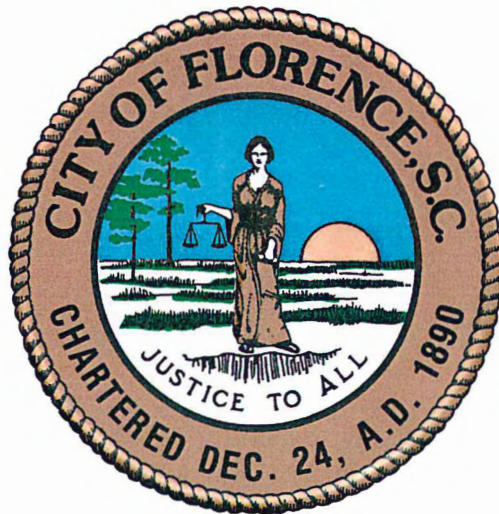


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA

MONDAY
OCTOBER 12, 2020
1:00 P.M.



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, OCTOBER 12, 2020 – 1:00PM
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

This meeting will be conducted through Zoom Video Conferencing.

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

September 14, 2020 – Regular Meeting
September 21, 2020 – Special Meeting
September 29, 2020 – Special Meeting

IV. APPEARANCES BEFORE COUNCIL

Mr. John Brewer

To discuss property he owns at 1111 Cox Street and ensure he maintains access to the property.

V. ORDINANCES IN POSITION

a. Bill No. 2020-30 – Second Reading

An ordinance submission approving the construction of capital improvement projects including the repair and retrofitting of the stormwater system to minimize damage to public and private property.

b. Bill No. 2020-31 – Second Reading

An ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2020, and ending June 30, 2021 to reappropriate FY2019/20 funds for uncompleted projects and purchases.

c. Bill No. 2020-32 – Second Reading

An ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2020, and ending June 30, 2021 to appropriate funds from excess fund balance.

d. Bill No. 2020-33 – Second Reading

An ordinance to amend the Unified Development Ordinance to add conditions for brew pubs, micro-breweries, and micro-distilleries.

e. Bill No. 2020-34 – Second Reading

An ordinance to annex and zone RG-3 and CG, 88 acres located along Freedom Boulevard, identified as TMN 00179-01-014.

f. Bill No. 2020-35 – Second Reading

An Ordinance to amend Section 4 of the City of Florence Code of Ordinances for the addition of a Single-Family and Multi-Family Residential Rental Housing Registration.

VI. INTRODUCTION OF ORDINANCES

a. Bill No. 2020-36 – First Reading

An ordinance to annex property owned by The Grove at Ebenezer, LLC, located as an extension of Sunflower Bluff Drive and being a portion of TMN 00075-01-221.

VII. REPORTS TO COUNCIL

a. Appointments to Boards and Commissions

b. Appropriation of Accommodations Tax funds for FY 2020-21

VIII. ADJOURN



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, SEPTEMBER 14, 2020 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA
MEETING CONDUCTED THROUGH ZOOM VIDEO CONFERENCING**

MEMBERS PRESENT

Mayor Stephen J. Wukela, Mayor Pro tem Frank J. “Buddy” Brand, Councilman George Jebaily, Councilwoman Teresa M. Ervin, Councilman Glynn F. Willis, Councilwoman Octavia Williams-Blake and Councilwoman Pat Gibson-Hye Moore.

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Amanda P. Pope, Municipal Clerk; Mr. Scotty Davis, Deputy City Manager; Mr. Clint Moore, Assistant City Manager of Development; Mr. Kevin Yokim, Assistant City Manager of Administration/Finance; Chief Allen Heidler, Florence Police Department; Chief Shannon Tanner, Florence Fire Department; Mr. Michael Hemingway, Director of Utilities; Mr. Chuck Pope, Director of Public Works; and Mr. Jerry Dudley, Director of Planning.

MEDIA PRESENT

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

CALL TO ORDER

Mayor Wukela called the September 14, 2020 regular meeting of Florence City Council to order at 1:05 p.m.

INVOCATION

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

APPROVAL OF MINUTES

Mayor Pro tem Brand made a motion to adopt the minutes of the August 10, 2020 Regular City Council meeting and Councilwoman Ervin seconded the motion. The minutes were unanimously adopted.

APPEARANCES BEFORE COUNCIL

Mr. Lou Zeller, Executive Director of the Blue Ridge Environmental Defense League appeared before City Council to discuss an environmental issue related to a proposed pipeline along the Pee Dee River in Pamplico and asked that the City of Florence request the U.S. Army Corp of Engineers and the South Carolina Department of Health & Environmental Control to schedule a hearing for public comment on the



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proposed River Neck Kingsburg Natural Gas Pipeline permit and further request that the City review the proposal. Dominion Energy SC has applied for permits to construct a 14-mile natural gas line along the Great Pee Dee River in Florence County, and the Blue Ridge Environmental Defense League recommends denial of the application. There are concerns of temporary and permanent impacts to sensitive and critical ecosystems within the 27 jurisdictional wetlands across two tributaries where this pipeline crosses. The Organization requests that the City of Florence conduct an independent engineering analysis to verify Dominion Energy's information about the risks of disaster and their ability to respond to a worst-case discharge into waterways. There are concerns of serious risks for both the environment and citizens.

Mayor Wukela assured Mr. Zeller that City Council is always concerned about environmental issues. The Mayor clarified that this issue that runs through a portion of our area near the Pee Dee area in Town of Pamplico. The Mayor agreed we will have our City Engineer review the permit application and express any concerns that we have to the SC Department of Environmental Control.

Mayor Wukela requested that the City's Utilities Director, Michael Hemingway, come forward to verify that the City of Florence water supply comes from the Pee Dee River as well as groundwater wells. The pipeline being discussed is downstream from the City's intake site on the Pee Dee River. The City of Florence intake site is located just north of I-95 and the proposed pipeline is just north of Pamplico. There are approximately 20-30 river miles downstream between the City of Florence intake and the location of the proposed pipeline.

Mayor Pro tem asked for a verification of the exact location. Mr. Hemingway provided a map to clarify the specific location.

Councilwoman Ervin requested that the map that was shared be forwarded to all Council members and asked that Mr. Zeller provide details of the proposed pipeline in writing to all Council members.

ORDINANCES IN POSITION

Bill No. 2020-27 – Second Reading

An ordinance to execute a lease agreement to lease the upstairs office suite and the downstairs conference room of the building located at 152 S. McQueen Street, Florence, South Carolina, a portion of Florence County Tax Map Parcel 9007405-002 to Steven M. Calcutt.

Mayor Pro tem Brand made a motion to adopt Bill No. 2020-27 on second reading and Councilwoman Moore seconded the motion.

Council voted unanimously (7-0) to adopt Bill No. 2020-27.

INTRODUCTION OF ORDINANCES

Bill No. 2020-28 – First and Final Reading

An emergency ordinance to extend emergency measures put in place previously by Emergency Ordinances No. 2020-26, 2020-12, and 2020-13 to include the requirement established that individuals wear face coverings in establishments open to the public and foodservice establishments, and other matters related in response to the COVID-19 Emergency.



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Councilwoman Ervin made a motion to pass Bill No. 2020-28 on first and final reading and Councilwoman Moore seconded the motion.

Councilwoman Williams-Blake asked for clarification on the length of the extension for this emergency ordinance. The Mayor explained it is extended for 60 days which is the longest extension allowed by state statute.

Council voted unanimously (7-0) to pass Bill No. 2020-28.

Bill No. 2020-29 – First Reading

An ordinance submission approving the construction of capital improvement projects including the repair and retrofitting of the stormwater system to minimize damage to public and private property.

Councilwoman Ervin made a motion to pass Bill No. 20-29 on first reading and Mayor Pro tem Brand seconded the motion.

Michael Hemingway, Utilities Director explained that this ordinance allows the city to move forward with projects that were presented with the budget presentation earlier this year.

Council voted unanimously (7-0) to pass Bill No. 2020-29.

Bill No. 2020-30 – First Reading

An ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2020, and ending June 30, 2021 to reappropriate FY2019/20 funds for uncompleted projects and purchases.

Mayor Pro tem Brand made a motion to pass Bill No. 20-30 on first reading and Councilwoman Ervin and Moore seconded the motion.

Kevin Yokim, Assistant City Manager of Administration/Finance, explained these projects were held in the FY19-20 Budget to the end of the fiscal year, especially due to COVID-19, to determine there were sufficient revenues in place to carry these projects forward to the FY20-21 Budget.

Council voted unanimously (7-0) to pass Bill No. 2020-30.

Bill No. 2020-31 – First Reading

An ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2020, and ending June 30, 2021 to appropriate funds from excess fund balance.

Councilwoman Ervin made a motion to pass Bill No. 20-31 on first reading and Councilwoman Moore seconded the motion.

Mr. Yokim explained the city has upheld an informal policy for a number of years which maintains a fund balance which exceeds 30% in the General Fund. Through great financial management over the past few years the City has built up a fund balance above this amount and included in this ordinance are projects being funded by this excess; however, the city will continue to retain a fund balance above that threshold.

The Mayor and Mayor Pro tem acknowledged the importance of maintaining a healthy fund balance to protect the city during emergency situations like the one we are currently experiencing. This ability to



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respond also positions the city to be attractive to those agencies who rate the city and determine the city's credit worthiness which always benefits the taxpayer and serves the city well.

Council voted unanimously (7-0) to pass Bill No. 2020-31.

Bill No. 2020-32 – First Reading

An ordinance to amend the Unified Development Ordinance to add conditions for brew pubs, micro-breweries, and micro-distilleries.

Mayor Pro tem Brand made a motion to pass Bill No. 20-32 on first reading and Councilman Jebaily seconded the motion

Jerry Dudley, Planning Director, explained the city currently allows many of these uses; however, this amendment will sync city code with state law which puts conditions in place to mitigate any nuisances that could arise.

Council voted unanimously (7-0) to pass Bill No. 2020-32.

Bill No. 2020-33 – First Reading

An ordinance to annex and zone RG-3 and CG, 88 acres located along Freedom Boulevard, identified as TMN 00179-01-014.

Mayor Pro tem Brand made a motion to pass Bill No. 20-33 on first reading and Councilwoman Williams-Blake seconded the motion.

Council voted unanimously (7-0) to pass Bill No. 2020-33.

INTRODUCTION TO RESOLUTIONS

Resolution No. 2020-20

A resolution to honor Flow Town Yoga's contributions to the efforts to revitalize downtown Florence.

Councilman Willis made a motion to pass Resolution No. 2020-20 and Councilwoman Ervin seconded the motion.

Due to the meeting being conducted via Zoom, Mayor Wukela stated that the resolution was signed and approved by individual Council members prior to the meeting.

REPORTS TO COUNCIL

Appointments to Boards and Commissions

Mayor Wukela explained there are four appointments that remain: Mayor Wukela has appointments to the Design Review Board and Construction and Maintenance Board; Councilwoman Ervin has an appointment to the Design Review Board; and Mayor Pro tem Brand has an appointment to the Civic Center Commission. Staff is working to identify those who can meet the requirements of these appointments. Since there are currently no appointments for Boards and Commissions ready, the Mayor asked if there were no objections for this item to be deferred until the meeting next month. There were no objections, therefore the item was deferred.



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EXECUTIVE SESSION

Without objection, Council entered Executive Session at 1:43 p.m. for discussions of negotiations incident to proposed contractual arrangements

Council returned to Open Session at 1:45 p.m.

ADDENDUMS TO THE AGENDA

The Mayor stated that Bill No. 2020-34 for first reading is an addendum to the agenda and requires a two-thirds vote of City Council so that the item may be added to the September 14, 2020 agenda.

Councilman Willis made a motion to add the item to the agenda and Councilwoman Williams-Blake seconded the motion.

Council voted unanimously (7-0) to add this item to the agenda.

Bill No. 2020-34 – First Reading

An ordinance authorizing the city to lease the real estate shown on Exhibit “A” hereto in order to facilitate the use of the proposed baseball stadium.

Mayor Pro tem Brand made a motion to pass Bill No. 2020-34 on first reading and Councilwoman Ervin seconded the motion.

Council voted unanimously (7-0) to pass Bill No. 2020-34.

ADJOURN

Without objection, the Regular meeting of City Council was adjourned at 2:01 p.m.

Dated this 14th day of September 2020.

Amanda P. Pope, Municipal Clerk

Stephen J. Wukela, Mayor



**SPECIAL MEETING OF FLORENCE CITY COUNCIL
MONDAY, SEPTEMBER 21, 2020 – 5:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA
MEETING CONDUCTED THROUGH ZOOM VIDEO CONFERENCING**

MEMBERS PRESENT

Mayor Stephen J. Wukela, Mayor Pro tem Frank J. “Buddy” Brand, Councilman George Jebaily, Councilwoman Teresa M. Ervin, Councilman Glynn F. Willis, Councilwoman Octavia Williams-Blake and Councilwoman Pat Gibson-Hye Moore.

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. James W. Peterson, Jr., City Attorney; Mr. Scotty Davis, Deputy City Manager; Mr. Clint Moore, Assistant City Manager of Development; Mr. Kevin Yokim, Assistant City Manager of Administration/Finance; Chief Allen Heidler, Florence Police Department; Chief Shannon Tanner, Florence Fire Department; Mr. Michael Hemingway, Director of Utilities; and Mr. Jerry Dudley, Director of Planning.

MEDIA PRESENT

Notices of this special meeting of City Council were provided to the media and individuals requesting a copy of the agenda informing them of the date, location and time of the meeting.

CALL TO ORDER

Mayor Wukela called the September 21, 2020 special meeting of Florence City Council to order at 5:01 p.m.

INVOCATION

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

WORK SESSION – RENTAL REGISTRY PROGRAM:

Mayor Wukela explained the purpose of this meeting was to receive information on the pending Rental Registry Ordinance. There will be no votes on this subject tonight, and City Council will have two additional meetings to debate, discuss and act on this Ordinance. The meeting this evening will allow the opportunity for City Council as well as members of the public to ask questions and express concerns related to the Ordinance.

The meeting is being conducted via Zoom Video conferencing, but staff is coordinating public participation and there are several community members signed up to address City Council this evening.



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Clint Moore, Assistant City Manager of Development, will present on behalf of staff regarding the Ordinance. In the Council Agenda packet, staff provided the proposed Single-Family and Multi-Family Residential Rental Housing Registration Ordinance; two step-by-step guides on how to register your property; a summary of the Ordinance with background information; and Frequently Asked Questions. The Ordinance has been provided to the public and there have been many meetings held with stakeholders regarding the Ordinance.

Mr. Moore shared a Power Point presentation on the Rental Registry Program, which is a short name for the Single-Family and Multi-Family Residential Rental Housing Registration. The presentation began with the history of the Ordinance with included early initiatives by City Council and city staff. These early initiatives that support this document included: Early 90's initiatives by the Mayor at the time and city staff related to court and how the city would proceed eventually with a livability court; the 2010 Comprehensive plan identified a rental registry to help stabilize neighborhoods; the 2013 Neighborhood Action Plan which led to Neighborhood Revitalization Strategy in 2014; Streetscape and Infrastructure improvements 2014 to present; in 2017 the City took back building inspections within the city limits; and in 2017 the City began reinvestment in city parks and facilities as well as in new homes to help establish the market along Vista Street, Sumter Street, and looking forward to Pine Street.

A Rental Registry is recommended by all the City's planning documents and builds upon and supports strategies that have been implemented to revitalize city neighborhoods. City staff reviewed similar ordinances implemented in other municipalities, specifically those within South Carolina. The two primary ordinances that the city reviewed were from the City of Columbia and the City of Clemson. There are currently Rental Registry programs in the following SC municipalities: Clemson, Rock Hill, Columbia, Woodruff, Aiken, Cayce, Newberry, and Sumter. Greenwood County also has the program in place.

The substance of this ordinance establishes a registration for all residential rental properties, including single-family and multi-family, that will provide city staff with a local contact and/or representative that the city is able to contact with any emergencies or issues.

The Ordinance does not change any current City Code that applies to single-family or multi-family homes. The City of Florence Code of Ordinances, Unified Development Code, Building Code, International Property Maintenance Code, South Carolina Landlord and Tenant Act, and Fair Housing Act are already in place and are being used as the backbone of this Ordinance. Each property is required to receive a rental permit and the fee is \$25.00 regardless of the number of properties owned. There is a business license exception which will be discussed later, but basically if you own less than four rental properties you are not required to have a business license but are still required to get a rental permit. City staff has received many questions regarding property inspections. The City will not require an inspection prior to the issuance of a rental permit or between tenant leases but are allowing property owners to sign a waiver stating the property meets code requirements and that there are no issues. City staff will provide up to two courtesy inspections to answer any questions by the property owner or representative.

Mr. Moore explained that occurrences will be assigned to properties with any violations. These violations are related to the condition of and/or occupancy of the premises. These are violations that solely relate to the building and the property. Typically, occurrences are assigned through a complaint by a neighbor, property owner, or tenant. Should city staff receive a complaint, a notice of violation would be issued, which essentially puts the property owner on notice. Depending on the violation, the property owner has up to twenty days to make necessary repairs. At the end of this time period, if the issue is not resolved, an occurrence is assigned, and an advisory notice is issued to the property owner. This would count as one of three occurrences that are allowed in a rolling 12-month period. Three occurrences within a 12-month



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period could result in the permit being revoked for the property in question. After the occurrence is assigned and if the property owner does not address the issue, the property owner will be taken to court. If the Court makes the decision it is not necessary and no action is needed, the occurrence will be removed. If issues are being corrected, occurrences will be removed.

Mayor Pro tem Brand asked if a property owner basically is allowed two months to correct an issue. Mr. Moore explained that the City understands that it takes time to retain a contractor. The expectation is that the property owner take action and schedule a contractor to repair the issue. City staff will continue to work with the property owner to make sure work is progressing. Mayor Wukela stated that Codes being enforced by this mechanism are existing Codes. Mayor Wukela requested clarification because of some misunderstanding in the community that this Ordinance addresses aesthetics rather than the City Code that is already established which pertains to habitability issues. Mr. Moore explained that the Codes the City is addressing are unsafe conditions that directly impact the occupants of the property such as holes in the floor, exposed wiring, and other major concerns that could cause bodily damage, and components outlined in the South Carolina Landlord and Tenant Act which are required to be provided to a tenant by the property owner. The City's concern is the safety and welfare of our residents.

Once a property owner receives two occurrences, the city will issue a warning letter to notify the property owner that if there is a third occurrence within the 12-month period then the city will take measures to revoke the permit. Violations are only issued on the particular property in question regardless of the number of properties owned by the property owner. There is also an appeal process included within the Ordinance.

Councilman Jebaily received a message from a citizen expressing concern that they were not gaining access to the Zoom meeting and could only hear music. Mr. Moore explained that those who are waiting to speak are being held in a waiting room and should be watching the City's You Tube Channel to view the live meeting while they wait to speak. Mayor Wukela explained that as in all Zoom meetings by the City, the livestream is provided through the City's You Tube Channel. Once staff has completed their presentation, we will move to the public comment section of the meeting, and those participating will be brought in one at a time to address City Council. Councilman Jebaily expressed concern that there is some confusion among those participating with being able to watch the meeting through Zoom rather than the City's You Tube Channel. Mayor Wukela explained this information was publicized and provided to participants by city staff.

Mr. Moore presented information regarding the appeal process. It is very similar to the process that a business currently goes through to make sure that the property is meeting zoning compliance and building codes.

The City plans to implement this program beginning June 30, 2021 which allows staff the opportunity to work with all stakeholders and property owners on the process of obtaining a rental permit and a business license.

Mr. Moore shared photos provided by city staff as examples of unsafe conditions in rental properties in the City of Florence. The intent of the City is to address habitable issues which are safety concerns that are not being addressed. Most of the issues are a violation of existing code, but this will allow city staff the opportunity to remedy and work with property owners to correct these issues.

Mr. Moore then discussed the departmental impact to the City of Florence. For the Building Department there will be increased inspections involving the Building Official and Building Inspector. In the Community Services Department, we anticipate the number of inquiries to increase, and there will be



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collaboration with Codes Enforcement and the Building Department to identify properties that may qualify for CDBG Demolition Grant Funds, as well as working with neighborhood groups on this process. The Fire Marshal will be needed to conduct fire inspections mainly relating to multi-family structures. The Administration portion will go through the Planning Research & Development Department and the Finance Department. Rental permits will be issued in the Planning Department where the rental registry will be created, and Finance will work with property owners/management for business license. The Police Department will add one Codes Enforcement Officer to assist with response. The Public Works Department and Utilities Department will see benefits through the program from the number of set outs at properties. We currently do not have contact with the property owner or a means to charge the property owners for these setouts. The Utilities Department will also be able to address water and sewer issues.

Mr. Moore shared a map that indicated city codes violations in correlation with rental properties in the city. Most of these violations occur in areas of Florence that are mostly rental properties. In West, East, and North Florence there is a ratio of 70% rental properties to 30% owner occupied. Maps of personal and property crimes were shared and demonstrate a correlation within those areas of Florence which have a high density of rental properties.

Mr. Moore's presentation concluded with a timeline for the Rental Registry Program provided City Council moves forward with adopting this Ordinance. The program would go into effect 7 days after the Ordinance was adopted, but the program would not be implemented until June 30, 2021. Until its implementation, city staff would use this time to conduct outreach with stakeholders and property owners and develop the process to register properties and build the rental registry. City staff would also use this time to conduct any inspections for property owners who have questions.

Mayor Pro tem Brand asked if the City was aware of the landlords who are creating the problem. Mr. Moore acknowledged that we are aware of property owners who have habitual violations applied to their property.

Mayor Wukela wanted to reiterate some points from Mr. Moore's presentation. The first is that some individuals are currently paying a business license fee for property management, such as a property broker or realtor doing property management, and their property management revenues are included in the business license that they are already paying. Mayor Wukela wanted to make sure that people understand the discussion and how much a business license costs. Mr. Moore provided an example of the cost for a property owner with 100 units that charges \$1200/month for rent, which would make the annual gross income \$1,440,000 (business license is charged on annual gross income). For the first \$2,000 they are charged \$80, the next per \$1000 up to \$1,000,000 the charge is \$2.55 per thousand and over \$1,000,000 is \$2.29 per thousand. The total owed for this example would be \$3,634 for a Business License fee.

Mayor Wukela asked that we think about this example in reverse from the tenant's perspective and they are paying \$500/month rent and the \$2.55 per \$1,000, then the cost that could be passed along to the tenant would be \$1.25 per \$500/rent. If the landlord chose to pass this cost to the tenant, assuming they could and they weren't already maximizing the amount they can charge, this would amount to \$1.25 on a \$500/month rent.

APPEARANCES BEFORE COUNCIL

Mr. Gary Finklea

Mr. Finklea did not see all the presentation but sent a letter to City Council's e-mail addresses and asked that they review this letter. Mr. Finklea, along with several other individuals, does not support any



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portion of the business license fee or the rental registry. In his opinion, the landlords are already taxed for rental income through property taxes. The property tax that they pay is based on the value of the property and the property is valued by the rental income it derives, and to some extent this is double taxation.

Regarding other aspects of the Ordinance, much of it is unnecessary. The City has already adopted the International Property Maintenance Code (IPMC), and this code contains many of the same provisions included in the proposed Ordinance. Mr. Finklea believes the Ordinance needs to be thoroughly cleaned up based on the information contained in the IPMC. Mr. Finklea does not think City Council, staff, or he and his representatives can intelligibly discuss this without a copy of this document before them for review. Once everyone realizes the City has already adopted the IPMC, it eliminates much of the concern for his group. The City should enforce the document that was already adopted before passing another layer of bureaucracy. In addition to the IPMC the South Carolina Landlord and Tenant Act is another document that works well. He understands some members of City Council think some tenants do not understand their rights, and he suggests the city provide a grant to the local Legal Services office to conduct training clinics or possibly representation to qualified individuals. Finally, Mr. Finklea pointed out that there is a statute that allows the Solicitor to close certain properties when there have been repeated criminal activities or breaches of peace. He is concerned about the provisions related to criminal activity; specifically, those that do not allow a good property manager to divorce themselves from being a local representative when a property owner does not cooperate. He is also concerned about the board that is set up to hear appeals to notices of violation, and the requirement of a local representative as it will drive up the cost of rent. If you require a representative to be within 50 miles and the property owner must hire someone it could increase rent by at least 8%. The emphasis should change from a local contact to a responsible contact.

