An Ordinance to amend the City of Florence Unified Development Ordinance, Table 1-2.7.4, Section 1-2.8.4, and Division 7-25.2.

VIII. INTRODUCTION OF RESOLUTION

- a. **Resolution No. 2018 - 09**
A Resolution honoring Soule' Cafe's contributions to the efforts to revitalize Downtown Florence.

IX. EXECUTIVE SESSION

- a. *The receipt of legal advice related to matters covered by attorney-client privilege [30-4-70(a)(5)]*

After returning to open session, Council may take action on matters discussed in Executive Session.

X. ADJOURN

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, MAY 14, 2018 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the regular meeting of the Florence City Council to order at 1:01 p.m. with the following members present: Mayor Pro tem Frank J. “Buddy” Brand; Councilman George D. Jebaily; Councilwoman Teresa Myers Ervin; Councilwoman Octavia Williams-Blake; Councilman Glynn F. Willis and Councilwoman Pat Gibson-Hye Moore.

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

Notices of this regular meeting of the Florence City Council were sent to the media and individuals requesting a copy of the agenda.

MEDIA PRESENT: Matthew Christian, Morning News and Tonya Brown of WPDE TV 15 were present for the meeting.

INVOCATION

Councilwoman Teresa Myers Ervin gave an invocation to open 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 April 9, 2018 Regular City Council meeting. Councilman Willis seconded the motion, which carried unanimously.

HONORS AND RECOGNITIONS

SERVICE RECOGNITIONS

Kenneth “Tony” Nesmith received a Certificate of Recognition for completing 10 years of service with the City of Florence in Athletic Programs

Samuel Cooper has completed 15 years of service with Distribution Operations and was presented a Certificate of Recognition for this achievement.

Mayor Wukela presented Stewart Johnson a Certificate of Recognition for completing 30 years of service with the Florence Police Department.

PUBLIC HEARING

A PUBLIC HEARING WILL BE HELD TO RECEIVE INPUT ON THE CITY OF FLORENCE BUDGET FOR FISCAL YEAR 2018-2019.

Mayor Wukela opened the public hearing at 1:34 p.m.

Mr. Thomas Chandler, Director of Finance gave an overview of the FY 2018-2019 budget for the City of Florence. A list of the proposed FY 2018-19 budgets by fund are as follows:

General Fund	\$	35,770,000
General Fund Debt Service Fund		450,000
Hospitality Fund		6,245,000
W/S Utilities Enterprise Fund		33,900,000
Stormwater Utility Enterprise Fund		1,382,000
W/S Utilities Construction Fund		11,103,000
Stormwater Utility Construction Fund		487,000
W/S Utilities Equipment Replacement Fund		897,000
Stormwater Equipment Replacement Fund		28,000
ALL FUNDS	\$	90,262,000

This year the **General Fund** has a slight increase of a little more than 3.5%; the **General Fund Debt Service** has a City of Florence annual appropriation for some outstanding debt; the **Hospitality Fund** has about \$2 million above the normal number to accommodate the second of a 4 year funding from the Bruce and Lee Foundation; the **W/S Utilities Enterprise Fund** has a slight increase; the **Stormwater Utility Enterprise Fund** has a very small adjustment; the **W/S Utilities Construction Fund** has quite a bit of funding due to the City having several projects ongoing and also because this is a multi-year budget. Essentially a 3-5 capital plan for the utilities so there is funding there that goes beyond the current fiscal year; the **Stormwater Utility Construction Fund** is a much smaller number but is the same concept as the W/S Utilities Construction Fund; and the **W/S Utilities Equipment Replacement Fund** and the **Stormwater Equipment Replacement Fund** are capital equipment replacement funds. The General Fund continues to show some improvement from the past several years.

The local economic condition appears to be stable with some growth anticipated. The FY 2018-19 budget reflects that condition.

Downtown Development, Neighborhood Redevelopment, Recreation and Athletic projects, TIF projects and Streetscape projects continue and are funded through growth-oriented funds, bond issues or special appropriations.

A PUBLIC HEARING WILL BE HELD TO RECEIVE INPUT ON THE 2018-2019 CDBG BUDGET.

Mr. Scotty Davis, Director of Community Services stated that the City of Florence is a CDBG Community Development Block Grant city in that the City receives federal funds directly from HUD. For FY 2018-2019 the City will receive \$276,816; an increase of \$19,457 over last year's funding.

The CDBG formula allocation is based on total population, percentage of low to moderate income persons, and the unemployment rate of a jurisdiction.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
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Each eligible activity must meet one of the three national objectives: 1) Benefit low-to-moderate income persons; 2) Aid in the elimination of slum or blight; or 3) Meeting a need having a particular urgency.

Activities that have been funded in the past with CDBG monies include: road repaving; demolition of abandoned units/lot clearing; acquisition of real property; subdivision development; down payment assistance; upgraded water/sewer lines; drainage projects; emergency rehabilitation and recreational projects.

Subrecipients that have previously been funded with CDBG funds are EHCO; Lighthouse Ministries; Manna House; Pee Dee Community Action Agency; Salvation Army and Who So Ever Church. The City is limited by federal regulations on the amount of money that can be allocated to subrecipients. Due to new regulations city staff will be meeting with the subrecipients regarding allocation of funds.

A number of public meetings have taken place regarding the FY 2018-2019 CDBG budget. The meetings have taken place from 5:00 p.m. to 7:00 p.m. to allow participation from the community. The public meetings that have been held are: March 1, 2018 at the Boys and Girls Club; March 5, 2018 at the House of God Keith Dominion; March 6, 2018 at New Harvest Presbyterian Church; March 8, 2018 at Maxwell Baptist Church; March 14, 2018 at Levy Park; March 20, 2018 at North West Community Center and March 21, 2018 at the City Council Chambers.

Requests received during the public meetings include: Housing Demolition; Emergency Rehabilitation; Construction of a Senior Center at Iola Jones Park; Sidewalks throughout North Florence; Affordable Housing; and Economic Development opportunities.

The 2017-2018 CDBG Budget is as follows:

Planning and Administration	\$	51,471
Recreational Improvements – Section 108		100,000
Emergency Rehabilitation		79,888
Salvation Army		6,000
Manna House		10,000
Lighthouse		10,000
TOTAL	\$	257,359

Staff will present a proposed 2018-2019 CDBG Budget at the June City Council meeting.

There being no one requesting to speak regarding the FY 2018-2019 City of Florence budget or the FY 2018-2019 CDBG Budget, Mayor Wukela declared the public hearing closed at 2:42 p.m.

APPEARANCE BEFORE COUNCIL

Councilwoman Octavia Williams-Blake recognized members of the Trinity-Byrnes Collegiate School Girls Basketball Team. For the first time in school history, for both Girls and Boys, the Trinity-Byrnes Collegiate School Girls Basketball Team has won the SCISA 2A Girls Basketball State Championship, defeating Pee Dee Academy of Dillon, SC.

ORDINANCES IN POSITION

BILL NO. 2018-08 – SECOND READING

AN ORDINANCE AUTHORIZING THE TRANSFER OF LAND TO BRANDON GRANGER, SPECIFICALLY A PORTION OF TAX PARCEL 00150-01-029.

An Ordinance authorizing the transfer of land to Brandon Granger, specifically a portion of Tax Parcel 00150-01-029 was deferred by Council.

Mayor Pro tem Brand made a motion to defer Bill No. 2018-08. Councilman Jebaily seconded the motion, which carried unanimously.

BILL NO. 2018-09 – SECOND READING

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018.

An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2017 and ending June 30, 2018 was adopted on second reading.

Councilwoman Moore made a motion to adopt Bill No. 2018-09 on second reading. Councilman Willis seconded the motion.

Council voted unanimously to adopt Bill No. 2018-09 on second reading.

BILL NO. 2018-10 – SECOND READING

AN ORDINANCE TO ANNEX THE PROPERTY LOCATED AT 2519 W. PALMETTO STREET, SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 00100-01-137 AND A PORTION OF TAX MAP PARCEL 00100-01-002.

An Ordinance to annex property located at 2519 W. Palmetto Street, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00100-01-137 and a portion of Tax Map Parcel 00100-01-002 was adopted on second reading.

Councilman Willis made a motion to adopt Bill No. 2018-10. Mayor Pro tem Brand seconded the motion.

Council voted unanimously to adopt Bill No. 2018-10 on second reading.

INTRODUCTION OF ORDINANCES

BILL NO. 2018-11 – FIRST READING

A SERIES ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BORROWING OF THE CITY OF FLORENCE, SOUTH CAROLINA, AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989, AS AMENDED; APPROVING THE FINANCING OF SYSTEM IMPROVEMENTS THROUGH THE BORROWING OF NOT EXCEEDING \$2,260,938 PLUS CAPITALIZED INTEREST, IF ANY, FROM THE STATE DRINKING WATER REVOLVING LOAN FUND BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; PROVIDING FOR THE AGREEMENT TO MAKE AND TO ACCEPT THE LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE CITY OF FLORENCE TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

A Series Ordinance making provision for the terms and conditions of Combine Waterworks and Sewerage System Revenue borrowing of the City of Florence, South Carolina, authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989, as amended; approving the financing of system improvements through the borrowing of not exceeding \$2,260,938 plus capitalized interest, if any, from the State Drinking Water Revolving Loan Fund by agreement with the South Carolina Water Quality Revolving Fund Authority pursuant to Title 48 Chapter 5, Code of Laws of South Carolina, 1975, as amended; providing for the agreement to make and to accept the loan, the execution and delivery of a Loan Agreement between the City of Florence and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the City of Florence to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2018-11 on first reading. Councilman Willis seconded the motion.

Mr. Thomas Chandler, Director of Finance reported that in January 2014 the Timmons ville Water and Sewer System was conveyed to the City of Florence. The City is utilizing several funding sources including grants, SRF loans and the financial plan developed for these system improvement costs. Of the estimated costs, the Timmons ville Water System requires approximately \$7.26 million in improvements. A portion of the financing for these improvements is being provided from numerous funding sources; grants through CDBG, EDA, South Carolina Transportation Infrastructure Bank, South Carolina Rural Infrastructure Authority and the USDA Rural Development in the total amount of approximately \$4 million. The remaining financing for the water system in the amount of \$3.26 million will be provided through SRF in the form of a principal forgiveness loan (effectively a grant) in the amount of \$1 million, and a Drinking Water SRF Loan in the amount of approximately \$2.26 million which will be a blended 20 and 30 year loan at 1%.

In June 2016, City Council approved a Resolution to submit an application to SRF for a low interest loan to finance the improvements of the water system.

Adoption of this ordinance is required prior to the closing of the SRF.

Council voted unanimously to pass Bill No. 2018-11 on first reading.

BILL NO. 2018-12 – FIRST READING

A SERIES ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BORROWING OF THE CITY OF FLORENCE, SOUTH CAROLINA, AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989, AS AMENDED; APPROVING THE FINANCING OF SYSTEM IMPROVEMENTS THROUGH THE BORROWING OF NOT EXCEEDING \$5,730,149 PLUS CAPITALIZED INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; PROVIDING FOR THE AGREEMENT TO MAKE AND TO ACCEPT THE LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE CITY OF FLORENCE TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

A Series Ordinance making provision for the terms and conditions of Combined Waterworks and Sewerage System Revenue borrowing of the City of Florence, South Carolina, authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989, as amended; approving the financing of system improvements through the borrowing of not exceeding \$5,730,149 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund by agreement with the South Carolina Water Quality Revolving Fund Authority pursuant to Title 48, Chapter 5, Code of laws of South Carolina, 1976, as amended; providing for the agreement to make and to accept the loan, the execution and delivery of a Loan Agreement between the City of Florence and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the City of Florence to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2018-12 on first reading. Councilman Willis seconded the motion.

Mr. Thomas Chandler, Director of Finance reported that the Timmonsville Sewer System will require approximately \$9.45 million in improvements and repairs. These projects were separated into two funding phases.

Of the \$9.45 million in improvements and repair, financing is being provided through SRF in the form of two principal forgiveness loans (effectively grants) in the total amount of approximately \$1.97 million and two loans in the total amount of approximately \$7.48 million to fund two phases of sewer system improvements.

In 2014, SRF funded the total cost of the first phase of sewer system improvements in the approximate amount of \$2.72 million with approximately \$0.97 million provided as SRF funds issued in August 2014 as a principal forgiveness loan. The remaining balance of approximately \$1.75 million was financed in September 2014 through a WFT Loan over a blended period of 20 years at an interest rate of 1% and 30 years at an interest rate of 1.1%.

For the second phase of sewer system improvements, SRF will finance the total cost in the approximate amount of \$6.73 million.

Of the \$6.73 million total, \$1 million will be provided through SRF loan assistance monies issued in the form of a principal forgiveness loan. The remaining balance of approximately \$5.73 million will be financed through an SRF Loan over a period of 30 years in the amount of \$5.12 million at an interest rate

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MAY 14, 2018 – PAGE 7**

of 1% for the first 20 years of the loan, and in the amount of \$0.61 million at an interest rate of 1.5% for the final 10 years of the loan.

In June 2017, City Council approved a Resolution to submit an application to SRF for a low interest loan to finance the second phase of the Timmonsville Sewer System.

Adoption of this Ordinance is required prior to the closing of the SRF loan.

Council voted unanimously to pass Bill No. 2018-12 on first reading.

BILL NO. 2018-13 – FIRST READING

AN ORDINANCE DECLARING AS SURPLUS AND AUTHORIZING THE CONVEYANCE OF REAL ESTATE PARCELS TO THE FLORENCE AFFORDABLE HOUSING CORPORATION FOR THE PURPOSES OF NEIGHBORHOOD STABILIZATION AS PART OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP).

An Ordinance declaring as surplus and authorizing the conveyance of real estate parcels to the Florence Affordable Housing Corporation for the purposes of neighborhood stabilization as part of the South Carolina State Housing Finance and Development Authority's Neighborhood Stabilization Program (NSP) was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2018-13 on first reading. Councilwoman Ervin seconded the motion.

Mr. Scotty Davis, Director of Community Services reported that in 2009 the City received \$1 million and \$1,319,530 in 2011 from the SC State Housing Finance and Development Authority to purchase housing units that were in foreclosure. The City purchased seven housing units and partnered with The Florence Affordable Housing Corporation as well as Habitat for Humanity. These foreclosed housing units were purchased by the City in an effort to stabilize the neighborhoods. Currently the units are being used as rental housing units. The seven units purchased by the City are located at 401 Pilchard Court, 641 McIver Road, 808 Ventura Court, 2929 Paving Stone Court, 3620 Trotwood Drive and 3624 Trotwood Drive are currently in the City's name. Staff is requesting Council to declare these properties as surplus and convey the properties to the Florence Affordable Housing Corporation.

The properties would still remain as affordable housing units as defined by State Housing Finance and Development Authority. The Florence Affordable Housing Corporation has a development agreement with State Housing; therefore they will be in receivership of these housing units.

Council voted unanimously to pass Bill No. 2018-13 on first reading.

BILL NO. 2018-14 – FIRST READING

AN ORDINANCE AUTHORIZING THE CITY TO EXTEND THE LEASE ON THE REAL ESTATE KNOWN AS 228 WEST DARLINGTON STREET AND DESIGNATED AS TAX PARCEL 90086-02-004 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR TO PEE DEE REGIONAL TRANSPORTATION AUTHORITY UNDER THE TERMS AND CONDITIONS SET OUT IN THE WRITTEN LEASE ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE.

An Ordinance authorizing the City to extend the lease on the real estate known as 228 West Darlington Street and designated as Tax Parcel 90086-02-004 in the records of the Florence County Tax Assessor to Pee Dee Regional Transportation Authority under the terms and conditions set out in the written lease attached as Exhibit A to this Ordinance was passed on first reading.

Councilwoman Moore made a motion to pass Bill No. 2018-14 on first reading. Councilman Jebaily seconded the motion, which carried unanimously.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MAY 14, 2018 – PAGE 8**

Mr. Clint Moore, Development Manager reported that the PDRTA has requested that the lease be extended for 240 months (20 years) with the option to renew the agreement for successive five year terms.

The extension of the lease provides the premises to the Pee Dee Regional Transportation Authority rent free provided they continue to operate the program and meet the terms and conditions of the lease attached as Exhibit “A” to the Ordinance and incorporated therein by reference.

The extension of the lease will provide the PDRTA with the continued opportunity to receive matching funds from the Federal Government and will allow the PDRTA to meet the requirements and guidelines that are mandatory.

The PDRTA will continue to use the leased premises for a transfer center and or bus depot for PDRTA vehicles.

Other than the matching funds all expenses, costs, and related improvements will be the responsibility of the PDRTA.

The lease requires Pee Dee Regional Transportation Authority to be responsible for all maintenance, repairs, utility costs, tax costs and associated expenses related to the premises and their operations thereon.

The property will remain titled to the City.

Council voted unanimously to pass Bill No. 2018-14 on first reading.

BILL NO. 2018-15 – FIRST READING

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO FRANCIS MARION UNIVERSITY FOUNDATION OF THE REAL ESTATE KNOWN AS TAX PARCEL 90170-01-011 DESCRIBED MORE FULLY ON EXHIBIT “A” ATTACHED HERETO, SAID PROPERTY TO BE UTILIZED PURSUANT TO THE TERMS AND CONDITIONS SET OUT IN THE CONDITIONAL GRANT AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND FRANCIS MARION UNIVERSTIY.

An Ordinance authorizing the conveyance to Francis Marion University Foundation of the real estate known as Tax Parcel 90170-01-011 described more fully on Exhibit “A” attached hereto, said property to be utilized pursuant to the terms and conditions set out in the Conditional Grant and Development Agreement between the City and Francis Marion University was passed on first reading.

Councilwoman Moore made a motion to pass Bill No. 2018-15 on first reading. Councilman Willis seconded the motion.

Mayor Wukela stated as information that this is the property on North Dargan Street that was purchased to house the Art Trail Gallery facility. The purchase has been made and some renovations of the first floor have been completed. At the same time, the City has been supporting the operation of the Francis Marion University Business Incubator located in a building located next door. The incubator building is under lease and the terms of that lease will be changing. Through conversations with FMU, the University has agreed to take over the operations of the Art Trail Gallery as well as the operation of the incubator in that building reducing the need of the lease next door and allowing for the University to operate both the Gallery and Incubator using Francis Marion’s faculty and staff.

The City and Francis Marion University will enter into a Conditional Grant and Development Agreement prior to second reading of this Ordinance, establishing the terms and conditions associated with the conveyance and the use of the property in the future.

Council voted unanimously to pass Bill No. 2018-15 on first reading.

BILL NO. 2018-16 – FIRST READING

AN ORDINANCE TO ANNEX THE PROPERTY LOCATED AT 1715 HAZEL DR., SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 01011-01-008.

An Ordinance to annex the property located at 1715 Hazel Drive, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 01011-01-008 was denied by Council.

Mr. Jerry Dudley, Planning Manager reported the property is located on Hazel Drive.

The proposed zoning, pending annexation, is Neighborhood Conservation-10 District. The primary use permitted under the proposed zoning is single-family residential characterized by medium sized lots.

The lot is currently the site of a single-family dwelling.

City water service is currently available; however, city sewer service is not available. The petitioner has signed a sewer extension release form acknowledging the fact that the City will not extend sewer to this property as a consequence of this annexation.

Hazel Drive is a dead end street which lacks an adequate right-of-way or paved area for a City sanitation truck to turn around.

On April 10, 2018 the Planning Commission held a public hearing on this matter and voted unanimously, 6-0 to recommend the zoning request of (NC-10), Neighborhood Conservation-10 District.

Mr. James Starling spoke against this request for various reasons; the main concern being the potential commercialization of the property in the future.

Ms. Polly Webster also spoke against the request; potential increase in traffic being a main concern.

Mayor Pro tem Brand made a motion to deny the request. Mayor Wukela seconded the motion, which carried unanimously.

BILL NO. 2018-17 – FIRST READING

AN ORDINANCE TO ANNEX THE PROPERTY LOCATED AT 2491 RAINFORD RD., SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 01221-01-159.

