

**REGULAR MEETING
OF
FLORENCE CITY COUNCIL**



**COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA**

**MONDAY
MARCH 8, 2021
1:00 P.M.**



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, MARCH 8, 2021 – 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

February 8, 2021 – Regular Meeting

IV. APPEARANCE BEFORE COUNCIL

- a. Ms. Jenny Boulware – Municipal Association of South Carolina**
To speak to Council on behalf of National Main Street.

V. ORDINANCES IN POSITION

- a. Bill No. 2021-01 – Second Reading**
An Ordinance to adopt a model business license ordinance in accordance with the business license bill (H4431) passed by the South Carolina Legislature in September 2020.
- b. Bill No. 2021-03 – Second Reading**
An Ordinance to declare surplus and authorize the conveyance of real estate known as Florence County Tax Map Parcel 90076-04-016 to Silver Leaf Investments.
- c. Bill No. 2021-04 – Second Reading**
An Ordinance to amend Sections 2-6.1.1 and 6-19.3.2 of the *Unified Development Ordinance* regarding setbacks in the CG district.

VI. INTRODUCTION OF ORDINANCES

a. **Bill No. 2021-05 – First and Final Reading**

An Emergency Ordinance to extend emergency measures put in place previously by Emergency Ordinance Nos. 2020-12, 2020-13, and 2020-20, as consolidated in Emergency Ordinance No. 2020-28, 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.

b. **Bill No. 2021-06 – First Reading**

An Ordinance to replace the existing Emergency Ordinance (Bill No. 2021-05) and to extend emergency measures put in place previously by Emergency Ordinance No. 2020-28, which consolidated Emergency Ordinance Nos. 2020-12, 2020-13 and 2020-20 in response to the COVID-19 emergency.

c. **Bill No. 2021-07 – First Reading**

An Ordinance to annex and zone the parcel located at 1541 Palomar Parkway, identified as Florence County Tax Map Parcel 90113-01-067.

d. **Bill No. 2021-08 – First Reading**

An Ordinance to rezone three parcels located at 900 Oakland Avenue and 607 Maxwell Street, identified as Florence County Tax Map Parcels 90114-13-001, 90114-13-002, and 90114-13-013.

e. **Bill No. 2021-09 – First Reading**

An Ordinance to rezone the parcel located at 607 Second Loop Road, identified as Florence County Tax Map Parcel 90079-03-008.

VII. INTRODUCTION OF RESOLUTIONS

a. **Resolution No. 2021-04**

A Resolution to authorize a Memorandum of Understanding between the City of Florence and Florence School District One to facilitate the expansion of the Farm to School Program.

(Note: To be discussed in Executive Session.)

b. **Resolution No. 2021-05**

A Resolution to amend the Conditional Grant and Development Agreement with Swinton Builders, LLC to provide incentives for the development of new housing within the Old Carver Station subdivision project as part of the ongoing Neighborhood Redevelopment Project.

(Note: To be discussed in Executive Session.)

c. Resolution No. 2021-06

A Resolution to amend a Conditional Grant Agreement dated July 22, 2011 between the City of Florence and Downtown Hospitality Group, LLC.

(Note: To be discussed in Executive Session.)

d. Resolution No. 2021-07

A Resolution in support of the Ron James Youth Tennis Program.

VIII. REPORTS TO COUNCIL

a. Appointments to Boards and Commissions

IX. EXECUTIVE SESSION

a. Discussion of matters relating to a proposed economic development project located within an Overlay District [30-4-70(a)(5)].

b. Discussion of negotiations incident to proposed contractual arrangements [30-4-70(a)(2)].

c. Discussion of matters relating to economic development incentives associated with the city's Neighborhood Redevelopment Project [30-4-70(a)(5)].

d. Discussion of matters relating to a proposed economic development project [30-4-70(a)(5)] and the receipt of legal advice [30-4-70(a)(2)].

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

X. ADJOURN



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, FEBRUARY 8, 2021 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA
MEETING CONDUCTED THROUGH ZOOM VIDEO CONFERENCING**

MEMBERS PRESENT

Mayor Teresa Myers Ervin, Mayor Pro Tempore George Jebaily, Councilwoman Pat Gibson-Hye Moore, Councilwoman Lethonia Barnes and Councilman Chaquez T. McCall.

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Amanda P. Pope, Municipal Clerk; Mrs. Casey Moore, Assistant City 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 Ervin called the February 8, 2021 regular meeting of Florence City Council to order at 1:00 p.m.

INVOCATION

Mayor Ervin gave the invocation for the meeting. The pledge of allegiance to the American Flag followed the invocation.

APPROVAL OF MINUTES

Councilwoman Moore made a motion to adopt the minutes of the January 11, 2021 Regular City Council meeting and Councilman McCall seconded the motion. The minutes were unanimously adopted.

APPEARANCE BEFORE COUNCIL

**Mr. Paul Pittman and Mr. Ernie James
To make a presentation to City Council regarding the Florence Tennis Association.**

Mr. Pittman and Mr. James gave a brief presentation to Council regarding the Florence Tennis Association (FTA) and their relationship with the city as well as their role within the community. The FTA is implementing a new youth program for children who do not typically have access to tennis– the



**FLORENCE CITY COUNCIL
REGULAR MEETING – FEBRUARY 8, 2021**

Ron James Youth Tennis Program. The Ron James Youth Tennis Program has applied for admission to the National Junior Tennis and Learning (NJTL) network. The NJTL program was founded to help at-risk kids succeed in school and in life through tennis and education. Mr. Pittman and Mr. James ended their presentation by asking for continued cooperation and support and for an endorsement of the Ron James Youth Tennis Program as a City of Florence and Florence Tennis Association collaboration.

Councilwoman Moore and Pro tem Jebaily expressed appreciation for all the work Mr. Pittman and Mr. James has done with the community and offered support of the program.

Mayor Ervin said the program is a valuable program to the community and thanked Mr. Pittman and Mr. James and asked them to continue what they're doing to make Florence a better place.

ORDINANCES IN POSITION

Bill No. 2021-02 – Second Reading

An Ordinance to annex and zone 4 parcels located at 1534, 1537, 1539, and 1543 North Sierra Range, identified as Florence County Tax Map Parcels 90096-02-005, 90096-01-008, 90096-01-017, 90096-01-009.

Pro tem Jebaily made a motion to adopt Bill No. 2021-02 on second reading and Councilwoman Moore seconded the motion.

Council voted unanimously (5-0) to adopt Bill No. 2021-02.

INTRODUCTION OF ORDINANCES

Bill No. 2021-01 – First Reading

An Ordinance to adopt a model business license ordinance in accordance with the business license bill (H4431) passed by the South Carolina Legislature in September 2020.

Councilwoman Moore made a motion to pass Bill No. 2021-01 on first reading and Councilman McCall seconded the motion.

Mr. Kevin Yokim, Assistant City Manager, reported House Bill 4431 was adopted by SC legislature in September 2020 and became Act 176 once ratified by the Governor. This bill has been in the works for approximately the last six years. This bill relates to business licenses and does basically four things:

1. Requires all municipalities to use the same uniform classification for businesses.
2. Requires a uniform payment date of April 30th for businesses, to begin in 2022.
3. Provides a state-wide portal developed by the MASC for the payment of business licenses. This new portal will allow a business with locations in different municipalities to make one payment for all its business licenses, rather than making a separate payment to each municipality.
4. Requires all municipalities to recalibrate their business license fee schedule every other year.

Mr. Yokim recognized staff and Finance Administrator, Teresa Eaton, for all the work they have put into the business license reformation.