Mr. Finklea prepared a less drastic rental registry program and has e-mailed the draft to a few Council members. Please consider some of this language. If this draft is adopted, he feels it offers some compromise.

Mayor Wukela is interested in reviewing Mr. Finklea's proposed document and plans on sharing it with the entire City Council and reviewing with city staff thoroughly. The Mayor asked if this proposal was something Mr. Finklea supports. Mr. Finklea prefers there not be a business license fee or rental registry at all; however, he cannot prevent something from being adopted, and feels his recommendation solves some of the implementation concerns. If he cannot avoid these changes, he would support the document he provided as a compromise.

Councilman Jebaily asked Mr. Finklea about his reference to the IPMC which has already been adopted into City Code and asked if he could highlight the areas that he mentioned were already referenced in the current code. Mr. Finklea mentioned that the IPMC deals with the notices of violation and its form, service of the violation, and the appeal process. Mr. Finklea also mentioned that he thinks any additional code that is written must go hand and hand with the IPMC. He thinks there is not as much interaction between the two documents as there should be and thinks this should be reviewed by the City Attorney.

Councilman Jebaily also asked about the draft ordinance created by Mr. Finklea and asked if he had attempted to integrate the IPMC into the proposed ordinance. Mr. Finklea agreed that he had integrated this information and believes what he has written also satisfies city concerns and is a compromise.

Mr. Barnett Greenberg

Mr. Greenberg expressed concern that he felt the proposed Ordinance would have various unintended consequences. He feels it will hurt development in the Florence area. He agrees with holding landlords accountable and keeping tenants safe and treated fairly but feels this can be accomplished through the



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Landlord Tenant Act. He expressed that the Ordinance would discourage out of town investment in the area and will penalize current landlords. This will make it more expensive for landlords. With more involvement from government creating more expenses for landlords, these costs will be passed on to tenants. The twelve-page document is also concerning because it has other things that aren't necessary and scary if enforced such as the landlord having the responsibility to evict for criminal activities. There is already a lease that references that these activities should not occur or there are grounds for eviction and a violation of the lease. Several things in the document are redundant and there are already codes in place to address these issues.

Mayor Wukela responded to Mr. Greenberg and assured him that there is no element of this Ordinance that requires the eviction of anyone. As the Mayor understands, there is a provision that provides if a landlord has a tenant that has by some act, criminal or not, caused a violation of the existing law, with regard to the habitability of the property (the tenant has torn up the floor), then when city staff confronts the landlord, the landlord is able to respond that damage was caused by the tenant, the tenant has been evicted and the issue is resolved. Nothing in the Ordinance requires eviction and Mayor Wukela wanted to make this clear. The Mayor explained we have talked at length about existing laws and IPMC and the Landlord Tenant Act, and one of the methods of enforcement is to have a rental registry so the city can communicate with property owners with regard to whether they are complying with existing law. Mayor Wukela asked Mr. Greenberg if he opposed having a list, a registry of owners?

Mr. Greenberg responded by saying he could not speak for all the realtors and wasn't sure of his answer. He suggested a group of people get together to talk and discuss further to determine an answer.

Mr. Joey McMillan

Mr. McMillan introduced himself as the Broker in Charge with Caldwell Banker, McMillan and Associates in Florence. He is not a big property manager but manages a few properties. He does have some concerns about a Rental Registry program and wanted to share how this would impact his business. He provided an example of when was working on a piece of property for out of town owners, and at the time was in a meeting with the Mayor, and at that time had a property nearby that was so out of compliance. At that time, he thought to himself if it comes up that Joey McMillan is managing this property, it would look horrible. He then contacted the property owner and said he was unable to assist them but would put them in touch with someone else. This made him think, but he is worried that the rental registry will keep investors away from properties that need attention because there is so much red tape. He is scared this will be an unintended consequence of the proposed Ordinance.

Mr. McMillan gave an example of a piece of property where it took 6 weeks to get a city inspector out so that he could have the power turned on at the property. The City can withhold the ability to turn on power at a residence and this is an example of a tool that the city can use for correcting issues without passing this ordinance. Mr. McMillan spoke with someone in Columbia and everyone in the city loves the rental registry, but property owners cannot stand it. He mentioned the similarity between Clemson and Columbia due to students and then referenced an issue in Columbia with tenants parking in the yard. He is afraid that the consequences will be that property managers trying to do the right thing get tired of dealing with it and move on to the next thing. There are very slim margins in property management.

Mayor Wukela explained that the goal here is to deal with bad actors but acknowledged that Mr. McMillan is not among those bad actors and we want to be sensitive to his concerns.

Ms. Nell Folkens

Ms. Folkens, President of the Pee Dee Realtors Association, shared that her chief concern is that the Ordinance will leave a significant number of low-income renters homeless as they are paying all they can



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for rent and especially during these trying times of the pandemic. Additional fees will be assessed to the landlord and due to the certification and code compliance in the Ordinance, inspections and repairs necessary to pass Code in this Ordinance could be significant. These costs will be passed on from the landlord to the tenant. This is in effect a lasting tax on renters, and tenants will not be able to afford the increased rent, and investors will be less likely to supply affordable housing in the City of Florence. Where will these tenants go? The fear is they will be homeless and if occupancy is not allowed while repairs are made, where will the tenants go? The unintended consequences of this Ordinance are many and Ms. Folkens urged City Council to reject the Ordinance, or at least work on a compromise for the Ordinance.

Councilman Jebaily thanked Ms. Folkens for raising the point about what happens to tenant if a property is found to be uninhabitable. Councilman Jebaily expressed that this has been a concern of many people. In following up on the question raised, Councilman Jebaily asked Clint Moore, Assistant City Manager of Development, if this concern has been a consideration of city staff.

Mr. Moore provided an example of the hotel on Irby Street, which the city worked with about 2 years ago. The property had extreme violations and the hotel had to be demolished. There were approximately 200 individuals living in the hotel. City staff condemned the building due to the health and safety of the occupants. Staff worked with organizations such as the Mayor's Coalition to bring agencies together who could work with these tenants initially with temporary housing, and eventually with permanent housing. The City will continue to work with these agencies to assist tenants who need to be relocated.

Councilman Jebaily also asked Mr. Moore if the business license revenues generated through this registry would allow funding that could be used to assist and address issues regarding interim housing. Mr. Randy Osterman, City Manager, responded and explained that there has been discussion of using some of this funding to assist with rental assistance, and temporary housing through third party partners. There is not a final plan, but this is a consideration which will be further discussed among Council and staff.

Councilwoman Moore made the point that all the "good guys" are speaking, those who are doing things correctly. Where are all the "slum lords" and slum management companies who let roofs cave in on people, and there is no heating or cooling, and limited electrical outlets working and do not care about uninhabitable conditions? These type landlords need to be out of business. Councilwoman Moore has contacted these companies and asked for their participation in the process. Councilwoman Moore said she will call out these companies at the next work session. Councilwoman recognizes that there are some companies doing things right.

Councilwoman Ervin acknowledged that she was contacted by citizens over the weekend that received letters indicating that the city would be raising taxes that would increase their rent. She explained to these citizens that the city did not increase rental costs. Most of these rentals are in the North, West, and East neighborhoods of Florence. Her primary concern is that most of these neighborhoods have not seen new homes until the city's Neighborhood Revitalization program. There are still properties being heated with kerosene and wood heat which creates a lot of safety concerns. We want to see rental properties that are updated, and for those property managers doing the right thing, she commends you. This issue was occurring prior to Councilwoman Ervin becoming a council member and she started in 2010. This issue has been an outcry for over 10 years, and nothing has been done. She is concerned over an issue that has gone on this long with no change and something needs to be in place to help citizens.

Cynthia Stevens:

Ms. Stevens and her family are currently renters and are living on disability. They have a desire to be homeowners once again and are concerned that new fees for landlords will trickle down to the renters.



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Families such as hers who are not on public housing assistance or food stamps, will suffer greatly. A rent increase will allow no opportunity to save, and sometimes make it difficult to provide groceries. During this time when COVID-19 is impacting everyone, we all need to work together to develop a better solution that will not negatively impact renters. Ms. Stevens asked that Council not pass a bill that will drastically impact her family and thousands of others struggling during this difficult time.

Mr. Gary Dauksch

Mr. Dauksch is a Realtor in town that works with Caldwell Banker, and he also owns some rental property in town. This Rental Registry concerns him firstly because the current forum through Zoom doesn't allow the participation that a regular meeting would allow. He believes the current Ordinance is intrusive and creates another level of bureaucracy for property owners and punishes many for the sins of a few. This Ordinance will cause problems for all property owners. He doesn't feel the property owner and property manager should both be responsible for business license fees. He is also concerned with the language in the ordinance related to occurrences and how these matters are investigated. Lastly, he agrees with Mr. Finklea, and doesn't think it is fair that an owner more than 50 miles away is required to have a local manager or representative and thinks it will keep people from making investments in Florence.

Mayor Wukela acknowledged that Caldwell Banker pays a business license already to manager property so this element would not impact Caldwell. Mr. Dauksch was concerned because he owns property outside of Caldwell Bankers, he would also require a business license. Mayor Wukela asked Mr. Dauksch's position on the rental registry which is included in the Ordinance. He responded by saying he did not have a problem with the concept of a centralized list of property owners. He thinks the city already has this information because we collect property tax. Mayor Wukela explained that this isn't necessarily the case because some management companies conceal identities through corporation names, and the city is unable to contact a representative. Mr. Dauksch agreed this is a valid concern but thinks it should be discussed further in a different venue other than a Zoom call. Mr. Dauksch opposes the rental registry as it is currently written, but he is open to a compromise.

Ms. Trudy Neibert

While listening to the meeting, Ms. Neibert felt like no one was addressing the concerns of the renter. She has a host of things to share with City Council through e-mail. Mayor Wukela informed Ms. Neibert that Council e-mail addresses are available on the City of Florence website.

Ms. Neibert supports the Rental Registry Ordinance. She was a renter until purchasing her home in Florence. While she had responsible landlords, this is not the case for many residents in Florence. Owning a rental home is a commitment and not just a "cash cow". Keeping the home in good condition is to the benefit of the owner as well as the neighbors. Without a rental registry, it is impossible for the city to address basic codes violations, let alone serious ones with the property owner. Neighborhoods can thrive or fail depending upon livability and upkeep of property. Ms. Neibert resides in Maple Park. She moved from Smyrna, Delaware that is listed as a "top place to live" and they had a rental registry. It was easy for the renter to know their responsibility as well as that of the property owner. Some basic things such as roofs that didn't leak, heat, potable water and no exposed wires were basics to be provided. If a residence lacked these things, the renter was provided a place to stay while repairs were made. Residents were given a packet of rights and responsibilities when signing up for water service.

Ms. Neibert referenced Councilman Jebaily's comment about tenants who are forced to move out of an uninhabitable home while its repaired, and asked who wants to live in an uninhabitable home in the first place? No one wants to live this way and they shouldn't have to live this way. Ms. Neibert urges City Council to move forward with this Ordinance. People will continue to invest in Florence even with these



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conditions in place. In a review of the Code, it is difficult reading and she worries that most renters will not have the capability to understand it as it is currently written.

Councilman Jebaily thanked Ms. Neibert for her comments particularly those about uninhabitable properties. He agrees completely with how wrong this is and acknowledged this is the focus of this effort.

Mayor Wukela said this concluded the appearances before City Council. He explained this meeting was only to receive input regarding the Rental Registry Ordinance. He anticipates that City Council members and city staff will continue to answer questions and discuss with the public in the coming weeks.

ADJOURN

Without objection, the Special meeting of City Council was adjourned at 6:35 p.m.

Dated this 21st day of September 2020.

Amanda P. Pope, Municipal Clerk

Stephen J. Wukela, Mayor



**SPECIAL MEETING OF FLORENCE CITY COUNCIL
TUESDAY, SEPTEMBER 29, 2020 – 5:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA
MEETING CONDUCTED THROUGH ZOOM VIDEO CONFERENCING**

MEMBERS PRESENT

Mayor Stephen J. Wukela, Mayor Pro tem Frank J. “Buddy” Brand, Councilman George Jebaily, Councilwoman Teresa M. Ervin, Councilman Glynn F. Willis, Councilwoman Octavia Williams-Blake and Councilwoman Pat Gibson-Hye Moore.

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Amanda Pope, Municipal Clerk; Mr. Scotty Davis, Deputy City Manager; Mr. Clint Moore, Assistant City Manager of Development; Mr. Kevin Yokim, Assistant City Manager of Administration/Finance; Chief Allen Heidler, Florence Police Department; Mr. Justin Head, Codes Enforcement Supervisor; Mr. Chuck Pope, Director of Public Works; Chief Shannon Tanner, Florence Fire Department; Mr. Michael Hemingway, Director of Utilities; and Mr. Jerry Dudley, Director of Planning.

MEDIA PRESENT

Notices of this special meeting of City Council were provided to the media and individuals requesting a copy of the agenda informing them of the date, location and time of the meeting.

CALL TO ORDER

Mayor Wukela called the September 29, 2020 special meeting of Florence City Council to order at 3:10 p.m.

INVOCATION

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

ORDINANCES IN POSITION

Bill No. 2020-34

An ordinance authorizing the city to lease the real estate shown on Exhibit “A” hereto in order to facilitate the use of the proposed baseball stadium.

Mayor Wukela reminded City Council that this was the lease with the Red Wolves organization that is for that portion of the new baseball complex that holds the new stadium.

Mayor Pro tem Brand made a motion to adopt Bill No. 2020-34 on second reading and Councilwoman Ervin seconded the motion.



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Council voted unanimously (7-0) to adopt Bill No. 2020-34.

WORK SESSION – RENTAL REGISTRY PROGRAM

Mayor Wukela said the next matter before City Council is Bill No. 2020-35, An Ordinance to amend Section 4 of the City of Florence Code of Ordinances for the addition of a Single-Family and Multi-Family Residential Rental Housing Registration. Mayor Wukela explained we had one work session on this matter, and it is his intent to hold another work session today so that we can hear from the public.

Mayor Wukela does not intend to have Mr. Moore, Assistant City Manager of Development, go back through the presentation; however, he and staff are here if there are any questions they need to address. Mayor Wukela hopes to have first reading of the Ordinance at today's meeting and have second reading at the regular October meeting.

In lieu of another presentation from staff, Mayor Wukela introduced the Ordinance by stating the goal at hand is addressing the issues that have been presented to our community for decades, by what he referenced as "slum lords". The Mayor defined this term as individuals who rent properties within the city limits of Florence in violation of existing codes pertaining to fitness and habitability. These are not codes that provide requirements as aesthetics or anything that grandiose, but rather fitness and habitability which are the basics of heat, potable water, functioning roof, functioning floor, electricity and the like. Unfortunately, there are landlords who rent properties in this community in violation of these codes and have for decades. Mayor Wukela acknowledged that the overwhelming majority of landlords comply with the codes that are in place. To these landlords, and most us, it is self-evident that you should maintain the property that you own particularly those properties that you rent to others. Mayor Wukela expressed that thankfully most property owners in the City of Florence do exactly that, but it is those who don't that cause the trouble and the reason why these tenants contact the city with serious home repair issues.

The Mayor has proposed that the Council address this issue by creating a rental registry. The reason the Mayor thinks this make sense, is that the City has difficulty enforcing codes when they cannot determine the owner of a property. Mayor Wukela explained that many times the names are cloaked in the shell of an LLC or corporate entity which is outside the city's jurisdictional limits. A rental registry addresses this issue by providing the city with an agent that we can contact and serve if necessary, give due process and to effectuate and enforce our existing ordinances.

Mayor Wukela explained the second portion of the Ordinance includes the removal of an exemption for business licenses for property managers. As the law currently stands, any business in the City pays a business license; however, our Code currently exempts those who are exclusively in the business of property management. It doesn't exclude all property management companies, many real estate companies, for example, Caldwell Banker, pays a business license and they do manage properties; however, many of their competitors do not. Mayor Wukela explained that business license, by his measure, is not an extraordinary cost. It is basically \$2.55 per \$1,000 income, so for an average rent of \$500, the additional cost would be approximately \$1.28. While not an extraordinary cost, it would standardize business license costs for everyone doing business in the city.

Mayor Wukela stated this is the purpose and intent and hopefully the effect of the Ordinance that is before Council. City Council and city staff have received many comments and there has been a lot of discussion. The Mayor provided one example being Mr. Gary Finklea who is well known to City Council and a lawyer in Florence and very familiar with property management. Mr. Finklea has proposed an



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amendment to the Ordinance that we have not passed yet on first reading. Mayor Wukela acknowledged that there is a lot of good in Mr. Finklea's proposal and this Council may be able to adopt a version of his proposal. Since receiving the proposal last week, the City's Attorney, Jim Peterson, along with the City Manager and city staff have been reviewing his proposal in an effort to propose to City Council an amendment that would incorporate a lot of the changes recommended by Mr. Finklea, without changing the substance of the Ordinance and what we want to achieve. We are not ready to present this amendment to City Council today. Mayor Wukela requested that Council support first reading of the proposed Ordinance with the knowledge that second reading will not occur until the October regular meeting. It is the Mayor's expectation and intent that at the second reading Council will have an amendment before them that has been vetted and prepared by staff and that hopefully staff will think it is appropriate and it can receive the full support and majority of Council. Mayor Wukela stated he would like to act on first reading today after receiving comment from the public and any further discussion from City Council.

Mayor Wukela and Council decided to move forward with public comment regarding the Ordinance.

APPEARANCES BEFORE COUNCIL

Mr. Barnett Greenberg

Mr. Greenberg, local realtor and Broker-in-Charge with Greenberg Real Estate, stated that this is a 12-page, small font document with a lot of bad ideas in it. Not only is it the \$25 fee, or requesting names of owners, but we need to be completely transparent about the document and why it is upsetting so many people. Many tenants, ambassadors, and landlords are upset because there are many dangerous ideas in the proposed ordinance. Several attorneys have reviewed the document and expressed concerns about lawsuits and issues that will arise from the document itself. Since we haven't examined the ordinance at the last meeting or this one, that Council would be open to feedback from people and Gary Finklea about how we can revise it to be fairer to everyone. Although there are a number of democrats and republicans on this call, it doesn't feel like a democratic process the way meetings are being conducted through Zoom. This Ordinance was considered many years ago and thrown out and now it is being considered again at the end of Mayor Wukela's term. Now it has been brought up again in the middle of a pandemic. Mr. Greenberg has tried to let a lot of people know about it, and Councilman Willis was working hard to let people know about it. The first public notice was the Sunday paper before the first meeting on September 21st. Mr. Greenberg knows several people who wanted to speak at the meeting but were turned away because they missed the noon deadline on the 21st. Mr. Greenberg feels because it was brought up during a pandemic it is not a fair democratic process and that people cannot speak out fully. People also have trouble participating at the times that are set at a 5:00pm on a Monday and 3:00pm in the middle of the day on a Tuesday. Many people are opposed and from the last meeting the majority were opposed. Mr. Greenberg requests a different process and that Council consider the viewpoints of realtors, tenants and investors to try and come up with something fair.

Mr. Greenberg agreed that no one is in favor of "slum lords", and bad actors should be held accountable and people shouldn't be taken advantage of; however, this is not good policy to punish everyone for some bad actors. Mr. Greenberg addressed Mayor Wukela and Councilman Jebaily and stated, "if this were aimed at all bad lawyers, I'm sure you wouldn't be happy about that and that is effectively what's being done". Bad actors should be punished, but not everyone. Mr. Greenberg has personal concern that this will hurt the entire community.

Mr. Gary Finklea

Mr. Finklea appreciates City Council and city staff considering a compromise ordinance. He understands there has not been sufficient time to vet and compare it to the city's ordinance, but he thinks it includes some of the shared goals all of us have. At this time, Mr. Finklea will not share his specific concerns



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about the proposed ordinance or discuss the compromise ordinance but will deliver that information to City Council after there is a substitute ordinance on the table. He recognizes the time frames that we are working in and has made certain that stakeholders recognize something will be done in November. We don't have a lame duck Council and if it is going to happen it will need to happen before Election day. Mr. Finklea has shared with his stakeholders the importance of moving fast. Mr. Finklea is concerned about the time that he and his group will have to review the new ordinance and provide feedback. Mr. Finklea requests of Council that they ensure there is another draft to review in the next week or so which allows one week for review prior to the next City Council meeting in October which may not be enough time to properly vet it and give it consideration. Mr. Finklea suggested that City Council consider another special meeting before November should we need that additional time. He is aware of many of the issues of stakeholders. Mr. Finklea would like to state his concerns about having a qualified Appeals Board, and he suggests that a committee from the Board of Zoning Appeals serve when an appeal needs to be heard.

Councilman Jebaily asked for clarification from the City Attorney, Jim Peterson, regarding the implementation date for the proposed ordinance if its adopted. Mr. Peterson confirmed the start date for July 1, 2021. For example, if the ordinance were passed next month, the provisions of the ordinance would not be in effect until July 1, 2021. Councilman Jebaily also wanted to ensure that the length of time prior to implementation would allow time to share this information with everyone as well as allow time for all the policies and procedures to be in place.

Mayor Wukela informed Mr. Finklea that the City having a draft amendment as soon as possible for the October meeting for consideration is possible. City Manager, Randall Osterman, explained that city staff has committed to having a draft ordinance ready no later than Monday, October 5th.

Greg Hendrick

Mr. Hendrick apologized for not making the first meeting but had some technological issues. Mr. Hendrick works with Finklea, Hendrick, Blake primarily doing real estate transactions and represents a lot of investors, he also invests in rental property personally and serves as Board Council for the Pee Dee Realtors Association. He has received a tremendous amount of calls regarding this matter from both sides the landlord and the tenant. As mentioned before, the preference would be that nothing be passed, but with Gary Finklea's proposal submitted, he looks forward to working together on this compromise. Primary concerns of property owners are the business license fee and inspections. He recognizes that the intent of Council is good and the realtors in Florence also want to address the issue of "slum lords" and those that don't maintain their properties. Mr. Hendrick grew up in Florence, loves it here, and doesn't want anyone here to go without basic services; however, he doesn't want to see everyone punished for a few. He is concerned that inspections, as defined in the proposed ordinance, could be used to harass the landlord and create additional red tape. He is willing to work with the city on amendments moving forward but would like landlords to receive some type written notice so that there isn't another government bureaucracy to deal with in addition to what is already on the books. Mr. Hendrick mentioned Mayor Wukela's comments about the business license fees being minimal, but he wants some assurance that this will remain the same because as landlords we pay a tremendous amount in property taxes. The perception that property owners are wealthy is not true as we pay so many fees. Landlords are currently experiencing unprecedented difficulties during the pandemic. During April the CARES Act created a moratorium on evictions; in August Fannie Mae and Freddie Mac added a moratorium; and in September the CDC created a moratorium. Mr. Hendrick explained that this makes seven months of landlords having difficulty collecting rent. In the past couple of months investors have started to hold back as well.

Mr. Joey McMillan

Mr. McMillan wanted to make a couple of points that are important. There was something that



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Councilman Jebaily mentioned at the last meeting regarding if the funds generated through these fees could be used for a nonprofit to assist families who are displaced. He would like to see this funding earmarked to do something good and thought this was a great suggestion. He recognizes that most of the properties on the heat map portion could use this assistance, and thinks it would be good to offer property owners struggling to keep their property up a tax incentive/break to allow them the opportunity to take care of the necessary repairs that need to be made. Tax incentives have been successful in the downtown area. A tax incentive might also be a motivator for investors in Florence. Mr. McMillan also thinks that realtors should work with Council to let tenants know their rights and that we are here to help. Mr. McMillan also suggested that the city create a form, similar to Florence County, for someone to report a codes violation.

Mr. McMillan and some of his associates held a homebuyer's seminar last week at the New Grace Temple Church on Jeffers Street and had a tremendous turnout. There were many there who showed interest in buying their first home. He stated that there is no better way to clean up an area than to have homebuyers and he believes having more owner-occupied properties should be the focus of our efforts. Mr. McMillan suggested that we not hurry, because we have an opportunity to do some good things. He suggests getting these ideas together and developing a comprehensive program that everyone can be happy with.