An Ordinance to annex the property located at 2491 Rainford Road, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 01221-01-159 was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2018-17 on first reading. Councilman Willis seconded the motion.

Mr. Jerry Dudley, Planning Manager reported that the lot in question is located in the Windsor Forest Subdivision along Rainford Road. The applicants are requesting an (NC-15), Neighborhood Conservation-15 District zoning.

The lot is currently the site of a single-family dwelling.

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

The Planning Commission held a public hearing on this matter on April 10, 2018 and voted unanimously (6-0) to recommend the zoning request of (NC-15), Neighborhood Conservation-15 District.

City Staff recommends annexation and concurs with the Planning Commission's recommendation to zone the property (NC-15), Neighborhood Conservation-15 District.

Council voted unanimously to pass Bill No. 2018-17 on first reading.

BILL NO. 2018-18 – FIRST READING

AN ORDINANCE TO REZONE PROPERTY TAX MAP NUMBER 90102-14-009, PROPERTY LOCATED AT 501 PRINCE STREET, FROM NC-6.3 NEIGHBORHOOD CONSERVATION DISTRICT, TO CR COMMERCIAL REUSE BUSINESS DISTRICT.

An Ordinance to rezone property Tax Map Number 90102-14-009, property located at 501 Prince Street, from NC-6.3 Neighborhood Conservation District, to CR Commercial Reuse Business District was denied by Council.

Councilwoman Moore made a motion to deny the request. Councilwoman Ervin seconded the motion.

Mr. Jerry Dudley reported that the property is currently zoned NC-6.3 Neighborhood Conservation and is the site of a neighborhood store which has discontinued use for a number of years. A convenience store has been attempting to operate from the site; however, this is not a permitted use in the NC-6.3 zoning district and the store was closed. Following the closure of the store, a rezoning request was received to rezone the property from Neighborhood Conservation to CR Commercial Reuse Business District, which would allow the use as proposed; however the site would need to be redeveloped to meet the Unified Development Ordinance so as to meet any parking, buffering and landscaping requirements for that use.

The site is currently surrounded by residential zoning, NC-6.3 and 6.2. The future land use designation is also Neighborhood Conservation.

Since this is a small parcel in a residential neighborhood, staff believes it would be spot zoning and it also is in conflict with the Comprehensive Plan and the Future Land Use Plan.

On April 10, 2018, the Planning Commission held a public hearing on this matter and voted unanimously, 6-0 to deny approval of the rezoning request from NC-6.3 Neighborhood Conservation District to CR Commercial Reuse Business District.

City Staff does not recommend that the parcel be zoned CR Commercial Reuse Business District as requested. The CR designation would result in spot rezoning and allow uses that are incompatible with the Comprehensive Plan.

Mr. Bryant Moses, a resident of the neighborhood, spoke against the rezoning request.

Council voted unanimously to deny the request.

INTRODUCTION OF RESOLUTION

RESOLUTION NO. 2018-06

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, APPROVING REDEVELOPMENT GRANTS IN THE DOWNTOWN H1 OVERLAY DISTRICT.

(NOTE: TO BE DISCUSSED IN EXECUTIVE SESSION)

See below for action taken by City Council as pertains to Resolution No. 2018-06.

RESOLUTION NO. 2018-07

A RESOLUTION OF RECOGNITION FOR PDRTA

Councilman Jebaily read the Resolution recognizing Mr. Chuck MacNeal and the PDRTA for winning the State of South Carolina's Transit Service Provider of the Year Award for 2018.

Councilman Jebaily made a motion to adopt Resolution No. 2018-07. Councilwoman Ervin seconded the motion, which carried unanimously.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MAY 14, 2018 – PAGE 11**

INTRODUCTION OF PROCLAMATION

A PROCLAMATION OF UNITY IN DIVERSITY

Councilwoman Moore read the Proclamation and added that an International Parade would be held on Saturday, May 19 to recognize the diversity of the City of Florence.

EXECUTIVE SESSION

Mayor Willis stated there were two matters to be discussed in Executive Session. The first pertains to the discussion of negotiations incident to matters relating to a proposed Economic Development and the second pertains to discussion of negotiations incident to proposed contractual arrangements.

Mayor Pro tem Brand made a motion to enter into Executive Session. Councilman Willis seconded the motion, which carried unanimously.

Council entered into Executive Session at 2:33 p.m.

Councilman Willis left the meeting at 3:00 p.m.

Mayor Wukela reconvened the regular meeting at 3:30 p.m.

Mayor Wukela stated that during Executive Session Council discussed negotiations incident to proposed contractual arrangements and proposed economic development matters.

RESOLUTION NO. 2018-06

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, APPROVING REDEVELOPMENT GRANTS IN THE DOWNTOWN H1 OVERLAY DISTRICT.

The only matter that requires action is Resolution No. 2018-06 by City Council approving redevelopment grants in the H1 Overlay District. There are five grant requests that have been received and rated according to the program's guidelines.

Councilwoman Ervin made a motion to adopt Resolution No. 2018-06. Councilwoman Moore seconded the motion, which carried unanimously.

ADJOURN

Mayor Pro tem Brand made a motion to adjourn the meeting. Councilwoman Ervin seconded the motion, which carried unanimously.

The meeting was adjourned at 3:32 p.m.

Dated this 11th day of June, 2018.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: March 12, 2018

AGENDA ITEM: An Ordinance to declare a portion of tax parcel 00150-01-029 as surplus and authorize the transfer of land to Brandon and Jessica Granger for the purposes of combining with Florence County tax parcels 15013-01-077 and 15013-01-076.

DEPARTMENT/DIVISION: Planning, Research and Development

I. ISSUE UNDER CONSIDERATION:

To declare as surplus and authorize the conveyance of land, being a portion of Tax Parcel 00150-01-029, to Brandon and Jessica Granger for the purposes of combining said portion with Florence County Tax Parcels 15013-01-077 and 15013-01-076. The land to be conveyed will be the portion of Florence County tax parcel 00150-01-029 that extends southwest 55 ft from the southwest corner of Florence County tax parcel 01513-01-077 and southeast from that proposed corner, parallel to the rear property line of Florence County Tax Parcels 15013-01-077 and 15013-01-076 for 270 ft and northeast 55 ft to the existing southeast corner of Florence County Tax Parcel 15013-01-076.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

None


III. POINTS TO CONSIDER:

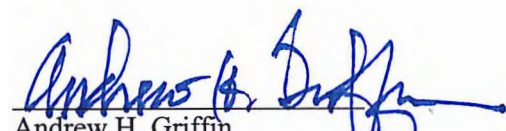
- (1) Request is being considered for first reading.
- (2) Brandon and Jessica Granger have requested the transfer of property such that the land can be combined with Florence County Tax Parcels 15013-01-077 and 15013-01-076.
- (3) A 10 foot strip of Tax Parcel 00150-01-029 will remain in City ownership to facilitate trail connectivity (see attachment 2).
- (4) The City of Florence purchased Tax Parcel 00150-01-029 from R. Granger Development in 2006.
- (5) The portion of tax map 00150-01-029 to be conveyed is to be surveyed, subdivided and recorded by Brandon and Jessica Grainger.
- (6) Compensation for the property will be established by prorating the tax value of the subject property.

IV. PERSONAL NOTES

V. ATTACHMENTS:

- (1) Ordinance
- (2) Location Map


Jerry Dudley
Planning Manager


Andrew H. Griffin
City Manager

Attachment 2: Location Map



ORDINANCE NO. 2018-_____

AN ORDINANCE AUTHORIZING THE TRANSFER OF LAND TO BRANDON GRANGER, SPECIFICALLY A PORTION OF TAX PARCEL 00150-01-029

WHEREAS, after due consideration, the City has concluded that the land designated as the portion of Florence County tax parcel 00150-01-029 that extends southwest 55 feet from the southwest corner of Florence County tax parcel 01513-01-077 and southeast from that proposed corner, parallel to the rear property line of Florence County Tax Parcels 15013-01-077 and 15013-01-076 for 270 feet and northeast 55 feet to the existing southeast corner of Florence County Tax Parcel 15013-01-076 is surplus land to the City, and conveyance of said property to Brandon and Jessica Granger is in the best interest and to the benefit of the citizens of the City of Florence and;

WHEREAS, said portion of Florence County tax parcel 00150-01-029 is to be combined with Florence County tax parcels 15013-01-077 and 15013-01-076.

NOW, THEREFORE, be it ordained by the City Council of the City of Florence in meeting duly assembled and by the authority thereof:

1. That, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the necessary Deed, and other documentation in order to convey title to the property described above to Brandon Granger.

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

ADOPTED THIS _____ DAY OF _____, 2018
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: May 14, 2018
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

A Series Ordinance to authorize the borrowing of not exceeding \$2,260,938, plus capitalized interest, if any, from the South Carolina Water Quality Revolving Fund Authority (“SRF”) for a low interest loan from the Drinking Water Revolving Loan Fund to finance improvements to the Timmons ville Water System.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. By formal action of both the City of Florence and the Town of Timmons ville in 2013, the City agreed to provide water and wastewater services to the Town of Timmons ville service area. On January 9, 2014 the Timmons ville Water and Sewer System was conveyed to the City of Florence.

B. A number of funding sources including several grants and SRF loans for both the water and sewer are being used by the City to acquire the Timmons ville System to finance critically needed repairs and upgrades.

III. POINTS TO CONSIDER

A. Of the estimated total cost, the Timmons ville water system requires approximately \$7.26 million in improvements.

B. A portion of the financing for these improvements is being provided through grants from CDBG, EDA, the SC Transportation Infrastructure Bank, the SC Rural Infrastructure Authority, and USDA Rural Development in a total amount of approximately \$4.0 million.

C. The remaining financing in the approximate amount of \$3.26 million will be provided through SRF in the form of a principal forgiveness loan (effectively a grant) in the amount of \$1 million, and a Drinking Water SRF Loan in the amount of approximately \$2.26 million at an interest rate of 1%.

D. In June 2016, City Council approved a resolution to submit an application to the South Carolina Water Quality Revolving Fund Authority (“SRF”) for a low interest loan from the Drinking Water Revolving Loan Fund to finance the improvements to the Timmons ville Water System.


E. The adoption of this ordinance is required prior to the closing of the State Revolving Fund Loan to finance improvements to the Timmons ville Water System.

IV. STAFF RECOMMENDATION

Approve and adopt the proposed ordinance approving a loan from the State Revolving Fund in the amount of not exceeding \$2,260,938 to finance improvements to the Timmonsville Water System.

V. ATTACHMENTS

The proposed ordinance is attached.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

ORDINANCE NO. _____

A SERIES ORDINANCE

MAKING PROVISION FOR THE TERMS AND CONDITIONS OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BORROWING OF THE CITY OF FLORENCE, SOUTH CAROLINA, AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989, AS AMENDED; APPROVING THE FINANCING OF SYSTEM IMPROVEMENTS THROUGH THE BORROWING OF NOT EXCEEDING \$2,260,938 PLUS CAPITALIZED INTEREST, IF ANY, FROM THE STATE DRINKING WATER REVOLVING LOAN FUND BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; PROVIDING FOR THE AGREEMENT TO MAKE AND TO ACCEPT THE LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE CITY OF FLORENCE TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

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

ARTICLE I

FINDINGS OF FACT

SECTION 1.1. Findings of Fact. As an incident to the adoption of this Series Ordinance, the City Council ("**City Council**") of the City of Florence, South Carolina (the "**City**") has made the following findings:

(a) The City of Florence is a municipality created pursuant to the laws of the State of South Carolina and empowered by the provisions of Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended (the "**Act**") (i) to undertake a drinking water supply/distribution project as defined and approved pursuant to the Federal Safe Drinking Water Act, 42 U.S.C.A. subsection 300f et seq.; (ii) to make application for and to receive assistance; (iii) to comply with regulations relating to the receipt and disposition of money of the State Drinking Water Revolving Loan Fund created by the Act; (iv) to apply for and receive state grants; (v) to enter into loan agreements; and (vi) to comply with all terms and conditions of any loan agreement.

(b) Title 6, Chapter 17, Code of Laws of South Carolina, 1976, as amended, permits the incurring of debt for the purpose of financing facilities for the furnishing of water and wastewater treatment services and permits the securing of such indebtedness with a pledge of revenues derived from the operation of the Combined Waterworks and Sewerage System (the "**System**") of the City.

(c) By ordinance entitled AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS OF THE CITY OF FLORENCE, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO, adopted on October 24, 1989, as amended (the "**Bond Ordinance**"), City Council made provision for the issuance from time to time of Combined Waterworks and Sewerage System Revenue Bonds of the City payable from revenues derived from the operation of the System.

(d) The revenues derived from the System are now hypothecated and pledged to the payment of the following:

(1) the outstanding installments of a \$2,767,997 South Carolina Drinking Water Revolving Loan Fund Loan dated May 10, 1999.

(2) the outstanding installments of a \$6,210,343 State Drinking Water Fund Loan dated May 10, 2000.

(3) the outstanding installments of a \$2,473,955 State Drinking Water Fund Loan dated January 30, 2003.

(4) the outstanding installments of a \$18,808,277 South Carolina Water Quality Revolving Fund Loan dated June 25, 2009.

(5) the outstanding installments of an original issue of \$31,005,000 Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2010A, dated May 4, 2010.

(6) the outstanding installments of an original issue of \$67,995,000 Combined Waterworks and Sewerage System Capital Improvement Revenue Bonds, Series 2010B (Build America Bonds – Taxable Series), dated May 4, 2010.

(7) the outstanding installments of an original issue of \$10,428,518 South Carolina Water Quality Revolving Fund Loan dated April 18, 2013.

(8) the outstanding installments of an original issue of \$3,817,741 South Carolina Water Quality Revolving Fund Loan dated September 23, 2013.

(9) the outstanding installments of an original issue of \$6,111,310.18 Waterworks and Sewerage System Junior Lien Revenue Bond dated March 10, 2014.

(10) the outstanding installments of an original issue of not exceeding \$1,750,566 plus capitalized interest, if any, South Carolina Water Quality Revolving Fund Loan dated September 11, 2014;

(11) the outstanding installments of an original issue of \$2,702,347.56 Combined Waterworks and Sewerage System Refunding Revenue Bond, Series 2015, dated July 15, 2015;

(12) the outstanding installments of an original issue of \$14,405,000 Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2016, dated November 9, 2016;

(13) the outstanding installments of an original issue of \$9,055,000 Special Obligation Bonds (Florence Downtown Redevelopment Project Area), Taxable Series 2016A, dated November 9, 2016, additionally secured by a junior lien pledge of System revenues; and

(14) the outstanding installments of an original issue of \$26,515,000 Special Obligation Bonds (Florence Downtown Redevelopment Project Area), Series 2016B, dated November 9, 2016, additionally secured by a junior lien pledge of System revenues.

The City will simultaneously borrow not exceeding \$5,730,149 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund (the "**2018B Note**") which will be issued on a parity. The above-described borrowings in this paragraph (d) (1) through (8), (10) through (12) and the 2018B Note are hereinafter referred to as the "**Parity Bonds**."

(e) The City has determined to defray the cost of the capital improvements described in attached Exhibit A (collectively, the "**Project**") through the borrowing authorized herein. The Project will be part of the System.

(f) On June 13, 2016 City Council adopted a Resolution authorizing application to the South Carolina Water Quality Revolving Fund Authority (the "**State Authority**") for a loan from the State Drinking Water Revolving Loan Fund created by the Act (the "**2018A Loan**"), to provide for the financing of the Project.

(g) On March 21, 2018, the State Authority upon review of the City's loan applications conditionally approved the 2018A Loan.

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

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

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

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

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

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

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

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

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

(i) The funds are to be loaned and secured pursuant to a loan agreement (the "**Loan Agreement**") between the City and the State Authority, and a promissory note executed and delivered by the City registered in the name of the State Authority (the "**2018A Note**" or the "**2018A Bond**"). Pursuant to the Loan Agreement, the City will agree to use the 2018A Loan proceeds only to pay the actual eligible costs of the Project, and the City will agree to pay to the State Authority such amounts as shall be required to provide for the payment of all amounts due with respect to the repayment of the 2018A Loan. To secure its obligations the City will grant to the State Authority a pledge of, and lien upon, all revenues derived from the operation of the System and all funds and accounts of the City derived from such revenues, which pledge is on a parity with the Parity Bonds and any additional bonds issued on a parity therewith.

Upon any failure of the City to make any payments to the State Authority pursuant to the Loan Agreement or the 2018A Note, the State Authority shall require the State Treasurer to pay to the State Authority, subject to the provisions of the Act, such amount from State appropriations to which the City may be or may become entitled as may be necessary to provide for the payment of all amounts due with respect to the 2018A Note.

(j) City Council is adopting this Ordinance in order to:

(a) authorize the execution and delivery on behalf of the City of the Loan Agreement and the 2018A Note;

(b) evidence the approval of the Project and the 2018A Loan by the City; and

(c) authorize the execution and delivery by, and on behalf of, the City of such other agreements and certificates and the taking of such other action by the City and its officers as shall be necessary or desirable in connection with the financing of the Project in order to carry out the intent of this Ordinance.

(k) The Bond Ordinance permits the issuance of further bonds on a parity with the Parity Bonds, on the following conditions. Capitalized terms used herein shall have the meanings ascribed thereto in the Bond Ordinance.

(1) There shall exist, on the occasion of the issuance of the Bonds, no default in the payment of the principal of or interest on any Prior Lien Bonds, Bonds or Junior Lien Bonds then Outstanding;

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

(3) Except in the case of Bonds issued for the purpose of refunding any Bonds, there shall be delivered to the Trustee a certificate, which is not required to be based upon an audit of the City, from an Accountant, a Financial Consultant or a Consulting Engineer, to the effect that Net Earnings during any consecutive 12-month period out of the 24 months immediately preceding the issuance date of the proposed Bonds (the "**Test Period**") are not less than 125% of the greatest sum for any Fiscal Year ending after the date of delivery of the Bonds proposed to be issued obtained by adding all the Annual Principal and Interest Requirement for each Fiscal Year for all Series of Bonds then proposed to be Outstanding.

It is specifically found that the 2018A Note, whose issuance is herewith provided for, is issued as a Bond under the Bond Ordinance and for purposes permitted by and in full compliance with all of the provisions set forth in the Bond Ordinance and that the 2018A Note will be on a parity with said Parity Bonds. It is further found that the commitment from the State Authority to purchase the 2018A Note is for an amount not to exceed \$2,260,938 plus capitalized interest, if any. The final amount of the borrowing as well as the dates on which principal and interest payments will be made and the amount of such payments are subject to revision as construction proceeds. The final terms and conditions of the borrowing will be set forth in the Loan Agreement attached hereto as Exhibit B which terms and conditions are incorporated herein.

NOW THEREFORE BE IT ORDAINED BY COUNCIL IN MEETING DULY ASSEMBLED:

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

(2) The Date of Issue of the 2018A Note is to be no later than June 30, 2018, and the actual date of issue of the 2018A Note will be as set forth in a certificate to be delivered by the Mayor and contained in the final 2018A Note.

(3) The 2018A Note shall be in the original principal amount of not exceeding \$2,260,938 plus capitalized interest, if any, and the actual principal amount of the 2018A Note will be as set forth in the Agreement.

(4) The proceeds of the 2018A Note shall be used to defray the cost of the Project described in attached Exhibit A;

(5) The 2018A Note shall be designated City of Florence, South Carolina, Combined Waterworks and Sewerage System Revenue Bond, Series 2018A, and shall be issued in the denomination of the final principal amount borrowed and shall be numbered 1.

(6) The date of maturity and amounts thereof shall be as set forth in the Loan Agreement. Inasmuch as the final principal amounts may be reduced to reflect lower than anticipated construction costs, any changes to the principal amounts to provide for a reduction in the amounts borrowed shall be permitted and shall be evidenced by the City's execution of the Loan Agreement, as it may be amended from time to time.

(7) The interest rate on the 2018A Note and the time for the payment of interest and the Record Date shall be as set forth in the Loan Agreement.

(8) The 2018A Note is subject to prepayment in whole or in part together with any accrued interest thereon at any time without penalty or premium; all such prepayments shall be applied against principal installments due on the 2018A Note in inverse order of maturity.