Pro tem Jebaily asked if this ordinance is a model ordinance drafted by the Municipal Association for all cities throughout the state. Mr. Yokim replied yes, the South Carolina Municipal Association has drafted a model business license ordinance in order to comply with state law and is encouraging all municipalities



FLORENCE CITY COUNCIL
REGULAR MEETING – FEBRUARY 8, 2021

to adopt this ordinance in its entirety, rather than municipalities attempting to amend their current ordinances to comply with state law. Mr. Yokim added that Florence is the first municipality in the state to move forward with the adoption of this ordinance.

Council voted unanimously (5-0) to pass Bill No. 2021-01.

Bill No. 2021-03 – First Reading

An Ordinance to declare surplus and authorize the conveyance of real estate known as Florence County Tax Map Parcel 90076-04-016 to Silver Leaf Investments.

Councilwoman Moore made a motion to pass Bill No. 2021-03 on first reading and Councilman McCall seconded the motion.

Mr. Scotty Davis, Deputy City Manager, reported this property is located at 306 West McLeod Alley and is currently vacant. The request to purchase is being made by the adjacent property owner, Drayton Realty Group in order to expand their existing offices. The Drayton Realty Group is owned by Silver Leaf Investments. The property was appraised at \$6,000 by the Alliance Appraisal Group and Silver Leaf Investments has submitted an offer of \$6,000 to purchase the property.

Council voted unanimously (5-0) to pass Bill No. 2021-03.

Bill No. 2021-04 – First Reading

An Ordinance to amend Sections 2-6.1.1 and 6-19.3.2 of the Unified Development Ordinance regarding setbacks in the CG district.

Councilman McCall made a motion to pass Bill No. 2021-04 on first reading and Councilwoman Moore seconded the motion.

Mr. Jerry Dudley, Planning Director, reported upon the adoption of the Unified Development Ordinance, properties that were previously zoned B-3 carried over to the new designation of CG (Commercial General). In doing so, lot size and setback requirements changed:

Comparison Chart: B-3 Versus CG Development Standards

	B-3 (2008 Zoning Ordinance)	CG (UDO)
Min. Lot Width (feet)	50	200
Min. Lot Area (sq. ft.)	5,000	18,000+
Front Setback (feet)	35	50
Side Setbacks (feet)	5	25
Rear Setback (feet)	20	40
Max. ISR (percentage)	90	85

This change caused there to be many preexisting lots in the city that do not meet these standards, resulting in the development of these lots needing to apply for variances. The proposed text amendments will allow proposed development within the CG district to follow alternative setback standards equal to or greater than the average setbacks within the district and vicinity and allows alternative setbacks as an additional option for the development of nonconforming lots.



**FLORENCE CITY COUNCIL
REGULAR MEETING – FEBRUARY 8, 2021**

On January 12, 2021 Planning Commission held a public hearing on this matter and voted unanimously to recommend the proposed amendments.

Councilwoman Moore said she sat through many meetings on the development of the Unified Development Ordinance. She said it was developed the way it is for a reason and questioned if the city was going to keep changing it every time there was a request.

Mr. Dudley said this amendment has been requested by staff because of problems they have encountered while working with developers. He said the Unified Development Ordinance is such a comprehensive document that, as real situations arise, they are realizing how things on paper don't work so well in the real world. He further said that as these changes are being made, the intent of the code is still upheld.

Mayor Ervin asked if character will be maintained moving forward with the proposed changes. Mr. Dudley replied yes, character will actually be promoted with the adoption of this ordinance. Many developers have requested to revert back to the previous zoning of B-3, but staff did not agree with this request. Staff feels the proposed amendments are a better solution and will allow a reduction of setbacks dictated by the character in certain areas

Council voted unanimously (5-0) to pass Bill No. 2021-04.

INTRODUCTION OF RESOLUTIONS

Resolution No. 2021-03

A Resolution of City Council approving Downtown Redevelopment Grants for Third Quarter, FY21.

Discussion for this item will occur in Executive Session.

REPORTS TO COUNCIL

Appointments to Boards and Commissions

Planning Commission

Pro tem Jebaily nominated Vanessa Murray to fill the unexpired term of Jennifer Edwards, to expire June 30, 2021. Ms. Murray was appointed by unanimous consent.

Housing Authority

Councilwoman Barnes deferred her appointment to the Housing Authority.

EXECUTIVE SESSION

Councilman McCall made a motion to enter into Executive Session and Councilwoman Barnes seconded the motion. Without objection, Council entered into Executive Session at 2:04 p.m. for discussions of negotiations incident to matters relating to a proposed Economic Development Project.

Council reconvened Open Session at 2:16 p.m. and took action on the following item:



**FLORENCE CITY COUNCIL
REGULAR MEETING – FEBRUARY 8, 2021**

Resolution No. 2021-03

A Resolution of City Council approving Downtown Redevelopment Grants for Third Quarter, FY21.

Councilwoman Moore made a motion to adopt Resolution No. 2021-03 and Councilwoman Barnes seconded the motion.

Council voted unanimously (5-0) to adopt Resolution No. 2021-03.

ADJOURN

Without objection, the February 8, 2021 Regular meeting of City Council was adjourned at 2:18 p.m.

Dated this 8th day of March 2021.

Amanda P. Pope, Municipal Clerk

Teresa Myers Ervin, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: February 8, 2021

AGENDA ITEM: An ordinance to adopt a model business license ordinance in accordance with the business license bill (H4431) passed by the South Carolina Legislature in September 2020

DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION:

For City Council consideration is an ordinance to adopt a model business license ordinance in accordance with new state law.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. The Municipal Association of South Carolina (MASC) has drafted a model business license ordinance in order to comply with state law and is encouraging all municipalities to adopt this ordinance in its entirety, rather than municipalities attempting to amend their current ordinances to comply with state law.
2. State law now requires all municipalities adopt a common April 30th due date for business license renewal. The City's current due date is June 15th.
3. State law also requires each municipality to use the state-wide portal developed by MASC for the payment of business licenses. This new portal will allow a business with locations in different municipalities to make one payment for all its business licenses, rather than making a separate payment to each municipality. Businesses are not required to use this portal. The portal was included in the state law to make business license payment more convenient for those businesses with locations in multiple jurisdictions.

III. POINTS TO CONSIDER:

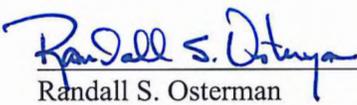
1. In 2021, since this is the year of adoption, businesses will renew their business licenses by June 15th. This license will be effective for the period July 1, 2021 through April 30, 2022, in order to conform to state law.
2. In addition, state law requires municipalities to recalibrate their business license fee schedule every other year, like the reassessment requirement for counties. The MASC has completed its work on this recalibration for the City of Florence, and these new rates are included in the attached ordinance.
3. Staff recommends adoption of the ordinance.

IV. ATTACHMENTS:

1. Proposed Ordinance



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2021-

AN ORDINANCE TO ADOPT A MODEL BUSINESS LICENSE ORDINANCE IN ACCORDANCE WITH THE BUSINESS LICENSE BILL (H4431) PASSED BY THE SOUTH CAROLINA LEGISLATURE IN SEPTEMBER 2020.