Ms. Mary Sanders

Ms. Sanders owns Grantham Properties & Developments which is located at 1310 W. Evans Street. She has been managing properties for 38 years in Florence and has approximately 140 units and a large portion of them are in North Florence. She has an Operations Manager who is over 5 employees in maintenance who are constantly maintaining and improving these properties and her Office Manager runs the office and rents to qualified applicants. Ms. Sanders said she is calling to speak against it because she feels we already have enough regulations for rental properties such as the South Carolina Landlord Tenant Act and Fair Housing rules and regulations. Ms. Sanders has several properties that are occupied by Housing Authority residents, and the Housing Authority inspects these units regularly. She does not feel like more government bureaucracy is the answer if only the bad actors need to be addressed.

Ms. Sanders feels this will only hurt those who need affordable housing most. Ms. Sanders asked the city's plans for the revenues from these fees.

Mayor Wukela said he couldn't speak for the whole Council but that it is his expectation, as has been previously discussed, to focus these funds toward neighborhood development in some form. Mayor Wukela explained that the city currently has a vibrant Neighborhood Redevelopment plan already that has been at the business of dealing with abandoned properties and rebuilding properties and this seems to be a natural source of business license fees especially given that many of these are in the neighborhoods that we are trying to redevelop. While this is not the subject of the current proposed ordinance, it will be discussed with future budgets.

Ms. Sanders explained she was confused about the International Property Maintenance Code (IPMC) and how long ago it was adopted into the City's Code. Mayor Wukela said that according to the City Manager this occurred in 2017.

Ms. Sanders expressed concerns about a City Codes Official and how qualified that individual will be to make decisions on her properties. She has had previous experiences where the Codes Official did not know what they were doing. There is a large number of rentals in the City of Florence and she is concerned over how many officials will be required to cover these properties. Mayor Wukela explained that it is not the city's intent to do an inspection any time a lease turns over, nor is it the intent to conduct



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an inspection during the initial permitting of a property, but rather, the property owner signs a waiver that the property complies with existing Code. The City will have staff that can enforce these Codes when responding to complaints.

Ms. Sanders shared a concern that the property manager is responsible for preventing criminal activity on their properties. She feels this is what she is paying property tax for and is a police responsibility. She offered a property on Carver Street to the Police Department to be used as a Police Substation and it worked well for a while, but after a year the city abandoned the use of the property. Ms. Sanders said the city does not like to police this area.

Mayor Wukela explained that the city does police the entire city and the proposed ordinance does not deputize landowners or require them to be involved in law enforcement. The Ordinance does say that those landlords who allow criminal activity to occur without evicting the tenants conducting criminal activity and violating the lease, can, if that persists suffer consequences and eventually lose their permit. Mayor Wukela pointed out that this is the case for any business in the City of Florence that has a business license.

Ms. Sanders stated in her 38 years of property management, she sees the same abandoned houses that she saw when she started. How will these new rules rid these neighborhoods of that blight and its difficult for her to rent properties with this next door. She feels horrible about people who are next door to these properties and wants to know why this has gone on for so long? Mayor Wukela explained that the action intended by the proposed Ordinance would allow the city the ability to enforce existing Codes on habitability. The Mayor agreed with Ms. Sanders about the numerous properties in this community that are in blatant violation of existing ordinances and it is his hope, and he believes Council's hope, that we can find new mechanisms for enforcement. Ms. Sanders stated she pays 6% in property taxes and she feels the city is doing less and less for property owners. She mentioned setouts and that the law requires 48 hours after a setout, and before this time even passes Codes Enforcement is contacting them to remove the debris. The City no longer picks up the debris and her maintenance employees have to remove the debris and take it to the dump which is an additional charge. She is very disappointed that the City acts like they don't want rental property. Renters are already struggling to pay rent due to COVID, and if they move or evict that means more expense and a higher cost to do business. Ms. Sanders feels there has not been enough research about this proposal, and she thinks this hurts those who need the help the most.

Ms. Jane Huggins

Ms. Huggins is a property owner and has property in the County and is very concerned about this ordinance. The bad actors will continue to be bad actors and she worries that this ordinance will not correct that. Those who follow the rules will continue to follow the rules and will pay the price. Mr. Hendrick addressed many of the concerns that she already had. There are so many things in the ordinance that are disturbing to her. She felt the proposed ordinance circled around and around. She is concerned about who determines an emergency, the content of the rental housing application, and who is the Planning Director and if this person will know anything about this industry. She is concerned it will be someone who really doesn't know what is going on. It is frustrating to those of us in this business who are doing the right thing. She doesn't understand the hurry and would like to slow the process down to make this work for everyone. It is being pushed through to quickly without much thought to unintended consequences.

Bryan Braddock

Mr. Bryan Braddock is Executive Director of the House of Hope where he deals with lack of housing issues daily. The first thing he would like to do is thank the investors who are on the call since they are the ones who make properties available. Many of those served by the House of Hope are not able to



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purchase a home and it is necessary for them to enter the rental market. He acknowledged that he, like everyone on the call, is opposed to “slum lords” and it is sad that they do fill a hole in our market due to the lack of affordable housing. Mr. Braddock feels the best way to deal with the issue of “slum lords” is to develop affordable housing that would put them out of business. Mr. Braddock mentioned a House of Hope project, that occurred with the City’s help, and that was the development of tiny homes. The problem is that rent costs \$375-\$600 and then the next jump is \$800 and up, which most have difficulty affording. Mr. Braddock also deals with those everyday who are in a “slum lord” situation, but the only alternative is to live in their car.

Mr. Braddock wanted to come to Council from the perspective of the tenant. Mr. Braddock is concerned that this ordinance will destabilize, even if it isn’t implemented until July 2021, the affordable housing market. He is concerned about the displacement of the tenants. Many of these type homes have been donated to the House of Hope and it has taken thousands of dollars and volunteers to make them livable. He is concerned the added expense for investors will cause them to remove the houses from the market or remove their investment from the city and put them in the County. This creates another issue for these individuals who choose to live in the city because of services such as PDRTA, and walkability. Any increase will be passed directly to the tenant. Investors invest to make money and any fees or taxes will be paid by the renter. Mr. Braddock is concerned about this as Florence already has a homeless issue. There will be an immediate negative impact and at the worst possible time following the winter months.

Mr. Braddock hoped to get an individual on the phone during the meeting to tell her story, but the meeting times were not conducive to her work schedule. She has come through the shelter and they have worked with her for two years. She is now in a rental and the monthly cost is \$375 and her electric averages \$300. There are definitely issues with the property she is living in, but without it she would be in a shelter and it is the best option she has. The House of Hope has raised \$5,000 to help her transition to her own place, and they are working with her on her credit so that she is able to purchase a home. There is simply no property where she can go between \$400/month and \$800-1,000/month.

Mr. Braddock feels there is not enough time to respond to the impacts of this Ordinance. Mr. Braddock expressed to Mayor Wukela that he has done a great job for the city and he hates to see you leave, but he assured the Mayor that either he or Councilwoman Ervin feel strongly about this issue. Mr. Braddock sees no reason to push this through as this Council has the ears of the right people. He knows that Councilwoman Moore works tirelessly in these situations as does Councilman Jebaily and this issue will not die on a vine in a month. Mr. Braddock feels the best thing to do for the whole city would be to trust that the current Council, the next Mayor and new Council members, will pick it up at this point and move it forward to a solution that mitigates all the concerns to take care of a problem that’s been plaguing our community for years.

Mayor Wukela thanked Mr. Braddock for the work the House of Hope did with the tiny homes as City Council strongly supported this project. Mayor Wukela addressed the comment about the proposed ordinance increasing homelessness by stating that it is not a very persuasive argument for a landlord to say “I’m trying to provide adequate heat for my tenant to keep them from being displaced”; “I can’t repair the roof or the floor for my tenant because I’m really trying to protect them and I don’t want to displace them”. The Mayor explained that he does not find this argument very persuasive nor does he think we should delay in providing what tenants have been owed as far as fit and habitable housing for decades.

William Schofield

Mr. Schofield is concerned because it sets a dangerous precedent starting with residential properties as he feels it could lead to commercial properties. There are bad actors that have caused this on the residential level and there are bad actors on the commercial level too. Mr. Schofield has four children, and he



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SPECIAL MEETING – SEPTEMBER 29, 2020**

explained if one of them acts up, he doesn't punish them all, and similarly he doesn't think it is right to punish all the investors here in Florence. It makes no sense. We should enforce the laws that are already on the books and condemn the properties that need to be condemned. Local investors will not want to invest in this community and buy homes whether to rent them or sell them. He would love to see investors and non-homeowners buy and work together to fix some of the dilapidated properties. There are commercial properties here also in need of repair. He considered having a commercial company that invested in rental properties but is now hesitant. There are others who have been in the residential real estate market before and were thinking of returning but have now changed their minds because they are nervous about all the different procedures. Mr. Schofield is very worried that this will open "Pandora's Box" on the commercial side in penalizing corporations and LLCs. He would like to see the Council take their time and do their due diligence so that it is done right. We all want the properties fixed, we just need to come together and determine the right way to do it.

Mr. Howard Simons

Mr. Simons addressed Council and explained that he is endorsing this Ordinance. He moved to Florence from Baltimore, Maryland and they started a rental registry 10 years ago and it really worked. The program got rid of some of the "slum lords" and helped the good landlords with their properties. He doesn't understand why some feel this program will increase rent for tenants or hurt the property owners. He thinks everyone needs to sit down together and work this out. He received something in the mail about the Rental Registry and the information was upsetting. He thinks this program will benefit everyone. He thinks it is terrible how some people are living. He thinks this program should be implemented and it will help Florence.

INTRODUCTION OF ORDINANCES

Bill No. 2020-35

An Ordinance to amend Section 4 of the City of Florence Code of Ordinances for the addition of a Single-Family and Multi-Family Residential Rental Housing Registration.

Councilwoman Moore made a motion to pass Bill No. 2020-35 on first reading and Councilwoman Ervin seconded the motion.

Mayor Wukela asked if there was any discussion. Mayor Pro tem Brand explained that he thinks we are putting a blanket on this ordinance over the people that are doing the right thing when a washcloth would probably do the trick. He reminded Council of Councilwoman Moore's comments at the last meeting that she would call out the "slum lords" and Mayor Pro tem Brand agrees this is what should happen. City staff has done an outstanding job of putting this all together but feels there is still much misunderstanding in the community. There is an opportunity to do this the right way and compromise on these issues. As the ordinance is right now, he cannot support it, but that doesn't mean that he cannot support a future ordinance where we come together. That is so important to come together, and the City and the County need to do the same thing. The ordinance as is stands right now is so confusing and respectively, Mayor Pro tem Brand stated that he cannot vote for it until we can get the right ordinance together.

Councilman Willis stated he has concerns about this ordinance for many reasons. First, he questions our priorities and our speed to finalize this and the nation, our state and city are currently in the middle of a medical pandemic and have been since March. Approximately 72% of families, he understands, are financially impacted by COVID-19 in this country and this includes our citizens and business owners. We have a situation where we are seeing businesses that did not open, and those that are closed, and businesses that have modified their business plan, and the citizens that work in this business are financially impacted significantly right now. Councilman Willis explained that at this time we do not see



FLORENCE CITY COUNCIL
SPECIAL MEETING – SEPTEMBER 29, 2020

an end to these circumstances. Councilman Willis feels that this legislation should be postponed until the pandemic is over. He thinks we should slow the process down and does not think there should be a deadline. This is a tremendous change to the way the city is doing business with the public. If it isn't handled correctly then it will impact a segment of our community. Councilman Willis' history in city and county planning, helps him recognize the sensitivity of the matter and does not feel it should be decided on emotions or any other reasons than to do right by all who are involved. He recognizes that there are issues, but he would like to see that the Council refer this issue to the Planning Commission. As a former Planning Commissioner for the City that this is where the rubber meets the road. Citizens come out to these Planning Commission meetings and hearings, and he would like to see the Planning Commission review this, talk with citizens, and go to different neighborhoods. He has seen this happen with the Planning Commission. We should hold neighborhood meetings and talk to all involved before this is finalized.

Councilman Willis also discussed appearances before Council. He explained that he firmly believes that how we do business is as important as the ordinances that we pass. He is troubled that he believes that Council is shortchanging citizens by not recognizing their rights to appear before us. Again, as a former Planning Commissioner, he was impacted by looking at citizens and hearing them tell specific stories which provides us the opportunity to understand a line of thinking different than our focus and increase our awareness. Councilman Willis asked that City Council take a deep breath on this subject and understand the major impact on the business community and those who rent houses. He believes the results will be an impact on renters such as increased rent costs very much like during the pandemic the cost of groceries and lumber have been passed to the wholesaler, the retailer, and to the public. Councilman Willis explained that many in our city are struggling financially; the service industry is struggling which includes those who he believes are our most vulnerable to struggle financially. He recognizes that some on Council don't agree with that, but suppose you are wrong. His focus during his service on Planning Commission and City Council has been to provide opportunities for people to better themselves. He does not feel that this is the time to have first reading on this ordinance. We have heard from this community that this needs to be discussed and that we need to move forward with vetting all the aspects of this ordinance. Councilman Willis would also like to see the City Attorney engaged in this. He knows that city staff developed the ordinance, but due to the importance and impact it may have positively or negatively, he feels the City Attorney should certainly be engaged in the process and he does not think that he has been.

Lastly, Councilman Willis thinks the regulations contained in the ordinance go too far as written. He thinks the conception and the thought process was well meaning at the time in the City's Comprehensive Plan, but he thinks that if we continue to move forward this Council is "throwing the baby out with the wash". He asks those with differing opinions to look at this and let others be heard and come together. Councilman Willis believes that in the 20 years he has served that the strength is in us coming together, pushing closer to the table when we don't agree, and listening to each other. He believes there is a sector of our city that has not been heard and that they want to be. He doesn't want to derail the ordinance as it does contain some good points, but he thinks we have gone too far. Councilman Willis humbly requested that Council postpone first reading, dig in and come together, push up to the table even though we have differences of opinion to get this done.

Councilwoman Moore thanked everyone who came to speak with Council today. She questioned again participation by the bad actors, the "slum lords", as we haven't heard from them. She explained she had so many calls after the first session, thanking her for speaking up for the many people who are not able to speak up for themselves that are living in poor conditions. She thanked those property managers who are doing the right thing. She had so many calls from renters, especially those renting from Tobin and Company, who she is calling out because she has reached out to them and they have still not called her



**FLORENCE CITY COUNCIL
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back. She also called out Sonshine Management, as she promised to do because we have people living in squalor without heat, and with roofs that leak. She has had many calls from residents in the apartments on Oakland Avenue that used to be Magnolia Trace. To keep putting this ordinance off is hurting these people and these are the people that need help the most. She asked how many of these landlords would be willing to live in these conditions even for a week. The bad actors are the ones that we need to aim for with this ordinance. We may need some tweaks to the ordinance and the City Manger has promised that by Monday we will have some changes. Councilwoman Moore spoke with Gary Finklea and she agrees that there should be some changes, and everyone can still get what they want. People should not live in squalor. She has had calls from tenants in the hospital who were exposed to mold, those unable to lock their doors, and even the inability of someone to take a shower at their residence and these conditions are not fair or acceptable. She explained that some people do not have the option to move because they cannot afford to move.

Councilwoman Moore explained that the City holds homebuyers' workshops to work with people on the possible purchase of homes. She explained that the City's Neighborhood Development plan is building new homes on Sumter Street, in North Florence, but some don't qualify. We must do something for those who don't know their rights and that is why Councilwoman Moore stated she supports the ordinance.

Councilman Jebaily stated it is very encouraging the amount of input and participation we have had from everyone and he thinks it is the whole purpose of citizen driven government and he is excited about this piece. He is grateful for the efforts of Gary Finklea and others who have worked so hard to find a position which we can all agree on. Councilman Jebaily explained that with the understanding that has been stated by the City Manager, City Attorney, and others that along with the ordinance we are voting on for first reading today, that prior to second reading, a new version of the ordinance will be available that we can all come together on, he is supporting this effort. The new version will address concerns about dilapidated properties in neighborhoods and quality of life issues as well as addressing concerns of landlords and property managers. It is with this anticipation that the position and outcome of having a final document that all are comfortable with that Councilman Jebaily will be supporting first reading of the ordinance today.

Mayor Wukela stated there was a motion for first reading by Councilwoman Moore and a second by Councilwoman Ervin.

Council voted to pass Bill No. 2020-35 on first reading (5-2); opposed were Councilman Willis and Mayor Pro tem Brand.

Mayor Wukela closed by explaining the Mayor Pro tem was right and he doesn't recall the last time they were opposed on an issue. The fact that they do have this record and it has gone on this long is a statement about this Council and the community. Mayor Wukela has a strong desire as he knows others do too that for second reading at the meeting on October 12th that we will have a document that we are all in agreement on.



**FLORENCE CITY COUNCIL
SPECIAL MEETING – SEPTEMBER 29, 2020**

ADJOURN

Without objection, the Special meeting of City Council was adjourned at 6:35 p.m.

Dated this 21st day of September 2020.

Amanda P. Pope, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: September 14, 2020
AGENDA ITEM: Ordinance - - First Reading
DEPARTMENT/DIVISION: Utilities/Stormwater

I. ISSUE UNDER CONSIDERATION

An ordinance submission approving the construction of capital improvement projects including the repair and retrofitting of the stormwater system to minimize damage to public and private property.

II. CURRENT STAFF/PREVIOUS ACTION TAKEN

- A. Staff investigated the volume and location of customer stormwater complaints during and after rainfall events that affected public and private properties.
- B. The City's stormwater system continues to face ongoing challenges with the increased volume of rainfall events such as hurricanes and intensified single event storms.
- C. At a budget work session held on April 29, 2020, City Council was provided with an updated listing of capital projects. The projects are provided as Exhibit A.

III. POINTS TO CONSIDER


- A. The adoption of this ordinance will allow improved operation of the stormwater system to minimize the impact of stormwater runoff damage to public and private property.

IV. STAFF RECOMMENDATION


Approval and adoption of the proposed ordinance of stormwater capital projects.

V. ATTACHMENT

A copy of the proposed projects are attached.



Michael Hemingway
Utilities Director



Randall S. Osterman
City Manager

Description of Project

The project consists of the construction, repair, and renovation of the Stormwater Management System of the City as more fully described below:

Stormwater Capital Projects

Culvert Projects

• Dargan & Elm Street	\$165,000
• Cheves Street Underpass	\$200,000
• Tarleton Estates	\$295,000
• Malden Drive	\$310,000
• Oakland Avenue	\$410,000
• Sandhurst	\$585,000

Outfall/Piping Projects

• Rebecca Street	\$240,000
• Cannon Street	\$400,000
• Thomas Road	\$485,000
• Pennsylvania	\$1,525,000

Water Quality Project

• Timrod Park	\$500,000
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Ditch Piping Projects

• St. Anthony's & College Park	<u>\$515,000</u>
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Total **\$5,630,000**

ORDINANCE NO. 2020-_____

AN ORDINANCE FOR STORMWATER MANAGEMENT SYSTEM CAPITAL PROJECTS

WHEREAS, continued use and operation of the Stormwater Management System of the City of Florence is important and necessary for the health, welfare, and public good of the citizens, and

WHEREAS, the City has determined that proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, enhance the local government associated with the drainage system, reduce local flooding, maintain as nearly as possible predevelopment runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts; and

WHEREAS, the Stormwater Management System faces ongoing challenges related to capital improvement needs to ensure operation; and

WHEREAS, the capital projects of the Stormwater Management System of the City of Florence will improve the system as needed and required for the public good; and

WHEREAS, the Stormwater Management System is operated by the direction of Council; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Florence, South Carolina that the Stormwater Capital Improvement Projects are approved for the forthcoming Stormwater General Bond Ordinance in meeting duly assembled and by the authority thereof:

ADOPTED THIS _____ DAY OF _____, 2020

APPROVED as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: September 14, 2020
AGENDA ITEM: FY 2020-21 Budget Amendment Ordinance
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

An amendment to the FY 2020-21 City of Florence Budget is presented to update the current year budget.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER

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

B. Funds are being re-appropriated from fiscal year 2019-20 to provide funding from Unappropriated Reserves for FY 2020-21 in the General Fund, the Water & Sewer Utilities Enterprise Fund, the Hospitality Fund, the Water & Sewer Equipment Replacement Fund, and the Stormwater Equipment Replacement Fund to complete projects and purchases which were not finalized at the end of fiscal year 2019-20.

IV. STAFF RECOMMENDATION

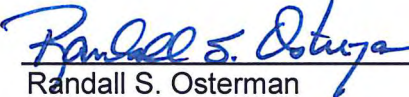
Approve and adopt the proposed ordinance.

V. ATTACHMENTS

A copy of the proposed ordinance is attached.



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2020-

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, AND ENDING JUNE 30, 2021 TO REAPPROPRIATE FY2019/20 FUNDS FOR UNCOMPLETED PROJECTS AND PURCHASES

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2020, and ending June 30, 2021, is hereby amended as follows:

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

100375-435010 From Unappropriated Reserve is increased in the amount of \$3,050,000 from Assigned Fund Balance to re-appropriate monies for the completion of projects and purchases which were not finalized at the end of FY 2019-20.

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

1004130-580020 Office Furniture (City Manager's Office) is funded in the amount of \$4,000 to provide the replacement of a desk.

10042100-580040 Auto Equipment (Police) is increased in the amount of \$202,000 to provide for an SRO replacement SUV (\$40,000), and equipment for patrol vehicles (\$162,000).

10042200-580010 Building & Fixed Equipment (Fire) is increased in the amount of \$10,000 to provide concrete work needed at Fire Station 1.

10043020-580040 Auto Equipment (Beautification & Facilities) is increased in the amount of \$50,000 to provide for the replacement of pickup truck # 304 (\$25,000) and pickup truck # 937 (\$25,000).

10043020-580050 Facility Improvements (Beautification & Facilities) is funded in the amount of \$50,000 to provide for a new Public Utilities shed.

10043022-537000 Vehicle Repairs & Maintenance (Sanitation) is increased in the amount of \$45,000 to provide funding for the replacement of an engine in Sanitation Truck # 408.

10043022-580040 Auto Equipment (Sanitation) is increased in the amount of \$60,000 to provide for the replacement of recycling van # 429 (\$25,000) and recycling van # 428 (\$35,000).

10043022-580060 Other Equipment (Sanitation) is funded in the amount of \$7,000 to provide for the recycling trailer repairs.

10043023-580060 Office Equipment (Equipment Maintenance) is increased in the amount of \$3,000 to provide for the purchase of shop equipment.