(9) The Registrar for the 2018A Note shall be the Trustee under the Bond Ordinance.

(10) The 2018A Note shall be sold to the State Authority pursuant to the State Authority's final approval of the 2018A Loan and shall be issued as a single obligation with principal to be paid as set forth in the Loan Agreement.

(11) The 2018A Note shall be substantially in the form attached to the Loan Agreement.

(12) Provision for the Reserve Requirement shall be made by the deposit in the Debt Service Reserve Fund established as permitted by the Bond Ordinance of an amount necessary to satisfy the Reserve Requirement as set forth in the Loan Agreement.

(13) The proceeds of the 2018A Note shall be applied to defray the cost of the Project.

(14) The proceeds of the 2018A Note shall be disbursed in accordance with the requirements of the Loan Agreement.

ARTICLE II

THE LOAN

SECTION 2.1. Authorization of Loan. Council hereby authorizes the City's acceptance of the 2018A Loan from the State Authority of not exceeding \$2,260,938 plus capitalized interest, if any, pursuant to and in accordance with, the provisions of the Loan Agreement.

SECTION 2.2. Repayment of Loan by the City. Council hereby authorizes the repayment of the 2018A Loan by the City to the State Authority from revenues of the System or, if said revenues are not sufficient, from state appropriations as the City may become entitled pursuant to and in accordance with the provisions of the Loan Agreement and the 2018A Note.

ARTICLE III

LOAN AGREEMENT AND NOTE

SECTION 3.1. Authorization of Loan Agreement and the 2018A Note. The Loan Agreement and the 2018A Note in substantially the form attached hereto as Exhibit "B" with such changes as the executing officers shall approve (their execution to be conclusive evidence of such approval) are hereby approved and the execution and delivery of the Loan Agreement and the 2018A Note, on behalf of the City are hereby authorized and directed. The Loan Agreement and the 2018A Note shall be executed on behalf of the City by the Mayor and attested by the Clerk of Council (the "**Clerk**").

ARTICLE IV

MISCELLANEOUS

SECTION 4.1. Other Instruments and Actions. In order to implement the 2018A Loan pursuant to the Loan Agreement and 2018A Note and to give full effect to the intent and meaning of this Ordinance and the agreements and actions herein authorized, the Mayor and Clerk are hereby authorized to execute and deliver such certificates, showings, instruments and agreements and to take such further action as the shall deem necessary or desirable.

SECTION 4.2. Ordinance a Contract. This Ordinance shall be a contract between the City and the State Authority, and shall be enforceable as such against the City.

SECTION 4.3. Continuing Disclosure. The City covenants to file with the State Authority:

- (a) An annual audit, within thirty days of the City's receipt of the audit; and
- (b) Event specific information within thirty days of an event adversely affecting more than five percent of revenues of the System or the City's tax base.

SECTION 4.4. Effective Date. This Ordinance shall become effective upon receiving approval on second reading by Council.

DONE, RATIFIED AND ADOPTED THIS 11th day of June, 2018.

(SEAL)

Mayor, City of Florence, South Carolina

Attest:

Clerk, City of Florence, South
Carolina

First Reading: May 14, 2018
Second Reading: June 11, 2018

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by Council. The Ordinance was read at two public meetings of Council on May 14 and June 11, 2018. An interval of at least six days occurred between each reading. At each meeting, a quorum of Council was present and remaining present throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand this 11th day of June, 2018.

Clerk

EXHIBIT A

Description of the Project

The Project is comprised of the following thirteen elements.

Completed

- 1. Planning, Water System Modeling, and Overall Grant Coordination**
Overall project planning and coordination including the development of a corrective action plan and hydraulic water model.
- 2. Honda Pump Station Distribution Connection to Tank Site**
Connect a new pump station (funded by EDA) near the Honda Tank site to the Florence System for the purpose of supplying water to the tank.
- 3. Highway 76 Interconnection (Phase 1)**
Construction of an interconnection (funded by EDA) with the Florence water system for adequate water flow to the Timmons ville system and closure of the Main Street WTP which was too costly to repair. Includes installation of approximately 8,150 linear (LF) of 6 to 10-inch line and 9 fire hydrants.
- 4. Highway 76 Interconnection (Phase 2)**
Construction of an interconnection (funded by CDBG) with the Florence water system for adequate water flow to the Timmons ville system. Includes installation of approximately 2,520 LF of 6 to 12-inch line; 2 fire hydrants; and a 350 GPM booster pump station.
- 5. Meter Replacement**
Installation of approximately 1,000 meters and needed appurtenances.
- 6. Highway 403 Water Treatment Plant Rehabilitation**
Rehabilitation (funded by CDBG) includes replacement of filter media, pressure vessel, filter valves, line feed system, chlorine booster pumps, air compressor, aerator, heaters, louvers, and installation of a new fluoride system.
- 7. Honda Way Tank**
Rehabilitation (partially funded by EDA) to repair and repaint the elevated tank.
- 8. Highway 403 Tank**
Rehabilitation (partially funded by RIA) to repair and repaint the elevated tank.
- 9. Church Tank**
Construction (partially funded by RIA) of a new 300,000 gallon elevated tank to replace the existing tank which was too deteriorated to be rehabilitated.

Still in Process

- 10. Distribution Water Main Replacement - Part A**
Installation (funded by CDBG) of approximately 10,191 LF of 8 to 10-inch water line, 4 fire hydrants, gate valves and all associated appurtenances.

11. Distribution Water Main Replacement - Part B

Installation (financed by USDA) of approximately 2,570 LF of 6-inch water main, 2 new fire hydrants, and replacement of 21 existing fire hydrants.

12. Highway 403 Water Treatment Plant Well

Construction (largely financed by USDA) includes a new well near the 403 WTP to provide emergency backup water supply, a well pump, well site, and an 8-inch water main to existing WTP facility.

13. SCADA System

Purchase and installation of SCADA system equipment compatible with current City equipment for monitoring and controlling the Church Water Tank, Highway 403 Water Tank and WTP, Honda Water Tank and Pump Station, and Highway 76 Pump Station.

EXHIBIT B

Form of Loan Agreement and Note

FLORENCE CITY COUNCIL MEETING

DATE: May 14, 2018
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

A Series Ordinance to authorize the borrowing of not exceeding \$5,730,149, plus capitalized interest, if any, from the South Carolina Water Quality Revolving Fund Authority ("SRF") for a low interest loan from the Water Pollution Control Revolving Loan Fund to finance the second phase of improvements and repairs to the Timmons ville Sewer System.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. By formal action of both the City of Florence and the Town of Timmons ville in 2013, the City agreed to provide water and wastewater services to the Town of Timmons ville service area. On January 9, 2014 the Timmons ville Water and Sewer System was conveyed to the City of Florence.

B. A number of funding sources including several grants and SRF loans for both the water and sewer are being used by the City to acquire the Timmons ville System to finance critically needed repairs and upgrades.

III. POINTS TO CONSIDER

A. Of the estimated repair and upgrade total cost, the Timmons ville sewer system requires approximately \$9.45 million in total improvements and repairs. These projects have been separated into two funding phases.

B. Of the \$9.45 million in improvements and repair, financing is being provided through SRF in the form of two principal forgiveness loans (effectively grants) in the total amount of approximately \$1.97 million and two loans in the total amount of approximately \$7.48 million to fund two phases of sewer system improvements.

C. In 2014, SRF funded the total cost of the first phase of sewer system improvements in the approximate amount of \$2.72 million with approximately \$0.97 million provided as SRF funds issued in August 2014 as a principal forgiveness loan. The remaining balance of approximately \$1.75 million was financed in September 2014 through an SRF Loan over a blended period of 20 years at an interest rate of 1% and 30 years at an interest rate of 1.1%.

D. For the second phase of sewer system improvements, SRF will finance the total cost in the approximate amount of \$6.73 million.

E. Of the \$6.73 million total, \$1 million will be provided through SRF loan assistance monies issued in the form of a principal forgiveness loan. The remaining balance of approximately \$5.73 million will be financed through an SRF Loan over a period of 30 years in the amount of \$5.12 million at an interest rate of 1% for the first 20 years of the loan, and in the amount of \$0.61 million at an interest rate of 1.5% for the final 10 years of the loan.

CWSRF Loan Series Ordinance Agenda Item – Page 2

F. In June 2017, City Council approved a resolution to submit an application to the South Carolina Water Quality Revolving Fund Authority (“SRF”) for a low interest loan from the Water Pollution Control Revolving Loan Fund to finance the second phase of improvements and repairs to the Timmons ville Sewer System.

G. The adoption of this ordinance is required prior to the closing of the State Revolving Fund Loan to finance the second phase of improvements and repairs to the Timmons ville Sewer System.

IV. STAFF RECOMMENDATION

Approve and adopt the proposed ordinance approving a loan from the State Revolving Fund in the amount of not exceeding \$5,730,149 to finance the second phase of improvements and repairs to the Timmons ville Sewer System.

V. ATTACHMENTS

The proposed ordinance is attached.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

ORDINANCE NO. _____

A SERIES ORDINANCE

MAKING PROVISION FOR THE TERMS AND CONDITIONS OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BORROWING OF THE CITY OF FLORENCE, SOUTH CAROLINA, AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989, AS AMENDED; APPROVING THE FINANCING OF SYSTEM IMPROVEMENTS THROUGH THE BORROWING OF NOT EXCEEDING \$5,730,149 PLUS CAPITALIZED INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; PROVIDING FOR THE AGREEMENT TO MAKE AND TO ACCEPT THE LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE CITY OF FLORENCE TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

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

ARTICLE I

FINDINGS OF FACT

SECTION 1.1. Findings of Fact. As an incident to the adoption of this Series Ordinance, the City Council ("**City Council**") of the City of Florence, South Carolina (the "**City**") has made the following findings:

(a) The City of Florence is a municipality created pursuant to the laws of the State of South Carolina and empowered by the provisions of Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended (the "**Act**") (i) to undertake a wastewater treatment and disposal project as defined and approved pursuant to the Federal Clean Water Act, 33 U.S.C.A. subsection 1381 *et seq.*; (ii) to make application for and to receive assistance; (iii) to comply with regulations relating to the receipt and disposition of money of the State Water Pollution Control Revolving Fund created by the Act; (iv) to apply for and receive state grants; (v) to enter into loan agreements; and (vi) to comply with all terms and conditions of any loan agreement.

(b) Title 6, Chapter 17, Code of Laws of South Carolina, 1976, as amended, permits the incurring of debt for the purpose of financing facilities for the furnishing of water and wastewater treatment services and permits the securing of such indebtedness with a pledge of revenues derived from the operation of the Combined Waterworks and Sewerage System (the "**System**") of the City.

(c) By ordinance entitled AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS OF THE CITY OF FLORENCE, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO, adopted on October 24, 1989, as amended (the "**Bond Ordinance**"), City Council made provision for the issuance from time to time of Combined Waterworks and Sewerage System Revenue Bonds of the City payable from revenues derived from the operation of the System.

(d) The revenues derived from the System are now hypothecated and pledged to the payment of the following:

(1) the outstanding installments of a \$2,767,997 South Carolina Drinking Water Revolving Loan Fund Loan dated May 10, 1999.

(2) the outstanding installments of a \$6,210,343 State Drinking Water Fund Loan dated May 10, 2000.

(3) the outstanding installments of a \$2,473,955 State Drinking Water Fund Loan dated January 30, 2003.

(4) the outstanding installments of a \$18,808,277 South Carolina Water Quality Revolving Fund Loan dated June 25, 2009.

(5) the outstanding installments of an original issue of \$31,005,000 Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2010A, dated May 4, 2010.

(6) the outstanding installments of an original issue of \$67,995,000 Combined Waterworks and Sewerage System Capital Improvement Revenue Bonds, Series 2010B (Build America Bonds – Taxable Series), dated May 4, 2010.

(7) the outstanding installments of an original issue of \$10,428,518 South Carolina Water Quality Revolving Fund Loan dated April 18, 2013.

(8) the outstanding installments of an original issue of \$3,817,741 South Carolina Water Quality Revolving Fund Loan dated September 23, 2013.

(9) the outstanding installments of an original issue of \$6,111,310.18 Waterworks and Sewerage System Junior Lien Revenue Bond dated March 10, 2014.

(10) the outstanding installments of an original issue of not exceeding \$1,750,566 plus capitalized interest, if any, South Carolina Water Quality Revolving Fund Loan dated September 11, 2014;

(11) the outstanding installments of an original issue of \$2,702,347.56 Combined Waterworks and Sewerage System Refunding Revenue Bond, Series 2015, dated July 15, 2015;

(12) the outstanding installments of an original issue of \$14,405,000 Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2016, dated November 9, 2016;

(13) the outstanding installments of an original issue of \$9,055,000 Special Obligation Bonds (Florence Downtown Redevelopment Project Area), Taxable Series 2016A, dated November 9, 2016, additionally secured by a junior lien pledge of System revenues; and

(14) the outstanding installments of an original issue of \$26,515,000 Special Obligation Bonds (Florence Downtown Redevelopment Project Area), Series 2016B, dated November 9, 2016, additionally secured by a junior lien pledge of System revenues.

The City will simultaneously borrow not exceeding \$2,260,938 plus capitalized interest, if any, from the State Drinking Water Revolving Loan Fund (the "**2018A Note**") which will be issued on a parity. The above-described borrowings in this paragraph (d) (1) through (8), (10) through (12) and the 2018A Note are hereinafter referred to as the "**Parity Bonds.**"

(e) The City has determined to defray the cost of the capital improvements described in attached Exhibit A (collectively, the "**Project**") through the borrowing authorized herein. The Project will be part of the System.

(f) On June 12, 2017, City Council adopted a Resolution authorizing application to the South Carolina Water Quality Revolving Fund Authority (the "**State Authority**") for a loan from the State Water Pollution Control Revolving Fund created by the Act (the "**2018B Loan**"), to provide for the financing of the Project.

(g) On March 21, 2018, the State Authority upon review of the City's loan applications conditionally approved the 2018B Loan.

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

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

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

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

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

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

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

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

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

(i) The funds are to be loaned and secured pursuant to a loan agreement (the "**Loan Agreement**") between the City and the State Authority, and a promissory note executed and delivered by the City registered in the name of the State Authority (the "**2018B Note**" or the "**2018B Bond**"). Pursuant to the Loan Agreement, the City will agree to use the 2018B Loan proceeds only to pay the actual eligible costs of the Project, and the City will agree to pay to the State Authority such amounts as shall be required to provide for the payment of all amounts due with respect to the repayment of the 2018B Loan. To secure its obligations the City will grant to the State Authority a pledge of, and lien upon, all revenues derived from the operation of the System and all funds and accounts of the City derived from such revenues, which pledge is on a parity with the Parity Bonds and any additional bonds issued on a parity therewith.

Upon any failure of the City to make any payments to the State Authority pursuant to the Loan Agreement or the 2018B Note, the State Authority shall require the State Treasurer to pay to the State Authority, subject to the provisions of the Act, such amount from State appropriations to which the City may be or may become entitled as may be necessary to provide for the payment of all amounts due with respect to the 2018B Note.

(j) City Council is adopting this Ordinance in order to:

(a) authorize the execution and delivery on behalf of the City of the Loan Agreement and the 2018B Note;

(b) evidence the approval of the Project and the 2018B Loan by the City; and

(c) authorize the execution and delivery by, and on behalf of, the City of such other agreements and certificates and the taking of such other action by the City and its officers as shall be necessary or desirable in connection with the financing of the Project in order to carry out the intent of this Ordinance.

(k) The Bond Ordinance permits the issuance of further bonds on a parity with the Parity Bonds, on the following conditions. Capitalized terms used herein shall have the meanings ascribed thereto in the Bond Ordinance.

(1) There shall exist, on the occasion of the issuance of the Bonds, no default in the payment of the principal of or interest on any Prior Lien Bonds, Bonds or Junior Lien Bonds then Outstanding;

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

(3) Except in the case of Bonds issued for the purpose of refunding any Bonds, there shall be delivered to the Trustee a certificate, which is not required to be based upon an audit of the City, from an Accountant, a Financial Consultant or a Consulting Engineer, to the effect that Net Earnings during any consecutive 12-month period out of the 24 months immediately preceding the issuance date of the proposed Bonds (the "Test Period") are not less than 125% of the greatest sum for any Fiscal Year ending after the date of delivery of the Bonds proposed to be issued obtained by adding all the Annual Principal and Interest Requirement for each Fiscal Year for all Series of Bonds then proposed to be Outstanding.

It is specifically found that the 2018B Note, whose issuance is herewith provided for, is issued as a Bond under the Bond Ordinance and for purposes permitted by and in full compliance with all of the provisions set forth in the Bond Ordinance and that the 2018B Note will be on a parity with said Parity Bonds. It is further found that the commitment from the State Authority to purchase the 2018B Note is for an amount not to exceed \$5,730,149 plus capitalized interest, if any. The final amount of the borrowing as well as the dates on which principal and interest payments will be made and the amount of such payments are subject to revision as construction proceeds. The final terms and conditions of the borrowing will be set forth in the Loan Agreement attached hereto as Exhibit B which terms and conditions are incorporated herein.

NOW THEREFORE BE IT ORDAINED BY COUNCIL IN MEETING DULY ASSEMBLED:

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

(2) The Date of Issue of the 2018B Note is to be no later than June 30, 2018, and the actual date of issue of the 2018B Note will be as set forth in a certificate to be delivered by the Mayor and contained in the final 2018B Note.

(3) The 2018B Note shall be in the original principal amount of not exceeding \$5,730,149 plus capitalized interest, if any, and the actual principal amount of the 2018B Note will be as set forth in the Agreement.

(4) The proceeds of the 2018B Note shall be used to defray the cost of the Project described in attached Exhibit A;

(5) The 2018B Note shall be designated City of Florence, South Carolina, Combined Waterworks and Sewerage System Revenue Bond, Series 2018B, and shall be issued in the denomination of the final principal amount borrowed and shall be numbered 1.

(6) The date of maturity and amounts thereof shall be as set forth in the Loan Agreement. Inasmuch as the final principal amounts may be reduced to reflect lower than anticipated construction costs, any changes to the principal amounts to provide for a reduction in the amounts borrowed shall be permitted and shall be evidenced by the City's execution of the Loan Agreement, as it may be amended from time to time.

(7) The interest rate on the 2018B Note and the time for the payment of interest and the Record Date shall be as set forth in the Loan Agreement.

(8) The 2018B Note is subject to prepayment in whole or in part together with any accrued interest thereon at any time without penalty or premium; all such prepayments shall be applied against principal installments due on the 2018B Note in inverse order of maturity.

(9) The Registrar for the 2018B Note shall be the Trustee under the Bond Ordinance.

(10) The 2018B Note shall be sold to the State Authority pursuant to the State Authority's final approval of the 2018B Loan and shall be issued as a single obligation with principal to be paid as set forth in the Loan Agreement.

(11) The 2018B Note shall be substantially in the form attached to the Loan Agreement.

(12) Provision for the Reserve Requirement shall be made by the deposit in the Debt Service Reserve Fund established as permitted by the Bond Ordinance of an amount necessary to satisfy the Reserve Requirement as set forth in the Loan Agreement.

(13) The proceeds of the 2018B Note shall be applied to defray the cost of the Project.

(14) The proceeds of the 2018B Note shall be disbursed in accordance with the requirements of the Loan Agreement.

ARTICLE II

THE LOAN

SECTION 2.1. Authorization of Loan. Council hereby authorizes the City's acceptance of the 2018B Loan from the State Authority of not exceeding \$5,730,149 plus capitalized interest, if any, pursuant to and in accordance with, the provisions of the Loan Agreement.

SECTION 2.2. Repayment of Loan by the City. Council hereby authorizes the repayment of the 2018B Loan by the City to the State Authority from revenues of the System or, if said revenues are not sufficient, from state appropriations as the City may become entitled pursuant to and in accordance with the provisions of the Loan Agreement and the 2018B Note.