WHEREAS, the South Carolina Legislature passed H4431 (Act 176) in September 2020; and

WHEREAS, Act 176 (“the Act”) requires all municipalities to adopt a standard business license year of May 1 through April 30; and

WHEREAS, the Act requires all municipalities to use the law’s standardized class schedule; and

WHEREAS, the Act requires all municipalities to update their business license class schedules every odd year based on the latest available IRS statistics; and

WHEREAS, the Municipal Association of South Carolina has drafted a model business license ordinance, which is attached and incorporated by reference to this ordinance, in order to assist municipalities to comply with the provisions of the Act.

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

1. City of Florence Code of Ordinances Sections 13-1 through 13-22 are hereby repealed.
2. City of Florence Code of Ordinances Sections 13-1 through 13-22 are replaced by the 2022 MODEL BUSINESS LICENSE ORDINANCE, which is attached and incorporated by reference.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall become effective on July 1, 2021.

ADOPTED THIS _____ DAY OF _____, 2021

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

2022 MODEL BUSINESS LICENSE ORDINANCE

Section 1. License Required. Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Florence, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

“Business” means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

“Charitable Organization” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

“Charitable Purpose” means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

“Classification” means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

“Council” means the City Council of the City of Florence.

“Domicile” means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

“Gross Income” means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality. If the licensee has a domicile within the Municipality, business done within the Municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the Municipality, business done within the Municipality shall include only gross receipts or revenue received or accrued within the Municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee’s gross income for the purpose of computing the tax within the Municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Municipality. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other

government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

"License Official" means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

"Licensee" means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

"Municipality" means the City of Florence, South Carolina.

"NAICS" means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

"Person" means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Section 3. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year ending on April 30, 2022, shall commence on July 1, 2021 and shall run for a ten-month period. Thereafter, the license periods shall be established as follows. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the

completion of the construction project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 4. Business License Tax, Refund.

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

Section 5. Registration Required.

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.
- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the Municipality have been paid.
- D. The Municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or licensee from existing business license or business license tax obligations.

Section 6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.
- F. The requirement for a business license shall be waived for any vendor who is not otherwise required to hold a valid business license and who is invited or encouraged by the City to participate in city-hosted and/or city-sponsored special events. Such vendors shall be required to submit a written application for a special event vendor permit on a form prescribed and dispensed by the City upon such terms as indicated on the permit. The City may charge a special event vendor permit fee, subject to periodic review for appropriateness and adjustment as deemed reasonable by the city manager or authorized designee.

Section 7. False Application Unlawful. It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 8. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 9. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 11. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Section 12. Delinquent License Taxes, Partial Payment.

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of ten (10%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.
- B. Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 13. Notices. The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the Municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 14. Denial of License. The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the Municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Section 15. Suspension or Revocation of License. When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude

related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

E. A licensee has engaged in an unlawful activity or nuisance related to the business; or

F. A licensee is delinquent in the payment to the Municipality of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the Municipality by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeals to Council or its Designee.

A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.

B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Municipality.

C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.

- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality may establish a different procedure by ordinance.

Section 17. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 18. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

Section 19. Violations. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall 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 ordinance.

Section 20. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

Section 21. Classification and Rates.

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue

and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.

- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
1	\$20.00	\$1.69
2	\$30.00	\$1.87
3	\$40.00	\$2.05
4	\$50.00	\$2.23
5	\$60.00	\$2.41
6	\$70.00	\$2.59
7	\$80.00	\$2.77
8.1	\$75.00	\$1.69
8.2	Railroads – Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	
8.6	\$100.00 plus \$5.00 -OR- \$12.50 per table	
9.1	Reserved	
9.2	Reserved	
9.3	Reserved	
9.41	\$50 plus \$2.23 per \$1,000	
9.42	Reserved	
9.5	Reserved	
9.6	Reserved	
9.7	\$300 plus \$3.40 per \$1,000	
9.8	\$80.00 plus \$2.77	

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the Municipality.

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

<u>Gross Income in \$ Millions</u>	<u>Percent of Class Rate for each additional \$1,000</u>
0 - 1	100%
1 - 4	90%
4 - 7	75%
7 - 10	50%
10 - 20	25%
OVER 20	10%

RENTAL PROPERTY

NAICS 53110 and 531120 – Lessors of Residential and Non-Residential Buildings

Individuals engaging in rental of more than four (4) residential units or rental of one (1) or more commercial properties will be required to obtain a business license.

Businesses, Corporations, or limited liability partnerships, or other like entities engaging in rental of residential or commercial property will be required to obtain a business license.

Minimum on first \$2,000	\$80.00 PLUS
Each additional 1,000.....	\$2.77

PROMOTERS AND EVENT VENDORS

NAICS 711310 and 711320 – Promoters of Performing Arts, Sports, and Similar Events

Promoter

Minimum on first \$2,000	\$40.00 PLUS
Each additional 1,000.....	\$2.05
Non-Food Vendor (participating in event).....	\$20.00
Food Vendor (participating in event).....	\$50.00

CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Municipality also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].

Resident rates, for contractors having a permanent place of business within the Municipality:

Minimum on first \$2,000	\$75.00 PLUS
Each additional 1,000.....	\$1.69

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for

which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

8.2 NAICS 482 – Railroad Companies (See S.C. Code § 12-23-210).

8.3 NAICS 517311 and 517312 – Telephone Companies.

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241 – Insurance Companies:

Independent agents, brokers, their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 NAICS 713120.1 – Amusement Machines, coin operated (except gambling). Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) [**Type I and Type II**].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine	\$12.50 PLUS
Business license	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713120.2 – Amusement Machines, coin operated, non-payout. Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [**Type III**].

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine	\$180.00 PLUS
Business license	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 and 713991 – Billiard or Pool Rooms, all types. (A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS, (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:

\$100.00 PLUS \$5.00 per table OR \$12.50 per table

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA
BUSINESS LICENSE STANDARDIZATION CLASS NINE SUPPLEMENT

Appendix A of the Association’s Model Business License Ordinance includes a list of mandatory or recommended Class 8 rates. Under S.C. Code Section 6-1-400(G)(2), municipalities “may provide for additional reasonable subclassifications ... based upon particularized considerations as needed for economic stimulus or the enhanced or disproportionate demands by specific business subclassifications on taxing jurisdiction services or infrastructure.”

Commonly used optional subclasses are listed below. These subclasses are not mandatory. The adopting municipality should review the list below, compare it to its existing class schedule, and determine which subclasses below (if any) to continue or adopt following standardization. Note that in the process of standardization, the subclasses have been renumbered from the number assigned in the Association’s prior Model Business License Ordinance. The numbering from the prior Model Ordinance is indicated below.

The Association strongly recommends that, if a municipality adopts one or more optional Class 9 subclasses, it uses the numbering and suggested language provided below.

9.1 [RESERVED]

9.2 [RESERVED]

9.3 [RESERVED]

NAICS 454390 – Peddlers, Solicitors, Canvassers, Door-To-Door Sales.

Direct retail sales of merchandise. [Non-resident rates apply]

9.41	Minimum on first \$2,000.....	\$50.00 PLUS
	Per \$1,000, or fraction, over \$2,000.....	\$2.23

9.42 [RESERVED]

Applicants for a license to sell on private property must provide written authorization from the property owner to use the intended location.

9.5 [RESERVED]

9.6 [RESERVED]

9.7 **NAICS 722410 – Drinking Places, bars, lounges, cabarets** (Alcoholic beverages consumed on premises).

Minimum on first \$2,000 \$300.00 PLUS

Per \$1,000, or fraction, over \$2,000..... \$3.40

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

9.8 **NAICS 485310 and 485320 – Taxicabs and Limousines** (Insurance required).