10043024-580010 Building & Fixed Equipment (Recreation) is funded in the amount of \$51,600 to provide for a new storage building at Barnes St. (\$35,000), signage for recreation facilities (\$6,100), and Barnes

FY 2020-2021 Budget Amendment Ordinance (continued)

- St. signs and to resurface Levy Park (\$10,500).
- 10043024-580050 Facility Improvements (Recreation) is funded in the amount of \$23,000 for amenities at the Inclusive Playground.
- 10043024-580060 Other Equipment (Recreation) is funded in the amount of \$5,000 to provide for the purchase of gaming equipment.
- 10043024-890000 Miscellaneous Grants (Recreation) is increased in the amount of \$24,000 to provide the matching funds for PARD and SCFC grants.
- 10043025-560070 Marketing and Promotions (Athletic Programs) is increased in the amount of \$260,000 to provide for marketing related expenditures for Freedom Florence, the Tennis Center, the Pearl Moore Gymnasium, and the Soccer Complex.
- 10043025-574030 Tournament Expenditures (Athletic Programs) is increased in the amount of \$4,300 to provide for tournament All Star teams travel expenses.
- 10043025-574080 Athletic Expenses (Athletic Programs) is increased in the amount of \$10,000 to provide for refurbishing football helmets.
- 10043025-580010 Building & Fixed Equipment (Athletic Programs) is funded in the amount of \$10,000 to provide for the soccer cabin improvements.
- 10043025-580040 Auto Equipment (Athletic Programs) is funded in the amount of \$4,000 to provide for a trailer to be used for the Soccer Complex.
- 10043025-580050 Facility Improvements (Athletic Programs) is increased in the amount of \$89,000 for the Soccer Complex field irrigation, pond maintenance and turf program (\$39,000) and Timrod Park tennis courts resurfacing (\$50,000).
- 10043025-580060 Other Equipment (Athletic Programs) is increased in the amount of \$192,000 to provide for track and field complex equipment (\$45,000), Skate Park repair and deck replacement (\$76,000), replacement mower # 950 (\$20,000), a new tractor for the Soccer Complex (\$25,000), a new mower for the Soccer Complex (\$12,000), and two field strippers (\$14,000)
- 10046300-531000 Professional Services (Planning, Research & Development) is increased in the amount of \$50,000 to provide for professional services related to updating the City's Comprehensive Plan.
- 10049200-593125 COVID CARES Supplement (Community Programs) is funded in the amount of \$141,000 to provide carry-over funding to assist the community and downtown businesses as a supplement to the CARES Act.
- 10049300-594020 Contingency Fund (Non-Departmental) is increased in the

FY 2020-2021 Budget Amendment Ordinance (continued)

- amount of \$50,000 to provide for contingency funding for unanticipated General Fund projects, programs and/or other requirements in FY 2020-21.
- 10049300-594070 ERP Management System (Non-Departmental) is increased in the amount of \$8,500 to provide funding for Munis licensing.
- 10049300-594080 Special Projects (Non-Departmental) is increased in the amount of \$15,000 to provide for the General Fund portion of upgrades to the City's website.
- 10049300-594100 Animal Shelter Improvements (Non-Departmental) is funded in the amount of \$10,000 to provide funding for improvements to the animal shelter. These funds were donated to the City for this purpose.
- 10049300-594101 Recreation Facilities (Non-Departmental) is funded in the amount of \$22,000 to provide for existing recreation facilities improvements and upgrades.
- 10049300-594103 High Hill Creek Bike Trail (Non-Departmental) is funded in the amount of \$4,000 to provide for completion of the bike trail.
- 10049300-594130 IT Upgrade (Non-Departmental) is increased in the amount of \$17,100 to provide funds for IT upgrades in the General Fund related to IT system equipment replacement and upgrades.
- 10049300-594140 Rail to Trail (Non-Departmental) is funded in the amount of \$1,500 to provide for rail to trail maintenance.
- 10049300-594160 Property Acquisition (Non-Departmental) is funded in the amount of \$172,000 to provide for the acquisition of property located for Fire Station 6.
- 10049300-594165 Timrod Park Museum (Non-Departmental) is funded in the amount of \$984,000 to provide for renovations to the old Florence Museum building.
- 10049300-594158 Children's Museum (Non-Departmental) is funded in the amount of \$275,000 to provide for a children's museum.
- 10049300-598040 Downtown Promotions (Non-Departmental) is increased in the amount of \$16,000 to provide carry-over funding for the Downtown Promotion TV Campaign.
- 10049300-598130 Florence Center (Non-Departmental) is funded in the amount of \$180,000 to provide additional funding for additional Civic Center renovations capital expansion and improvement costs. The City and County are equally sharing a portion of the cost of these renovations.

Section 3. That the category of revenues of the Water and Sewer Enterprise Fund in said budget

FY 2020-2021 Budget Amendment Ordinance (continued)

is hereby amended by the additional appropriations as follows:

200375-435010 From Unappropriated Reserve is funded in the amount of \$406,000 from unrestricted net assets.

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

20044044-534070 Building Maintenance (Distribution Operations) is increased in the amount of \$20,000 to provide for Public Works building repairs and a new Public Utilities shed.

20049300-594020 Contingency Fund (Non-Departmental) is increased in the amount of \$100,000 to provide for contingency funding for unanticipated water and sewer facilities maintenance and improvements required in FY 2020-21.

20049300-594080 Special Projects (Non-Departmental) is increased in the amount of \$15,000 to provide for the Water and Sewer Enterprise Fund portion of upgrades to the City's website.

20049300-594125 Economic Development (Non-Departmental) is increased in the amount of \$250,000 to provide carry-over funding for economic development incentives.

20049300-594130 IT Upgrade (Non-Departmental) is increased in the amount of \$21,000 to provide funds for IT upgrades in the Water and Sewer Utilities Enterprise Fund related to IT system equipment replacement and upgrades.

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

210375-435010 From Unappropriated Reserve is funded in the amount of \$252,000 from unrestricted net assets.

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

21044040-580030 Office Equipment (Engineering Equipment Replacement) is funded in the amount of \$20,000 to provide funding for a large format copier/scanner.

21044040-580060 Other Equipment (Engineering Equipment Replacement) is funded in the amount of \$12,000 to provide funding for a survey station.

21044041-580040 Auto Equipment (Wastewater Equipment Replacement) is increased in the amount of \$75,000 to provide funding for the replacement of bucket truck # 652.

FY 2020-2021 Budget Amendment Ordinance (continued)

21044043-580060 Other Equipment (Ground Water Equipment Replacement) is increased in the amount of \$125,000 to provide for an emergency generator.

21044045-580060 Other Equipment (Collection Operations Equipment Replacement) is increased in the amount of \$20,000 to provide for the replacement of asphalt roller #696.

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

310375-435010 From Unappropriated Reserve is funded in the amount of \$230,000 from unrestricted net assets.

Section 8. That the category of expenses of the Stormwater Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

31044060-580040 Auto Equipment (Stormwater Operations Equipment Replacement) is funded in the amount of \$80,000 to provide for the replacement of flatbed truck # 831.

31044060-580060 Other Equipment (Stormwater Operations Equipment Replacement) is funded in the amount of \$150,000 to provide for the replacement of ditch excavator # 853.

Section 9. That the category of revenues of the Hospitality Fund in said budget is hereby amended by the additional appropriations as follows:

400375-435010 From Unappropriated Reserve is funded in the amount of \$3,000 from fund balance.

Section 10. That the category of expenditures of the Hospitality Fund in said budget is hereby amended by the additional appropriations as follows:

40049900-598049 Wayfinding Signage (Hospitality Fund General Expenditures) is funded in the amount of \$3,000 for the acquisition of wayfinding signage.

Section 11. That all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

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

Signature page follows.

FY 2020-2021 Budget Amendment Ordinance (continued)

ADOPTED THIS _____ DAY OF _____, 2020.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: September 14, 2020
AGENDA ITEM: FY 2020-21 Budget Amendment Ordinance
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

An amendment to the FY 2020-21 City of Florence Budget is presented to update the current year budget.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER

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

B. Funds are being appropriated from fund balance in excess of 30% of the expenditures to provide funding from Unappropriated Reserves for FY 2020-21 in the General Fund for one-time purchases.

IV. STAFF RECOMMENDATION

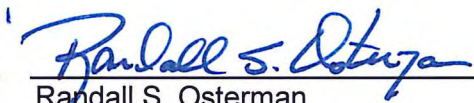
Approve and adopt the proposed ordinance.

V. ATTACHMENTS

A copy of the proposed ordinance is attached.



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2020-

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, AND ENDING JUNE 30, 2021 TO APPROPRIATE FUNDS FROM EXCESS FUND BALANCE.

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2020, and ending June 30, 2021, is hereby amended as follows:

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

100375-435010 From Unappropriated Reserve is increased in the amount of \$3,808,900 from Unassigned Fund Balance to appropriate monies for one-time purchases from the excess of fund balance which is 30% of expenditures.

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

10042100-580040 Auto Equipment (Police) is increased in the amount of \$1,200,000 to provide for 25 police vehicles.

10043024-580050 Facility Improvements (Recreation) is funded in the amount of \$50,000 to provide for the Park at the Library project.

10043025-580050 Facility Improvements (Athletic Programs) is increased in the amount of \$600,000 to provide for the resurfacing of tennis court at the Florence Tennis Center and Timrod Park (\$150,000) and improvements to the Florence Soccer Center (\$450,000).

10046300-531000 Professional Services (Planning) is increased in the amount of \$125,000 to provide for professional services required to update the City's comprehensive plan.

10049300-594007 Neighborhood Redevelopment (Non-Departmental) is increased in the amount of \$200,000 to provide additional funding for neighborhood redevelopment projects.

10049300-594145 FMU Appropriations (Non-Departmental) is funded in the amount of \$1,530,000 to provide for the transfer of the old Circle Park building to Francis Marion University for medical education purposes.

10049300-594160 Property Acquisition (Non-Departmental) is funded in the amount of \$103,900 to provide for the purchase of property for a new fire station (\$53,900) and for the rail trail (\$50,000).

Section 3. That all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

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

Signature page follows.

FY 2020-2021 Budget Amendment Ordinance (continued)

ADOPTED THIS _____ DAY OF _____, 2020.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: September 14, 2020

AGENDA ITEM: Proposed text amendments to the City of Florence Unified Development Ordinance to add breweries, brewpubs, distilleries, micro-breweries, and micro-distilleries as conditional uses in commercial and industrial zoning designations within the City of Florence.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendments to the City of Florence Unified Development Ordinance: Table 1-2.7.4, "Commercial Uses" and Section 1-2.8.4 "Commercial Use Standards" add brewpubs as a conditional use within the Commercial General (CG), Central Business District (CBD), Activity Center (AC), and Destination/Select Use (DS); to add micro-breweries as a conditional use in the CG, CBD, AC, DS, Light Industrial (IL), & Heavy Industrial (IH) zoning designations; and add micro-distilleries as a conditional use in the CG, CBD, AC, DS, IL, & IH zoning designations.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On July 14, 2020 Planning Commission held the first public hearing on this matter and voted unanimously (9-0) to defer the matter, asking staff to research and further delineate the intensity of production allowed in each zoning district.
- (2) On August 11, 2020 Planning Commission held a public hearing on this matter and voted unanimously (6-0) to recommend the amendment to City Council.

III. POINTS TO CONSIDER:


- 1) Request is being considered for first reading.
- 2) In conducting research, City Staff realized the necessity to be proactive and define other uses associated with the brewing and distilling of alcoholic beverages, namely breweries, distilleries, micro-breweries, and micro-distilleries. These uses are common in urban areas nationwide to include South Carolina communities such as Greenville, Charleston, Columbia, Greer, and Hartsville to name a few.
- 3) The text amendments have been prepared by the Planning, Research and Development Department in an effort to clarify the intent of the ordinance and allow for reasonable development within the City.
- 4) The proposed uses are delineated based on their anticipated intensity and production numbers: by the barrel (31 gallons) for breweries and by the case (9 liters or about 2.38 gallons) for distilleries:
 - **Breweries** – Heavy Industrial beer brewing without a limitation on barrel production
 - **Brewpubs** – Food service and on-site alcohol beverage sales with the ability to brew beer onsite up to 2,000 barrels annually
 - **Micro-breweries** – Beer brewery with limited production ability (up to 15,000 barrels) dependent on zoning designation. These establishment may have a tasting room per State regulations, which limits the amount of product that can be sold to an individual.
 - o **CG, CBD, AC, and DS** would allow up to 3,000 barrels annually

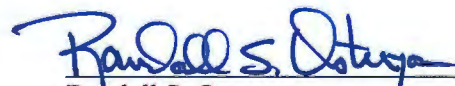
- **IL** would allow up to 10,000 barrels annually
- **IH** would allow up to 15,000 barrels annually
- **Distilleries** – Heavy Industrial liquor distilling without a limitation on case production
- **Micro-distilleries** – Liquor distillery with limited production (up to 125,000 cases) ability dependent on zoning designation. These establishments may have a tasting room per State regulations, which limits the amount of product that can be sold to an individual.
 - **CG, CGB, AC, and DS** would allow up to 5,000 cases annually
 - **IL** would allow up to 50,000 cases annually
 - **IH** would allow up to 125,000 cases annually
- 5) The proposed amendments to the Unified Development Ordinance are in alignment with State regulations and common industry definitions.
- 6) City staff recommends the proposed text amendments as they guide development in a manner consistent with the stated purpose of the Unified Development Ordinance. Brewpubs would be restricted to the same commercial zoning designations as the existing use of on-site alcohol consumption (bar), and production facilities would be allowed in commercial and industrial locations based upon their intensity and character.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A. Proposed additions to the *City of Florence Unified Development Ordinance*
- B. Ordinance


 Jerry B. Dudley
 Planning Director


 Randall S. Osterman
 City Manager

Attachment A: Proposed additions to the City of Florence Unified Development Ordinance

Sec. 1-2.7.4 Commercial Uses

Set out in Table 1-2.7.4, Commercial Uses is which commercial uses are allowed in each zoning district

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															
Brewpub	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-
Micro-brewery	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-
Micro-distillery	-	-	-	-	-	-	-	C	C	C	C	C	C		
<small>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)</small>															

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).

G. Brewpubs are permitted if it is demonstrated that:

1. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 4, Article 15, which regulates the construction and operation of breweries and wineries; and
2. A state permit as required by SC Title 61, Chapter 6, Article 11, shall be obtained prior to beginning operation; and
3. Alcoholic Beverage Sales (Onsite Consumption) conditions listed in Section 1-2.8.4A are met for the applicable Zoning District; and
4. Maximum annual production shall be limited to 2000 US beer barrels; and
5. All manufacturing operations contained within a fully enclosed building; and
6. Loading area must be located to the side or rear of the structure; and
7. Deliveries are limited to between the hours of 7:00 A.M. and 9:00 P.M. on any day; and
8. No outside storage is allowed; and
9. The use shall include a commercial kitchen which demonstrates that:
 - a. food sales constitute at least 30% of the regular source of business to the licensed establishment: and
 - b. Meals are served upon the demand of guests and patrons during normal meal times that occur when the licensed business establishment is open to the public; and

- c. An adequate supply of food is present on the licensed premises to meet the demand.

M. Micro-breweries are permitted if demonstrated that:

1. In the Activity Center (AC), Central Business District (CBD), Commercial General (CG), and Destination/Select Use (DS) districts:
 - a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 4, Article 15, which regulates the construction and operation of breweries and wineries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Article 11, shall be obtained prior to beginning operation; and
 - c. Alcoholic Beverage Sales (Onsite Consumption) conditions listed in Section 1-2.8.4(A) are met for the applicable Zoning District; and
 - d. Maximum annual production shall be limited to 3,000 US beer barrels and;
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure; and
 - g. Deliveries are limited to between the hours of 7:00 A.M. and 9:00 P.M. on any day; and
 - h. No outside storage is allowed.

2. In the Light Industrial (IL) District:
 - a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 4, Article 15, which regulates the construction and operation of breweries and wineries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Article 11, shall be obtained prior to beginning operation; and
 - c. Industrial conditions listed in Section 1-2.8.5(E) are met for the applicable zoning district; and
 - d. Maximum annual production shall be limited to 10,000 US beer barrels; and
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure; and
 - g. If alcoholic beverages are sold on-site:
 1. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 2. Patron seating is indoor only; or
 3. 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.

3. In the Heavy Industrial (IH) District:
 - a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 4, Article 15, which regulates the construction and operation of breweries and wineries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Article 11, shall be obtained prior to beginning operation; and
 - c. Industrial conditions listed in Section 1-2.8.5(B) are met for the applicable zoning district; and
 - d. Maximum annual production shall be limited to 15,000 US beer barrels; and
 - e. If alcoholic beverages are sold on-site:
 1. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 2. Patron seating is indoor only; or
 3. 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.

O. Micro-distilleries are permitted if it is demonstrated that:

1. In the Activity Center (AC), Central Business District (CBD), Commercial General (CG), and Destination/Select Use (DS) districts:
 - a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 6, Subarticle 11, which regulates the construction and operation of micro-distilleries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Subarticle 11, shall be obtained prior to beginning operation; and
 - c. Alcoholic Beverage Sales (Onsite Consumption) conditions listed in Section 1-2.8.4A are met for the applicable Zoning District; and
 - d. Maximum annual production shall be limited to 5,000 cases; and
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure; and
 - g. Deliveries are limited to between the hours of 7:00 A.M. and 9:00 P.M. on any day; and
 - h. No outside storage is allowed.
2. In the Light Industrial (IL) District:
 - a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 6, Subarticle 11, which regulates the construction and operation of micro-distilleries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Subarticle 11, shall be obtained prior to beginning operation; and
 - c. Industrial conditions listed in Section 1-2.8.5(E) are met for the applicable zoning district; and
 - d. Maximum annual production shall be limited to 50,000 cases; and

- e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure; and
 - g. If alcoholic beverages are sold on-site:
 - 1. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - 2. Patron seating is indoor only; or
 - 3. 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.
3. In the Heavy Industrial (IH) District:
- a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 6, Subarticle 11, which regulates the construction and operation of micro-distilleries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Subarticle 11, shall be obtained prior to beginning operation; and
 - c. Industrial conditions listed in Section 1-2.8.5(B) are met for the applicable zoning district; and
 - d. Maximum annual production shall be limited to 125,000 cases; and
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure.
 - g. If alcoholic beverages are sold on-site:
 - 1. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - 2. Patron seating is indoor only; or
 - 3. 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.

Division 7-25.2 Definitions

(B)

Brewery – for the purposes of this ordinance, a brewery is considered a heavy industrial use which produces over 15,000 US barrels (465,000 gallons) of beer annually and is compliant with SC Code of Laws Title 61.

Brewpub (see also Alcoholic Beverage Sales, Onsite Consumption) – A tavern, public house, restaurant or hotel which produces on the permitted premises a maximum of two thousand barrels (62,000 gallons) a year of beer for sale on the premises and is compliant with SC Code of Laws Title 61.

(D)

Distillery – for the purposes of this Ordinance, a distillery is considered a heavy industrial use which distills, blends, and bottles alcoholic liquors on the licensed premises in this State with an alcohol content greater than seventeen percent and which produces a quantity of greater than 125,000 cases (297,500 gallons) per year at the licensed premises and is compliant with SC Code of Laws Title 61.

(M)

Micro-brewery - a manufacturer which produces beer with an annual maximum production capacity of fifteen thousand barrels (465,000 gallons) per year at the licensed premises primarily engaged in production and off-site sales and is compliant with SC Code of Laws Title 61.

Micro-distillery - a manufacturer which distills, blends, and bottles alcoholic liquors with an alcohol content greater than seventeen percent and which produces a maximum quantity of 125,000 cases (297,500 gallons) per year at the licensed premises and is compliant with SC Code of Laws Title 61.

ORDINANCE NO. 2020-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO ADD CONDITIONS FOR AND DEFINE BREWERIES, BREWPUBS, DISTILLERIES, MICRO-BREWERIES, AND MICRO-DISTILLERIES.

WHEREAS, the purpose of the Unified Development Ordinance is to implement the Comprehensive Plan adopted February 14 2011 and updated May 8. 2017, guide development in accordance with existing and future needs, and promote the public health, safety, convenience, order, appearance, prosperity, and general welfare, as well as providing for the orderly development of land within the territorial jurisdiction of the City of Florence;

WHEREAS, the text amendments have been prepared by the Planning, Research, and Development Department in an effort to clarify the intent of the ordinance and allow for reasonable development within the City;

WHEREAS, the Planning Commission and City Staff recommend the proposed text amendments as they guide development in a manner consistent with the stated purpose of the Unified Development Ordinance.

THEREFORE, Table 1-2.7.4 of the *City of Florence Unified Development Ordinance*, shall add the following uses:

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																
Brewpub	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	
Micro-brewery	-	-	-	-	-	-	-	C	C	C	C	C	C	-	-	
Micro-distillery	-	-	-	-	-	-	-	C	C	C	C	C	C			

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).

G. Brewpubs are permitted if it is demonstrated that:

1. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 4, Article 15, which regulates the construction and operation of breweries and wineries; and
2. A state permit as required by SC Title 61, Chapter 6, Article 11, shall be obtained prior to beginning operation; and
3. Alcoholic Beverage Sales (Onsite Consumption) conditions listed in Section 1-2.8.4A are met for the applicable Zoning District; and
4. Maximum annual production shall be limited to 2000 US beer barrels; and
5. All manufacturing operations contained within a fully enclosed building; and
6. Loading area must be located to the side or rear of the structure; and
7. Deliveries are limited to between the hours of 7:00 A.M. and 9:00 P.M. on any day; and
8. No outside storage is allowed; and
9. The use shall include a commercial kitchen which demonstrates that:
 - a. food sales constitute at least 30% of the regular source of business to the licensed establishment; and
 - b. Meals are served upon the demand of guests and patrons during normal meal times that occur when the licensed business establishment is open to the public; and
 - c. An adequate supply of food is present on the licensed premises to meet the demand.

M. Micro-breweries are permitted if demonstrated that:

1. In the Activity Center (AC), Central Business District (CBD), Commercial General (CG), and Destination/Select Use (DS) districts:
 - a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 4, Article 15, which regulates the construction and operation of breweries and wineries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Article 11, shall be obtained prior to beginning operation; and
 - c. Alcoholic Beverage Sales (Onsite Consumption) conditions listed in Section 1-2.8.4(A) are met for the applicable Zoning District; and
 - d. Maximum annual production shall be limited to 3,000 US beer barrels and;
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure; and
 - g. Deliveries are limited to between the hours of 7:00 A.M. and 9:00 P.M. on any day; and

- h. No outside storage is allowed.
2. In the Light Industrial (IL) District:
- a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 4, Article 15, which regulates the construction and operation of breweries and wineries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Article 11, shall be obtained prior to beginning operation; and
 - c. Industrial conditions listed in Section 1-2.8.5(E) are met for the applicable zoning district; and
 - d. Maximum annual production shall be limited to 10,000 US beer barrels; and
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure; and
 - g. If alcoholic beverages are sold on-site:
 - 1. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - 2. Patron seating is indoor only; or
 - 3. 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.
3. In the Heavy Industrial (IH) District:
- a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 4, Article 15, which regulates the construction and operation of breweries and wineries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Article 11, shall be obtained prior to beginning operation; and
 - c. Industrial conditions listed in Section 1-2.8.5(B) are met for the applicable zoning district; and
 - d. Maximum annual production shall be limited to 15,000 US beer barrels; and
 - e. If alcoholic beverages are sold on-site:
 - 1. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - 2. Patron seating is indoor only; or
 - 3. 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.
- O. Micro-distilleries** are permitted if it is demonstrated that:
- 1. In the Activity Center (AC), Central Business District (CBD), Commercial General (CG), and Destination/Select Use (DS) districts:

- a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 6, Subarticle 11, which regulates the construction and operation of micro-distilleries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Subarticle 11, shall be obtained prior to beginning operation; and
 - c. Alcoholic Beverage Sales (Onsite Consumption) conditions listed in Section 1-2.8.4A are met for the applicable Zoning District; and
 - d. Maximum annual production shall be limited to 5,000 cases; and
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure; and
 - g. Deliveries are limited to between the hours of 7:00 A.M. and 9:00 P.M. on any day; and
 - h. No outside storage is allowed.
2. In the Light Industrial (IL) District:
- a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 6, Subarticle 11, which regulates the construction and operation of micro-distilleries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Subarticle 11, shall be obtained prior to beginning operation; and
 - c. Industrial conditions listed in Section 1-2.8.5(E) are met for the applicable zoning district; and
 - d. Maximum annual production shall be limited to 50,000 cases; and
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure; and
 - g. If alcoholic beverages are sold on-site:
 - 1. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - 2. Patron seating is indoor only; or
 - 3. 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.
3. In the Heavy Industrial (IH) District:
- a. The use will be operated in accordance with all applicable laws to include SC Title 61, Chapter 6, Subarticle 11, which regulates the construction and operation of micro-distilleries; and
 - b. A state permit as required by SC Title 61, Chapter 6, Subarticle 11, shall be obtained prior to beginning operation; and
 - c. Industrial conditions listed in Section 1-2.8.5(B) are met for the applicable zoning district; and
 - d. Maximum annual production shall be limited to 125,000 cases; and
 - e. All manufacturing operations contained within a fully enclosed building; and
 - f. Loading area must be located to the side or rear of the structure.
 - g. If alcoholic beverages are sold on-site:

1. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
2. Patron seating is indoor only; or
3. 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.

THEREFORE, Section 7-25.2 of the City of Florence Unified Development Ordinance, shall read as follows:

Division 7-25.2 Definitions

(B)

Brewery – for the purposes of this ordinance, a brewery is considered a heavy industrial use which produces over 15,000 US barrels (465,000 gallons) of beer annually and is compliant with SC Code of Laws Title 61.

Brewpub (see also Alcoholic Beverage Sales, Onsite Consumption) – A tavern, public house, restaurant or hotel which produces on the permitted premises a maximum of two thousand barrels (62,000 gallons) a year of beer for sale on the premises and is compliant with SC Code of Laws Title 61.

(D)

Distillery – for the purposes of this Ordinance, a distillery is considered a heavy industrial use which distills, blends, and bottles alcoholic liquors on the licensed premises in this State with an alcohol content greater than seventeen percent and which produces a quantity of greater than 125,000 cases (297,500 gallons) per year at the licensed premises and is compliant with SC Code of Laws Title 61.