ARTICLE III

LOAN AGREEMENT AND NOTE

SECTION 3.1. Authorization of Loan Agreement and the 2018B Note. The Loan Agreement and the 2018B Note in substantially the form attached hereto as Exhibit "B" with such changes as the executing officers shall approve (their execution to be conclusive evidence of such approval) are hereby approved and the execution and delivery of the Loan Agreement and the 2018B Note, on behalf of the City are hereby authorized and directed. The Loan Agreement and the 2018B Note shall be executed on behalf of the City by the Mayor and attested by the Clerk of Council (the "**Clerk**").

ARTICLE IV

MISCELLANEOUS

SECTION 4.1. Other Instruments and Actions. In order to implement the 2018B Loan pursuant to the Loan Agreement and 2018B Note and to give full effect to the intent and meaning of this Ordinance and the agreements and actions herein authorized, the Mayor and Clerk are hereby authorized to execute and deliver such certificates, showings, instruments and agreements and to take such further action as the shall deem necessary or desirable.

SECTION 4.2. Ordinance a Contract. This Ordinance shall be a contract between the City and the State Authority, and shall be enforceable as such against the City.

SECTION 4.3. Continuing Disclosure. The City covenants to file with the State Authority:

- (a) An annual audit, within thirty days of the City's receipt of the audit; and
- (b) Event specific information within thirty days of an event adversely affecting more than five percent of revenues of the System or the City's tax base.

SECTION 4.4. Effective Date. This Ordinance shall become effective upon receiving approval on second reading by Council.

DONE, RATIFIED AND ADOPTED THIS 11th day of June, 2018.

(SEAL)

Mayor, City of Florence, South Carolina

Attest:

Clerk, City of Florence, South
Carolina

First Reading: May 14, 2018
Second Reading: June 11, 2018

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by Council. The Ordinance was read at two public meetings of Council on May 14 and June 11, 2018. An interval of at least six days occurred between each reading. At each meeting, a quorum of Council was present and remaining present throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand this 11th day of June, 2018.

Clerk

EXHIBIT A

Description of the Project

Construction includes: emergency repairs on North Brockington Street, East Milk Street, East Garner Street, and New Street involving approximately 40 linear feet (LF) of 10-inch gravity sewer lines, installation of approximately 785 LF of new 6-inch sewer force main, 190 LF of 10-inch PVC overflow pipe, and two manholes; rehabilitation of approximately 8,400 LF of 8-inch to 10-inch gravity sewer with cured-in-place lining, point repairs, remove and replace and pipe bursting, and rehabilitation of approximately 25 manholes; and upgrade of the wastewater treatment plant to include replacement of influent screen, influent pumps, floating aerators, repair/replacement of lagoon liners and curtain walls and misc., equipment, instrumentation and appurtenances.

EXHIBIT B

Form of Loan Agreement and Note

FLORENCE CITY COUNCIL MEETING

DATE: May 14, 2018

AGENDA ITEM: An ordinance declaring as surplus and authorizing the conveyance of real estate parcels to the Florence Affordable Housing Corporation as part of the South Carolina State Housing Finance and Development Authority's Neighborhood Stabilization Program (NSP): 401 Pilchard Court, 641 McIver Road, 808 Ventura Court, 2929 Paving Stone Court, 3620 Trotwood Drive, and 3624 Trotwood Drive; said properties being specifically designated in the Florence County Tax Records as Tax Map Parcel 15219-01-102; 00175-01-203; 17518-01-004; 10119-01-068; 07514-01-020; 07514-01-019.

DEPARTMENT/DIVISION: Community Services

I. ISSUE UNDER CONSIDERATION:

The above listed real estate parcels were originally purchased in the name of the City of Florence as part of the South Carolina State Housing Finance and Development Authority's Neighborhood Stabilization Program. The City of Florence requests authorization to convey the listed properties to Florence Affordable Housing Corporation.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) The NSP provides grants to purchase foreclosed or abandoned properties and to rehabilitate, resell, or redevelop these properties in order to stabilize neighborhoods and stem the decline of house values of neighboring homes.
- (2) The City of Florence received \$1 million in 2009 and \$1,319,530 in 2011 in NSP funding from the SC State Housing Finance and Development Authority.
- (3) These funds were used to purchase seven foreclosed properties for the City of Florence. The city also purchased twelve foreclosed housing units for the Florence Affordable Housing Corporation and various other housing partners.
- (4) The above listed properties are currently being used as affordable rental housing units.
- (5) The SC State Housing Finance and Development Authority has ended the NSP program and has given the City of Florence the option of 1) Transferring ownership of the city-owned properties to the SC State Housing Finance and Development Authority, or 2) Transferring ownership of the properties to a non-profit with a developer's agreement with SC State Housing Finance and Development Authority.

The Florence Affordable Housing Corporation has a developer's agreement with SC State Housing Finance and Development Authority.

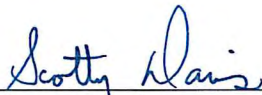
III. POINTS TO CONSIDER:

- (1) The purpose of the Neighborhood Stabilization Program (NSP) is to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities.
- (2) The City of Florence requests authorization to convey the listed properties to the Florence Affordable Housing Corporation.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Exhibit A - Maps



Scotty Davis
Director of General Services



Andrew H. Griffin
City Manager



401 Pilchard Drive, Florence, SC 29505 (front view)

401 PILCHARD COURT



401 Pilchard Court





808 Ventura Court (front view)

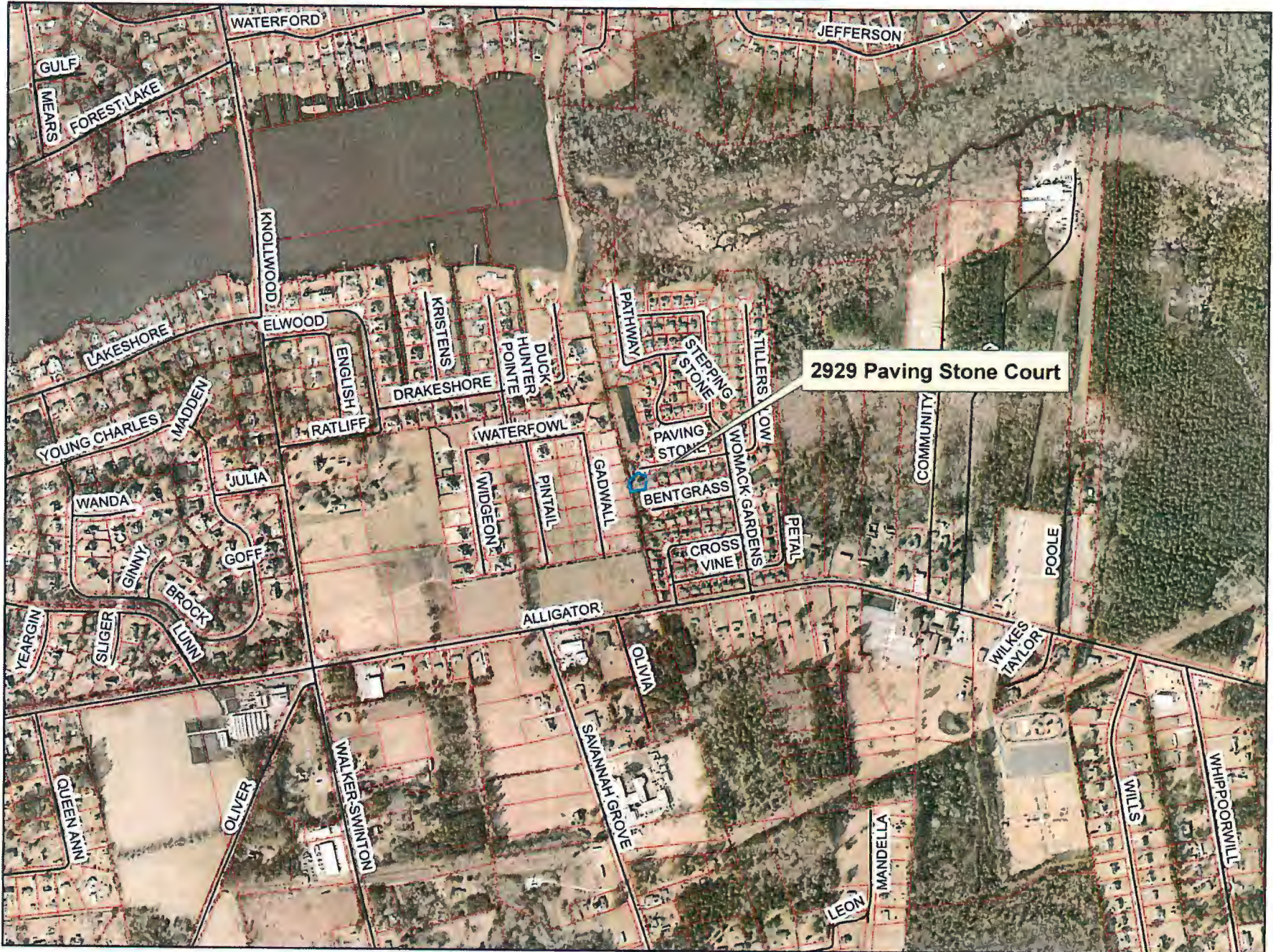
808 VENTURA COURT





2929 Paving Stone Ct.

2929 PAVING STONE COURT





3624 Trotwood Dr. (front view)

3624 TROTWOOD DRIVE





3620 Trotwood Dr. (front view)

3620 TROTWOOD DRIVE



3620 Trotwood Drive

City Soccer Complex





641 Mclver Rd. (Front View)

641McIVER ROAD



ORDINANCE NO. 2018-_____

AN ORDINANCE DECLARING AS SURPLUS AND AUTHORIZING THE CONVEYANCE OF REAL ESTATE PARCELS TO THE FLORENCE AFFORDABLE HOUSING CORPORATION AS PART OF THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP): 401 PILCHARD COURT, 641 MCIVER ROAD, 808 VENTURA COURT, 2929 PAVINGSTONE COURT, 3620 TROTWOOD DRIVE, AND 3624 TROTWOOD DRIVE; SAID PROPERTIES BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL 15219-01-102; 00175-01-203; 17518-01-004; 10119-01-068; 07514-01-020; 07514-01-019.

WHEREAS, after due consideration, the City of Florence has concluded that the land described on Exhibit "A" attached hereto and incorporated herein by reference, said land being purchased by the City of Florence as a part of the Neighborhood Stabilization Program, shall be conveyed to the Florence Affordable Housing Corporation; and

WHEREAS, The City of Florence received the Neighborhood Stabilization Program (NSP) grant from the SC State Housing Authority to purchase said properties; and

NOW, THEREFORE, be it ordained by the City Council of the City of Florence in meeting duly assembled and by the authority thereof:

1. That, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the necessary deeds and other documentation in order to convey title of said property to the Florence Affordable Housing Corporation as part of the city's Neighborhood Revitalization Strategy.

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

ADOPTED THIS _____ DAY OF May, 2018.

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: May 14, 2018

AGENDA ITEM: An ordinance authorizing the City to extend the lease on the real estate known as 228A West Darlington Street and designated as Tax Parcel 90086-02-004 in the records of the Florence County Tax Assessor to Pee Dee Regional Transportation Authority under the terms and conditions set out in the written lease attached as Exhibit A to this ordinance.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Authorization to extend the lease on the real estate known as 228A West Darlington Street and designated as Tax Parcel 90086-02-004 in the records of the Florence County Tax Assessor to Pee Dee Regional Transportation Authority under the terms and conditions set out in the written lease attached as Exhibit A to this ordinance.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) City Council previously approved, on November 14, 2016, to authorize the lease of this property to PDRTA for a term of 120 months (ten years) with the option to renew the agreement for successive five year terms.

III. POINTS TO CONSIDER:

- 1) The PDRTA makes the request to extend the lease for a term of 240 months (twenty years), with the option to renew the agreement for successive five year terms.
- 2) The extension of the Lease provides the premises to the Pee Dee Regional Transportation Authority rent free provided they continue to operate the program and meet the terms and conditions of the Lease attached as Exhibit A to the Ordinance and incorporated therein by reference.
- 3) The extension of the Lease will provide the PDRTA with the continued opportunity to receive matching funds from the Federal Government and will allow the PDRTA to meet the requirements and guidelines that are mandatory.
- 4) The PDRTA will continue to use the leased premises for a transfer center and or bus depot for PDRTA vehicles.
- 5) Other than the matching funds all expenses, costs, and related improvements will be the responsibility of the PDRTA.

- 6) The Lease requires Pee Dee Regional Transportation Authority to be responsible for all maintenance, repairs, utility costs, tax costs and associated expenses related to the premises and their operations thereon.
- 7) The property will remain titled to the City.

PERSONAL NOTES:

IV. ATTACHMENTS:

- (1) Ordinance
- (2) Exhibit A



Clint Moore
Development Manager



Andrew H. Griffin
City Manager

ORDINANCE NO. 2018-_____

AN ORDINANCE AUTHORIZING THE CITY TO EXTEND THE LEASE ON THE REAL ESTATE KNOWN AS 228A WEST DARLINGTON STREET AND DESIGNATED AS TAX PARCEL 90086-02-004 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR TO PEE DEE REGIONAL TRANSPORTATION AUTHORITY UNDER THE TERMS AND CONDITIONS SET OUT IN THE WRITTEN LEASE ATTACHED AS EXHIBIT A TO THIS ORDINANCE:

WHEREAS, after due consideration, the City has concluded that the real estate described in the Lease set out in Exhibit "A" attached hereto and incorporated herein by reference is not presently needed for City use; and

WHEREAS, we hereby find that the extension of the lease terms and use of said real estate for the development of a transfer center and/or bus depot for Pee Dee Regional Transportation Authority which provides essential public transportation needs within the greater Florence community is in the best interest and to the benefit of the citizens of the City of Florence;

NOW, THEREFORE, be it ordained by the City Council of the City of Florence in meeting duly assembled and by the authority thereof:

1. That pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the Lease attached hereto as Exhibit A and such other documentation as needed in order to lease the property described in said Lease to Pee Dee Regional Transportation Authority in order to facilitate the continuation of the Pee Dee Regional Transportation Authority as described in the Lease.
2. This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2018

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

STATE OF SOUTH CAROLINA)

AGREEMENT OF LEASE

COUNTY OF FLORENCE)

This agreement entered into this ___ day of _____, 2018 by and between The City of Florence, with it its principal place of business in the County of Florence, State of South Carolina, herein after called the "LANDLORD", and Pee Dee Regional Transit Authority, hereinafter collectively called the "TENANT".

WITNESSETH:

The LANDLORD, for an in consideration of the covenants and agreements hereinafter set forth, to be kept and performed by the TENANT, demises and leases unto the TENANT and the TENANT does hereby hire and rent from the LANDLORD the premises hereinafter described, for the period, at the rental, and upon the terms and conditions hereinafter specifically set forth.

- 1. DESCRIPTION OF PREMISES: LANDLORD leases to TENANT the following described property: Portion as indicated on Exhibit "A" of 228A West Darlington St, Florence, South Carolina, Tax Map Id 90086-02-004. In addition, during the term of this Lease, TENANT will have the nonexclusive right to use the areas designated as "Access Easement" and Access, Parking and Solid Waste Collection Easement" on Exhibit "A" hereto
- 2. TERM: The term of this lease is for 240 months (twenty years), beginning June 1, 2018 and terminating on May 31, 2038. With the consent of the LANDLORD, the TENANT shall have the option to renew this Agreement for successive five year terms. The LANDLORD shall have final approval over the renewability of the Agreement and said approval shall not be withheld unreasonably.

RENT: The TENANT shall pay the LANDLORD rent in the amount of One Dollar (\$1.00) per year, said rental to be paid in one lump sum of Ten and no/100th (\$10.00) Dollars at the time of the execution of this Lease, the receipt of which is hereby acknowledged.

- 3. IMPROVEMENT AND USE OF PREMISES: The LANDLORD specifically consents to any and all alterations and improvements of leased property, and the leased premises shall be improved and used by the TENANT as follows:
 - (a) The TENANT will use the leased premises for a transfer center and or bus depot for PDRTA vehicles, however, TENANT agrees that the portion of the premises designated on Exhibit "A" will be made available to LANDLORD for use as a storage area providing that such use neither interrupts nor delays

the business of the TENANT.

- (b) The expenses and costs related to alteration(s) or improvement(s) are the sole responsibility of the TENANT, and no liens, mortgages, or other legal liabilities shall be attach to leased property as a result of alteration(s) or improvement(s) by the TENANT. LANDLORD agrees to provide partial funding as agreed to assist in renovations.
- (c) The TENANT shall be responsible for all operational and maintenance costs associated with the property. TENANT agrees to keep property maintained in a reasonable fashion.

4. **ASSIGNMENT AND SUBLETTING LEASE:**

(a) The TENANT may not assign this Lease without the LANDLORD's consent; any contemplated assignment shall be negotiated between the parties and the LANDLORD shall have the sole authority for providing consent for such an agreement and the LANDLORD shall approve any agreement between the TENANT and its proposed assignee. However, the LANDLORD shall not withhold its consent unreasonably.

(b) No assignment shall be valid or effective until there is delivered to the LANDLORD a duplicate original of the written instrument of assignment, in recordable form, containing the name and address of the Assignee, and an assumption by the Assignee of the Lease and of all obligations under this Lease to be performed by the TENANT, although TENANT remains liable as herein set forth. Such assumption need relate only to obligations thereafter to be performed by the TENANT. However, if this Lease is assigned to an affiliate of the TENANT, such assignment shall be valid as of the date thereof, provided that the instruments of assignment and assumption are delivered to the LANDLORD within a reasonable time after such date.

5. **ENTRY TO PREMISES BY LANDLORD:** LANDLORD reserves the right to enter the premises at reasonable time and with advanced notice for inspection.

6. **UTILITIES:** Utilities shall be the responsibility of the TENANT.

7. **TAXES AND ASSESSMENTS:** All ad valorem taxes, assessments, liens or charges on the land or improvements, that may be against or levied upon the demised premises, shall be the responsibility of the TENANT. LANDLORD will cooperate to obtain exempt status from ad valorem taxes if an exemption is applicable.

8. **INSURANCE:** TENANT shall provide hazard and public liability insurance covering its activities and for its protection relating to its use of the facility and shall not require the LANDLORD to purchase same.

9. **COMPLIANCE WITH APPLICABLE LAWS:** The TENANT, at its sole expense,

shall comply with all laws, orders, and regulations of Federal, State, and Municipal authorities, and with any direction of any public officer, pursuant to the law, which imposes any duty upon the TENANT with respect to the leased property. The TENANT, at its sole expense, shall obtain all licenses or permits which may be required by the conduct of its business within the terms of this Lease or for the making of repairs, alterations, improvements or additions. The TENANT shall comply with the requirements of all policies of public liability, fire, and all other types of insurance in force with respect to the buildings and other improvements on the leased property.

The LANDLORD further specifically consents to any and all alterations and improvements related to use of leased property as a transportation transfer depot, which may include but are not limited to resurfacing, landscaping, enhanced lighting and signage. TENANT shall also have the sole right, at its expense, to place signage for and it is agreed that such signage will be designed and installed in a manner consistent with the zoning and land use limitations and obligations applicable to the Premises. The TENANT may perform all the above without further notice or consent of the Landlord.

The LANDLORD hereby grants TENANT permission to demolish the structure at the rear of the property that was previously used as a multiple bay car wash and vacuum stations. However, the equipment associated with the facility remains the property of the LANDLORD. LANDLORD shall reserve the right to remove said equipment prior to demolition.

10. **SURRENDER OF PREMISES:** The TENANT shall, on the last day of the term, peaceably and quietly surrender the leased property to the LANDLORD, including any improvements placed thereon by either LANDLORD or TENANT.
11. **CONDEMNATION:** If the entire premises are condemned or taken in any manner for public or quasi-public use, including, but not limited to, a conveyance or assignment in lieu of a condemnation, this Lease shall automatically terminate on the earlier of the date when title vests or the TENANT is dispossessed by the condemnation or other taking. If a part of the premises is condemned or taken, this Lease shall automatically terminate as to that portion of the premises so taken. If such condemnation of a portion of the premises renders the remaining portion unusable for the business of the TENANT, the TENANT may, with ninety days written notice to the LANDLORD terminate the Lease on the remaining portion. Such termination shall be without prejudice to the rights of either the LANDLORD or the TENANT to recover compensation from the condemning authority of any loss or damage caused by such condemnation. Neither the LANDLORD nor the TENANT shall have any rights in any award made to the other by condemning authority.
12. **DESTRUCTION OF PREMISES:** If all or any part of the leased property is damaged or destroyed by fire or other casualty so that the demised premises are unfit for use, the TENANT shall have the option within thirty (30) days after the date of such casualty to elect to terminate this lease or to repair and rebuild the damaged part.