Minimum on first \$2,000 \$80.00 PLUS

Per \$1,000, or fraction, over \$2,000..... \$2.77

Business License Class Schedule by NAICS Code

Appendix B

NAICS Sector/Subsector	Industry Sector	Class
110000	Agriculture, forestry, hunting and fishing	2.00
210000	Mining	4.00
220000	Utilities	1.00
230000	Construction (gross or job based)	8.10
310000	Manufacturing	2.00
320000	Manufacturing	2.00
330000	Manufacturing	2.00
420000	Wholesale trade	1.00
423930	Recycling material merchant wholesale (junk and scrap)	1.00
423940	Wholesale trade	1.00
440000	Retail trade	1.00
441110	Automobile dealers (new and used)	1.00
441120	Other Motor vehicle dealers (RVs, boats, motorcycles, ATVs)	1.00
441300	Retail trade	1.00
454000	Other direct selling establishments (peddlers)	9.41
480000	Transportation and warehousing	2.00
482000	Rail transportation (railroads, fixed fee by state law)	8.20
483000	Transportation and warehousing	2.00
485310	Taxi service	9.80
485320	Transportation and warehousing (Limousine)	9.80
510000	Information	4.00
520000	Finance and insurance	7.00
522298	Pawn shops	7.00
522299	Securities, commodity contracts, and other financial investments	7.00
530000	Real estate and rental and leasing	7.00
540000	Professional, scientific, and technical services	5.00
550000	Management of companies	7.00
560000	Administrative and support and waste management and remediation services	4.00
610000	Educational services	4.00
620000	Health care and social assistance	4.00
710000	Arts, entertainment, and recreation	3.00
711000	Other performing arts companies (carnivals and circuses)	3.00
711320	Promoters of Performing Arts and Sporting events	3.00
712000	Arts, entertainment, and recreation	3.00
713120.1	Non-payout amusement / coin operated machines (S.C. Code §12-21-2746)	8.51
713120.2	Non-payout amusement / coin operated machines §12-21-2720(A)(3) [Type III].	8.52
713120.3	Amusement parks and arcades (NAICS 710100 -713120)	3.00
713290	Bingo halls	3.00

713291	Arts, entertainment, and recreation	3.00
713991	All other amusement and recreational industries (pool tables)	8.60
721000	Accommodation	3.00
722000	Food services	1.00
722410	Drinking places	9.70
810000	Other services	5.00

This appendix will be updated every odd year based on the latest available IRS statistics.
The 2021 Business License Class Schedule may be accessed at:

<http://www.masc.sc/SiteCollectionDocuments/Finance/BL-AppxB.pdf>

FLORENCE CITY COUNCIL MEETING

DATE: February 8, 2021
AGENDA ITEM: Ordinance
DEPARTMENT/DIVISION: City Manager

I. ISSUE UNDER CONSIDERATION:

An ordinance to declare surplus and authorize the conveyance of real estate (306 West McLeod Alley) known as tax parcel 90076-04-016, to Silver Leaf Investments. The request to purchase said property is being made by the adjacent property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

The property is currently a vacant lot that is bounded by a single family residence to the west and the Drayton Realty Group to the east. The property was appraised at \$6,000 by the Alliance Appraisal Group on July 17, 2020. The Drayton Realty Group is owned by Silver Leaf Investments.

An accessible ramp from the single family residence is currently encroaching on the property. The Drayton Realty Group has agreed to relocate the accessible ramp at their cost.

III. POINTS TO CONSIDER:

1. This request is being considered for first reading.
2. The Drayton Realty Group is seeking to expand their existing offices and will use the property for the expansion.
3. Silver Leaf Investments has submitted an offer of \$6,000 to purchase the property.

IV. ATTACHMENTS:

1. Ordinance
2. Property appraisal report
3. Purchase contract
4. Map



Scotty Davis
Deputy City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2021-_____

AN ORDINANCE TO DECLARE AS SURPLUS AND AUTHORIZE THE CONVEYANCE OF REAL ESTATE TO SILVER LEAF INVESTMENTS, SPECIFICALLY TAX PARCEL 90076-04-016.

WHEREAS, the property known as Florence County tax parcel 90076-04-016 has been designated as surplus property; and

WHEREAS, the property known as tax parcel 900776-04-016 was appraised by Alliance Appraisals on July 17, 2020 and was determined to be valued at \$6,000; and

WHEREAS, after due consideration, the City of Florence has concluded that the property known as tax parcel 90076-04-016 is surplus property and shall be conveyed to Silver Leaf Investments for the sum of \$6,000.

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

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

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

ADOPTED THIS _____ DAY OF MARCH, 2021.

Approved as to form:

JAMES W. PETERSON, JR.
City Attorney

TERESA MYERS ERVIN
Mayor

Attest:

AMANDA P. POPE
Municipal Clerk

**APPRAISAL REPORT
OF**



TBD W McLeod Alley
Florence, SC 29501

PREPARED FOR

Ashley Drayton

AS OF

07/17/2020

PREPARED BY

Alliance Appraisal Group, LLC
106 N Edisto Drive
Florence, SC 29501

Table of Contents

Page Title	Page #
Summary of Salient Features	1
Land Appraisal	2
Land Certification Page 1	3
Land Certification Page 2	4
Land Certification Page 3	5
Photo Subject Extra	6
Site Map	7
Location Map	8
Zoning Map	9
Appraisal Compliance Addendum	10
Comments	11

SUMMARY OF SALIENT FEATURES

File No. K720-41
Case No.

SUBJECT INFORMATION	
Subject Address	<u>TBD W McLeod Alley</u>
Legal Description	<u>Deed Book B409, Page 647</u>
City	<u>Florence</u>
County	<u>Florence</u>
State	<u>SC</u>
Zip Code	<u>29501</u>
Census Tract	<u>.</u>
Map Reference	<u>90076-04-016</u>
SALES PRICE	
Sale Price	\$ _____
Date of Sale	_____
CLIENT	
Borrower	<u>Ashley Drayton</u>
Lender/Client	<u>Ashley Drayton</u>
DESCRIPTION OF IMPROVEMENT	
Size (Square Feet)	_____
Price per Square Foot	\$ _____
Location	<u>Suburban</u>
Age	_____
Condition	_____
Total Rooms	_____
Bedrooms	_____
Baths	_____
APPRAISER	
Appraiser	<u>Ken O. Flowers Jr.</u>
Date of Appraised Value	<u>07/17/2020</u>
VALUE	
Final Opinion of Value \$	<u>6,000</u>

LAND APPRAISAL REPORT

File No. K720-41

Case No.

Borrower Ashley Drayton Census Tract _____ Map Reference 90076-04-016
 Property Address TBD W McLeod Alley
 City Florence County Florence State SC Zip Code 29501
 Legal Description Deed Book B409, Page 647
 Sale Price \$ _____ Date of Sale _____ Loan Term _____ yrs. Property Rights Appraised Fee Leasehold De Minimis PUD
 Actual Real Estate Taxes \$ 0.00 (yr) Loan Charges to be paid by seller \$ _____ Other Sales Concessions _____
 Lender/Client Ashley Drayton Address _____
 Occupant Vacant Appraiser Ken O. Flowers Jr. Instructions to Appraiser Estimate Fair Market Value

NEIGHBORHOOD

Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Good	Avg.	Fair	Poor
Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input type="checkbox"/> Steady		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Oversupply		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input type="checkbox"/> 3-6 Mos.	<input checked="" type="checkbox"/> Over 6 Mos.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Present Land Use	<u>10</u> %1 Family	<u>10</u> %2-4 Family	<u>5</u> % Apts	<u>70</u> % Condo	<u>70</u> % Commercial		
	<u>5</u> % Industrial	<u>5</u> % Vacant					
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)				
	(*) From _____ To _____						
Predominate Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<u>2</u> % Vacant				
Single Family Price Range	\$ <u>25,000</u> to \$ <u>390,000</u>	Predominant Value \$ <u>275,000</u>					
Single Family Age	<u>New</u> yrs to <u>125+</u> yrs.	Predominant Age <u>42</u> yrs.					