(M)

Micro-brewery - a manufacturer which produces beer with an annual maximum production capacity of fifteen thousand barrels (465,000 gallons) per year at the licensed premises primarily engaged in production and off-site sales and is compliant with SC Code of Laws Title 61.

Micro-distillery - a manufacturer which distills, blends, and bottles alcoholic liquors with an alcohol content greater than seventeen percent and which produces a maximum quantity of 125,000 cases (297,500 gallons) per year at the licensed premises and is compliant with SC Code of Laws Title 61.

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 _____, 2020

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: September 14, 2020

AGENDA ITEM: Ordinance to Annex and Zone property owned by Palmetto Corporation of Conway, located on Freedom Boulevard at Gilbert Drive; TMN 00179-01-014.

DEPARTMENT/DIVISION: Department of Planning, Research, and Development

I. ISSUE UNDER CONSIDERATION:

Request to annex a parcel consisting of 88.4 acres located on Freedom Boulevard at Gilbert Drive, Tax Map Number 00179-01-014, into the City of Florence and zone 84.3 acres Residential General-3 (RG-3) and 4.1 acres Commercial General (CG).

II. CURRENT STATUS AND PREVIOUS ACTION TAKEN:

1. On August 11, 2020, the City of Florence Planning Commission held a public hearing on this matter.
2. The Planning Commission voted 6-0 to recommend the zoning designations of General Residential-3 (RG-3) and Commercial General (CG) pending annexation approval.

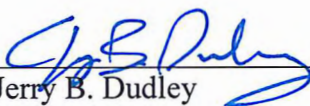
III. POINTS TO CONSIDER:

1. This request is being considered for first reading.
2. The properties seeking annexation are in the County and are unzoned.
3. The proposed zoning, pending annexation, is General Residential-3 (RG-3) for 84.3 acres and Commercial General (CG) for the 4.1 acre section at the intersection of Freedom Boulevard and Gilbert Drive.
4. A sketch plan has been submitted to the Planning Commission for a 142 lot single family residential subdivision for the portion of the parcel to be zoned RG-3.
5. City water and sewer services are currently unavailable, and the estimated cost to extend services to the development is approximately \$446,760. Based upon the feasibility analysis, the City's level of participation will be approximately \$313,488, with the developer responsible for any additional costs.
6. City staff recommends the annexation and concurs with Planning Commission's recommendation to zone the parcel General Residential-3 (RG-3) and Commercial General (CG).

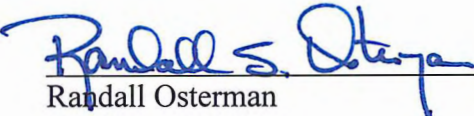
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Vicinity Map
- C) Location Map
- D) Proposed Zoning Map
- E) Annexation Petition



Jerry B. Dudley
Planning Director



Randall Osterman
City Manager

ORDINANCE NO. 2020 - _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY PALMETTO CORPORATION OF CONWAY LOCATED ON FREEDOM BOULEVARD AT GILBERT DRIVE; TMN 00179-01-014.

WHEREAS, a Public Hearing was held via Zoom Remote Conferencing and in the Council Chambers on August 11, 2020 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Wade Kennard on behalf of Palmetto Corp of Conway, owners of TMN 00179-01-014, to be zoned RG-3 and CG, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into 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 add the zoning district classifications of General Residential-3 (RG-3) and Commercial General (CG).

The property requesting annexation is shown more specifically as Florence County Tax Map 00179, block 01, parcel 014 (88.407468 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 properties and amending the Zoning Atlas to the aforesaid zoning classification.
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

ADOPTED THIS _____ DAY OF _____, 2020

Approved as to form:

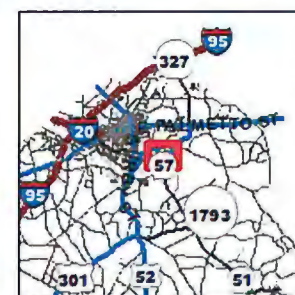
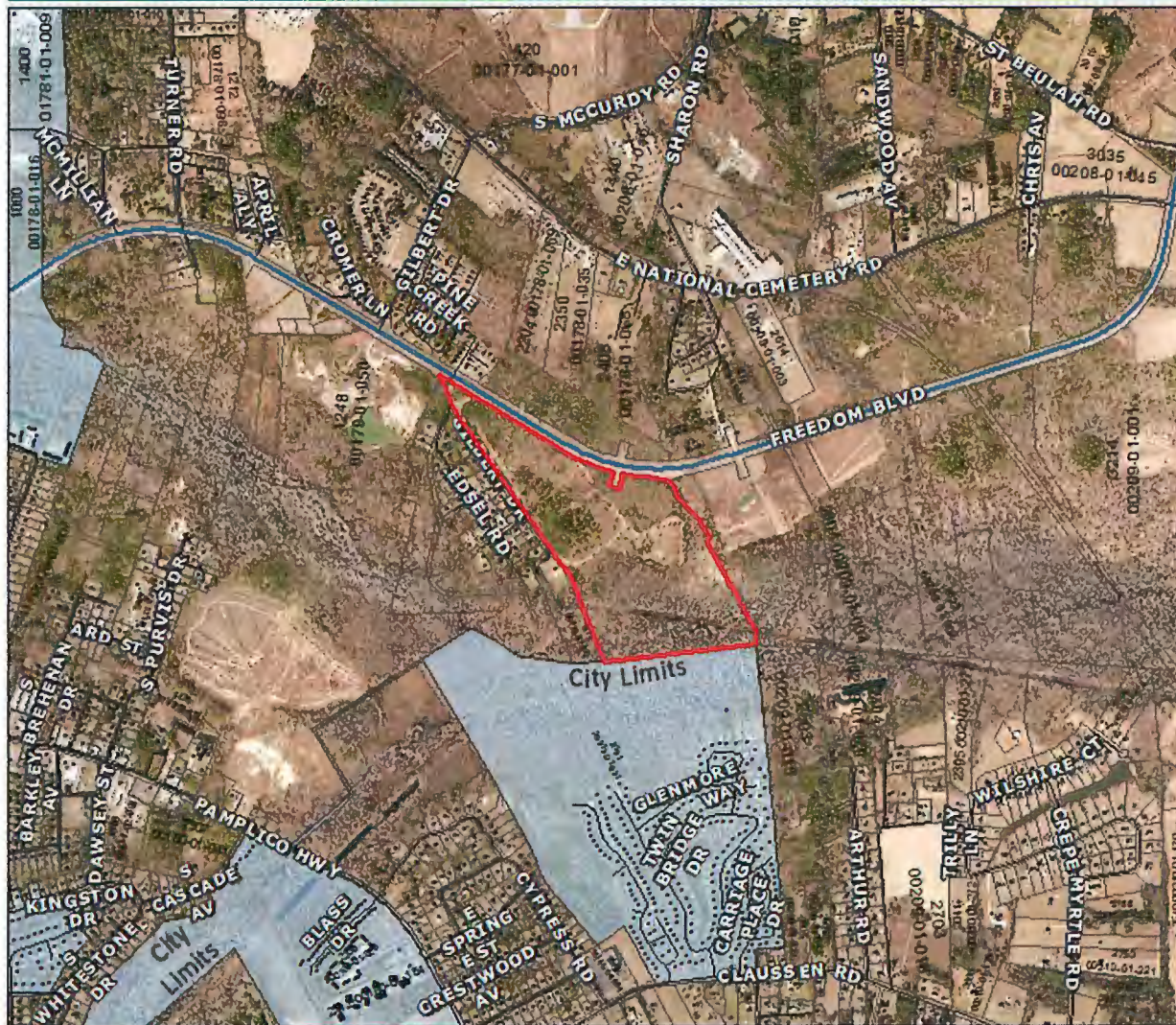
James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

City Council Vicinity Map - Freedom Boulevard



Legend

- City Limits
- Parcels



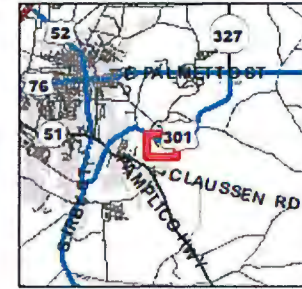
DISCLAIMER:
The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field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

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Date: 7/29/2020

City Council Location Map - Freedom Boulevard



Legend

- City Limits
- Parcels



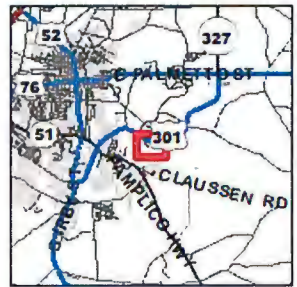
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Date 7/29/2020

City Council Proposed Zoning Map - Freedom Boulevard

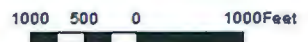


Legend

-  City Limits
-  Parcels



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Date 7/29/2020

Attachment E: Annexation Petition

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 Number: 00179-01-014

3. Annexation is being sought for the following purposes: Single Family Subdivision

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

APPLICANT (S) (Please print or type):

Name(s): Palmetto Corp of Conway

Address: PO Box 346, Conway SC 29528

Telephone Numbers: 843-365-2156 [work] 843-458-6748 [home]

Email Address: wkennard@palmettocorp.com

Signature Wkennard Date 6-23-20

Certification as to ownership on the date of petition: FOR OFFICAL USE ONLY
Date 6/23/2020 Wkennard

FLORENCE CITY COUNCIL MEETING

V. f.
Bill No. 2020-35
Second Reading

DATE: September 29, 2020

AGENDA ITEM: An Ordinance to amend Section 4 of the City of Florence Code of Ordinances for the addition of a Single-Family and Multi-Family Residential Rental Housing Registration.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An Ordinance to amend Section 4 of the City of Florence Code of Ordinances for the addition of a Single-Family and Multi-Family Residential Rental Housing Registration.

II. CURRENT STATUS AND PREVIOUS ACTION TAKEN:

(1) No previous action has been taken on the matter.

III. POINTS TO CONSIDER:


- (1) Request is being considered for first reading.
- (2) It is recognized that the Comprehensive Plan, Neighborhood Action Plan, Comprehensive Plan update, and Neighborhood Revitalization Strategy make recommendation to establish a rental registry.
- (3) The City of Florence through multiple planning initiatives has established the objective to ensure safe and habitable living conditions within all of the City's neighborhoods.
- (4) The use of a registry will reinforce the code enforcement system and encourage landlords to address deferred maintenance and implement good property maintenance standards to ensure the life safety of residents.
- (5) This ordinance will provide city staff with a local responsible representative to contact, in the event a violation occurs.
- (6) A rental registry is a tool to help support the community in meeting the need of its existing and future housing requirements, protects established neighborhoods from deterioration, and provides a method to continue the efforts of neighborhood revitalization.

IV. ATTACHMENTS:


- (1) Ordinance
- (2) Summary
- (3) Frequently Asked Question's
- (4) Step by step reference guide


Randy Osterman, City Manager


Jerry Dudley, Planning Director

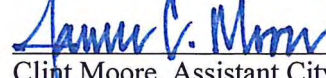

Michael Hemmingway, Utilities Director

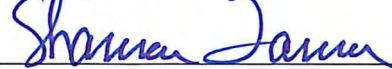

Chuck Pope, Public Works Director


Kevin Yokim, Assistant City Manager of Administration


Scotty Davis, Deputy City Manager


Allen Heidler, Police Chief


Clint Moore, Assistant City Manager of Development


Shannon Tanner, Fire Chief

ORDINANCE NO. 2020-_____

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF FLORENCE ENTITLED “BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES, TO ESTABLISH ARTICLE XIV “SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL RENTAL HOUSING REGISTRATION”.

WHEREAS, the City of Florence commits to advancing efforts to ensure a safe and habitable environment of all residential rental properties throughout our community; and

WHEREAS, the City will establish registration, renewal registration, and registry update for all single-family and multi-family rental properties within the municipal limits; and

WHEREAS, this ordinance will provide the City of Florence contact information for the rental property to establish a clear line of communication; and

WHEREAS, this ordinance is in concurrence with the South Carolina Landlord and Tenant Act and encourages landlords and tenants to maintain housing that is habitable,

WHEREAS, the City of Florence will be provided, by policy, the ability to pursue enforceable action in the event a property violates this ordinance; and

WHEREAS, pursuant to S.C. Code of Laws 6-9-60, the City of Florence previously adopted codes the South Carolina Building Codes Council has recognized as optional, to include property maintenance; and

WHEREAS, the Comprehensive Plan and the Neighborhood Revitalization Strategy of the City of Florence specifically recommends a rental registry to continue the City’s effort to stabilize and improve the integrity of all our neighborhoods; and

WHEREAS, the City Council of the City of Florence hereby adopts requirements of owners and their local representatives to register residential rental properties within the municipal limits 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 an Ordinance is hereby adopted to amend Chapter 4 of the Code of Ordinances of the City of Florence entitled “Buildings, Construction, and Related Activities, to establish

Article XIV “Single-family and Multi-family Residential Rental Housing Registration”;

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 _____, 2020

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

Article XIV. Single-Family and Multi-Family Residential Rental Housing Registration

Sec. 4-900. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

Citation: means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance, including any violations of the International Property Maintenance Code, as adopted by the City of Florence.

Dwelling unit: means a building or portion thereof, designed for occupancy for residential purposes and having individual cooking facilities and sanitary facilities for each leased space.

Landlord: means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

Occupant: means a family as defined by the City of Florence Unified Development Ordinance, or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A family of related persons shall be counted as one occupant.

Occurrence: means any offense, or citation for violation of any code, regulation, and/or ordinance of the City of Florence, the State of South Carolina, or the United States related to the facilities, condition, and/or maintenance of a residential rental unit or to the conduct of individuals located at or in the immediate vicinity of a residential rental unit.

Occupancy violation: means a violation of the permitted number of persons that may occupy a single-family or multi-family residential unit as defined by the City of Florence Unified Development Ordinance.

Offense: means any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into pre-trial intervention, alcohol education program or a determination of guilt by a court or a jury. For purposes of this article, all violations for which charges are made during one response by law enforcement officers which result in a forfeiture of bond, acceptance into a pre-trial intervention program, alcohol education program, conviction, or a plea of guilty or no contest collectively shall be deemed one offense.

Owner: means any person, firm, corporation, or legal entity having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

Owner-occupied rental unit: means a rental unit that is occupied in whole or in part at the subject property by an individual or individuals whose name(s) appears on the deed for the property on which the rental unit is located provided said individual(s) has designated the subject property as his/her legal voting address and the address of his/her driver's license.

Person: means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.

Premises: means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.

Professional Management Company: means any company, corporation, or legal entity identified as the local responsible representative for any residential unit(s) licensed by South Carolina Department of Labor, Licensing and Regulation as a real estate broker or property manager and holding the appropriate current City of Florence Business License.

Professional Property Manager: means any person identified as the local responsible representative for any residential rental unit(s), holding the appropriate permit and current City of Florence Business License, if required.

Residential rental unit: means that portion of a dwelling or building for which payment or other consideration, including performance of general maintenance, payment of utilities or other fees, or similar in-kind services, is being made to an owner, agent, or manager for the use and occupancy of that portion as a living facility. For purposes of this article, the term "rental unit" may be a single-family detached dwelling unit(s), single-family attached dwelling unit(s), duplex, townhouse, and multi-unit structures used for residential purposes. Whenever the words "rental unit" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof". Exceptions shall be the following:

1. Dwellings occupied for residency for over 120 days by employees of that organization which are owned by a firm, corporation, religious organization or another incorporated organization;
2. Dwellings occupied by individuals who are under a written contract to purchase the residence after the contract has been reviewed for validity of purchase by the City Manager or its designee;
3. Dwellings owned and operated by the United States of America, the State of South Carolina, or any agency thereof;
4. Owner-occupied rental dwellings, including, but not limited to: duplexes, over and under duplexes, and accessory dwelling units, that are consistent with the City of Florence Unified Development Ordinance.

Responsible local representative: means a person, professional property manager, or professional management company having its place of residence or business office within fifty (50) miles of the rental property and designated by the property owner as the agent available for service and responsible for operating such property in compliance with the ordinances adopted by the City. For the purposes of this article, the term "agent" shall refer to the responsible local representative.

Short-term residential rental: means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than twenty-nine (29) consecutive days and not to exceed seventy-two (72) days in the aggregate during any calendar year, as defined and regulated within the Unified Development Ordinance of the City of Florence.

Tenant: means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Townhome: means three or more attached dwelling units that are arranged in rows with common side walls.

Violation: means breach of law, except, for the purposes of this section, any laws related to Chapter 25 of Title 16 of the Code of Laws of South Carolina.

Sec.4-901. - Rental permit required.

1. All property owners, whether a person, firm, corporation, or other form of legal entity, that operates residential rental unit(s), as defined in Section 4-900, shall be required to obtain a rental permit with the City of Florence.
2. Before a rental permit can be granted, the owner shall certify that all properties subject to the rental permit comply with the City of Florence Code of Ordinances. If an owner or responsible local

representative is unsure if the property meets the minimum code, inspections by city staff are available upon request.

3. Owners of tenant-occupied properties that fail to pass an inspection as outlined in this section shall correct all defects noted on the inspection report within thirty (30) days and shall schedule a subsequent inspection of the property. Dependent on the scope of work, alternative schedules may be administratively approved by the City of Florence. Should the owner or agent not correct any violation within thirty (30) days or the approved alternative schedule time length, then further action will be taken by the City to include, but not limited to, revocation of rental permit, and revocation of business license.
4. Permits issued under this ordinance are non-transferable. In the event of the sale or other transfer of the residential rental unit covered by the permit, the successor must obtain the permit required by this ordinance before commencing business or operations.
5. A rental permit is required for each residential rental unit that a property owner rents/manages or responsible local representative manages in behalf of a property owner. The City shall, per written policy, allow certain residential rental units with the same address or tax map designation be grouped under an individual or single permit.
6. Renewals of rental permits after sixty (60) days of the expiration date will be assessed a late penalty fee of ten dollars (\$10.00) per month, for the initial and all subsequent months.
7. If the permit fee is not paid after 120 days following the expiration of the permit and the property is occupied as a rental unit, the City of Florence shall then issue a uniform ordinance summons to the property owner and/or the responsible local representative for appearance in municipal court charging the owner with a violation of this article as provided in Sec. 4-913, and the property owner and local representative are subject to revocation of business license.
8. The property owner and responsible local representative may be subject to other code enforcement action depending upon the circumstance.

Sec.4-902. – Business License required.

1. No owner or responsible local representative, whether a person, firm, or corporation, shall operate a residential rental unit within the municipal limits of the City of Florence without obtaining a business license as required by the City of Florence Code of Ordinances.
2. Before a business license can be issued, the owner must first obtain a Rental Permit as outlined within Sec. 4-901 in this ordinance.
3. All residential rental units, to include short-term rental properties, shall obtain a business license as required by the City of Florence Code of Ordinances.
4. The business license requirement shall not apply, if:
 - a. The owner or responsible local representative has less than five (5) residential rental units that are owned by an individual and not by a business, corporation, or limited liability partnership or other like legal entity.
 - b. This exemption does not apply to short-term rental properties as defined in this ordinance and outlined within the Unified Development Ordinance.

Sec. 4-903. - Application.

Applications for a permit to operate a residential rental unit(s) and for renewal thereof shall be on a form provided by the City of Florence. Such form shall set forth the owner's name, address, e-mail, and telephone number, the residential rental unit(s), the name of the person, firm, or corporation located within a fifty (50) mile radius of the City of Florence responsible for the care and maintenance of the building, and additional information as outlined on the application for rental housing.

Sec. 4-904. - Issuance or refusal of rental permit.

The City of Florence shall issue a rental permit for rental housing to the applicant upon proof of the following:

1. The property is compliant with and meets the requirements outlined of all applicable codes and ordinances of the City of Florence;
2. The property has passed the rental housing inspection conducted by the City of Florence at the owners or responsible local representatives request, or the owner has submitted written certification that the subject property complies with all applicable codes and ordinances of the City of Florence on the Certification form provided by the City;
3. All fees have been paid as required by Sec. 4-915 of this ordinance.
4. Per Sec. 4-902 of this ordinance, the issuance of a rental permit does not negate the requirement of a business license. Please see Sec. 4-902 for further clarification.

Sec. 4-905. - Property owner, responsible local representative, and occupant.

1. A permit will not be issued or renewed to a person, firm, corporation, or other legal entity that does not reside or have an office within a fifty (50) mile radius of the City of Florence unless a responsible local representative is designated. The City Manager, or its designee, shall be notified in writing if there is a change of ownership or responsible local representative within fourteen (14) days of the change. It is the sole responsibility of the property owner to maintain current contact information. If the property owner fails to notify the City of a change in personal contact information or a change of responsible local representative, it shall be considered failing to meet the rental housing ordinance and is subject to revocation of the rental permit and business license.
2. The property owner, responsible local representative, and/or occupants shall be responsible for occupancy violations within rental residences under their control or in which they are located.
3. For every residential rental unit, the owner or responsible local representative shall be responsible for the repair and maintenance of the common areas of the dwelling and shall respond to service requests and emergency needs, including entry into units where an emergency appears to exist. The property owner and/or the responsible local representative shall make reasonable dispatch during emergency needs within 24 hours, but in no event shall the dispatch occur later than 48 hours, in making efforts to hire a licensed contractor or provide the services individually to correct the emergency.
4. Any and all occupancy violations, maintenance, repair, replacement, damages and/or expenses which occur to the structure and property shall be the responsibility of the property owner and/or responsible local representative of the residential rental unit(s).
5. The owner or responsible local representative shall provide each tenant the names, addresses, e-mails, and telephone numbers of such owner and/or responsible local representative.

Sec. 4-906. – Occurrence(s) and assignment of occurrence(s).

1. For purposes of this section, occurrence(s) shall include any citation, offense, and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including but not limited to, payment of fine) for any violation of any code and/or ordinance related to the condition of and/or occupancy of premises, including but not limited to the City of Florence Codes and Ordinances, the Fair Housing Act, and the South Carolina Residential Landlord and Tenant Act.
2. Any occurrence(s) that is not resolved upon the notice of violation shall be counted as set out in subparagraph 3 below and shall apply towards revocation of the rental permit for the residential rental unit(s) as follows:
 - a. *Single-household dwellings and townhouses.* Occurrences that are assigned to any portion of the premises shall apply to the residential rental unit(s).
 - b. *Multi-unit structures and two-household dwellings.*
 - i. Occurrences that occur within an individual unit shall be assigned to that residential rental unit.
 - ii. Occurrences that are assigned to the outside of any individual unit shall be assigned to the residential rental unit.
 - iii. Occurrences committed by the property owner and/or responsible local representative shall be assigned to all units.
3. In the event that an occurrence at a residential rental unit regulated by this article transpires, the following shall occur:
 - a. Advisory Notice: The City of Florence shall send written notification to the property owner and/or responsible local representative of any occurrence that is applied to properties governed by this ordinance.
 - b. Warning Notice: The City Manager, or its designee, shall provide a warning notice by certified mail or any other means available to ensure delivery to the property owner or responsible local representative of any residential rental unit whenever two (2) occurrences, as defined in this ordinance have been applied individually or in combination at the property within a twelve (12) month period. The twelve (12) month period shall commence on the day of the first occurrence until the same date of the following year. This notice shall advise the property owner or responsible local representative that the property has two (2) occurrences in violation of this ordinance and shall advise them that should one (1) additional occurrence be applied to the residential rental unit(s) within the twelve (12) month period, the owner's or agent's rental permit and/or business license is subject to revocation. This notice shall be maintained by the City Manager, or its designee, and made available as necessary.
 - c. Occurrences related to the condition of and/or occupancy of the premises that result in serious bodily injury or death to occupants may be grounds for immediate revocation of rental permit.
4. For purposes of this ordinance, a Notice of Violation does not constitute the assignment of an occurrence. Should the owner or Responsible Local Representative fail to correct the violation in

the procedure outlined within Section 9-27 and Section 9-28 of the City of Florence Code of Ordinances, and is found guilty of such violations, then an occurrence shall be assigned. If the owner corrects the violation at any point outlined within this ordinance, then an occurrence shall not be assigned to that property.