13. **DEFAULT:** If TENANT shall be in default in the performance of any conditions hereof, and fail to correct and rectify any such default within thirty (30) days after TENANT receives written notice adequately identifying a default; and with receipt of a written registered notice, LANDLORD may repossess same as if this Lease had not been made, and shall thereupon have the right to cancel this Lease without prejudice. LANDLORD, waives all rights of distraint against the equipment, personal property, inventory, furniture, and fixtures of the TENANT.
14. **PERFORMANCE OF LANDLORD'S OBLIGATION:** If the LANDLORD shall breach any of the conditions required to be performed by it under the Lease, and shall fail to correct same within thirty (30) days of written registered notice to the LANDLORD of its intention to do so, in which event this lease shall terminate upon the date fixed in such notice, unless the LANDLORD shall meanwhile cure the default.
15. **SUBORDINATION TO MORTGAGE:** This Lease is subject and subordinate to any Mortgage or Deed of Trust which may now or hereafter encumber the demised premises; and to all renewals, modifications, consolidations, replacements and extensions thereon. This clause shall be self-operative and no further instrument of subordination need be required by any mortgagee. In confirmation of such subordination, however, TENANT shall, at LANDLORD's request provide written confirmation of such.. Upon TENANT's written request and notice to LANDLORD, LANDLORD shall use good faith efforts to obtain from any such mortgagee a written agreement that the rights of the TENANT shall remain in full force and effect during the term of this Lease so long as TENANT shall continue to recognize and perform all of the covenant and conditions of this Lease. In the event of the enforcement by the Trustee or the beneficiary under any such Mortgage or Deed of Trust of the remedies provided for by law or by such Mortgage of Deed of trust, TENANT will, upon request of any person or party succeeding to the interest of the LANDLORD as a result of such enforcement, automatically become the TENANT of successor in interest without change in the terms or other provisions of this Lease. LANDLORD agrees on any future mortgage to provide TENANT a non-disturbance agreement from Mortgagees protecting TENANT's rights hereunder.
16. **ESTOPPEL CERTIFICATE:** TENANT will, at any time, and from time to time, upon not less than ten (10) days prior request by LANDLORD, execute, acknowledge, and deliver to LANDLORD without additional consideration, a statement in writing executed by TENANT certifying that TENANT is in possession of the premises under the terms of this Lease; that the Lease is unmodified and in full effect; or if there have been modifications, that this Lease is in full effect as modified, and setting forth such modifications; and the dates to which rent has been paid, and either stating that to the knowledge of the TENANT, no default exists hereunder or specifying each such default to which TENANT may have knowledge; and such other matters as may be reasonably requested by LANDLORD, it being intended that any such statement by TENANT be relied upon by any prospective purchaser or mortgagee of the property.
17. **NOTICES:** Any notice under this lease must be made in writing and must be sent by

registered or certified mail to the last address of the party to whom the notice is given as designated by such party in writing.

The LANDLORD hereby designates its address as:

City of Florence
ATTN: City Manager
324 West Evans St.
Florence, SC 29501

The TENANT hereby designates its address as:

Pee Dee RTA
Attn: Executive Director
313 South Stadium Road
Florence, South Carolina 29506

18. **WAIVER:** Failure of either party to insist upon strict performance of any covenant or condition of this Lease, in any or more instances, shall not be construed as a waiver for the future of any such covenant or condition, but, the same shall be and remain in full force and effect.
19. **BINDING EFFECT:** The covenants, terms, conditions, provisions and undertakings in this Lease, or in any renewals thereof, shall extend to, and be binding upon, the heirs and executors administrators, and successors and assigns of the respective parties hereto, as if they were in every case named and expressed, and, shall be construed as covenants running with the land, and, whenever reference is made to either of the parties hereto, it shall be held to include and apply also to the heirs, executors, administrators, successors and assigns of such party, as if in each case so expressed.
20. **WARRANTY OF AUTHORITY AND TITLE:** Both parties, whose signatures are below inscribed, expressly warrant that they have full express authority to bind the respective parties on whose behalf they are signing, to the terms of this Agreement of Lease. LANDLORD warrants that it has good marketable title that will not interfere with the TENANT'S use of the Premises as described herein.
21. **ENVIRONMENTAL LIABILITY:** LANDLORD expressly represents and warrants that it has no knowledge of the existence of any hazardous substances either at, on, under or near the Premises. LANDLORD shall defend, indemnify and hold TENANT harmless from any loss including reasonable attorneys' fees and costs arising from or related or connected to any environmental liability and/or hazardous substance either at, on, under or near the Premises and whether such hazardous substances are present on the Premises or migrated to the Premises. LANDLORD'S obligation under this paragraph includes sole responsibility for any clean-up or remediation and monitoring of hazardous substances.

22. **RIGHT OF ACCESS:** LANDLORD owns the real property between the PREMISES and Darlington Street and Irby Street. TENANT requires access to both streets to use the PREMISES. LANDLORD grants TENANT for the benefit of the TENANT, and its customers, business guests, licensees and invitees, a non-exclusive easement for access, passage and use over and across that portion of Exhibit A designated as "access property". The easement is for the purpose of pedestrian and vehicular ingress and egress to and from the PREMISES. The access easement is an easement in gross for the benefit of the TENANT as described herein. The easement is necessary to the use of the PREMISES and LANDLORD will not interfere with the TENANT'S use of the easement.
23. **ENTIRE AGREEMENT, MODIFICATION, SEVERABILITY:** This Lease contains the entire agreement between the parties, and shall not be modified in any manner except by an instrument in writing, executed by the parties. If any term or provision of this Lease, or the application thereof, to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Lease shall be valid and shall be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the LANDLORD and TENANT subscribed their names and affixed their seals the day and year first above written.

WITNESSES:

LANDLORD:

City of Florence, SC

By: _____
 ANDREW H. GRIFFIN
 City Manager

TENANT:

Pee Dee Regional Transit Authority

By: _____

Its: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

PROBATE
(City of Florence)

Before me, _____, a notary public, personally appeared _____, the undersigned witness, who, being duly sworn, deposed and said as follows: s/he is not a party or beneficiary of the transaction for which this instrument has been executed; s/he saw Andrew H. Griffin as City Manager of the **City of Florence** who s/he personally knows or has identified through satisfactory evidence, sign, seal and deliver the foregoing **Lease** as the act and deed of the **City of Florence** that s/he together with the second subscribing witness witnessed the execution thereof.

Signature of Witness

SWORN TO and subscribed before me
this ____ day of _____, 2018

_____(SEAL)
Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

PROBATE
(Pee Dee RTA)

Before me, _____, a notary public, personally appeared _____, the undersigned witness, who, being duly sworn, deposed and said as follows: s/he is not a party or beneficiary of the transaction for which this instrument has been executed; s/he saw _____ as _____ of **Pee Dee RTA** who s/he personally knows or has identified through satisfactory evidence, sign, seal and deliver the foregoing **Lease** as the act and deed of the **Pee Dee RTA** and that s/he together with the second subscribing witness witnessed the execution thereof.

Signature of Witness

SWORN TO and subscribed before me
this ____ day of _____, 2016

_____(SEAL)
Notary Public for South Carolina

My Commission Expires: _____

EXHIBIT "A"



Leased property designated by yellow shading.

Area of building designated by red shall be retained by City for storage.

FLORENCE CITY COUNCIL MEETING

DATE: May 10, 2018

AGENDA ITEM: An ordinance authorizing the conveyance to Francis Marion University Foundation of the real estate known as Tax Parcel 90170-01-011 described more fully on Exhibit "A" attached hereto, said property to be utilized pursuant to the terms and conditions set out in the Conditional Grant and Development Agreement between the City and Francis Marion University.

DEPARTMENT/DIVISION: City Manager and City Attorney

I. ISSUE UNDER CONSIDERATION:

The conveyance of the real estate making up the lot and structure located on North Dargan Street and designated as Tax Parcel 90170-01-011 in the records of the Florence County Tax Assessor, described more fully on Exhibit "A" attached hereto, to Francis Marion University Foundation in order to facilitate its development as an Art Gallery, the FMU Business Incubator, and other educational purposes as set out in the Conditional Grant and Development Agreement entered into between the City and Francis Marion University.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) The City has acquired subject property for the purposes of removing blight and facilitating redevelopment for the Art Gallery.

(2) Francis Marion University, which presently operates the Business Incubator on property adjacent to this property in leased space, but the Lease for that space expires next year. FMU is seeking property to continue its Business Incubator in the downtown area, to operate an art gallery in the area, and to continue to expand its educational presence in the downtown area.

III. POINTS TO CONSIDER:

(1) The renovations for Art Gallery space on the first floor are nearing completion, but the costs associated with renovations of the remainder of the building are extensive.

(2) The City and Francis Marion University will enter into a Conditional Grant and Development Agreement prior to second reading establishing the terms and conditions associated with the conveyance and the use of the property in the future.

(3) Development of this property will serve as an important facilitator for further redevelopment in the downtown area while facilitating the proper development and operation of property in a manner that accomplishes long time goals of the City.

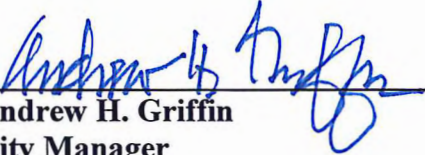
(4) The parcels transferred will remain subject to the limitations of any current easements and grant requirements.

IV. STAFF RECOMMENDATION:

Staff recommends that City Council adopt the proposed ordinance authorizing the City Manager to execute the deed conveying the aforementioned property to Francis Marion University.

V. ATTACHMENTS:

Proposed ordinance.



Andrew H. Griffin
City Manager

ORDINANCE NO. 2018-____

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO FRANCIS MARION UNIVERSITY FOUNDATION OF THE REAL ESTATE KNOWN AS TAX PARCEL 90170-01-011 DESCRIBED MORE FULLY ON EXHIBIT "A" ATTACHED HERETO, SAID PROPERTY TO BE UTILIZED PURSUANT TO THE TERMS AND CONDITIONS SET OUT IN THE CONDITIONAL GRANT AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND FRANCIS MARION UNIVERSITY.

WHEREAS, after due consideration, the City has concluded that the best use of property described on Exhibit "A" attached hereto and incorporated herein by reference is conveyance of the property to the Francis Marion University Foundation to facilitate the completion of the renovations of the building to be operated as an Art Gallery, the FMU Business Incubator, and other educational purposes as set out in the Conditional Grant and Development Agreement entered into between the City and Francis Marion University; and

WHEREAS, it is hereby determined by Council that the conveyance of said property to Francis Marion University Foundation for the purpose of the development of the property as described in the Conditional Grant and Development Agreement is in the best interest and to the benefit of the citizens of the City of Florence;

NOW, THEREFORE, be it ordained by the City Council of the City of Florence in meeting duly assembled and by the authority thereof:

1. That, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the necessary deeds and other documentation in order to convey title to the property described on Exhibit "A" hereto to Francis Marion University Foundation in order to facilitate its development as an Art Gallery, the FMU Business Incubator, and other educational purposes as set out in the Conditional Grant and Development Agreement entered into between the City and Francis Marion University.

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

ADOPTED THIS ____ DAY OF _____, 2018.

Approved as to form:

JAMES W. PETERSON, JR.
City Attorney

STEPHEN J. WUKELA
Mayor

Attest:

DIANNE M. ROWAN
Municipal Clerk

EXHIBIT A

Property Description

All that certain piece, parcel or lot of land, with buildings and improvements thereon, situate, lying and being in the City of Florence, County of Florence, State of South Carolina, measuring forty-one and one third (41 1/3) feet front, more or less, on the East side of Dargan Street, between Evans Street and Front Street, and running back therefrom to a depth of one hundred eighty-six (186) feet, more or less. Said lot is bounded, now or formerly, as follows, to-wit: On the North by property of the Estate of Mrs. S.J. Bucheitt; on the East by property of the Estate of Mrs. S.J. Bucheitt and the Estate of A.B. Layton; on the South by property of C.H. Miller; and on the West by Dargan Street.

This being that same property conveyed to the City of Florence by deed of the dated and recorded August 12, 2015 in Book B589 at page 12 in the office of the Clerk of Court for Florence County, South Carolina.

TMS#90170-01-011

FLORENCE CITY COUNCIL MEETING

DATE: May 14, 2018

AGENDA ITEM: Ordinance to Annex and Zone Property Owned by Eric and Cindy Belk, TMN 01221-01-159

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property at 2491 Rainford Drive, Tax Map Number 01221-01-159, into the City of Florence and zone to (NC-15) Neighborhood Conservation-15 District. The request is being made by the property owners, Eric and Cindy Belk.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On April 10, 2018 Planning Commission held a public hearing on this matter, and voted unanimously, 6-0 to recommend the zoning request of (NC-15), Neighborhood Conservation-15 District.

III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) The proposed zoning, pending annexation, is Neighborhood Conservation-15 District. The primary use permitted under the proposed zoning is single-family residential characterized by large sized lots.
- (3) The lot is currently the site of a single-family dwelling.
- (4) City water and sewer services are currently available; there is no cost to extend utility services
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property (NC-15), Neighborhood Conservation-15 District.

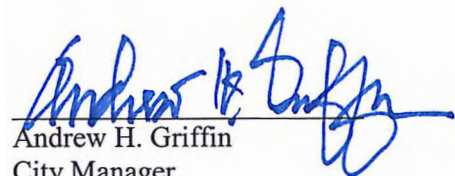
IV. PERSONAL NOTES:

V. ATTACHMENTS:

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

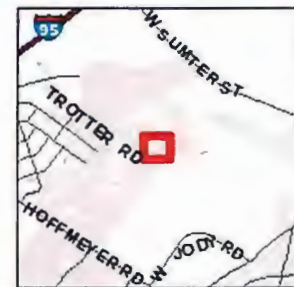


Jerry Dudley
Planning Manager



Andrew H. Griffin
City Manager

Location Map 2491 Rainford Dr., Florence, SC 29505



Legend

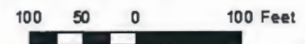
-  Manhole
-  Gravity Main
-  Water Mains
-  City Limits
-  Parcels



Department of Planning, Research, and Development

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.



Date: 4/18/2011

2491 RAINFORD ROAD ANNEXATION
TAX MAP NUMBER 01221-01-159
(Blue areas are in city limits.)



Attachment 3: Petition for Annexation form

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
01221-01-159

3. Annexation is being sought for the following purposes:

To receive city services

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	4
Race	W
Total 18 and Over	2
Total Registered to Vote	2

Date 3-20-18

Erin Beer
Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition:	FOR OFFICIAL USE ONLY
Date <u>3/22/18</u>	<u>Alfred K...</u>

ORDINANCE NO. 2018_____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY ERIC AND CINDY BELK, TMN 01221-01-159

WHEREAS, a Public Hearing was held in the Council Chambers on April 10, 2018 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Eric and Cindy Belk, owners of TMN 01221-01-159, 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 (NC-15) Neighborhood Conservation-15 District:

The property requesting annexation is shown more specifically on Florence County Tax Map 01221, block 01, parcel 159 (0.7217 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 _____, 2018
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: June 11, 2018

AGENDA ITEM: Ordinance to Annex and Zone Property Owned by Danny L. Poston, Jr.,
TMN 01221-01-053

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at 2508 W. Edgefield Road., Tax Map Number 01221-01-053, into the City of Florence and zone to (NC-15), Neighborhood Conservation-15 District. The request is being made by the property owner, Danny L. Poston, Jr.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On May 8, 2018 Planning Commission held a public hearing on this matter, and voted unanimously, 7-0 to recommend the zoning request of (NC-15), Neighborhood Conservation-15 District.

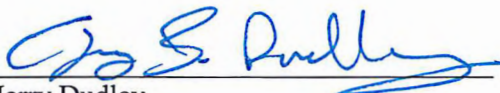
III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) The proposed zoning, pending annexation, is Neighborhood Conservation-15 District. The primary use permitted under the proposed zoning is single-family residential characterized by large sized lots.
- (3) The lot is currently the site of a single-family dwelling.
- (4) City water and sewer services are currently available; there is no cost to extend utility services.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property (NC-15), Neighborhood Conservation-15 District.

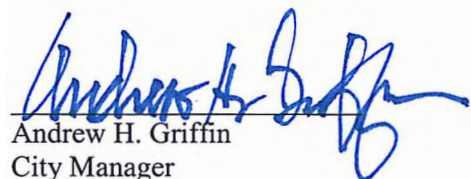
IV. PERSONAL NOTES:

V. ATTACHMENTS:

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



Jerry Dudley
Planning Manager

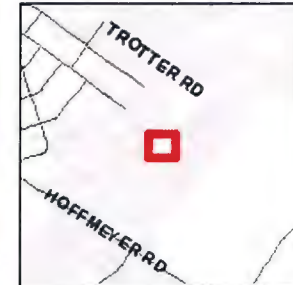


Andrew H. Griffin
City Manager

**2508 W. EDGEFIELD ROAD HAZEL ANNEXATION
TAX MAP NUMBER 01221-01-053
(Blue areas are in city limits.)**



Location Map 2508 W. Edgefield Rd, Florence, SC 29501



Legend

- Manhole
- Gravity Main
- Water Mains
- City Limits
- Parcels



DISCLAIMER:
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Date: 5/23/2013

Attachment 3: Location Map

Attachment 4: Petition for Annexation form

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

- 3 Annexation is being sought for the following purposes: *single family residence desiring city services, fire protection*

- 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	4
Race	W
Total 18 and Over	2
Total Registered to Vote	2

Date 04-02-2018

[Signature]
Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition: Date <u>4/5/18</u>	FOR OFFICIAL USE ONLY <i>Alfred Canady</i>
--	---

ORDINANCE NO. 2018 _____

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY DANNY L. POSTON, JR.,
TMN 01221-01-053**

WHEREAS, a Public Hearing was held in the Council Chambers on May 8, 2018 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Danny L. Poston Jr., owner of TMN 01221-01-053, 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 NC-15, Neighborhood Conservation-15 District:

The property requesting annexation is shown more specifically on Florence County Tax Map 01221, block 01, parcel 053 (0.641033 acres).

Any portions of public rights-of-way abutting the above described property will also be 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 _____, 2018
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: June 11, 2018

AGENDA ITEM: Public Hearing and Ordinance to Annex and Zone Property Owned by Finklea Law Firm, The Palms Course, and South Florence Developers, LLC, TMN's 00052-01-001, 00052-01-005, 00052-01-049, 00052-01-061, 00052-01-068, 00052-01-069, 00075-01-022, 00552-01-027, and portions of TMN 00751-01-049

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex properties located along Lake Oakdale, Tax Map Numbers 00052-01-001, 00052-01-005, 00052-01-049, 00052-01-061, 00052-01-068, 00052-01-069, 00075-01-022, 00552-01-027, and portions of TMN 00751-01-049, into the City of Florence and zone to RG-2, Residential General District and OSR, Open Space Recreational. The request is being made by the property owners, Finklea Law Firm, The Palms Course, and South Florence Developers, LLC.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On May 8, 2018, Planning Commission held a public hearing on this matter. The Planning Commission voted (6-1) to recommend the zoning request of RG-2, Residential General District and OSR, Open Space Recreational.