Employment Stability
 Convenience to Employment
 Convenience to Shopping
 Convenience to Schools
 Adequacy of Public Transportation
 Recreational Facilities
 Adequacy of Utilities
 Property of Compatibility
 Protection from Detrimental Conditions
 Police and Fire Protection
 General Appearance of Properties
 Appeal to Market

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject is located on the east side of Ebenezer Road, approximately 4 miles west of downtown Florence. Buildup in the area consists mostly of commercial properties and vacant land with some residential neighborhoods mixed in. The typical home is owner occupied and adequately maintained. Proximity to schools, shopping, restaurants, and employment is considered a positive factor.

SITE

Dimensions 50 x 175 = .21 Acres Corner Lot
 Zoning Classification Commercial Re-Use Present Improvements do do not conform to zoning regulations
 Highest and best use Present use Other (specify) _____
 Elec. Public Other (Describe) _____ OFF SITE IMPROVEMENTS
 Gas Street Access Public Private Topo Level
 Water Surface Asphalt Size Typical
 San. Sewer Maintenance Public Private Shape Basically Rectangular
 Storm Sewer Curb/Gutter View Commercial
 Sidewalk Street Lights Drainage Appears Adequate
 Is the property located in a HUD identified Special Flood Hazard Area? No Yes
 Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): Site is basically rectangular in shape and appears to drain adequately. Site is slightly open and grassed in some areas with some light timber/brush in other areas and topography is slightly above street grade. No adverse conditions noted on the date of inspection.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

	SUBJECT PROPERTY	COMPARABLE NO.1	COMPARABLE NO.2	COMPARABLE NO.3
Address	TBD W McLeod Alley Florence, SC 29501	236 E Marion Street Florence, SC 29501	512 N Dargan Street Florence, SC 29501	TBD W Pine Street Florence, SC 29501
Proximity to Subject		1.07 miles N	1.23 miles N	0.57 miles NW
Sales Price	\$	\$ 9,250	\$ 4,199	\$ 35,000
Price /	\$ 0	\$	\$	\$
Data Source	Inspection	PDMLS/Tax Records	PDMLS/Tax Records	PDMLS/Tax Records
Date of Sale and	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Time Adjustment		06/07/2018	03/15/2018	03/28/2019
Location	Suburban	Suburban	Suburban	Suburban
Site/View	Commercial/Vacant	Commercial/Vacant	Commercial/Vacant	Commercial/Vacant
Size	.21 Acres	.22 Acres	.16 Acres +2,000	.48 Acres -22,000
Topography	Typical	Typical	Typical	Typical
Utility	Average	Average/Superior -3,500	Average/Similar	Average
Road Frontage	Asphalt	Asphalt	Asphalt	Asphalt/Superior -3,500
Sales or Financing		Cash	Cash	Conventional
Concessions		Unknown	Unknown	Unknown
Net Adj. (Total)		Plus X Minus \$ -3,500	X Plus Minus \$ 2,000	Plus X Minus \$ -25,500
Indicated Value of Subject		Net=-38% Gross=38% \$ 5,750	Net=48% Gross=48% \$ 6,199	Net=-73% Gross=73% \$ 9,500

Comments on Market Data Above are closed land sales from the subject's general area. Sales 2 and 3 adjusted for lot value differences to the subject, due to being located in areas with differing lot values. Sales 1 and 3 adjusted downward for superior utility for having cleared land and the subject does not. Appraiser notes that it was necessary to use sales that exceed normal guidelines, however this is typical for the market area.
 Comments and Conditions of Appraisal: Subject is appraised based on market approach of land sales in the subject's general area.

RECONCILIATION

Final Reconciliation: The Sales Comparison Approach is considered the most reliable in the valuation of vacant land. The Income Approach to value is not a reliable indicator of value for this type property and Cost Approach is not applicable.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF 07/17/2020 to be \$ 6,000

Appraiser(s) Ken O. Flowers Jr. Review Appraiser (if applicable) Did Did Not Physically
 Date Report Signed 07/20/2020 Date Report Signed _____
 State Certification # CG-5006 State SC State Certification # _____ State _____
 Or State License # _____ Or State License # _____
 Expiration Date of License or Certification 06/30/2022 Expiration Date of License or Certification _____

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
5. If the appraiser has based his or her appraisal report and valuation conclusion for an appraisal subject to certain conditions, it is assumed that the conditions will be met in a satisfactory manner.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property. I reported the site characteristics in factual, specific terms.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

21. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

22. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature Ken O. Flowers Jr.
 Name Ken O. Flowers Jr.
 Company Name Alliance Appraisal Group, LLC
 Company Address 106 N Edisto Drive
Florence, SC 29501
 Telephone Number 843-230-6699
 Email Address ken@aaqsc.com
 Date of Signature and Report 07/20/2020
 Effective Date of Appraisal 07/17/2020
 State Certification # CG-5006
 or State License # _____
 or Other (describe) _____ State # _____
 State SC
 Expiration Date of Certification or License 06/30/2022

ADDRESS OF PROPERTY APPRAISED
TBD W McLeod Alley
Florence, SC 29501

APPRAISED VALUE OF SUBJECT PROPERTY \$ 6,000
LENDER/CLIENT
 Name _____
 Company Name Ashley Drayton
 Company Address _____
 Email Address _____

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 Telephone Number _____
 Email Address _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____

SUBJECT PROPERTY

- Did not inspect subject property
 Did inspect exterior of subject property from street
 Date of Inspection _____
 Did inspect interior and exterior of subject property
 Date of Inspection _____

COMPARABLE SALES

- Did not inspect exterior of comparable sales from street
 Did inspect exterior of comparable sales from street
 Date of Inspection _____

Alliance Appraisal Group, LLC
SUBJECT PHOTO ADDENDUM

File No. K720-41
Case No.

Borrower	Ashley Drayton						
Property Address	TBD W McLeod Alley						
City	Florence	County	Florence	State	SC	Zip Code	29501
Lender/Client	Ashley Drayton		Address				



Front View



Front View



Street View

Alliance Appraisal Group, LLC
SITE LOCATION MAP

File No. K720-41
Case No.