5. For purposes of the revocation of the rental permit and/or a business license, occurrence(s) may be collocated as a single occurrence in the Advisory and Warning Notice afforded to a property owner and/or responsible local representative prior to action by the City. This does not invalidate each occurrence being treated individually, should a summons to municipal court occur.
6. An administrative fine of \$50.00 will be assessed per occurrence for each occurrence accumulated beyond two (2) within a twelve month period due upon any renewal of the permit. Failure to pay this fine will result in action towards revocation of the business license to operate the residential rental unit(s). Prior to the renewal of the rental permit, all administrative fines must be paid and the owner and/or agent must be in good standing per this ordinance.
7. If an occurrence is the subject of judicial action and a charged person or entity is found not guilty or the case against them for a citation is dismissed, then the citation shall be removed as an occurrence as if it had not been assessed, or if the occurrence is corrected within 30 days or by an agreed upon order.

Sec. 4-907. - Revocation of permit and appeal.

1. Accumulation of three (3) or more occurrences against a residential rental unit(s) within a twelve (12) month period as defined above, or one or more occurrences of a serious criminal nature or offenses that result in serious bodily injury or death to occupants shall subject the owner of proceedings to revoke the permit to operate and lease the residential rental unit(s).
2. Upon the accumulation of occurrences beyond what is allowed, or failure to comply with the requirements of this ordinance, the following procedure shall be followed:
 - a. The Building Official, or its designee, shall cause the owner and/or responsible local representative to be served written notice of revocation of the rental permit to lease, operate, and occupy the residential rental unit(s). The notice of revocation shall specify the occurrences upon which the decision to revoke is based. Service shall be deemed complete if personally delivered upon the owner or agent by any person authorized by law to serve process or a duly appointed law enforcement officer. The person serving process shall make proof of service within the time during which the person served must respond to the process. If service cannot be personally made within the 50 mile radius, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.
 - b. The owner or responsible local representative shall have twenty (20) days from the date of service to request a hearing to appeal the revocation of the permit. The notice of appeal shall be served upon the Building Official, or its designee, by certified mail, return receipt requested or by personal service.
 - c. If such notice of appeal is not timely served, the owner or responsible local representative shall be deemed to have waived its right of appeal and the revocation shall take effect immediately.
 - d. Upon an owner's or responsible local representative's timely service of a notice of appeal regarding the revocation, the City Manager, or its designee, shall schedule a hearing with a three person Rental Housing Appeals Committee. The Rental Housing Appeals Committee shall be made up three (3) Directors within the City Staff as appointed from

time to time by the City Manager, but the Committee will not include the Director over the Building Department, the Chief of Police, the Community Services Director, or the Public Works Director.

- e. The hearing on the appeal shall be scheduled within thirty (30) days after receipt of the Notice of Appeal, and it shall be conducted as follows:
- (1) The presence of all three members of the Rental Housing Appeals Committee is required for a quorum.
 - (2) The appealing party (who may appear via a designated representative) and the Building Official or its designee shall appear before the Rental Housing Appeals Committee at the scheduled hearing. Either party may be represented by counsel. Should the Appealing Party elect not to appear at the hearing, the Appealing Party shall be deemed to have abandoned the Appeal, waived all rights to appeal, and the original revocation decision shall be final.
 - (3) The hearing shall be recorded by a court reporter retained at the Appealing Party's expense.
 - (4) In conducting the hearing, the Rental Housing Appeals Committee shall have the power to administer oaths, compel the production of documents, and receive evidence. All parties shall have the opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination, and to submit rebuttal evidence. At the conclusion of the hearing, the Rental Housing Appeals Committee may request one or both parties to submit proposed findings of fact and orders. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in the civil courts of South Carolina.
 - (5) At the conclusion of the hearing, the Appealing Party will advise the Rental Housing Appeals Committee of the address it requests the recommended order to be delivered by either U.S. Mail or electronic mail.
 - (6) After concluding the hearing, the Rental Housing Appeals Committee shall, within ten (10) business days, make its recommended order, and the recommended order shall consist of findings of fact, conclusions of law, and recommended relief. The recommended order shall be delivered to the Appealing Party by U.S. Mail or electronic mail method provided under subparagraph (5) above. Either party to the appeal shall have ten (10) days from the date the recommended order is mailed or emailed to submit written exceptions to the recommended order of the Rental Housing Appeals Committee.

(7) Upon the passage of the ten-day period for submission of exceptions, the City Manager shall review the recommended order and any written exceptions submitted. The City Manager may set forth any deficiencies he/she finds with respect to the order. Any such deficiencies shall be limited to determinations that the findings are not based on competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing the recommended order, the City Manager shall not have the power to receive or consider additional evidence. The City Manager may remand the recommended order along with the delineated deficiencies back to the Rental Housing Appeals Committee for consideration of the deficiencies. If a remand occurs, the Rental Housing Appeals Committee shall address the deficiencies in an addendum to the recommended order. The City Manager shall then either: (a) adopt the recommended order in its entirety; or (b) adopt the findings of fact and conclusions of law in the recommended order but reject or modify the recommended relief. The action of the City Manager shall be the final order of the City, and it shall be delivered to the Appealing Party using the same U.S. Mail or electronic mail method previously provided by the Appealing Party as set forth above.

- f. If the City Manager finds that the actions taken by the City to revoke the owner's or responsible local representative's permit for the residential rental unit(s) were appropriate as defined in the City of Florence Code of Ordinance, the City will proceed with revocation of the owner's rental permit to operate the residential rental unit(s), followed by further actions to revoke the owner's or responsible local representative's business license.
- g. If the City Manager finds that the actions taken by the City to revoke the permit were not appropriate as defined by the City of Florence Code of Ordinances, or that the owner has recovered possession of the dwelling unit, the City of Florence will dismiss the revocation action and relevant citations if any, against the permit based upon the actions taken by the landlord to seek compliance with the City's ordinances.
- h. If the permit is revoked under these procedures, the owner or responsible local representative shall have five (5) days from the date of the final decision to commence recovering possession of the rental unit. If the tenant(s) do not voluntarily agree to vacate the premises, the owner or agent shall diligently pursue the process of eviction to completion. The owner or agent shall provide copies of all documents provided to the tenants or filed with the court concerning the eviction process to the Building Official, or its designee. If the owner collects any rent from the tenants following permit revocation, fails to comply with these provisions, or fails to abide with the final decision of the City, the City may seek criminal relief by citing the owner for violation of Sec. 4-901, or seek other available legal or equitable relief.
- i. In addition to the above-described procedures, the city attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.
- j. Subject to conditions, the City of Florence shall take further action which may result in the discontinuance of use of the water meter, revocation of the business license and ability to

operate the residential rental unit(s), and any other action the City of Florence deems appropriate.

3. Occurrences of a serious criminal nature or offenses that result in serious bodily injury or death to occupants shall be grounds for immediate business license revocation and/or residential permit per the City of Florence Codes of Ordinances. The Planning Director or designee is authorized to immediately revoke any permit under this section if it is determined that the property is not in compliance with City of Florence zoning regulations. Such permit revocation, however, shall not be subject to the appeals process outlined in this section. Upon an owner's request to appeal the Planning Director's decision to revoke a permit due to non-compliance, the appeal shall be made to the Board of Zoning Appeals in accordance with the procedure set forth in sections 6-20.2.3 and 6-22.1.1 of the Unified Development Ordinance.
4. The final decision of the City is subject to certiorari review in a court of competent jurisdiction in Florence County, South Carolina.

Sec. 4-908. - Effect of revocation.

Upon the commencement of revocation of the rental permit for a residential rental unit, no permit shall be granted to another responsible local representative or owner for the operation of that residential rental unit(s) until all citations and/or notice of violations are remedied. Any residential tenants under a lease in existence at the time of the commencement of revocation shall have all rights afforded to them under applicable local, state, and federal law.

Sec. 4-909. - Notification exemption.

Residential rental properties are exempt from the notification requirements, as given in the codes, when they have not obtained a valid permit for rental housing as required by this article. Properties operating without a valid rental permit and business license shall receive one written warning and twenty (20) working days to comply. If an owner is convicted of a violation of Sec. 4-902 of the City of Florence Code of Ordinances, the property shall not be eligible for a rental housing permit for a period of three (3) months after the conviction. The property owner and/or agent that operates without a business license is subject to violations and penalties outlined within Chapter 13 of the City of Florence Code of Ordinances.

Sec. 4-910. - Defenses.

1. When tenants are guilty of occurrences resulting in a revocation notice, the property owner may request a suspension of revocation proceedings by providing written evidence of the initiation of eviction proceedings against the culpable tenants. If the tenants are evicted, the property owner may request termination of the revocation proceedings. If revocation has been suspended but the tenants are not evicted within forty-five (45) days or a schedule determined by the court, revocation proceedings will be reinstated by the City. All days prior to the suspension will count towards the afforded days to comply as outlined within this ordinance.
2. If the permit accumulates citations which are solely caused by the behavior of a tenant, the owner may apply for removal of those tenant-related citations at the conclusion of eviction proceedings which result in the eviction of those tenants or upon proof that the tenants have vacated the property. If the City, by and through the City Manager, or its designee, agrees to remove the citations after the owner presents a valid order of eviction, proof of tenants vacating the residential rental unit(s), and all citations are remedied, the citations shall be removed as if never assessed. If the City Manager, or its designee, does not agree to remove those citations as tenant related, then the owner may apply for a review by the Rental Housing Appeals Committee.

Sec. 4-911. - Operating without a permit a public nuisance.

If a person operates as a landlord without a rental permit or business license (when applicable) as set forth in this section, such shall constitute a public nuisance and be in violation of this ordinance.

Sec. 4-912. - Inspections and complaints.

- a. Inspections: By applying for a permit, the owner agrees to allow inspection of the unit for violations of this article, as well as violations of the International Property Maintenance Code at any reasonable time; however, this provision shall not be interpreted as authorizing the City to conduct an inspection of an occupied rental unit without obtaining either the consent of an occupant or a warrant.
- b. Complaints: Each complainant shall be requested to state his/her name and addresses and give a statement of the facts giving rise to the complainant's belief that the provisions of this article are being violated. Such information may be obtained orally or in writing. A complainant may be subpoenaed to appear in a revocation or denial proceeding to provide evidence or testimony.

Sec. 4-913. - Offenses.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor offense and shall be subject to the penalties outlined in the City of Florence Code of Ordinances. Each day of violation may be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.

Sec. 4-914. - Denial of permit and appeal.

- a. The Building Official, or its designee, may deny issuance of any permit applied for under this section if it is determined that either the owner or agent has made material misrepresentations about the condition of his/her property or status of ownership, or that the occupancy of the property is in violation of any city ordinances, or that the owner has otherwise violated a provision of this ordinance.
- b. If the Building Official, or its designee, determines there is reasonable cause to believe that there are grounds to deny a permit, the administrator or designee shall provide notice of the denial, including the grounds for the denial based upon findings of fact.
- c. Within fifteen (15) days of the date of the notice, the owner may request in writing to the Building Official, or its designee, an administrative hearing on the denial. The City Manager, or its designee, shall schedule the administrative hearing to occur within fifteen (15) days after receiving the request for the hearing and shall notify the owner at least five (5) days in advance of the time and location for the administrative hearing. The administrative hearing may be postponed if mutually agreed upon by the administrator and the owner.
- d. The administrative hearing shall be conducted informally and adherence to the rules of evidence normally followed by the courts shall not be required. Any person may present testimony, documents, or other evidence as deemed relevant by the City Manager, or its designee. Any person may be represented by counsel.
- e. The City Manager, or its designee, shall consider all evidence presented at the administrative hearing, and if the preponderance of the evidence supports the allegation of the occurrence, the permit shall be denied. If the preponderance of the evidence does not support the allegation of the occurrence, the permit shall be issued. If the permit denial is sustained, the owner may appeal the denial to the Rental Housing Appeals Committee. The City Manager, or its designee, shall notify the owner or agent within 48 hours after the conclusion of the meeting regarding the Committee's decision.

- f. The City Manager, or its designee, may waive the denial requirement as to any permit if it is determined that the owner has attempted in good faith to comply with this ordinance. In determining asserted good faith as required for a waiver, the administrator or designee may consider, but not be limited to, the owner's response to current occurrence(s) and remedy of past occurrence(s).
- g. If a permit is denied under this section, the owner shall not be issued another permit for the same residential dwelling unit(s) or property(s) for a period of three (3) months after the date of denial and upon remediation of any identified occurrence(s).
- h. Upon a decision to sustain a permit denial at the administrative hearing, the Building Official, or its designee, shall cause to be served written notice of the decision to the owner or agent. Service shall be deemed complete if personally delivered upon the owner or agent by any person authorized by law to serve process or a duly appointed law enforcement officer. If service cannot be personally made within the 50 mile radius, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.
- i. The owner or agent shall have twenty (20) days from the date of service to request a hearing to appeal the permit denial to the Rental Housing Appeals Committee. The request shall be sent to the Building Official, or its designee, by certified mail, return receipt requested or by personal service.
- j. If such notice of appeal is not timely served, the owner or responsible local representative shall be deemed to have waived its right of appeal and the denial of the permit shall take effect immediately.
- k. Upon timely service of a notice of appeal regarding the permit denial, the City Manager, or its designee, shall schedule a hearing with Rental Housing Appeals Committee described in Section 4-907(2)(d) above.
- m. The hearing on the appeal shall be scheduled and conducted within thirty (30) days after receipt of the Notice of Appeal, and it shall be scheduled and conducted as set forth in Section 4-907(2)(e) above.
- n. If the City Manager finds that the actions taken by the City to deny the permit for the residential rental unit(s) were appropriate as defined in the City of Florence Code of Ordinance, the permit denial shall become final.
- o. If the City Manager finds that the actions taken by the City to deny the permit were not appropriate as defined by the City of Florence Code of Ordinances, the City of Florence will issue the permit requested.
- p. If the permit is denied under these procedures, and if the owner collects any rent from the tenants following permit denial, fails to comply with these provisions, or fails to abide with the final decision of the City, the City may seek criminal relief by citing the owner for violation of Sec. 4-902, or seek other available legal or equitable relief.
- q. The Planning Director or designee may deny issuance of any permit applied for under this section if it is determined that the property is not in compliance with City of Florence zoning regulations. Such permit denials however shall not be subject to the appeals procedure outlined in this section. Upon an owner's request to appeal the administrator's decision to deny a permit due to non-compliance, the appeal shall be made to the Board of Zoning Appeals in accordance with the procedure set forth in sections 6-20.2.3 and 6-22.1.1 of the Unified Development Ordinance.
- r. The final decision of the City is subject to certiorari review in a court of competent jurisdiction in Florence County, South Carolina.

Sec. 4-915. – Rental permit fee and annual permit fee.

- a. The rental permit fee shall be \$25.00, upon approval.

- b. The annual permit fee for the owner and/or local responsible representative is \$25.00 regardless of the point in the year that a permit is obtained. The permitting year runs from July 1 to June 30 of the following year. All rental permits expire on June 30 each year. No registration fees are to be prorated or refunded.
- c. Upon determination that a rental property owner has failed to obtain a rental housing permit, an administrative fine shall be assessed at \$400.00 each year the unpermitted occupancy has occurred for each residential rental unit.
- d. An inspection fee of \$25.00 shall be included in the permit fee for properties that fail to pass inspection after the second inspection.
- e. All required fines shall be paid before a permit is issued, including any past due fines assessed for work abated by the City.
- f. After the first year of permitting the annual permit fee is not required, if:
 - i. the applicant is a professional management company or professional property manager applying on behalf of an owner as a responsible local party, or;
 - ii. the applicant is licensed by the City of Florence through the business license office to conduct the business of being a landlord;
 - iii. the applicant is in good standing per this ordinance.

Sec. 4-916. - Severability.

The provisions of this article are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this article. It is hereby declared that the intent of the council is that this article would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Sec. 4-917. - Existing rights unaffected.

Nothing contained in this article is intended to affect the rights and responsibilities of property owners or tenants under the laws of the United States of America or the State of South Carolina as outlined by the South Carolina Landlord Tenant Act, the Americans with Disabilities Act, the Violence Against Women Act, the Fair Housing Act or any other provision of federal or state law regulating housing.

Sec. 4-918. - Effective date.

The provisions of this section shall become effective July 1st, 2020.

Sec. 4-919 – 4-949. Reserved

Potential Amendment

Article XIV. Single-Family and Multi-Family Residential Rental Housing Registration

Sec. 4-900. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

Citation: means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance, including any violations of the International Property Maintenance Code, as adopted by the City of Florence.

Dwelling unit: means a building or portion thereof, designed for occupancy for residential purposes and having individual cooking facilities and sanitary facilities for each leased space.

Landlord: means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

Occupant: means a family as defined by the City of Florence Unified Development Ordinance, or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A family of related persons shall be counted as one occupant.

Occupancy violation: means a violation of the permitted number of persons that may occupy a single-family or multi-family residential unit as defined by the City of Florence Unified Development Ordinance.

Offense: means any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into pre-trial intervention, alcohol education program or a determination of guilt by a court or a jury. For purposes of this article, all violations for which charges are made during one response by law enforcement officers which result in a forfeiture of bond, acceptance into a pre-trial intervention program, alcohol education program, conviction, or a plea of guilty or no contest collectively shall be deemed one offense.

Owner: means any person, firm, corporation, or legal entity having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

Owner-occupied rental unit: means a rental unit that is occupied in whole or in part at the subject property by an individual or individuals whose name(s) appears on the deed for the property on which the rental unit is located provided said individual(s) has designated the subject property as his/her legal voting address and the address of his/her driver's license.

Person: means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.

Premises: means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.

Professional Management Company: means any company, corporation, or legal entity identified as the responsible representative for any residential unit(s) licensed by South Carolina Department of Labor, Licensing and Regulation as a real estate broker or property manager and holding the appropriate current City of Florence Business License.

Professional Property Manager: means any person identified as the responsible representative for any residential rental unit(s), holding the appropriate permit and current City of Florence Business License, if required.

Residential rental unit: means that portion of a dwelling or building for which payment or other consideration, including performance of general maintenance, payment of utilities or other fees, or similar in-kind services, is being made to an owner, agent, or manager for the use and occupancy of that portion as a living facility. For purposes of this article, the term "rental unit" may be a single-family detached dwelling unit(s), single-family attached dwelling unit(s), duplex, townhouse, and multi-unit structures used for residential purposes. Whenever the words "rental unit" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof". Exceptions shall be the following:

1. Dwellings occupied for residency for over 120 days by employees of that organization which are owned by a firm, corporation, religious organization or another incorporated organization;
2. Dwellings occupied by individuals who are under a written, recorded contract to purchase the residence in which a significant portion of the rent applies to the purchase price;
3. Dwellings owned and operated by the United States of America, the State of South Carolina, or any agency thereof;
4. Owner-occupied rental dwellings, including, but not limited to duplexes, over and under duplexes, and accessory dwelling units, that are consistent with the City of Florence Unified Development Ordinance.

Responsible representative: means a person, professional property manager, or professional management company designated by the property owner as the agent available for service and responsible for operating such property in compliance with the ordinances adopted by the City. For the purposes of this article, the term "agent" shall refer to the responsible representative. The representative must be willing to assume the duties and responsibilities of an owner, specifically in an emergency or urgent situation even if the owner cannot be contacted by the responsible representative.

Short-term residential rental: means a furnished residential unit that is rented by the property owner for financial gain for a period of no more than twenty-nine (29) consecutive days and not to exceed seventy-two (72) days in the aggregate during any calendar year, as defined and regulated within the Unified Development Ordinance of the City of Florence.

Tenant: means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Townhome: means three or more attached dwelling units that are arranged in rows with common side walls.

Violation: means breach of law, except, for the purposes of this section, any laws related to Chapter 25 of Title 16 of the Code of Laws of South Carolina, and any code and/or ordinance related to the condition of and/or occupancy of premises, including but not limited to the City of Florence Codes and Ordinances, the Fair Housing Act, the International Property Maintenance Code (IPMC), and the South Carolina Residential Landlord and Tenant Act.

Sec.4-901. - Rental permit required.

1. All property owners, whether a person, firm, corporation, or other form of legal entity, that operates residential rental unit(s), as defined in Section 4-900, shall be required to obtain a rental permit with the City of Florence.
2. A rental permit for an individual residential rental unit will not be issued until the owner and/or responsible representative certifies, after personal inspection and to the best of the person's

knowledge, that the unit complies with the applicable codes, or until the unit passes the voluntary inspection requested of the City of Florence.

3. Permits issued under this ordinance are non-transferable. In the event of the sale or other transfer of the residential rental unit covered by the permit, the successor must obtain the permit required by this ordinance before commencing business or operations.
4. A rental permit is required for each residential rental unit that a property owner rents or responsible representative manages on behalf of a property owner. The City shall, per written policy, allow certain residential rental units with the same address or tax map designation be grouped under an individual or single permit.
5. Renewals of rental permits after sixty (60) days of the expiration date will be assessed a late penalty fee of ten dollars (\$10.00) per month, for the initial and all subsequent months.
6. If the permit fee is not paid after 120 days following the expiration of the permit and the property is occupied as a rental unit, the City of Florence shall then issue a uniform ordinance summons to the property owner and/or the responsible representative for appearance in municipal court charging the owner with a violation of this article as provided in Sec. 4-914, and the property owner and representative are subject to revocation of business license as outlined within Chapter 13 of the City of Florence Code of Ordinances.

Sec.4-902. – Business License required.

1. No owner or responsible representative, whether a person, firm, or corporation, shall operate a residential rental unit within the municipal limits of the City of Florence without obtaining a business license as required by the City of Florence Code of Ordinances.
2. Before a business license can be issued, the owner must first obtain a Rental Permit as outlined within Sec. 4-901 in this ordinance.
3. The business license requirement shall not apply, if:
 - a. The owner or responsible representative has less than five (5) residential rental units that are owned or managed by an individual and not by a business, corporation, or limited liability partnership or other like legal entity.
 - b. This exemption does not apply to short-term rental properties as defined in this ordinance and outlined within the Unified Development Ordinance.

Sec. 4-903. - Application.

Applications for a permit to operate a residential rental unit(s), and for renewal thereof, shall be on a form provided by the City of Florence. Such form shall set forth the owner's name, address, e-mail, and telephone number, the residential rental unit(s), and additional information as outlined on the application for rental housing. If the owner uses a responsible representative, the same contact information shall be provided for the responsible representative.

Sec. 4-904. - Issuance or refusal of rental permit.

The City of Florence shall issue a rental permit for rental housing to the applicant upon proof of the following:

1. The property has passed the rental housing inspection conducted by the City of Florence at the owners or responsible representatives request, or the owner or responsible representative has

submitted written certification that the subject property complies with all applicable codes and ordinances of the City of Florence on the Certification form provided by the City;

2. All fees have been paid as required by Sec. 4-916 of this ordinance.
3. Per Sec. 4-902 of this ordinance, the issuance of a rental permit does not negate the requirement of a business license. Please see Sec. 4-902 for further clarification.

Sec. 4-905. - Property owner, responsible local representative, and occupant.

1. It is the sole responsibility of the property owner to maintain current contact information. If the property owner fails to notify the City of a change in personal contact information or a change of responsible representative, it shall be considered failing to meet the rental housing ordinance and is subject to revocation of the rental permit and business license.
2. The property owner, responsible representative, and/or occupants shall be responsible for occupancy violations within rental residences under their control or in which they are located.
3. For every residential rental unit, the owner and/or responsible representative shall be responsible for responding to emergency needs. The property owner and/or the responsible representative shall make reasonable efforts to hire a licensed contractor or provide the services to correct the emergency.
4. Any and all occupancy violations, maintenance, repair, replacement, damages and/or expenses which occur to the structure and property shall be the responsibility of the property owner and/or responsible representative of the residential rental unit(s).
5. The owner or responsible representative shall provide each tenant the names, addresses, e-mails, and telephone numbers of such owner and/or responsible representative.

Sec. 4-906. – Violations.