III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) The proposed zoning, pending annexation, is Residential General-2 (RG-2) and Open Space Recreation (OSR) for the portions of Lake Oakdale. Attachments 2 and 3 outline the locations of the parcels and the proposed zoning designations. If annexed, the developer will be required to submit plans per the City's sketch plan and development approval process for the RG-2 zoning designation.
- (3) According to the City of Florence Unified Development Ordinance, Residential General (RG) district is intended to provide a variety of residential housing and neighborhood types with an auto-urban or new-urban character. Specifically, the RG-2 zoning designation allows for three types of development: conventional single family (no minimum open space ratio), cluster single family (30% open space ratio) and planned mixed residential (60% open space ratio). The Open Space Recreational (OSR) district is intended for public open space that is protected by conservation easement.
- (4) The developer is proposing to build single-family detached homes shown on TMN# 00052-01-001 as illustrated in Attachment 6.
- (5) City water and sewer service is available to TMP's 00522-01-027, 00052-01-061, and 00052-01-068. City water services are available to TMP's numbers 00052-01-001, 00052-01-005, and 00052-01-049; however city sewer service is currently not available. Based on an economic feasibility analysis performed by the City Engineering Department, the estimated cost to extend utility services is \$350,000. The 20 year anticipated revenue for the extension is \$387,322; therefore, the project is economically feasible for the City.
- (6) One of the properties seeking annexation is currently unzoned in the County, TMP# 00075-01-022. The other properties that are seeking annexation are currently zoned in the County as follows, TMP's 00522-01-027 and 00751-01-049 are zoned in the County as R-1; TMP's 00052-01-001 and 00052-01-049 are zoned in the County as RU-1; TMP's 00052-01-005,

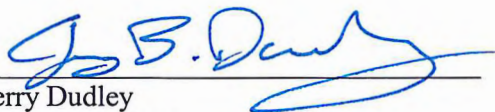
00052-01-061, 00052-01-068, and 00052-01-069 are zoned in the County as R-2 (Attachment 5)

- (7) Adjacent properties are zoned (NC-10) Neighborhood Conservation-10/ (OSR) Open Space Recreational (City) and unzoned (County) as illustrated in Attachment 6.
- (8) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the properties to OSR, Open Space Recreational and RG-2, Residential General District. This recommendation is based on the current use of the developed parcels as well as the consistency of the proposed zoning with the development plans.

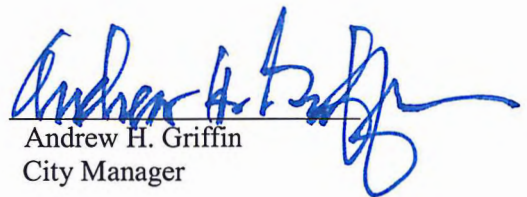
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity map of proposed annexation
- (3) Location map of proposed annexation and zoning designations
- (4) Annexation map for TMP's 00075-01-022 and a portion of 00751-01-049
- (5) Petition for Annexation forms (Finklea Law Firm, The Palms Course, and South Florence Developers, LLC)
- (6) Sketch Plan for proposed development on TMN# 00052-01-001
- (7) Current zoning designation map (County designations)



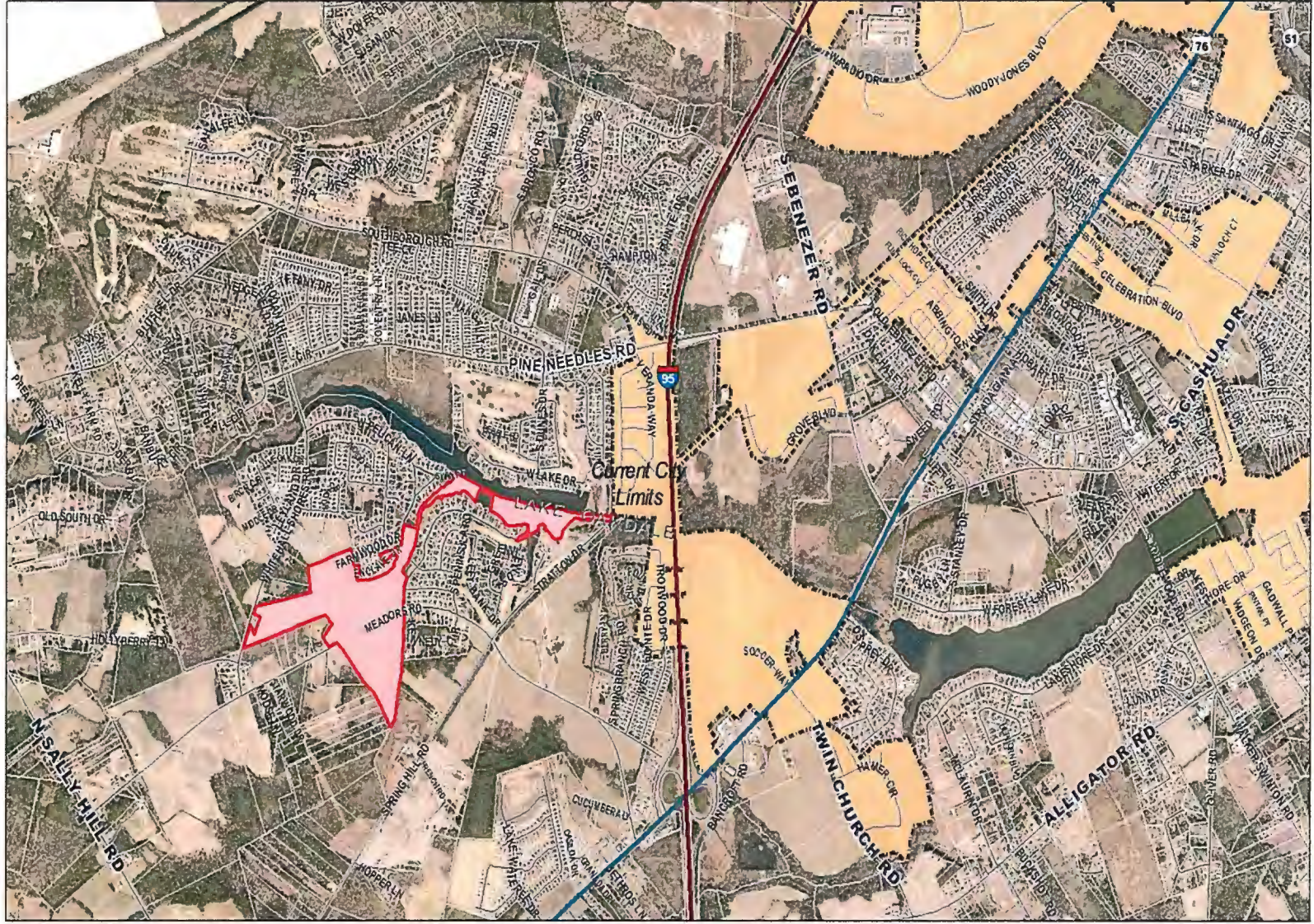
Jerry Dudley
Planning Manager



Andrew H. Griffin
City Manager

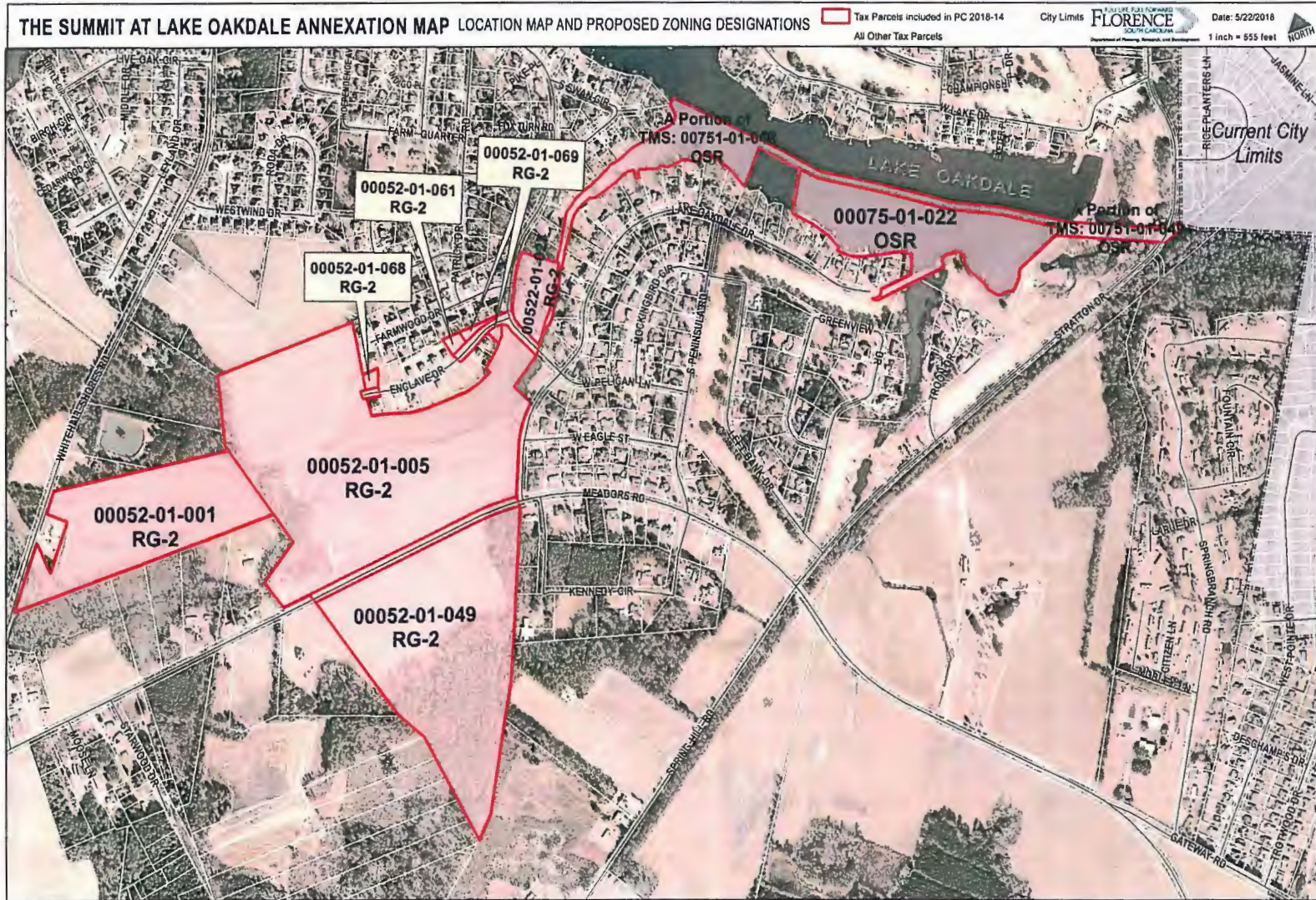
ATTACHMENT 2: VICINITY MAP OF PROPOSED ZONING DESIGNATIONS

Proposed Annexation
City Limits
All Other Tax Parcels
FLORENCE, SOUTH CAROLINA
Date: 6-6-2018
Scale: 1 inch = 1,734 feet
NORTH

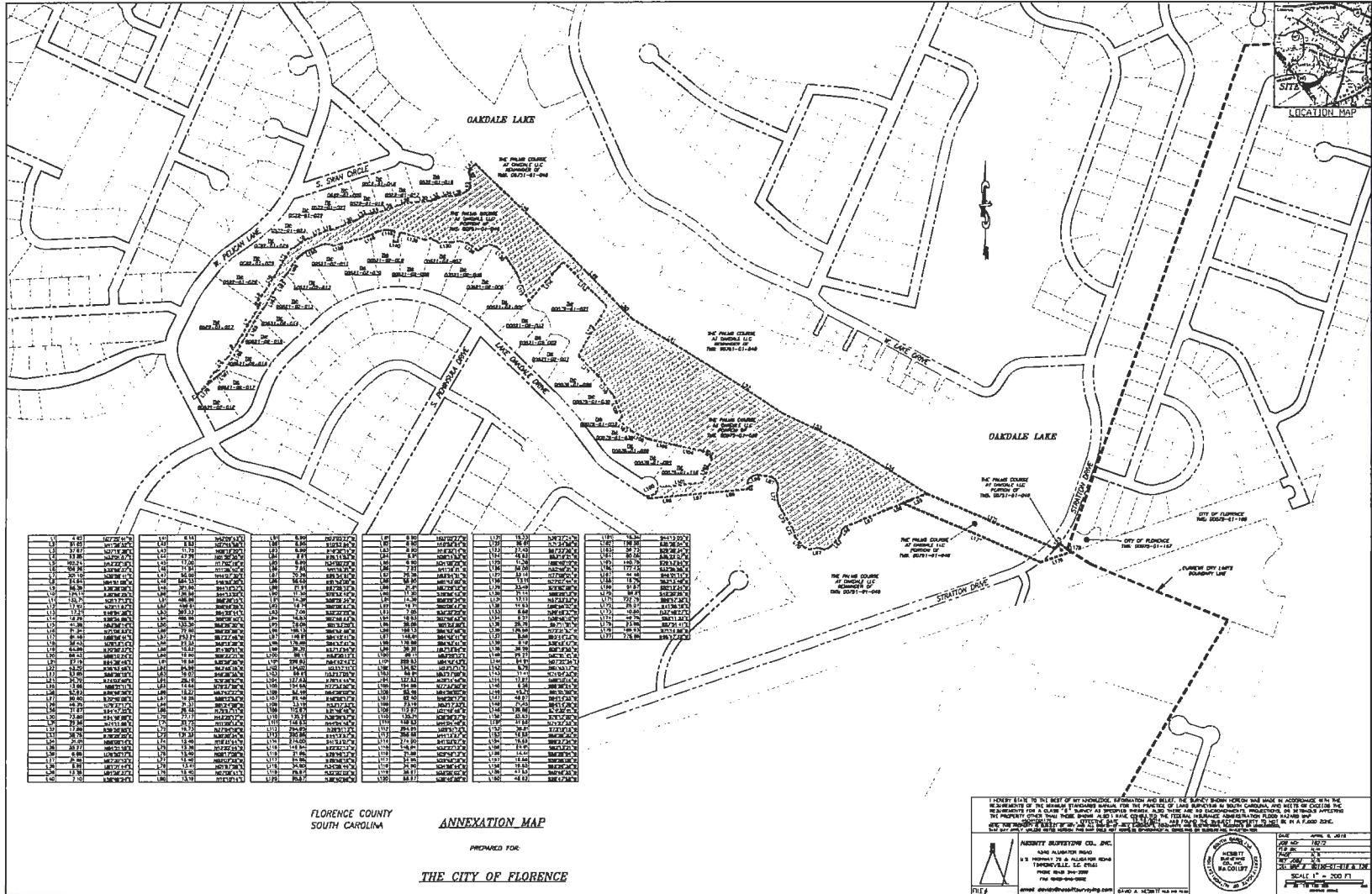


Attachment 2: Vicinity map of proposed annexation

Attachment 3: Location map of proposed annexation and zoning designations



Attachment 4: Annexation map for TMP's 00075-01-022 and a portion of 00751-01-049



Attachment 5: Petition of Annexation Form – Finklea Law Firm

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 00052-01-001
00522-01-027

3. Annexation is being sought for the following purposes:

Benefits of City Services & Governance

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>00</u>
Race	<u>00</u>
Total 18 and Over	<u>00</u>
Total Registered to Vote	<u>00</u>

Date 4-17-18

FINKLEA LAW FIRM PROFIT
Sherry Ann Finklea Goey Finklea
By [Signature]
Petitioner

Date _____

Petitioner _____
The City to provide or cost share in a community lift station

The Petitioner requests the City to provide or cost share in a community lift station

Certification as to ownership on the date of petition.	FOR OFFICIAL USE ONLY
Date <u>4/19/18</u>	<u>Alfred Cassidy</u>

Attachment 5: Petition of Annexation Form – The Palms Course

STATE OF SOUTH CAROLINA)
 COUNTY OF FLORENCE)

PETITION FOR ANNEXATION

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:

A PORTION OF
 Florence County Tax Map 00751-01-049 AND 0075-01-022
 See attached sketch

3. Annexation is being sought for the following purposes:

to provide connectivity to adjoining tracts to the city
 limits to promote orderly growth & development

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	0
Race	0
Total 18 and Over	0
Total Registered to Vote	0

Date: 4-17-18

The Palms Course At OAKDALE, LLC
 By: Alfred Casady
 Petitioner

Date: _____

Petitioner

Certification as to ownership on the date of petition Date: 4/19/18	FOR OFFICIAL USE ONLY Alfred Casady
--	--

Attachment 5: Petition of Annexation Form – South Florence Developers, LLC

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 00052-01-005 & 00052-01-049, 061, 068 & 069

3. Annexation is being sought for the following purposes:

Benefits of City Services & Governance

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 0
Race 00
Total 18 and Over 00
Total Registered to Vote 00