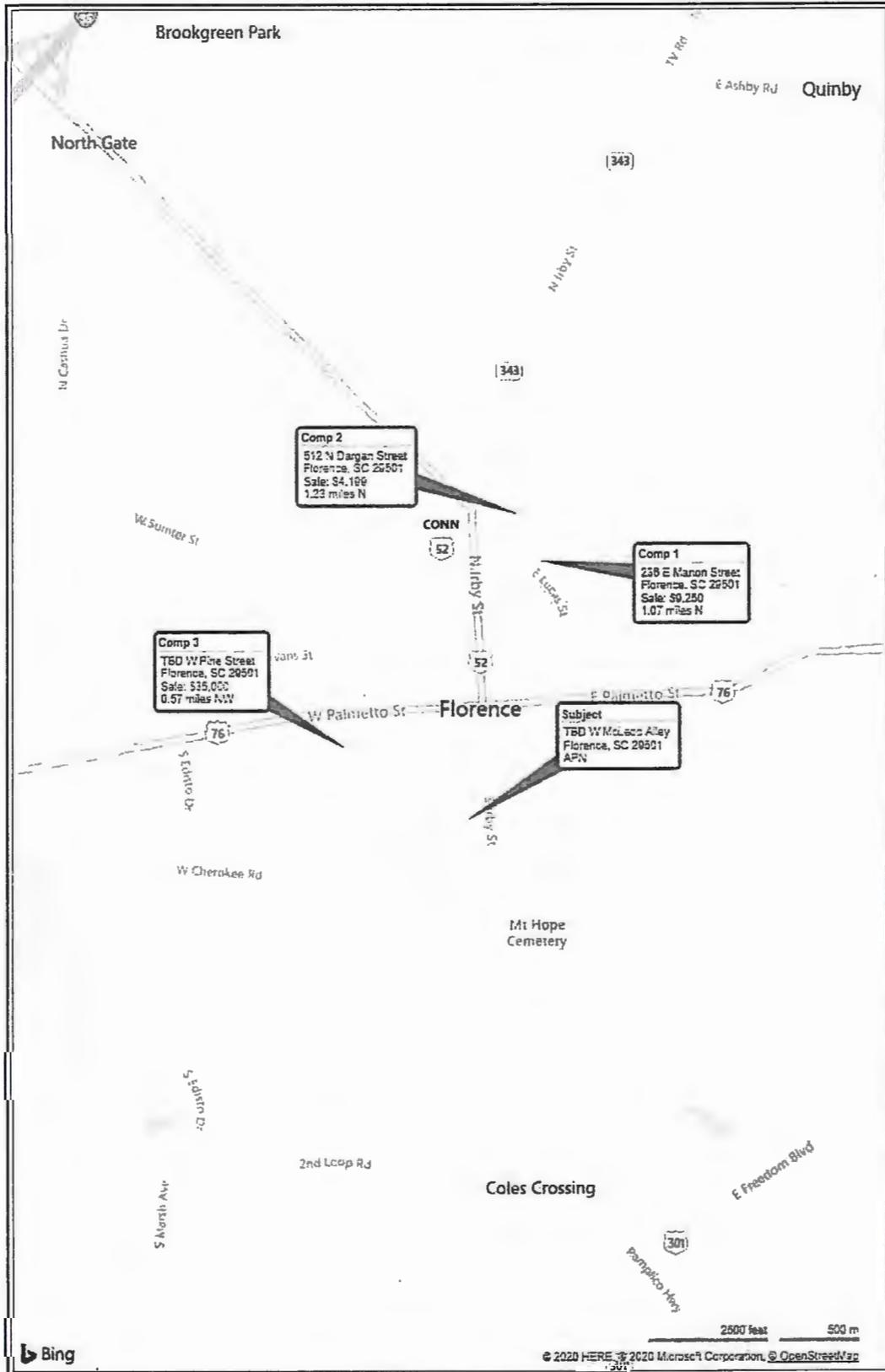
Borrower	Ashley Drayton						
Property Address	TBD W McLeod Alley						
City	Florence	County	Florence	State	SC	Zip Code	29501
Lender/Client	Ashley Drayton		Address				



Alliance Appraisal Group, LLC
LOCATION MAP ADDENDUM

File No. K720-41
 Case No.

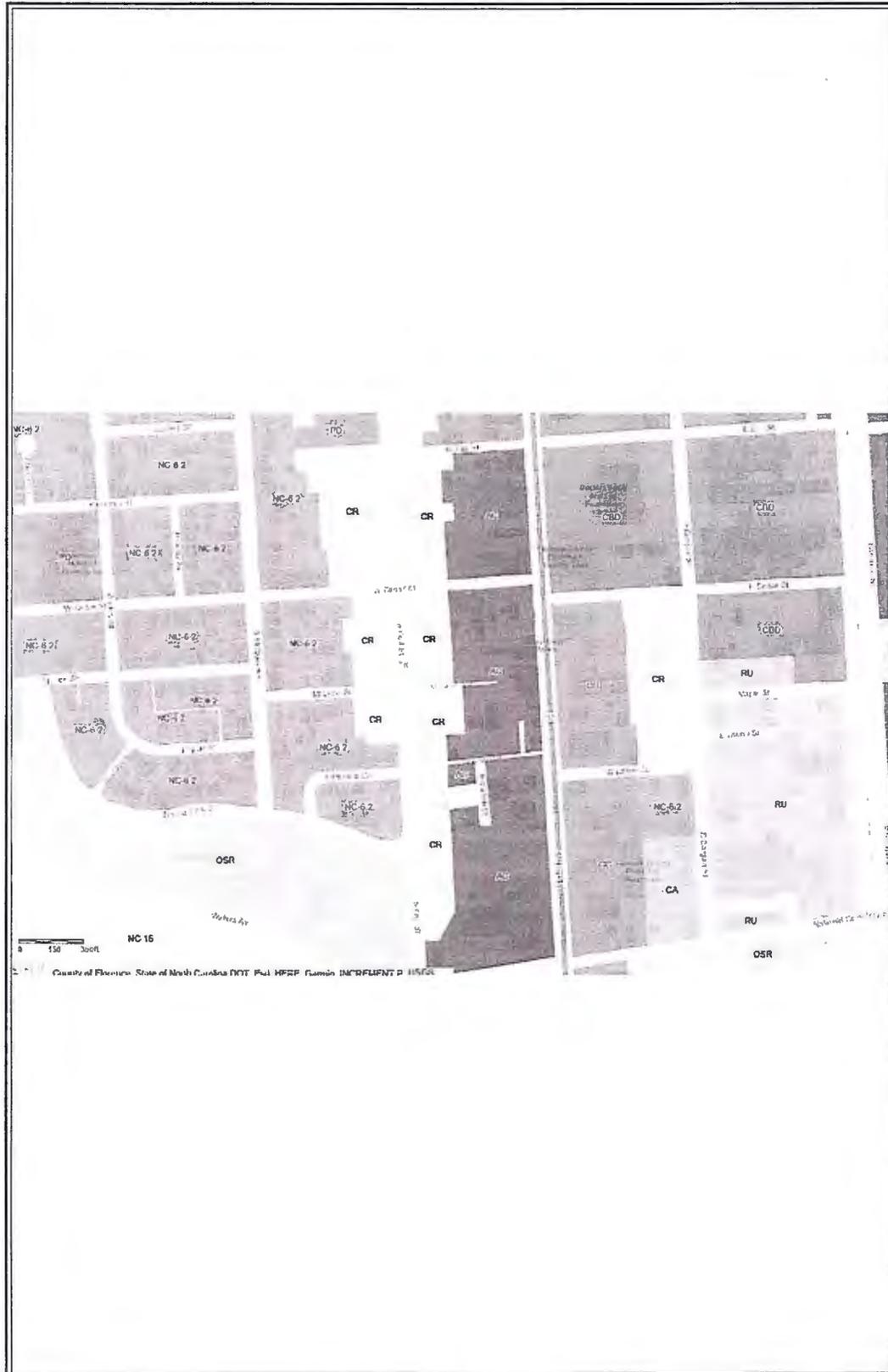
Borrower	Ashley Drayton						
Property Address	TBD W McLeod Alley						
City	Florence	County	Florence	State	SC	Zip Code	29501
Lender/Client	Ashley Drayton		Address				



Alliance Appraisal Group, LLC
ZONING LOCATION MAP

File No. K720-41
Case No.