1. It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, any of the provisions of this ordinance. Violation(s) shall include any citation, offense, and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including but not limited to, payment of fine) for any violation of any code and/or ordinance related to the condition of and/or occupancy of premises, including but not limited to the City of Florence Codes and Ordinances, the Fair Housing Act, the International Property Maintenance Code (IPMC), and the South Carolina Residential Landlord and Tenant Act.
2. In the event of a violation, the Building Official, or its designee, shall serve a notice of violation in accordance with Section 4-907 of this ordinance.
3. Any person failing to comply with a notice of violation or order served in accordance with this ordinance shall be deemed guilty of a misdemeanor or civil infraction as determined by the City of Florence, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Building Official, or its designee, may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the City of Florence shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
4. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

5. The imposition of the penalties herein prescribed shall not preclude the City of Florence from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure, or premises.
6. Residential rental units where repeated criminal activity by a tenant, household member, guest, or other person under Tenant's control, including criminal activity that threatens the health, safety or right to peaceful enjoyment of the residential unit including any drug-related criminal activity will be considered a violation. In order for this to constitute a violation, the City of Florence shall notify the owner or responsible representative of the repeated criminal activity and provide incident reports, criminal records and other appropriate information. The owner and/or responsible representative shall be given service of such information as outlined in Section 4-907 of this ordinance. The owner or responsible representative shall notify the City of Florence Building Official, or its designee, if they disagree that the violation rises to the level required to evict the tenant or if there are alternative remedies such as only evicting the individual(s) engaged in such criminal activity and not the entire household. In the event the City of Florence and owner or responsible representative cannot reach an agreement as to how to proceed, a violation shall be assigned to the rental permit for that unit. Should the owner and/or responsible representative disagree with the assignment of a violation, the appeal procedure contained in Section 4-909 of this ordinance shall be followed.

Sec. 4-907. – Notice and Method of Service.

1. Any notice called for in this ordinance shall be in accordance with Section 107.2 of the IPMC, which provides as follows:
 - a. Be in writing.
 - b. Include a description of the real estate sufficient for identification.
 - c. Include a statement of the violation or violations and why the notice is being issued.
 - d. Include a correction order allowing a reasonable time to make repairs and improvements required to bring the unit into compliance.
 - e. Inform the property owner or responsible representative of the right to appeal.
2. Method of service of any notice shall be in accordance with Section 107.3 of the IPMC, which provides as follows:
 - a. Delivered personally; or
 - b. Sent by certified or first-class mail addressed to the last known address; or
 - c. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Sec. 4-908. – Revocation of Rental Permit.

1. In the event an owner and/or responsible representative fails to correct a violation after notice, the Building Official, or its designee, may refer the matter to the City Manager with a recommendation that the rental permit be revoked. If the City Manager approves the revocation, a Notice of Revocation will be served to the owner and/or responsible representative, pursuant to Section 4-907.

Sec. 4-909. - Appeal.

1. Any person directly affected by a decision or notice of the City of Florence issued under this ordinance shall have the right to appeal to the Construction Maintenance Board of Adjustment and Appeals, provided that a written application for appeal is filed within 20 days after the day the

decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

2. The membership, term of members, quorum, appeal procedure, and decisions of the Construction Maintenance Board of Adjustment and Appeals shall be in accordance with Chapter 4, Article 2 of the City of Florence Code of Ordinances.
3. The City Manager, or its designee shall provide notice of the final decision within five (5) days of the date of the decision.
4. The final decision of the City is subject to certiorari review in a court of competent jurisdiction in Florence County, South Carolina.

Sec. 4-910. - Effect of revocation.

1. Upon the commencement of revocation of the rental permit for a residential rental unit, no permit shall be granted to another responsible representative or owner for the operation of that residential rental unit(s) until all citations and/or notice of violations are remedied. Any residential tenants under a lease in existence at the time of the commencement of revocation shall have all rights afforded to them under applicable local, state, and federal law.
2. If the permit is revoked under these procedures, the owner or responsible representative shall have fourteen (14) days from the date of the final decision to commence recovering possession of the rental unit. If the tenant(s) do not voluntarily agree to vacate the premises, the owner or agent shall diligently pursue the process of eviction to completion. The owner or agent shall provide copies of all documents provided to the tenants or filed with the court concerning the eviction process to the City Manager, or its designee. If the owner collects any rent from the tenants following permit revocation, fails to comply with these provisions, or fails to abide with the final decision of the City, the City may seek criminal relief by citing the owner for violation of Section 4-901 and Section 4-902, or seek other available legal or equitable relief.
 - a. In addition to the above-described procedures, the city attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.
 - b. Subject to conditions, the City of Florence may take further action which may result in the discontinuance of use of the water meter, revocation of the business license and ability to operate the residential rental unit(s), and any other action the City of Florence deems appropriate.

Sec. 4-911. - Notification exemption.

Residential rental properties are exempt from the notification requirements, as given in the codes, when they have not obtained a valid permit for rental housing as required by this article. Properties operating without a valid rental permit and business license shall receive one written warning and twenty (20) working days to comply. If an owner is convicted of a violation of Sec. 4-902 of the City of Florence Code of Ordinances, the property shall not be eligible for a rental housing permit for a period of three (3) months after the conviction. The property owner and/or agent that operates without a business license is subject to violations and penalties outlined within Chapter 13 of the City of Florence Code of Ordinances. However, a subsequent purchaser who properly obtains a permit and otherwise complies with this ordinance may obtain a permit.

Sec. 4-912. - Operating without a permit a public nuisance.

If a person operates as a landlord without a rental permit or business license (when applicable) as set forth in this section, such shall constitute a public nuisance and be in violation of this ordinance.

Sec. 4-913. - Complaints and inspections.

1. Complaints: Each complainant shall be requested to state his/her name and addresses and give a statement of the facts giving rise to the complainant's belief that the provisions of this article are being violated. Such information may be obtained orally or in writing. A complainant may be subpoenaed to appear in a revocation or denial proceeding to provide evidence or testimony.
2. Inspections: By applying for a permit, the owner agrees to allow inspection of the unit for violations of this article, as well as violations of the International Property Maintenance Code at any reasonable time; however, this provision shall not be interpreted as authorizing the City to conduct an inspection of an occupied rental unit without obtaining either the consent of an occupant or a warrant.

Sec. 4-914. – Criminal Penalties.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor offense and shall be subject to the penalties outlined in the City of Florence Code of Ordinances. Each day of violation may be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.

Sec. 4-915. - Denial of permit and appeal.

1. The Building Official, or its designee, may deny issuance of any permit applied for under this section if it is determined that either the owner or agent has made material misrepresentations about the condition of his/her property or status of ownership, or that the occupancy of the property is in violation of any city ordinances, or that the owner has otherwise violated a provision of this ordinance.
2. If the Building Official, or its designee, determines there is reasonable cause to believe that there are grounds to deny a permit, the administrator or designee shall provide notice of the denial, including the grounds for the denial based upon findings of fact.
3. The owner or responsible representative may appeal this denial pursuant to Section 4-909 of this ordinance.
4. The Planning Director, or its designee, may deny issuance of any permit applied for under this section if it is determined that the property is not in compliance with City of Florence zoning regulations. Such permit denials however shall not be subject to the appeals procedure outlined in this section. Upon an owner's request to appeal the administrator's decision to deny a permit due to non-compliance, the appeal shall be made to the Board of Zoning Appeals in accordance with the procedure set forth in sections 6-20.2.3 and 6-22.1.1 of the Unified Development Ordinance.
5. The final decision of the City is subject to certiorari review in a court of competent jurisdiction in Florence County, South Carolina.
6. If a permit is denied under this section, the owner shall not be issued a permit for the subject residential rental unit(s) or property(s) until remediation of the identified violation(s) is provided to the City of Florence.

Sec. 4-916. – Rental permit fee and annual permit fee.

1. The rental permit fee shall be \$25.00 per application, upon approval.

2. The annual permit fee for the owner and/or responsible representative is \$25.00 regardless of the point in the year that a permit is obtained. The permitting year runs from July 1 to June 30 of the following year. All rental permits expire on June 30 each year. No registration fees are to be prorated or refunded.
3. Upon determination that a rental property owner has failed to obtain a rental housing permit, an administrative fine shall be assessed at \$400.00 each year the unpermitted occupancy has occurred for each residential rental unit.
4. An inspection fee of \$25.00 shall be included in the permit fee for properties that fail to pass inspection after the second inspection.
5. All required fines shall be paid before a permit is issued, including any past due fines assessed for work abated by the City.
6. After the first year of permitting the annual permit fee is not required, if:
 - a. the applicant is a professional management company or professional property manager applying on behalf of an owner as a responsible party; or
 - b. the applicant is licensed by the City of Florence through the business license office to conduct the business of being a landlord; and
 - c. the applicant is in good standing per this ordinance.

Sec. 4-917. – Release of liability of responsible representative.

In the event the responsible representative has exercised due diligence in performance if its responsibilities under this ordinance but the property owner is not cooperating, the responsible representative may resign as the responsible representative of said owner and provide notice to the owner and City of Florence. The notice of resignation must confirm the current contact information of the owner. The responsible representative should consequently not have any violations assigned to the properties he or she represents. The responsible representative shall be precluded from representing said owner for a period of six (6) months. The City of Florence shall recognize this action and find the responsible representative was diligent and took reasonable steps to perform its duties under this ordinance.

Sec. 4-918. - Severability.

The provisions of this article are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this article. It is hereby declared that the intent of the council is that this article would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Sec. 4-919. - Existing rights unaffected.

Nothing contained in this article is intended to affect the rights and responsibilities of property owners or tenants under the laws of the United States of America or the State of South Carolina as outlined by the South Carolina Landlord Tenant Act, the Americans with Disabilities Act, the Violence Against Women Act, the Fair Housing Act or any other provision of federal or state law regulating housing.

Sec. 4-920. - E ffective date.

The provisions of this section shall become effective July 1st, 2021.

Sec. 4-921 – 4-949. Reserved



Single-Family and Multi-Family Residential Rental Housing Ordinance

Mayor and City Council:

Within our Comprehensive Plan (2010), Comprehensive Plan Update (2017), and Neighborhood Revitalization Strategy (2014) it is recommended to establish a rental housing registration that builds upon our current initiatives to stabilize and improve the integrity of our neighborhoods. City staff researched existing ordinances adopted by other municipalities within South Carolina and had discussions with stakeholders within our neighborhoods, the rental community, and other local representatives to help guide the development of the attached rental housing ordinance. The substance of this ordinance establishes a registration for all residential rental properties, including single-family and multi-family, that will provide city staff with a local contact and representative for all rental properties. Below are key components that act as the principal initiatives of this ordinance.

Rental Permit:

-All residential rental property owners (single-family and multi-family) will be required to obtain a twenty-five-dollar Rental Permit with the City of Florence. A condition to obtain this permit is the requirement of a Responsible Local Representative (someone located within 50 miles of City limits), which can be the owner or an agent responsible for the operation of the property, and their contact information.

-The owner or representative must certify that all their properties meet the City of Florence Code of Ordinances including the Building and Property Maintenance Code. If the owner or agent is unsure, he or she may request a courtesy inspection conducted by city staff. If there are violations identified, then city staff will work with the owner and agent to correct any issues, prior to the issuance of a Rental Permit.

-The Rental Permit review will also include the creation of the registry that will contain all the addresses and contact information for each rental unit within municipal limits. Zoning review will be conducted as well, confirming the single or multi-family use of the property as a permitted land use. This will provide staff the ability to not permit the illegal conversions of single-family homes to multi-family homes and other like zoning violations.

Occurrence(s) and assignment of occurrence(s):

-An occurrence refers to any violation of the City of Florence Code of Ordinances including but not limited to the Unified Development Code, the Building Code, the Property Maintenance Code, and the requirements outlined within this ordinance.

-Upon the accumulation of two (2) occurrences, the City of Florence will issue a notice by certified mail and contact the owner and agent, making them aware that upon the issuance of one (1) additional, three (3) total occurrences, within a twelve (12) month period the unit may be subject to the revocation of the rental permit and business license.

-After an accumulation of three (3) occurrences, the Building Official shall cause the owner and/or agent to be served written notice of the revocation of the rental permit for the specific residential rental unit(s).

-Should the owner and/or agent choose to appeal this decision, the procedure that will be followed is outlined within Section 4-907 of the ordinance.

Inspection(s) and Complaint(s):

-When an owner and/or owner's agent applies for a permit, he or she agrees to allow the inspection of the unit for violations. Prior to conducting such activities, the city must receive authorization from the occupant or a warrant.

-Should city staff receive an official complaint, the city will review the complaint from the occupant and determine if a violation is occurring through an official inspection. If it is determined the complaint is valid and a violation is present, city staff will notify the owner and/or agent. The owner and/or agent will be given sufficient time to correct the violation(s), prior to issuance of a summons to court and an occurrence noted on the residential unit.

Denial of a permit:

-A permit may be denied if it is determined that the property does meet zoning regulations, has a current violation that the owner and/or agent will not correct, or if it is determined that the owner and/or agent has made material misrepresentations about the condition of his/her property or status of ownership.

-Should the owner and/or agent appeal this decision, the procedure outlined within Section 4-914 will be followed.

Rental Permit Fee:

-A fee of \$25.00 will be applied to a rental permit upon approval for all owner and/or agents.

-The owner and/or agent must annually update the properties they own or manage with city staff.

-The \$25.00 fee will be applied annually to owners and/or agents that own or operate less than five (5) properties at the time of their annual property update. The owners and/or agents that operate five (5) or more properties will be exempt of the annual \$25.00 fee at the time of their annual update but will be required to pay their business license annually.

Business License:

-Property owners or agents that operate and maintain five (5) or more residential rental units will be required to obtain a business license.

-Property owners or agents operating less than five (5) will be required to obtain the Rental Permit and will be exempt from the business license requirement.

Business License Requirement for Property Rental

Currently the City of Florence does not require a business license for owners and/or agents operating rental properties. City staff consulted with twenty-five (25) other municipalities (to include Aiken, Myrtle Beach, Spartanburg, Sumter, Rock Hill, Greenville, and Columbia) within South Carolina regarding the status of a business license charge for the operation of rental property; in this consultation we found all of the municipalities had a business license charge to operate rental properties. This additional ordinance will include the requirement for owners and/or agents of commercial properties to obtain a business license.

To demonstrate the cost of a business license at the rate recommended by the Municipal Association, a one hundred (100) unit apartment complex, with a monthly rent of \$700, for a total annual gross income of \$840,000.00, the business license fee would be \$2,049.30.

Attached is the current Single-Family and Multi-Family Residential Rental Housing Registration ordinance and the Business License ordinance, with supplemental information illustrating the locations of residential rental properties, code violations, and additional information in relation to the Rental Housing Ordinance.

If you have any questions or concerns regarding this ordinance, please do not hesitate to contact me or Clint Moore. Thank you.

Randall S. Osterman

Rental Registry

Frequently Asked Questions



FULL LIFE. FULL FORWARD.
FLORENCE
SOUTH CAROLINA

As an owner or responsible local representative, where do I apply for a rental permit?

A rental permit may be obtained on the 2nd floor of the City Center in the Planning, Research, and Development Office located at 324 W. Evans Street.

Who is required to get a permit for the rental of residential rental unit(s)?

All residential rental units that are actively being rented must acquire a rental permit. The owner or the responsible local representative may obtain the rental permit for the unit(s).

If I purchase a rental property that currently has a rental permit by the previous owner, do I need to get a permit?

Yes, because rental permits are not transferrable. New owners and/or responsible local representatives are required to apply for a rental permit.

What is the cost of a rental permit?

The rental permit fee is \$25.00, no matter how many units you own or operate.

Do I have to get a rental permit annually and pay the fee annually?

Yes, a rental permit and payment of the permit fee is required annually for owners and/or responsible local representatives that operate four (4) or less units. The fee is waived for an owner and/or responsible local representative that operates five (5) or more units; however, they must update their list of residential rental units annually.

Will the City of Florence inspect my rental unit(s) prior to me being able to obtain a rental permit?

While a formal codes inspection is not required, owners and/or responsible local representatives will be asked to confirm that the residential units meet the applicable codes through a waiver. The City of Florence can provide an inspection at no cost upon the request of the property owner, local responsible representative, or tenant.

Rental Registry

Frequently Asked Questions



FULL LIFE. FULL FORWARD.
FLORENCE
SOUTH CAROLINA

Am I required to get a business license to operate my residential rental unit?

When you own or property manage four (4) or less residential rental units, you are exempt from the requirement of a business license. If you own or property manage five (5) or more rental units, a business license is required.

Are both the owner and local responsible representative required to get a business license?

Both the owner and the responsible local representative are required to obtain a business license if you own or manage five (5) or more rental units. The owner and/or responsible local representative will pay their business license fee based upon their individual gross income for the rental of the units.

Will the City of Florence impose new codes or requirements on my residential rental unit(s)?

The City of Florence will only apply existing codes that are currently adopted by the City of Florence to the residential rental unit(s) in the City of Florence.

If I have a unit that does not meet applicable codes, is there a penalty?

All residential rental unit(s) must meet the minimum standards outlined within the adopted codes of the City of Florence. If the unit does not meet the applicable codes, the unit may be subject to being assigned an occurrence.

What is an occurrence?

An occurrence is a violation of the building code, International Property Maintenance Code, or the Code of Ordinances of the City of Florence that applies to the habitability of the residential rental unit.



Rental Registry

Frequently Asked Questions



FULL LIFE. FULL FORWARD.
FLORENCE
SOUTH CAROLINA

If it is determined by the City of Florence that an occurrence is present, what steps are taken?

If it is found that a unit(s) do not meet the minimum code, the owner and/or the responsible local representative will be notified and issued a notice of violation. The notice of violation will give the owner and/or responsible local representative the time and the opportunity to correct the occurrence. If the owner and/or local representative does not make the required corrections, an occurrence will be assigned to that specific unit.

Can a rental permit application be denied?

A rental permit can be denied if it is determined that the property does not meet zoning regulations or has an outstanding violation.

Can a rental permit for a residential unit(s) be revoked?

A rental permit can be revoked and the ability to rent the unit can be denied if the unit accumulates three (3) occurrences within a rolling twelve (12) month window.

If my rental permit is revoked, how long is my ability to rent the unit suspended?

When the permit for a unit is revoked, the owner or responsible local representative may not apply for another permit to rent the unit until all citations and/or violations are remedied.



Owners/Responsible Local Representatives with five (5) or greater residential rental units

Effective June 15th, 2021 owners and agents of residential rental properties will be required to obtain a Rental Permit for the lease or rental of any property. Below is a step by step guide that will help you as an owner or agent in obtaining the permit.

STEP 1

Contact the Planning, Research, and Development office for a Rental Permit Application and for information regarding the application requirements and process. An application can be picked up at 324 W Evans Street on the 2nd floor in the Planning, Research, and Development office. If you would like to speak with someone regarding the permit, please call (843) 665-2047.

STEP 2

If you are a property owner that resides 50 miles outside of the city limits, then you must first procure a responsible local representative that is located within city limits or within 50 miles of the city limits that will act as the City's local contact. This representative may apply for the permit, as an agent of the owner.

STEP 3

A complete submittal to receive a Rental Permit will include the following: 1) a completed application; 2) a list of the residential units that you own and/or operate; 3) a signed and completed release form stating that your properties meet all municipal codes for the City of Florence. If you are unsure that a property meets these requirements, city staff will conduct a courtesy inspection upon your request; 4) contact information for the Responsible Local Representative.

STEP 4

Upon approval, a \$25 permit fee will be required.

STEP 5

After the Rental Permit has been approved, you must obtain a business license with the City of Florence. The business license office is located on the 4th floor of the City Center. If you have questions regarding the business license, please contact city staff at (843) 665-3173.

STEP 6

A Rental Permit is valid for one (1) year. Prior to the expiration of your permit and business license, it is your responsibility to re-apply and update your property list. A status of good standing with the City of Florence and a current Rental Permit must be obtained prior to business license renewal. For property owners and Responsible Local Representatives with greater than five (5) properties, the \$25 renewal fee is waived.



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FLORENCE
SOUTH CAROLINA

Owners/Responsible Local Representatives with less than five (5) residential rental units

Effective June 15th, 2021 owners and agents of residential rental properties will be required to obtain a Rental Permit for the lease or rental of any property. Below is a step by step guide that will help you as an owner or agent in obtaining the permit.

STEP 1

Contact the Planning, Research, and Development office for a Rental Permit Application and for information regarding the application requirements and process. An application can be picked up at 324 W Evans Street on the 2nd floor in the Planning, Research, and Development office. If you would like to speak with someone regarding the permit, please call (843) 665-2047.

STEP 2

If you are a property owner that resides 50 miles outside of the city limits, then you must first procure a responsible local representative that is located within city limits or within 50 miles of the city limits that will act as the City's local contact. This representative may apply for the permit, as an agent of the owner.

STEP 3

A complete submittal to receive a Rental Permit will include the following: 1) a completed application; 2) a list of the residential units that you own and/or operate; 3) a signed and completed release form stating that your properties meet all municipal codes for the City of Florence. If you are unsure that a property meets these requirements, city staff will conduct a courtesy inspection upon your request; 4) contact information for the Responsible Local Representative.

STEP 4

Upon approval, a \$25 permit fee will be required.

STEP 5

A Rental Permit is valid for one (1) year. Prior to the expiration, it is your responsibility to re-apply, update your property list, and be in good standing with the City of Florence to receive your new Rental Permit. A \$25 renewal fee will be applied annually.

FLORENCE CITY COUNCIL MEETING

DATE: October 12, 2020

AGENDA ITEM: An Ordinance to Annex property owned by The Grove at Ebenezer, LLC, located as an extension of Sunflower Bluff Drive and being a portion of TMN 00075-01-221.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex a 17 acre portion of Tax Map Number 00075-01-221 into the City of Florence and zone to Planned Development District (PDD). The request is being made by the property owner, The Grove at Ebenezer, LLC.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On May 9, 2016, City Council adopted Ordinance 2016-17 entering into a development agreement (signed by all parties August 23, 2016) with the developer of "The Grove at Ebenezer" and established the zoning of the property as PDD, pending annexation. The development agreement requires annexation of property prior to development activity.
- (2) Public hearings were held on April 12, 2016 and May 9, 2016 regarding the zoning and development agreement.

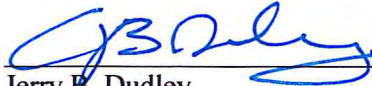
III. POINTS TO CONSIDER:


- (1) This request is being considered for first reading.
- (2) The lot is currently vacant.
- (3) City water and sewer services are currently available and will be extended by the developer from the adjacent parcels per the approved development agreement dated August 23, 2016.
- (4) Subdivision of the property into fifty single family residential lots is currently proposed; the developer is required to meet land and subdivision regulations of the PDD to include but not limited to: sketch plan review, development plan review, and installation of necessary infrastructure to facilitate the subdivision of the property.
- (5) City staff recommends annexation and zoning of the property to Planned Development District (PDD).

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A. Ordinance
- B. Location Map of Proposed Annexation
- C. Plat of Parcel
- D. Petition for Annexation


Jerry B. Dudley
Planning Director


Randall S. Osterman
City Manager

ORDINANCE NO. 2020-_____

AN ORDINANCE TO ANNEX PROPERTY OWNED BY THE GROVE AT EBENEZER LLC, SPECIFICALLY A 17 ACRE PORTION OF TAX MAP NUMBER 00075-01-221

WHEREAS, a Public Hearing was held in the Council Chambers on April 12, 2016 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the second of two Public Hearings was held in the Council Chambers on May 9, 2016 at 1:00 P.M. before the City of Florence City Council and notice of said hearing was duly given;

WHEREAS, application by The Grove at Ebenezer, LLC, owner of TMN 00075-01-221, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into 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 property requesting annexation is shown more specifically as a portion of Florence County Tax Map 00075, block 01, parcel 221 (17 acres).