South Florence Developers, LLC
By: [Signature]
Petitioner

Date 4.17.18

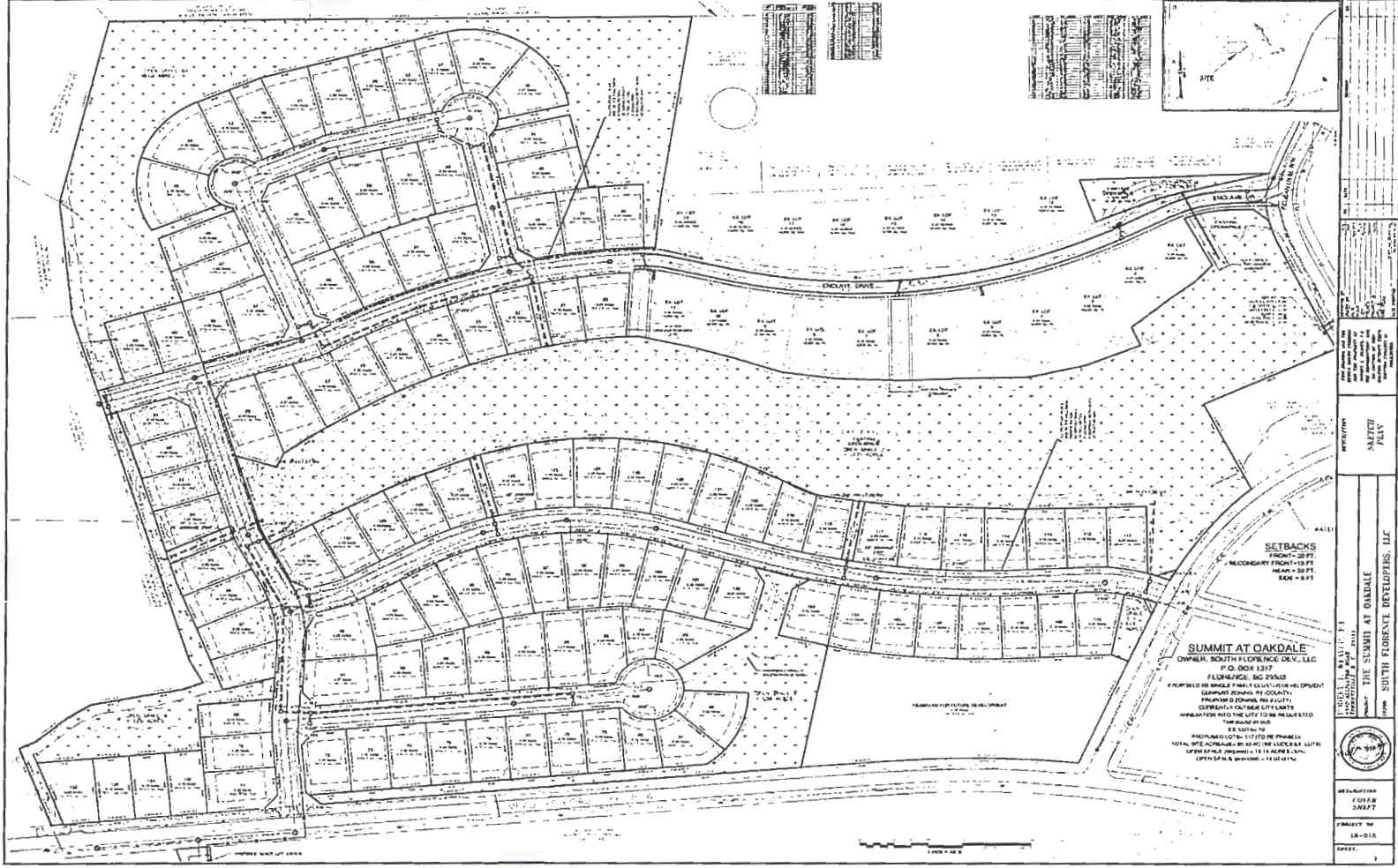
Date _____

Petitioner _____

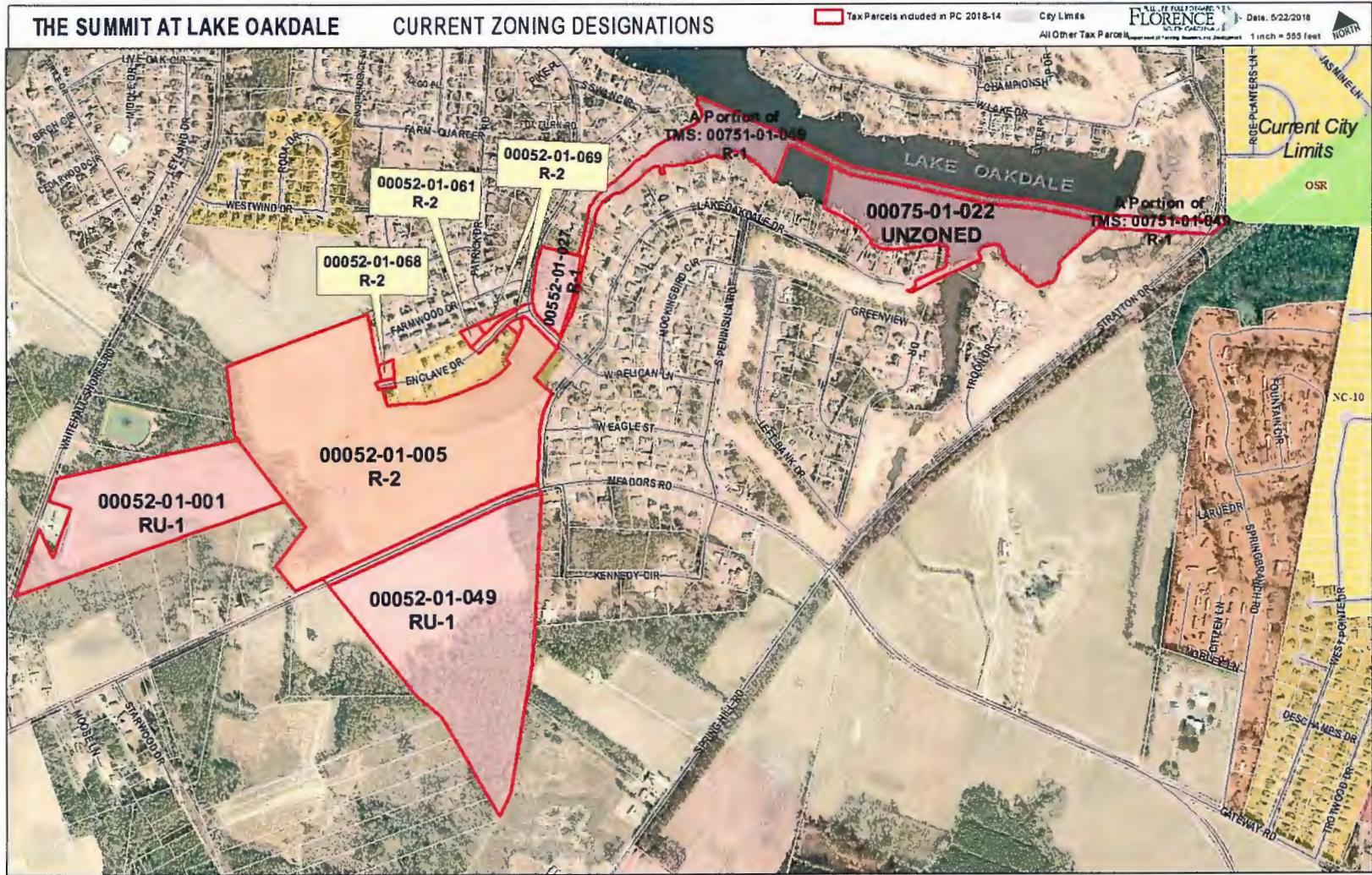
* The Petitioner requests the City provide or cost share in a Community Diff Station

FOR OFFICIAL USE ONLY
Certification as to ownership on the date of petition:
Date 4/19/18
[Signature]

Attachment 6: Sketch Plan proposed development on TMN# 00052-01-001



Attachment 7: Current zoning map



ORDINANCE NO. 2018 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY FINKLEA LAW FIRM, THE PALMS COURSE AND SOUTH FLORENCE DEVELOPERS, LLC, TMN 00052-01-001, 00052-01-005, 00052-01-049, 00052-01-061, 00052-01-068, 00052-01-069, 00075-01-022, 00552-01-027, and portions of TMN 00751-01-049

WHEREAS, a Public Hearing was held in the Council Chambers on May 8, 2018 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Finklea Law Firm, owner of TMN's 00052-01-001, and 00552-01-207 to be zoned RG-2, and application by The Palms Course, owner of TMN's 00075-01-022, and portions of TMN 00751-01-049 to be zoned OSR, and application by South Florence Developers, LLC, owner of TMN's 00052-01-005, 00052-01-049, 00052-01-061, 00052-01-068, and 00052-01-069 to be zoned RG-2, 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 RG-2, Residential General District and OSR, Open Space Recreational:

The properties requesting annexation are shown more specifically on Florence County Tax Map 00052, block 01, parcel 001 (20.413209 acres), Florence County Tax Map 00052, block 01, parcel 005 (50.099722 acres), Florence County Tax Map 00052, block 01, parcel 049 (35.910721 acres), Florence County Tax Map 00052, block 01, parcel 061 (0.311589 acres), Florence County Tax Map 00052, block 01, parcel 068 (0.262575 acres), Florence County Tax Map 00052, block 01, parcel 069 (0.427413 acres), Florence County Tax Map 00075, block 01, parcel 022 (16.161918 acres), Florence County Tax Map 00552, block 01, parcel 027 (3.068032 acres), and portions of Florence County Tax Map 00751, block 01, parcel 049 (11.59 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.**

EXECUTED ON ONE (1) ADDITIONAL PAGE

Ordinance No. 2018 - _____
Page 2 – June 2018

ADOPTED THIS _____ DAY OF _____, 2018
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: June 11, 2018

AGENDA ITEM: Ordinance to Annex and Zone Property Owned by Hugh K. Leatherman, TMN's 90019-01-003, 90019-01-023, and 90019-01-024

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property at 2713 Second Loop Road, Tax Map Number 90019-01-003, and properties off of South Thomas Road, Tax Map Number 90019-01-023 and 90019-01-024 into the City of Florence and zone to (PDD) Planned Development District. The request is being made by the property owner, Hugh K. Leatherman.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On May 8, 2018 Planning Commission held a public hearing on this matter, and voted unanimously, 7-0 to recommend the zoning request of (PDD), Planned Development District.

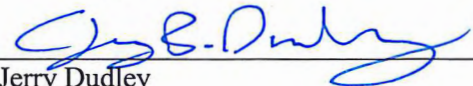
III. POINTS TO CONSIDER:

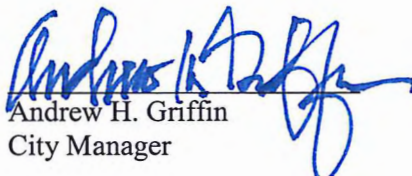
- (1) Request is being considered for first reading.
- (2) The proposed zoning, pending annexation, is to adopt Florence County approved Planned Development District (TMP's 90019-01-003, 90019-01-023, and 90019-01-024) as outlined in Attachment 4.
- (3) The lot located at 2713 Second Loop Road is currently the site of an existing commercial property. The lot located at 411 South Thomas Road is currently the site of an existing residential use. The lot located on South Thomas Road (TMP 90019-01-024) will be developed for future residential development as outlined in Attachment 5.
- (4) City water is currently available for all properties. Sewer and private grinder pump will be installed by the developer at the time of development.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property PDD, Planned Development District.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

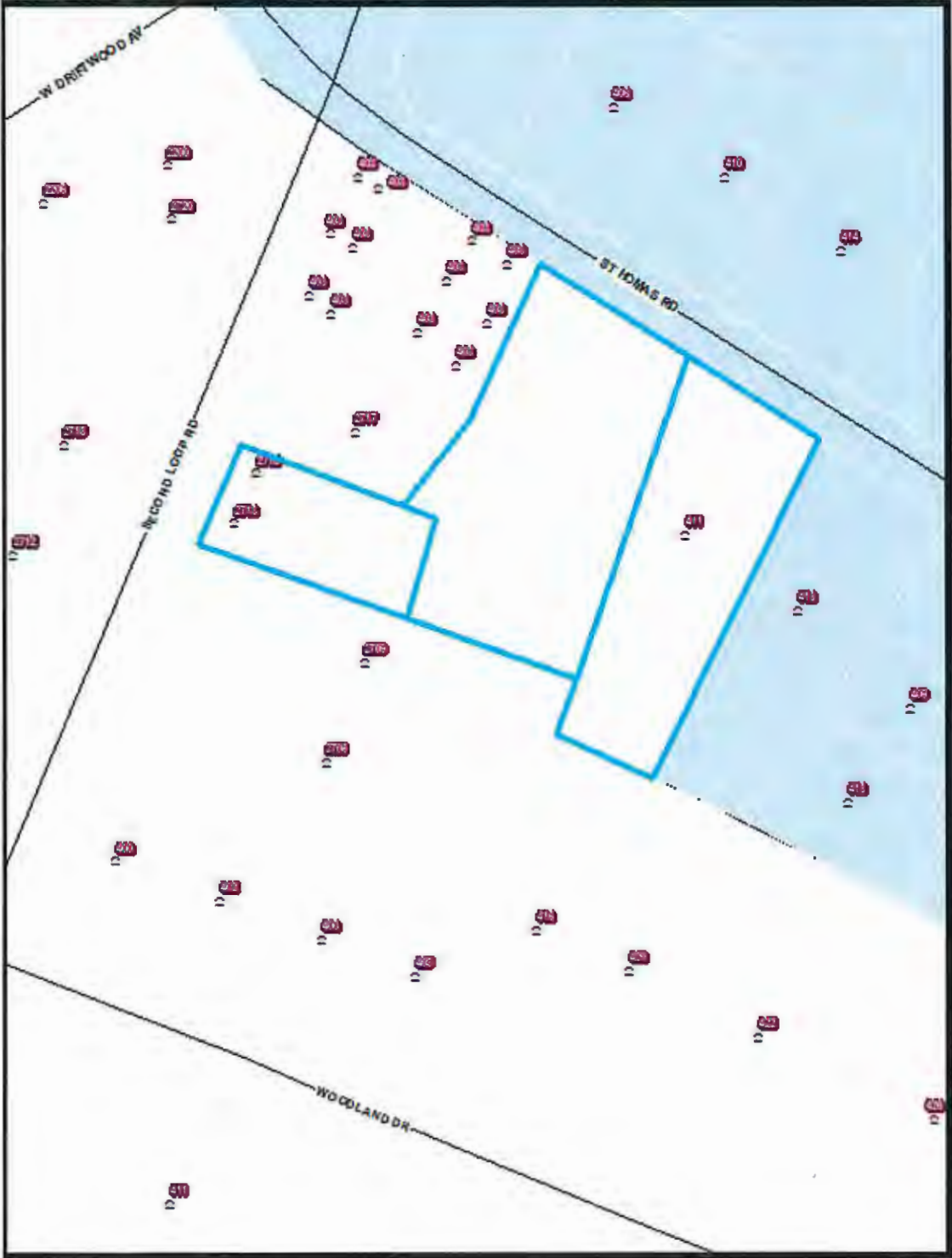
- (1) Ordinance
- (2) Vicinity Map showing the location of the property
- (3) Location Map
- (4) Florence County Planned Development District – rezoning letter
- (5) Sketch Plan


Jerry Dudley
Planning Manager


Andrew H. Griffin
City Manager

Attachment 2: Vicinity Map

**PLANNED DEVELOPMENT DISTRICT (PDD)
ANNEXATION
TAX MAP NUMBER 90019-01-003, 90019-01-023, and
90019-01-024
(Blue areas are in city limits.)**





Attachment 4: Florence County Planned Development District Rezoning Letter



FLORENCE COUNTY
PLANNING, BUILDING INSPECTION, ENGINEERING
AND CODE ENFORCEMENT DEPARTMENT

February 16, 2018

The Honorable Hugh K. Leatherman
P.O. Box 5506
Florence, SC 29502

Subject: Zoning Map Amendment

Dear Senator Leatherman:

The Florence County Council at its regular meeting on February 15, 2018, approved Third and Final Reading of Ordinance No. 18-2017/18:

An Ordinance To Rezone Property Owned By Leacon, Inc., Located On Second Loop Road And South Thomas Road, Florence, SC, As Shown On Florence County Tax Map Number 90019, Block 01, Parcels 003, 023 and 024; Consisting Of Approximately 1.535 Acres From Unzoned District (UZ) To Planned Development District (PD); And Other Matters Related Thereto.

Also, at its regular meeting on December 14, 2017, the Florence County Council approved Resolution No. 07-2017/18:

A Resolution For The Naming Of A Private Road In A Planned Development Located Off S. Thomas Rd., In Florence, SC As Shown On Florence County Tax Map Number 90019, Block 01, Parcels 023 and 024, To LLC Lane, Contingent Upon Approval of Ordinance No. 18-2017/18.

A copy of the Ordinance and Resolution are attached as Enclosures (1) and (2) If you should have any questions, please do not hesitate to contact Lisa Becoat (843) 656-1524 or toll free at (866) 258-9232.

Sincerely,

Lisa M. Becoat
Secretary

Cc: Connie Haselden, Clerk to Council
Renee Proctor, Senior Planner

Enclosures (1): Copy of Ordinance No. 18-2017/18
(2): Copy of Resolution No. 07-2017/18

518 South Irby Street • Florence, South Carolina 29501 • (843) 676-8600 • Fax (843) 676-8667
Toll Free: (866) 258-9232 • Toll Free Fax: (866) 259-2068

ORDINANCE NO. 2018 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY HUGH K. LEATHERMAN, TMN 90019-01-003, 90019-01-023, AND 90019-01-024, PENDING ANNEXATION; TO PLANNED DEVELOPMENT DISTRICT

WHEREAS, a Public Hearing was held in the Council Chambers on May 8, 2018 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Hugh K. Leatherman, owner of TMN's 90019-01-003, 90019-01-023, and 90019-01-024 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 (PDD) Planned Development District:

The properties requesting annexation is shown more specifically on Florence County Tax Map 90019, block 01, parcel 003 (0.251276 acres), Florence County Tax Map 90019, block 01, parcel 023 (0.551052 acres), and Florence County Tax Map 90019, block 01, parcel 024 (0.738147 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 _____, 2018
Approved as to form:

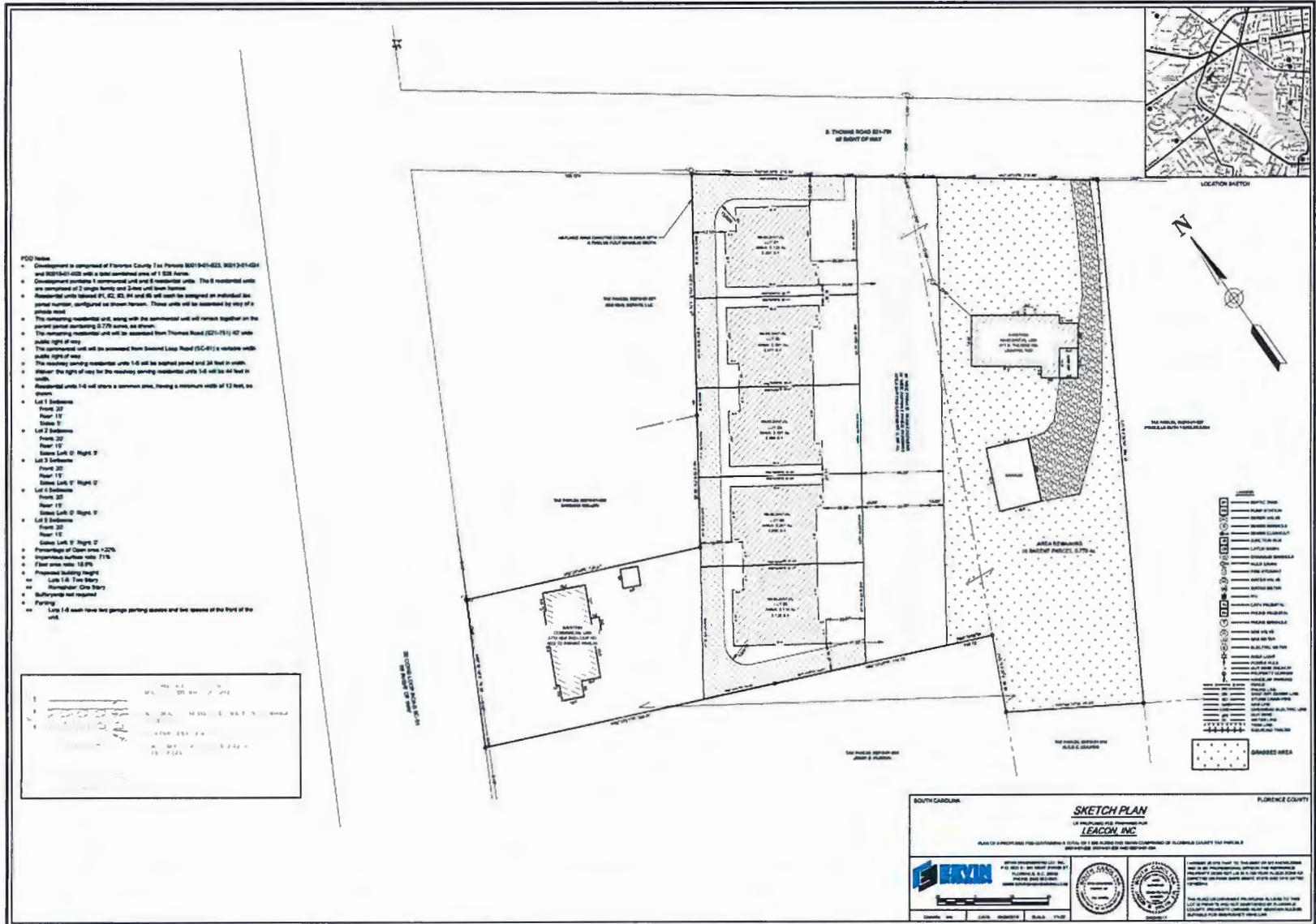
James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

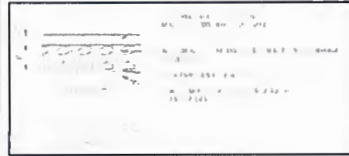
Attest:

Dianne M. Rowan
Municipal Clerk

Attachment 5: Sketch Plan



- FOO Notes**
- Development in compliance of Florida County Tax Parcel 8001940-422, 8001341-424 and 8001941-423 with a total combined area of 1.00 Acres.
 - Development consists of 1 commercial unit and 8 residential units. The 8 residential units are comprised of 2 single family and 6 town house.
 - Residential units labeled #1, #2, #3, #4 and #5 will each be assigned an individual lot number, numbered as shown herein. These units will be accessed by way of a private road.
 - The remaining residential unit, along with the commercial unit will remain together on the parent parcel numbering 0.779 acres, as shown.
 - The remaining residential unit will be accessed from Thomas Road (221-7th) 42' wide public right of way.
 - The commercial unit will be accessed from Second Loop Road (SC-81) a variable width public right of way.
 - The roadway serving residential units 1-6 will be asphalt paved and 34' that in width. Minimum lot width for the roadway serving residential units 1-6 will be 44' feet in width.
 - Residential units 1-6 will share a common area, having a minimum width of 12 feet, as shown.
 - Lot 1 Subdivisions: Front 20', Rear 17', Sides 0'
 - Lot 2 Subdivisions: Front 20', Rear 15', Sides Lot 1' Right 0'
 - Lot 3 Subdivisions: Front 20', Rear 17', Sides Lot 1' Right 0'
 - Lot 4 Subdivisions: Front 20', Rear 17', Sides Lot 1' Right 0'
 - Lot 5 Subdivisions: Front 20', Rear 17', Sides Lot 1' Right 0'
 - General Lot 1' Right 0'
 - Percentage of Open area 120%
 - Impervious Surface ratio 71%
 - Floor area ratio 18.0%
 - Proposed building height:
 - Lot 1-6 Two Story
 - Remaining One Story
 - Setbacks not required
 - Firefighting:
 - Lot 1-6 shall have fire garage parking access and fire lanes at the front of the unit.