Borrower	Ashley Drayton						
Property Address	TBD W McLeod Alley						
City	Florence	County	Florence	State	SC	Zip Code	29501
Lender/Client	Ashley Drayton		Address				



APPRAISAL COMPLIANCE ADDENDUM

File No. K720-41

Case No.

Borrower/Client <u>Ashley Drayton</u>		Unit No. _____	
Address <u>TBD W McLeod Alley</u>		City <u>Florence</u>	
City <u>Florence</u>	County <u>Florence</u>	State <u>SC</u>	Zip Code <u>29501</u>
Lender/Client <u>Ashley Drayton</u>			

This Appraisal Compliance Addendum is included to ensure this appraisal report meets all USPAP 2014 requirements.

APPRAISAL AND REPORT IDENTIFICATION	
This Appraisal Report is one of the following types:	
<input checked="" type="checkbox"/> Appraisal Report	This report was prepared in accordance with the requirements of the Appraisal Report option of USPAP Standards Rule 2-2(a).
<input type="checkbox"/> Restricted Appraisal Report	This report was prepared in accordance with the requirements of the Restricted Appraisal Report option of USPAP Standards Rule 2-2(b). The intended user of this report is limited to the identified client. This is a Restricted Appraisal Report and the rationale for how the appraiser arrived at the opinions and conclusions set forth in the report may not be understood properly without the additional information in the appraiser's workfile.

ADDITIONAL CERTIFICATIONS	
I certify that, to the best of my knowledge and belief:	
<ul style="list-style-type: none"> • The statements of fact contained in this report are true and correct. • The reported analyses, opinions, and conclusions are limited only by the reported assumptions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions. • Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to parties involved • Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. • I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment. • My engagement in this assignment was not contingent upon developing or reporting predetermined results. • My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal. • My analyses, opinions, and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared. • Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report. • Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report). • This report has been prepared in accordance with Title XI of FIRREA as amended, and any implementing regulations. 	

PRIOR SERVICES	
<ul style="list-style-type: none"> • <input checked="" type="checkbox"/> I have NOT performed services, as an appraiser or in another other capacity, regarding the property that is the subject of the report within the three-year period immediately preceding acceptance of this assignment. • <input type="checkbox"/> I HAVE performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below. 	

PROPERTY INSPECTION	
<ul style="list-style-type: none"> • I <input checked="" type="checkbox"/> HAVE made a personal inspection of the property that is the subject of this report. • I <input type="checkbox"/> have NOT made a personal inspection of the property that is the subject of this report. 	

APPRAISAL ASSISTANCE	
Unless otherwise noted, no one provided significant real property appraisal assistance to the person signing this certification. If anyone did provide significant assistance, they are hereby identified along with a summary of the extent of the assistance provided in the report.	

ADDITIONAL COMMENTS	
Additional USPAP related issues requiring disclosure and/or any state mandated requirements: _____	

MARKETING TIME AND EXPOSURE TIME FOR THE SUBJECT PROPERTY	
<input checked="" type="checkbox"/> A reasonable marketing time for the subject property is <u>60-730</u> day(s) utilizing market conditions pertinent to the appraisal assignment.	
<input type="checkbox"/> A reasonable exposure time for the subject property is _____ day(s).	

APPRAISER	SUPERVISORY APPRAISER (ONLY IF REQUIRED)
Signature <u>Ken O. Flowers Jr.</u>	Signature _____
Name <u>Ken O. Flowers Jr.</u>	Name _____
Date of Signature <u>07/20/2020</u>	Date of Signature _____
State Certification # <u>CG-5006</u>	State Certification # _____
or State License # _____	or State License # _____
State <u>SC</u>	State _____
Expiration Date of Certification or License <u>06/30/2022</u>	Expiration Date of Certification or License _____
Effective Date of Appraisal <u>07/17/2020</u>	Supervisory Appraiser Inspection of Subject Property:
	<input type="checkbox"/> Did Not <input type="checkbox"/> Exterior Only from street <input type="checkbox"/> Interior and Exterior

Alliance Appraisal Group, LLC
COMMENT ADDENDUM

File No. K720-41
Case No.

Borrower Ashley Drayton					
Property Address TBD W McLeod Alley					
City	Florence	County	Florence	State	SC
Zip Code			29501		
Lender/Client Ashley Drayton		Address			

INTENDED USER(S):

THE INTENDED USER OF THIS APPRAISAL IS LENDER/CLIENT. THE INTENDED USE IS TO EVALUATE THE PROPERTY THAT IS THE SUBJECT OF THIS APPRAISAL FOR A MORTGAGE FINANCE TRANSACTION OR TO DETERMINE THE FAIR MARKET VALUE, SUBJECT TO THE STATED SCOPE OF WORK, PURPOSE OF THE APPRAISAL, REPORTING REQUIREMENTS OF THIS APPRAISAL REPORT FORM, AND DEFINITION OF MARKET VALUE. NO ADDITIONAL INTENDED USERS ARE IDENTIFIED BY THE APPRAISER.

APPRAISER SIGNATURE:

THE APPRAISER MAINTAINS SOLE CONTROL OF AFFIXING HIS SIGNATURE TO THE APPRAISAL AS REQUIRED BY USPAP AND IS PROTECTED AGAINST UNAUTHORIZED CHANGES.

SCOPE OF WORK:

THE SCOPE OF WORK FOR THIS APPRAISAL IS DEFINED BY COMPLEXITY OF THIS APPRAISAL ASSIGNMENT AND THE REPORTING REQUIREMENTS OF THIS APPRAISAL REPORT FORM, 1) PERFORM A COMPLETE VISUAL INSPECTION OF THE INTERIOR AND/OR EXTERIOR AREAS OF THE SUBJECT PROPERTY, 2) INSPECT THE NEIGHBORHOOD, 3) INSPECT EACH OF THE COMPARABLE SALES FROM AS LEAST THE STREET, 4) RESEARCH, VERIFY, AND ANALYZE DATA FROM RELIABLE PUBLIC AND/OR PRIVATE SOURCES, AND 5) REPORT HIS OR HER ANALYSIS, OPINIONS, AND CONCLUSIONS IN THIS APPRAISAL REPORT.

APPRAISER ACKNOWLEDGEMENT:

IT IS NOTED THAT THE APPRAISER HAS NO CURRENT OR PROSPECTIVE INTEREST IN THE SUBJECT PROPERTY OR THE PARTIES INVOLVED; AND NO SERVICES WERE PERFORMED BY THE APPRAISER WITHIN THE 3 YEAR PERIOD IMMEDIATELY PRECEDING ACCEPTANCE OF THIS ASSIGNMENT, AS AN APPRAISER OR IN ANY CAPACITY.

EXPOSURE TIME:

THERE IS AN EFFECTIVE NUMBER OF COMPETING PROPERTIES ON THE MARKET IN THIS AREA. THIS INDICATES THAT SUPPLY AND DEMAND ARE IN BALANCE. REASONABLE EXPOSURE PERIOD IS ESTIMATED TO BE UNDER 12 MONTHS. THE TYPICAL HOLDING PERIOD IS 5-10 YEARS. THE DEFINITION OF EXPOSURE TIME WAS TAKEN FROM THE DEFINITIONS SECTION OF THE 2020-2021 EDITION OF USPAP.

CLICK START SIGNING TO BEGIN. START SIGNING

dotloop signature verification: https://dtp.us/sdgi-oMC1-X5nl



AGREEMENT/CONTRACT: TO BUY AND SELL REAL ESTATE (GENERAL USE AND LOTS/ACREAGE)

1. PARTIES: This legally binding Agreement ("Contract") To Buy and Sell Real Estate is entered into by:

Buyer(s), _____ ("Buyer"), and Seller(s), _____ ("Seller").