Any portions of public rights-of-way abutting the above described property will 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.**

EXECUTED ON ONE (1) ADDITIONAL PAGE

ADOPTED THIS _____ DAY OF _____, 2020

Approved as to form:

James W. Peterson, Jr.
City Attorney

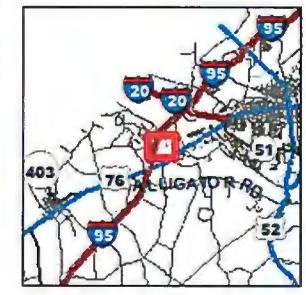
Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

City Council Annexation Location Map

The Grove at Ebenezer - TMN 00075-01-221 (portion)

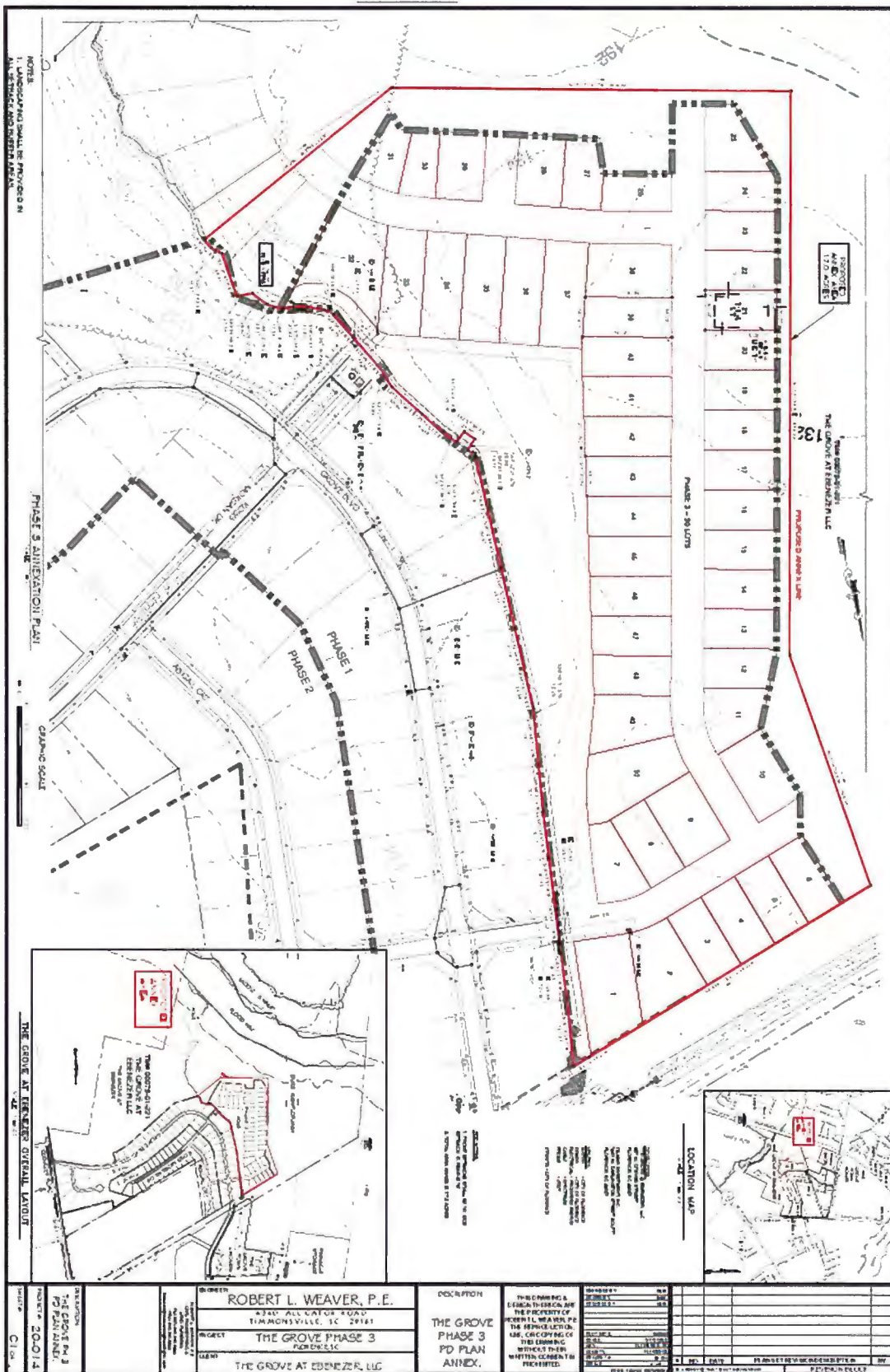


- Legend**
- City Limits
 - Parcels
 - The Grove Phase III Annexation



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.





NOTES:
1. ALL DIMENSIONS SHALL BE PROVIDED IN METERS.
2. ALL DIMENSIONS SHALL BE PROVIDED IN METERS.
3. ALL DIMENSIONS SHALL BE PROVIDED IN METERS.

PHASE 3 SUBDIVISION PLAN

PHASE 1

PHASE 2

PHASE 3 - 30 LOTS

PROPOSED DRIVE 1 LINE

PROPOSED DRIVE 2 LINE

PROPOSED DRIVE 3 LINE

CAMPUS ROAD

DOCK ROAD

SCALE: 1" = 100'

THE GROVE AT EDGEWATER OVERALL LAYOUT

THE GROVE AT EDGEWATER, LLC

PHASE 3

PHASE 3 PD PLAN ANNEX.

ROBERT L. WEAVER, P.E.

2300 ALLIANCE WAY
TIMMINSVILLE, SC 29161

PROJECT: THE GROVE PHASE 3 PD PLAN ANNEX.

CLIENT: THE GROVE AT EDGEWATER, LLC

DATE: 06/14/2014

SCALE: 1" = 100'

LOCATION MAP

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30
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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:
Florence County Tax Map Number: Portion of TMN 00075-01-221
3. Annexation is being sought for the following purposes:
Development Agreement - The Grove PAD
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 N/A
Race _____
Total 18 and Over _____
Total Registered to Vote _____

Date: 9-18-2020 Petitioner Signature: Phillip Lowe

Date: _____ Petitioner Signature: _____

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

Address: _____

Telephone Number: _____ [cell] _____ [home]

Email Address: lowes.therapy@cs.com

Certification as to ownership on the date of petition:	FOR OFFICIAL USE ONLY
Date: <u>9-22-2020</u>	<u>AZ</u>

VII. a.
Appointments to
Boards & Commissions

FLORENCE CITY COUNCIL MEETING

DATE: October 12, 2020
AGENDA ITEM: Report to Council
DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION

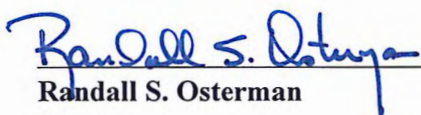
Council will consider nominations for City Boards and/or Commissions.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. There are three (3) Boards or Commissions that have vacancies.

III. ATTACHMENTS

- A. Spreadsheet of Council Nominations to Boards and Commissions.
- B. Applications received.



Randall S. Osterman
City Manager



Scotty Davis
Deputy City Manager

SCHEDULE OF COUNCIL NOMINATIONS TO BOARDS AND COMMISSIONS - SEPTEMBER 2020							
	District 1	District 2	District 3	At-Large 1	At-Large 2	At-Large-3	Mayor
	Ervin	Moore	Brand	Jebaily	Wms-Blake	Willis	Wukela
Civic Center Commission			x				
City of Florence Design Review Board							x
	x						
Construction & Maintenance Board							x

CIVIC CENTER COMMISSION

I. NOMINATIONS:

There is one (1) vacancy* on the Civic Center Commission.

* Mr. Woody Jones passed away.

II. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Pro tem Brand

III. NEW APPLICANTS:

- Lillian Walker

IV. ATTACHMENTS:

- Applications received.



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: City - County Civic Center Commission			
Your Name (Last, First, Middle) Walker Lillian Lynn	County Florence	Council District City-3 County-8	
Residential Address 2013 2nd Loop Road D16	City Florence	State South Carolina	Zip Code 29501
Mailing Address 2013 2nd Loop Road D16	City Florence	State South Carolina	Zip Code 29501
Your Occupation- Title Special Services Specialist	Business Phone 843-309-3192	Residence Phone 843-610-8959	
Employer Name PDCAP Head Start/EHS	E-mail Address lynn29560@gmail.com		
Employer Address 2327 Prosperity Way Suite 10	City Florence	State South Carolina	Zip Code 2502

General Qualifications

Are you a resident of the City? Yes^X No How Long? 10

Why would you like to serve?

I have resided in the City of Florence for 10 years . I have decided that this will be my retirement residence.

I would also like to be more involved in bringing more revenue to our city with quality entertainment for everyone.

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

No

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

No

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

No

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

Not at this time. Now that I finished working on some of my career goals, I would like to start being a part of the community and this board would be the beginning of that.

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

To be a committed team member and provide resources that will assist in effective decisions to ensure that we provide our city with quality entertainment for all that will increase revenue for our city .

I certify that the information above is true and correct. LLW Initial 06/10/2020 Date

Information on this form will be considered public. LLW Initial 06/10/2020 Date

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence, City Center
324 West Evans Street
Florence, SC 29501
Phone: 843-665-3113 Fax: 843-665-3110
E-mail: ccmoores@cityofflorence.com

FOR OFFICE USE ONLY

Received:	<i>CM</i> 6-10-2020
Appointed to:	
Date:	

DESIGN REVIEW BOARD

I. NOMINATIONS:

There are two (2) vacancies* on the Design Review Board.

* Mr. Cary Andrews has completed three full terms and is not eligible for reappointment. Mr. Andrews fulfilled the requirement of a Resident, Professional Structural Engineer.

* Mr. Tom Kolia has indicated that he would not like to be considered for reappointment. Mr. Kolia fulfilled the requirement of a person specifically qualified by reason of education, training, or experience in landscape design.

II. APPOINTMENT REQUIREMENTS:

- A person specifically qualified by reason of education, training, or experience in landscape design.
- Professional Structural Engineer.

III. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Mayor Wukela
- Councilwoman Ervin

IV. NEW APPLICANTS:

- Michael A. Padgett

V. ATTACHMENTS:

- Section of City Code – Appointment requirements.
- Applications received.



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: Design Review Board			
Your Name (Last, First, Middle) Padgett, Michael, A		County Florence	Council District 3
Residential Address 606 Ascot Dr		City Florence	State South Carolina
			Zip Code 29501
Mailing Address PO Box 6996		City Florence	State South Carolina
			Zip Code 29502
Your Occupation- Title Engineer & General Contractor		Business Phone 843-908-4569	Residence Phone 843-908-4569
Employer Name M Padgett Engineering & Construction, LLC		E-mail Address mike@mpadgettengineering.com	
Employer Address 1512 W Evans St, Suite 2		City Florence	State South Carolina
			Zip Code 29501

General Qualifications

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

Why would you like to serve?

As an engineer and contractor I have been before this board multiple times. I actively work with city residents to do design and construction projects to improve their properties and generally help to make the neighborhoods and commercial areas better.

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

No

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

No

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

No

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

No

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

To help be a productive and contributing member of the Florence community

I certify that the information above is true and correct. MP Initial 2020.10.07 Date
Information on this form will be considered public. MP Initial 2020.10.07 Date

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence, City Center
324 West Evans Street
Florence, SC 29501
Phone: 843-665-3113 Fax: 843-665-3110
E-mail: ccmoores@cityofflorence.com

FOR OFFICE USE ONLY

Received:	10-7-2020
Appointed to:	
Date:	

Sec. 16-31. - Membership.

The City of Florence Design Review Board shall consist of ten (10) members appointed by the Mayor and City Council of Florence, South Carolina. All members of the board shall have an interest in historic preservation. Membership on the board shall be composed as follows: One (1) professional architect; one (1) historian, knowledgeable in local history; one (1) person either specifically qualified by reason of education, training, or experience in the financing of commercial and residential real property or in the area of real estate; one (1) person actively engaged in business, commerce, or industry; one (1) commercial general contractor duly licensed by the State of South Carolina; one (1) professional structural engineer; one (1) person specifically qualified by reason of education, training, or experience in landscape design; and one (1) at large resident of the City of Florence; and two (2) persons actively engaged in business, commerce, or industry within the Downtown Central District as established by Section 2.9, et seq., of the Zoning Ordinance. At all times, at least six (6) members of the Design Review Board shall be residents of the City of Florence.

(Ord. No. 2005-16, § 1, 6-13-2005; Ord. No. 2005-23, § 1, 8-8-2005; Ord. No. 2011-05, § 1, 1-31-2011)

Sec. 16-32. - Terms and rules of membership.

- (a) The members of the Florence Design Review Board appointed by city council, giving consideration to the recommendations of the board. Upon appointment the members shall serve four-year terms, or until successors are appointed, whichever is later. Provided, however, the terms of initial appointees shall be staggered so that two (2) of the appointees shall serve initial terms of two (2) years, four (4) of the appointees shall serve initial terms of four (4) years, and four (4) of the appointees shall serve initial terms of three (3) years. After completion of the initial terms, all members of the design review board appointed by city council shall serve four-year terms.
- (b) Members appointed by city council may be appointed to succeed themselves up to a maximum of three (3) full terms. Thereafter, such members may be appointed only after they have been off of the design review board for at least one (1) year.
- (c) The mayor and council may remove any member appointed by city council by majority vote of the council for cause, including repeated failure to attend meetings of the board or for any other cause deemed sufficient by the city council. If any place on the board becomes vacant due to resignation, removal, or for any reason, the city council shall appoint a replacement within sixty (60) days for the remainder of the unexpired term.
- (d) As required by S.C. Code § 6-29-870(C), no members shall hold any other municipal office or hold any position in the city, and all members shall serve without pay. Members may be reimbursed by the City of Florence for actual expenses incurred in the performance of their duties from available funds approved in advance.
- (e) *Conflicts of interest.* Any member of the board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the board shall be disqualified from participating in the decision of the board concerning the property.
- (f) *Liability of members.* Any member of the board acting within powers granted by the ordinance shall be relieved from personal liability for any damage and held harmless by the City of Florence. Any suit brought against any member of the board shall be defended by a legal representative furnished by the city until the termination of the proceedings.

(Ord. No. 2005-16, § 1, 6-13-2005; Ord. No. 2005-23, § 1, 8-8-2005; Ord. No. 2011-05, § 1, 1-31-2011)

CONSTRUCTION & MAINTENANCE BOARD OF
ADJUSTMENTS & APPEALS

I. NOMINATIONS:

There is one (1) vacancy* on the Construction and Maintenance Board of Adjustments and Appeals.

* Ms. Ann Scott has resigned her position on this Board. Ms. Scott fulfilled the requirement of a Layperson.

II. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Mayor Wukela

III. NEW APPLICANTS:

IV. ATTACHMENTS:

- Board requirements.
- Applications received.

Sec. 4-32. - Membership; compensation of members; removal of members; conflicts of interest.

The construction and maintenance board of adjustments and appeals shall consist of nine (9) members as follows: one architect, one engineer, one electrical contractor, one general contractor, one mechanical contractor, one plumbing contractor and three (3) laypersons who are residents of the city, provided, however, at all times at least four (4) of the members will be residents of the Community Development Block Grant (CDBG) area of the city. With the exception of the laypersons, all of the members of the board shall be licensed by the state in their respective professions and shall have done a significant amount of business with the city in their respective professions so as to be familiar with the city's code practices. Substantiation of having done a significant amount of business in the city will be established at the time of appointment by the prior issuance of business licenses to such individuals, or the businesses with which they are associated, in three (3) of the last five (5) calendar years. The members of the board shall be appointed by the mayor with the approval of the city council. They shall serve without compensation. Members shall be removed for cause by the mayor and city council upon written charges and a public hearing. A board member shall not participate in any case in which he has a personal or implied interest, and all members should avoid the appearance of impropriety. Continued absence of any member from meetings of the board shall at the discretion of the city council result in his removal from office.

(Ord. No. 2017-06, § 3(Exh. A), 3-13-2017)

FLORENCE CITY COUNCIL MEETING

DATE: October 12, 2020
AGENDA ITEM: Accommodations Tax
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Appropriation of Accommodations Tax funds for FY 2020-21.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken by City Council for FY 2020-21 Accommodations Tax funding requests.

III. POINTS TO CONSIDER

The recommendations of the Accommodations Tax Advisory Committee are attached.

IV. OPTIONS

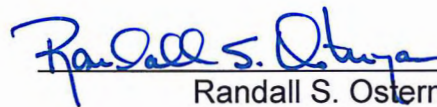
- A. Approve the recommendation of the Advisory Committee.
- B. Adjust appropriations.

V. ATTACHMENTS

A memo and related information from Accommodations Tax Advisory Committee is attached for City Council review.



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager



City of Florence, SC Memorandum

To: Mayor Wukela and Members of City Council
From: City of Florence Accommodations Tax Advisory Committee
Subject: Accommodations Tax Funding Recommendations for FY 2021-21
Date: October 12, 2020

The Accommodations Tax Advisory Committee held meetings in August and September 2020 for the purpose of receiving and evaluating Accommodations Tax funding requests for fiscal year 2020-2021. Requests were received from twenty-three (23) organizations requesting "65% funds" and one (1) organization requesting "30% funding."

The Committee has studied these requests carefully, examining closely the critical needs expressed by the representatives of the requesting agencies, and evaluating the impact these agencies have on the tourism in the Florence community.

Preliminary projections indicate that approximately \$587,100 of the "65% funds" will be available for allocation to requesting agencies and an additional \$263,000 for tourism promotion in the "30% funds."

The Accommodations Tax Advisory Committee is again recommending to City Council that the 2020-2021 appropriations to the various arts organizations be routed through the Florence Regional Arts Alliance to enable that organization to receive additional grant funding through the South Carolina Arts Commission. The Florence Regional Arts Alliance will then disburse the Accommodations Tax funds directly to the funded arts organizations in the amounts appropriated by City Council. This arrangement enables the Arts Alliance to substantially increase its level of grant funding from the South Carolina Arts Commission for its Small Grants Program which benefits a large number of arts organizations in the Florence area. The organizations/events which will be funded in this manner include: **The Masterworks Choir, Florence Little Theatre, Florence Symphony Orchestra, Arts International Festival, Sankofa Festival, SC Dance Theatre, Lucky Shamrock Festival, and the Kickin' Chicken Wing and Chili Cookoff** in addition to the funding allocated for the Florence Area Arts Alliance.

Attached you will find the Accommodations Tax Requests for FY 2020-2021 report listing all organizations requesting funds for this year; the amount of funding received by these organizations for FY 2019-20; the amount of funds requested by the organizations for FY 2020-21; and the recommendations of the Advisory Committee (**Attachment 1**). You will also find attached an Accommodations Tax Financial Report for fiscal year ending June 30, 2020 (**Attachment 2**). In addition, an Accommodations Tax Projection of Receipts for FY 2020-21 is included for your information (**Attachment 3**). Also enclosed is a copy of the public notice printed in the local newspaper providing information concerning application for Accommodations Tax Funding (**Attachment 4**).

**CITY OF FLORENCE, SC
ACCOMMODATIONS TAX REQUESTS, RECOMMENDATIONS AND APPROPRIATIONS REPORT
FISCAL YEAR 2020-21**

ORGANIZATION	Appropriated 2019-20	Requested 2020-21	Committee Recommended ¹	Appropriated 2020-21
A. 30% Funds for Tourism Promotion				
1. Florence Convention & Visitors Bureau	<u>\$245,000</u>	<u>\$263,000</u>	<u>\$263,000</u>	
B. 65% Funds				
1. Florence Regional Arts Alliance & Pee Dee Arts	\$13,800	\$18,800	\$13,400	
2. The Masterworks Choir, Inc.	\$4,700	\$5,000	\$4,300	
3. Florence Little Theatre	\$19,400	\$20,000	\$16,600	
4. Florence Symphony Orchestra	\$9,100	\$9,000	\$5,800	
5. Arts International Festival	\$22,000	\$25,000	\$19,200	
6. Sankofa Festival	\$10,300	\$10,000	\$4,300	
7. SC Dance Theatre	\$8,400	\$10,000	\$8,000	
8. Lucky Shamrock Festival	\$800	\$2,500	\$700	
9. Kickin' Chicken Wing and Chili Cookoff	\$1,500	\$3,000	\$2,400	
10. Florence Museum	\$33,600	\$35,000	\$30,600	
11. Carolina Classic Basketball Tournament	\$8,000	\$8,000	\$6,400	
12. Freedom Florence, FTC, Soccer Complex & Gym	\$85,100	\$60,000	\$56,200	
13. Florence Convention & Visitors Bureau	\$193,500	\$225,000	\$189,000	
14. Florence Tennis Association	\$15,000	\$7,500	\$8,400	
15. South Carolina Pecan Festival	\$28,500	\$30,000	\$25,800	
16. Florence Center	\$116,800	\$116,800	\$102,000	
17. Florence International Basketball Tournament	\$28,300	\$20,000	\$10,000	
18. Car Haulers Parade	\$9,400		\$0	
19. Florence Area Sports Council	\$20,000	\$20,000	\$18,000	
20. Pee Dee Tourism Commission	\$20,000	\$20,000	\$18,200	
21. SC Senior Sports Classic	\$4,000	\$4,000	\$3,600	
22. Hwy 52 Frontage Road Beautification	\$13,800	\$15,000	\$14,000	

**CITY OF FLORENCE, SC
ACCOMMODATIONS TAX REQUESTS, RECOMMENDATIONS AND APPROPRIATIONS REPORT
FISCAL YEAR 2020-21**

ORGANIZATION	Appropriated 2019-20	Requested 2020-21	Committee Recommended ¹	Appropriated 2020-21
23. Miss Pee Dee & Miss Pee Dee Teen Pageant	\$1,400		\$0	
24. Wilson High Alumni Assn Homecoming Event	\$54,600	\$95,000	\$26,600	
25. Eastern South Carolina Mustang Club	\$0	\$5,000	\$3,600	
Total - 65% Funds	<u>\$722,000</u>	<u>\$764,600</u>	<u>\$587,100</u>	<u>\$0</u>

Note 1: Including carryover funds from FY 2019-20, it is anticipated that the amount available for distribution to the requesting agencies of "65% funds" will be approximately \$587,100. The "30% funds" for tourism promotion is estimated to be approximately \$263,000.

Note 2: The "30% funds" appropriation to the Florence Convention & Visitors Bureau includes \$15,000 designated specifically to the Florence Center for tourism marketing and promotion expenses, and an additional \$9,000 for a Business Development Fund to help promote the FlorenceCenter for educational, religious, and other conferences.

**City of Florence, SC
Accommodations Tax Financial Report
Fiscal Year Ending June 30, 2020**

Total Accommodations Funds Received	\$886,246.30 *
Plus Carryover Funds from Prior Year	\$87,853.26
Return of funds from PDRTA for shuttle	\$16,700.00
Plus Interest Earned	\$32.22
Less General Fund Standard Allocation	<u>-\$25,000.00</u>
Balance	\$965,831.78
Less 5% Funds Paid to General Fund	-\$43,062.31
Less 30% Funds Paid for Advertising/Promotion	-\$258,373.89
Balance = 65% Funds Available for Tourism	\$664,395.58
Less Appropriations Paid to Tourism Agencies	<u>-\$647,663.36</u>
TOTAL Year End Balance	\$16,732.22

*FY 2018-19 Accommodation Tax Funds Received from SC State Treasurer:

Quarter 1 Ending 09/30/2019:	\$292,284.85	
Quarter 2 Ending 12/31/2019:	\$205,403.07	
Quarter 3 Ending 03/31/2020:	\$185,672.64	
Quarter 4 Ending 06/30/2020:	<u>\$202,885.74</u>	
FY 2018-19 Accommodations Tax Total	\$886,246.30	
FY 2011--12 Accommodations Tax Total	\$546,189.70	
FY 2012-13 Accommodations Tax Total	\$562,319.58	2.95%
FY 2013-14 Accommodations Tax Total	\$646,886.86	15.04%
FY 2014-15 Accommodations Tax Total	\$621,595.34	-3.91%
FY 2015-16 Accommodations Tax Total	\$701,155.09	12.80%
FY 2016-17 Accommodations Tax Total	\$807,888.48	15.22%
FY 2017-18 Accommodations Tax Total	\$833,598.51	3.18%
FY 2018-19 Accommodations Tax Total	\$983,219.03	17.95%
FY 2019-20 Accommodations Tax Total	\$886,246.20	-9.86%

**City of Florence, SC
Accommodations Tax
Projections for FY 2020-21**

Accommodations Tax Funds Projected	\$902,198.73
Less \$25,000 to General Fund	-\$25,000.00
Subtotal	\$877,198.73
Less 5% of Balance to General Fund	-\$43,859.94
Less 30% of balance to Advertising/Promotion	-\$263,159.62
Balance for 65% Funds Distribution	\$570,179.18
Plus Carryover from Prior Year	<u>\$16,732.22</u>
Total Available for Tourism Expenditures	\$586,911.40

**City of Florence, SC
PUBLIC NOTICE**

The City of Florence has fiscal year 2020-2021 Accommodations Tax application packets available for distribution to agencies with a not-for-profit designation interested in applying for funding to be used for the purpose of tourism promotion, specifically to attract and provide for tourists in the Florence area. Requests for application packets should be addressed to Finance Department Manager/Controller, City of Florence, Finance Department, 3rd Floor, 324 West Evans Street, Florence, South Carolina 29501-3430, Telephone 665-3162. **Applications must be received by the City of Florence no later than Friday, July 31, 2020 to be eligible for funding consideration.**

Print the above ad in the approximate size in the Morning News on the date indicated below:

Morning News: Sunday, July 12, 2020

Attachment 4