SOUTH CAROLINA

SKETCH PLAN
 LEACON, INC.
 PLAN OF A PROPOSED DEVELOPMENT IN PART OF 1.00 ACRES MORE OR LESS COMPRISED OF FLORIDA COUNTY 161 THOMAS ROAD

DATE: 10/1/2010

SCALE: 1" = 100'

PROJECT: 161 THOMAS ROAD

OWNER: LEACON, INC.

DESIGNER: LEACON, INC.

REVISIONS:

1. 10/1/2010: INITIAL SKETCH PLAN

2. 10/1/2010: REVISIONS TO SKETCH PLAN

3. 10/1/2010: REVISIONS TO SKETCH PLAN

4. 10/1/2010: REVISIONS TO SKETCH PLAN

5. 10/1/2010: REVISIONS TO SKETCH PLAN

6. 10/1/2010: REVISIONS TO SKETCH PLAN

7. 10/1/2010: REVISIONS TO SKETCH PLAN

8. 10/1/2010: REVISIONS TO SKETCH PLAN

9. 10/1/2010: REVISIONS TO SKETCH PLAN

10. 10/1/2010: REVISIONS TO SKETCH PLAN

11. 10/1/2010: REVISIONS TO SKETCH PLAN

12. 10/1/2010: REVISIONS TO SKETCH PLAN

13. 10/1/2010: REVISIONS TO SKETCH PLAN

14. 10/1/2010: REVISIONS TO SKETCH PLAN

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FLORENCE CITY COUNCIL MEETING

DATE: June 11, 2018

AGENDA ITEM: Ordinance to amend the City of Florence Unified Development Ordinance Table 1-2.7.4, Section 1-2.8.4, Division 7-25.2.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendment to the City of Florence Unified Development Ordinance Table 1-2.7.4, Section 1-2.8.4, Division 7-25.2 to establish conditions for land uses associated with Alcohol Beverage Sales (on-site consumption) in the Central Business District.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On May 8, 2018 Planning Commission held a public hearing on this matter and voted unanimously, 7-0, to recommend the text amendment.

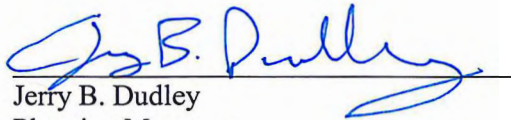
III. POINTS TO CONSIDER:

- 1) As the City's downtown develops into a mixed use district, an environment is created in which residential apartments are directly above or adjacent to commercial uses such as professional offices, retail, restaurants, bars, and entertainment venues. While the downtown environment welcomes such uses, it becomes necessary to provide conditional use requirements which control nuisances associated with conflicting land use in the densely developed area.
- 2) The text amendments have been prepared by the Planning, Research and Development Department in an effort to negate concerns associated with uses in the Central Business District (downtown) associated with onsite alcohol consumption such as bars, lounges, and nightclubs, specifically when located adjacent to existing residential uses.
- 3) The amendments to Table 1-2.7.4 and Section 1-2.8.4 make selling alcoholic beverages for on-site consumption a conditional (C) use in the Central Business District, and outline the conditions that must be met. Attachment 1 outlines the proposed changes.
- 4) The definition of a "Commercial Kitchen" is proposed to be added to Division 7-25.2 – Definitions.
- 5) City staff recommends the proposed text amendments as they set forth conditions for uses associated with onsite alcohol consumption within the Central Business District and create measures to negate the potential conflict of such uses in a mixed use environment.

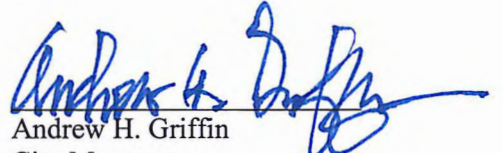
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Proposed Amendment
- (2) Ordinance



Jerry B. Dudley
Planning Manager



Andrew H. Griffin
City Manager

ATTACHMENT 1: PROPOSED AMENDMENTS

Deletions have been struck through.

Additions have been underlined.

Table 1-2.7.4 Commercial Uses																
Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Commercial Uses																
Alcoholic Beverage Sales (Offsite Consumption)	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	
Alcoholic Beverage Sales (Onsite Consumption)	-	-	-	-	-	-	-	C	<u>PC</u>	C	P	-	-	-	-	
Animal Boarding Facilities, Small Animal	-	-	-	-	-	-	-	C	SE	SE	-	P	-	-	P	
Animal Grooming Facilities	P	-	-	-	-	C	-	P	C	C	-	P	-	-	-	
Animal Veterinary, Small Animal	-	-	-	-	-	-	-	P	C	-	C	P	-	-	P	
Animal Veterinary, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Automobile Sales, Rental and Service Establishments	-	-	-	-	-	-	-	P	-	SE	-	-	-	-	-	
Automobile Repairs, Heavy	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	
Automobile Repairs, Light	-	-	-	-	-	-	-	P	-	P	-	P	P	-	-	
Nursery, Retail	-	-	-	-	-	-	-	P	-	-	-	P	-	-	-	
Overnight Accommodations(hotels,	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	
Commercial Retail (Business Services; Personal Services;	-	-	-	-	-	C	C	P	P	P	P	C	C	-	-	
Fueling Station / Car Wash	-	-	-	-	-	-	-	C _B	-	C _B	-	P _B	P _B	-	-	
Truck Stops and Truck Washes	-	-	-	-	-	-	-	-	-	-	-	-	P _B	-	-	
General Professional/ Medical Office	-	-	-	-	-	C	P	P	P	P	P	P	-	-	-	
Restaurant; No Drive-In or Drive- Through	-	-	-	-	-	C	P	P	P	P	P	C	C	-	-	
Restaurant; Drive-In or Drive	-	-	-	-	-	-	-	P _B	-	SE _B	-	P _B	-	-	-	
Specialty Use	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	
Mobile Food Vendor	-	-	-	-	-	-	-	SE	SE	SE	-	SE	SE	-	-	
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	-	-	-	-	C	P	C	C	-	-	-	-	
Tattoo Facilities	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	
Heavy Retail/Home Center	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	
Wholesale	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
RE (Estate Residential), RS (Suburban Residential), RG(General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)																

Sec. 1-2.8.4 Commercial Use Standards

The standards of this Section apply to commercial uses that are specified in Table 1-2.7.4, Commercial Uses as conditional (C) or permitted special exception (SE).

A. Alcoholic Beverage Sales (Onsite Consumption) is permitted if it is demonstrated that:

1. In the AC (Activity Center) district on properties located immediately abutting, or across street rights-of-way from, a residential district or use:
 - a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - b. Patron seating must:
 1. Have speakers that are not audible beyond the property line;
 2. Have a defined space that is limited to a maximum height of 15 feet;
 3. Be located indoors or if it is outdoors it must be located a minimum of 150 feet from the nearest residential unit;
 - c. The use is located within a retail center that contains tenant spaces devoted to at least two businesses other than the alcoholic beverage sales business; and
 - d. The use occupies a maximum of 2,000 square feet (including any outdoor seating area).
2. In the AC district on properties that are not located immediately abutting, or across street right-of-way from, a residential district or use:
 - a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption;
 - b. Speakers are not audible beyond the property line; and
 - c. The use occupies a maximum of 3,000 square feet (including any outdoor seating area).
3. In the CG (Commercial General) district:
 - a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - b. Patron seating is indoor only; or
 - c. Outdoor patron seating is located a minimum of 700 feet from the nearest property line of a residential unit and is not visible from any single family property.
4. In the CBD (Central Business District):
 - a. There shall be a minimum distance of 150 feet or two lots of record or developed leasehold space, whichever is the more restrictive, between the proposed establishment and any other that is permitted for the land use of Alcohol Beverage Sales (on-site consumption). This distance is determined by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfares from the nearest point of the grounds or buildings in use; and
 - b. When establishments permitted for Alcohol Beverage Sales (on-site consumption) are located adjacent to established residential uses (either adjacent lots of record or adjacent developed space), weekend hours of operation are limited to 6:00 a.m. to 2:00 a.m. on Friday and Saturday nights, and Sunday to Thursday hours are limited to 6:00 a.m. to 10:00 p.m. Otherwise, hours of operation are limited to those allowed by South Carolina law; and
 - c. Except to allow ingress and egress, all exterior doors and windows of the establishment shall be closed at 10:00 p.m.; and
 - d. No outside speaker system shall be utilized unless it meets the provisions as set forth in this Ordinance regarding noise and vibration, Section 4.11.2.1 as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11; and
 - e. The Noise and Vibration provisions of this Ordinance, Section 4.11.2.1, as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11 shall apply to all establishments permitted for the land use of Alcohol Beverage Sales (on-site consumption). Structural features such as a double entrance and soundproofing materials may be used to minimize noise from the establishment; Any exterior modifications are subject to the Design Guidelines for Downtown Florence within the designated Downtown Overlay District; and
 - f. At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with

- the terms of the conditional use, this Code, and the applicable SC Code of Laws and Regulations; and
- g. Rules consistent with the provisions of this Code shall be posted in conspicuous locations on the building and shall be enforced by the proprietors; loitering and disorderly conduct is prohibited at all times; and
 - h. All lights or lighting arrangements used for purposes of advertising or night operations shall be directed away from adjoining or nearby residential properties; and
 - i. Private garbage, recycling, maintenance equipment, and supplies are stored in a manner so as not to be visible from adjoining properties, public rights-of-way, or other public property; and
 - j. Private storage areas for all garbage, recycling, maintenance equipment and supplies are designed to contain odors and prevent the wafting of odors onto adjoining properties, public rights-of-way and other public property; and
 - k. The establishment shall include a commercial kitchen and receive a minimum of 30% of its total revenue from food sales; and
 - l. Section 13-15 of the City of Florence Code of Ordinances shall apply to all business licenses issued under this permitted special exception.

Addition to Division 7-25.2 Definitions:

Commercial Kitchen means a room for the preparation of food which must include at a minimum a functioning, fixed grill or stove; a cold storage unit with a minimum of 21 cubic feet capacity; dry storage for food; and counter space for the preparation of food. The kitchen can include a microwave oven and/or other small appliances, but the presence of a microwave oven or other similar small appliances alone does not meet the definition of a “commercial kitchen.” Commercial kitchens will be subject to public health inspections.

ORDINANCE NO. 2018-_____

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE UNIFIED DEVELOPMENT
ORDINANCE TABLE 1-2.7.4, SECTION 1-2.8.4, and DIVISION 7-25.2**

WHEREAS, a public hearing will be held in Council Chambers of the City Center located at 324 West Evans Street on May 8, 2018 before the Municipal Planning Commission, and notice of said hearing was duly given; and

WHEREAS, the amendments contained herein will set forth conditions for land uses associated with onsite alcohol consumption within the Central Business District zoning designation.

THEREFORE, Table 1-2.7.4 of the City of Florence Unified Development Ordinance, shall read as follows:

Table 1-2.7.4 Commercial Uses																
Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Commercial Uses																
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Alcoholic Beverage Sales (Onsite Consumption)	-	-	-	-	-	-	-	C	C	C	P	-	-	-	-	
Animal Boarding Facilities, Small Animal	-	-	-	-	-	-	-	C	SE	SE	-	P	-	-	P	
Animal Grooming Facilities	P	-	-	-	-	C	-	P	C	C	-	P	-	-	-	
Animal Veterinary, Small Animal	-	-	-	-	-	-	-	P	C	-	C	P	-	-	P	
Animal Veterinary, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Automobile Sales, Rental and Service Establishments	-	-	-	-	-	-	-	P	-	SE	-	-	-	-	-	
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Automobile Repairs, Light	-	-	-	-	-	-	-	P	-	P	-	P	P	-	-	
Nursery, Retail	-	-	-	-	-	-	-	P	-	-	-	P	-	-	-	
Overnight Accommodations(hotels,	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	
Commercial Retail (Business Services; Personal Services;	-	-	-	-	-	C	C	P	P	P	P	C	C	-	-	
Fueling Station / Car Wash	-	-	-	-	-	-	-	C _B	-	C _B	-	P _B	P _B	-	-	
Truck Stops and Truck Washes	-	-	-	-	-	-	-	-	-	-	-	-	P _B	-	-	
General Professional/ Medical Office	-	-	-	-	-	C	P	P	P	P	P	P	-	-	-	
Restaurant; No Drive-In or Drive- Through	-	-	-	-	-	C	P	P	P	P	P	C	C	-	-	
Restaurant; Drive-In or Drive	-	-	-	-	-	-	-	P _B	-	SE _B	-	P _B	-	-	-	
Specialty Use	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	
Mobile Food Vendor	-	-	-	-	-	-	-	SE	SE	SE	-	SE	SE	-	-	
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	-	-	-	-	C	P	C	C	-	-	-	-	
Tattoo Facilities	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	
Heavy Retail/Home Center	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	
Wholesale	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	

RE (Estate Residential), RS (Suburban Residential), RG(General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)

THEREFORE, Section 1-2.8.4 of the City of Florence Unified Development Ordinance, shall read as follows:

Sec. 1-2.8.4 Commercial Use Standards

The standards of this Section apply to commercial uses that are specified in Table 1-2.7.4, Commercial Uses as conditional (C) or permitted special exception (SE).

A. Alcoholic Beverage Sales (Onsite Consumption) is permitted if it is demonstrated that:

1. In the AC (Activity Center) district on properties located immediately abutting, or across street rights-of- way from, a residential district or use:
 - a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - b. Patron seating must:
 1. Have speakers that are not audible beyond the property line;
 2. Have a defined space that is limited to a maximum height of 15 feet;
 3. Be located indoors or if it is outdoors it must be located a minimum of 150 feet from the nearest residential unit;
 - c. The use is located within a retail center that contains tenant spaces devoted to at least two businesses other than the alcoholic beverage sales business; and
 - d. The use occupies a maximum of 2,000 square feet (including any outdoor seating area).
2. In the AC district on properties that are not located immediately abutting, or across street right-of-way from, a residential district or use:
 - a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption;
 - b. Speakers are not audible beyond the property line; and
 - c. The use occupies a maximum of 3,000 square feet (including any outdoor seating area).
3. In the CG (Commercial General) district:
 - a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - b. Patron seating is indoor only; or
 - c. Outdoor patron seating is located a minimum of 700 feet from the nearest property line of a residential unit and is not visible from any single family property.
4. In the CBD (Central Business District):
 - a. There shall be a minimum distance of 150 feet or two lots of record or developed leasehold space, whichever is the more restrictive, between the proposed establishment and any other that is permitted for the land use of Alcohol Beverage Sales (on-site consumption). This distance is determined by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfares from the nearest point of the grounds or buildings in use; and

- b. When establishments permitted for Alcohol Beverage Sales (on-site consumption) are located adjacent to established residential uses (either adjacent lots of record or adjacent developed space) , weekend hours of operation are limited to 6:00 a.m. to 2:00 a.m. on Friday and Saturday nights, and Sunday to Thursday hours are limited to 6:00 a.m. to 10:00 p.m. Otherwise, hours of operation are limited to those allowed by South Carolina law; and
- c. Except to allow ingress and egress, all exterior doors and windows of the establishment shall be closed at 10:00 p.m.; and
- d. No outside speaker system shall be utilized unless it meets the provisions as set forth in this Ordinance regarding noise and vibration, Section 4.11.2.1 as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11 ; and
- e. The Noise and Vibration provisions of this Ordinance, Section 4.11.2.1, as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11 shall apply to all establishments permitted for the land use of Alcohol Beverage Sales (on-site consumption). Structural features such as a double entrance and soundproofing materials may be used to minimize noise from the establishment; Any exterior modifications are subject to the Design Guidelines for Downtown Florence within the designated Downtown Overlay District; and
- f. At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the conditional use, this Code, and the applicable SC Code of Laws and Regulations; and
- g. Rules consistent with the provisions of this Code shall be posted in conspicuous locations on the building and shall be enforced by the proprietors; loitering and disorderly conduct is prohibited at all times; and
- h. All lights or lighting arrangements used for purposes of advertising or night operations shall be directed away from adjoining or nearby residential properties; and
- i. Private garbage, recycling, maintenance equipment, and supplies are stored in a manner so as not to be visible from adjoining properties, public rights-of-way, or other public property; and
- j. Private storage areas for all garbage, recycling, maintenance equipment and supplies are designed to contain odors and prevent the wafting of odors onto adjoining properties, public rights-of-way and other public property; and
- k. The establishment shall include a commercial kitchen and receive a minimum of 30% of its total revenue from food sales; and
- l. Section 13-15 of the City of Florence Code of Ordinances shall apply to all business licenses issued under this permitted special exception.

THEREFORE, Division 7-25.2 of the City of Florence Unified Development Ordinance, shall add the following definition:

Commercial Kitchen means a room for the preparation of food which must include at a minimum a functioning, fixed grill or stove; a cold storage unit with a minimum of 21 cubic feet capacity; dry storage for food; and counter space for the preparation of food. The kitchen can include a microwave oven and/or other small appliances, but the presence of a microwave oven or other similar small appliances alone does not meet the definition of a “commercial kitchen.” Commercial kitchens will be subject to public health inspections.

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 Unified Development Ordinance as shown above.
2. That this Ordinance shall become effective immediately.

ADOPTED THIS _____ DAY OF _____, 2016

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

**VIII. a.
Resolution
No. 2018-09**

FLORENCE CITY COUNCIL MEETING

DATE: June 11, 2018

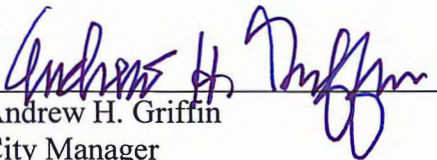
AGENDA ITEM: Resolution No. 2018 - 09

DEPARTMENT/DIVISION: City Council

ISSUE UNDER CONSIDERATION: A Resolution to honor Soule' Café's contributions to the efforts to Revitalize Downtown Florence.

CURRENT STATUS/PREVIOUS ACTION TAKEN:

- 1) The investment by Soule' Café in Florence is playing a role in the continued development of Florence's Downtown Business District.
- 2) The owners are contributors to the community's growth through their philanthropic endeavors, leadership and business investments.
- 3) Every quarter, with recommendation from the Greater Florence Chamber of Commerce, Florence City Council recognizes a business that has made contributions to the development of Downtown.



Andrew H. Griffin
City Manager

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

RESOLUTION NO. 2018 – 09

**A RESOLUTION HONORING SOULE' CAFÉ'S CONTRIBUTIONS TO THE
EFFORTS TO REVITALIZE DOWNTOWN FLORENCE**

WHEREAS, the owner of Soule' Café, Mr. Ezra Brown, has established a unique eatery in Downtown Florence and is a small business owner and a pillar of the community who is active in numerous civic organizations; and

WHEREAS, the investment by Soule' Café in Florence is welcomed and is playing a role in the continued development of Florence's Downtown Business District; and

WHEREAS, the owner is a contributor to the community's growth through his philanthropic endeavors, International Jazz Day events, leadership, as well as his business investments; and

WHEREAS, the Greater Florence Chamber of Commerce has requested that the City recognize the business efforts of Soule' Café and its contributions to our community.

NOW, THEREFORE, BE IT RESOLVED:

THAT, upon the petition of the Greater Florence Chamber of Commerce and in recognition of Soule' Café's contributions to the continued efforts to revitalize downtown Florence, the City Council of the City of Florence hereby declares the months of April through June, the Soule' Café quarter.

AND IT IS SO RESOLVED, this 11th day of June, 2018.

Stephen J. Wukela, Mayor

ATTEST:

Dianne M. Rowan, Municipal Clerk