- (A) "Party" - defined as either Buyer or Seller, "Parties" defined as both Buyer and Seller.
(B) "Brokers" are licensed South Carolina brokers-in-charge, their associated real estate licensees, and their subagents.
(C) "Closing Attorney" - is the licensed South Carolina attorney selected by Buyer to coordinate the transaction and Closing.
(D) "Effective Date" - the final date upon which a Party to the negotiation places the final and required signatures and/or initials and date on this Contract and Delivers Notice to initially cause this primary Contract to be binding on all Parties.
(E) "Business Day" - a 24 hour period (Monday/Tuesday/Wednesday/Thursday/Friday) beginning at 10 AM and counted from 10 AM of the first Business Day following the appropriate date (Effective Date, Closing Date, stated date, Notice Delivery date). Business Days shall not begin, end, or include any Saturday, Sunday, or Federal legal holiday.
(F) "Good Funds" - is the transfer of the required amount of United States Dollars (USD) within any required timeframe.
(G) "Time" - all time stated shall be South Carolina local time. Time is of the essence with respect to all provisions of this Contract stipulating time, deadline, or performance periods.

[] BUYER [] SELLER IS A SOUTH CAROLINA REAL ESTATE LICENSEE

2. PURCHASE PRICE: \$ _____ Payable by transfer of Good Funds via [] Finance or [] a combination of Finance and Cash USD or [] Cash USD. Verification of Cash available for Closing is [] attached [] not attached [] to be Delivered before _____. This Contract [] is [] is not contingent upon the sale and closing of Buyer's real property and SCR504 [] is [] is not attached.

3. PROPERTY: Hereby acknowledging sufficient good Contract consideration (e.g. mutual promises herein), Seller will sell and convey and Buyer will buy for the Purchase Price any and all lot or parcel of land, appurtenant interests, improvements, landscape, systems, and fixtures if any thereon and further described below ("Property"). Seller agrees to maintain in operable condition the Property and any personal property conveying, including any landscaping, grounds and any agreed upon repairs or replacements, from the Effective Date through Closing subject to normal operable wear and tear. Buyer acknowledges opportunity to inquire about owners association issues, common area issues, condominium master deed issues, assigned parking/storage areas, memberships, lease issues and financed equipment prior to signing Contract. Leasing issues and items and financed equipment see Adjustments (e.g. tenants, leases, future vacation renters, SC vacation rental act reservations, rents, deposits, documents, solar panels, fuel tanks with fuel, alarm systems, satellite equipment, roll carts).

Address _____ Unit # _____ City _____ State of South Carolina Zip _____ County of _____ Lot _____ Block _____ Section/Phase _____ Subdivision _____ Other _____ Tax Map _____

Parties agree that no personal property will transfer as part of this sale, except described below and/or [] in attachment(s):

4. CONVEYANCE/CLOSING/POSSESSION: "Closing" occurs when Seller conveys Property to Buyer and occurs no later than 5 PM on or before _____ ("Closing Date") with an automatic extension of _____ business days for an unsatisfied contingency through no fault of either party. Conveyance shall be fee simple made subject to all easements, reservations, rights of way, restrictive covenants of record (provided they do not make the title unmarketable or adversely affect the use/value of the Property in a material way) and to all government statutes, ordinances, rules, permits, and regulations. Seller agrees to convey marketable title with a properly recorded general warranty deed free of encumbrances and liens except as herein stated; and in name(s): _____

[] BUYER [] BUYER [] SELLER [] SELLER HAVE READ THIS PAGE

SCR Form 330 11/2017 PAGE 1 of 9

Phone: _____ Fax: _____

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and ownership type determined by Buyer. The deed shall be delivered to the Closing Attorney's designated place on or before the Closing Date no later than 10 AM. Seller agrees to pay all statutory deed recording fees. Parties agree the Brokers shall have access to the closing and relevant documents; and the Brokers shall be given copies of the settlement statement prior to Closing for review. Parties agree to hire/use licensed Attorney(s). Seller shall convey possession of a vacant and reasonably clean Property, free of debris, along with all keys, codes, any remote controls, available documents (e.g. manuals, equipment warranties, service information) and similar ownership items to Buyer at Closing.

5. EARNEST MONEY: Total \$ 500.00 (USD) Earnest Money is paid as follows:
 \$ na accompanies this offer and \$ 500.00 will be paid within 5 Business Days after Effective Date and Earnest Money is in the form of check cash other (e.g. wire) _____ to be a Credit to Buyer at Closing or disbursed only as Parties agree in writing or by court order or by Contract or as required for Closing by _____ as Escrow Agent to deposit and hold and disburse earnest money according to the terms of any separate escrow agreement, the law, and any regulations. Broker does not guarantee payment of a check or checks accepted as earnest money. Parties direct escrow agent to communicate reasonable information confirming receipt and status of earnest money upon a Broker request.

THE PARTIES UNDERSTAND AND AGREE THAT UNDER ALL CIRCUMSTANCES INCLUDING DEFAULT, ESCROW AGENT WILL NOT DISBURSE EARNEST MONEY DEPOSIT TO EITHER PARTY UNTIL BOTH PARTIES HAVE EXECUTED AN AGREEMENT AUTHORIZING THE DISBURSEMENT (e.g. SCR518, SCR517, mediation agreement) OR UNTIL A COURT OF COMPETENT JURISDICTION HAS DIRECTED A DISBURSEMENT. EARNEST MONEY WILL NOT BE DISBURSED UNTIL DETERMINED TO BE GOOD FUNDS. IF LEGAL ACTIONS OCCUR RELATED TO EARNEST MONEY, PARTY RECEIVING THE LEAST AMOUNT OF EARNEST MONEY IN THE COURT'S DISBURSEMENT ORDER AGREES TO INDEMNIFY ESCROW AGENT'S FEES, COURT COSTS AND ATTORNEY FEES. IF INTERPLEADER IS TO BE UTILIZED, PARTIES AGREE THAT \$ na SHALL BE PAID TO THE ESCROW AGENT BY THE PARTIES AS COMPENSATION BEFORE ESCROW AGENT INITIATES COURT OF COMPETENT JURISDICTION PROCEEDINGS ON EARNEST MONEY.

6. TRANSACTION COSTS: Buyer's transaction costs include all costs and closing costs resulting from selected financing, pre-paid recurring items, insurance (mortgage insurance, title insurance lender/owner, hazard) discount points, all costs to obtain information from or pertaining to any owners association (aka certificate of assessment), interest, non-recurring closing costs, title exam, FHA/VA allowable costs, fees and expenses of Buyer's attorney, contractually required real estate broker compensation, and the cost of any inspector, appraiser, or surveyor. Seller's transaction costs include deed preparation, deed recording costs, deed stamps/tax/recording costs calculated based on the value of the Property, all costs necessary to deliver marketable title and payoffs, satisfactions of mortgages/liens and recording, property taxes pro-rated at Closing, contractually required real estate broker compensation, and fees and expenses of Seller's attorney.

At Closing, Seller will pay Buyer's transaction costs not to exceed \$ na OR na % of purchase price, whichever is higher, which includes non-allowable costs first and then allowable costs (FHA/VA). Buyer is responsible for any Buyer's transaction costs exceeding this amount. If the amount exceeds the actual amount of those costs or amount allowed by Lender, then any excess funds will revert to Seller. Seller will also provide or pay for all of Seller's transaction costs. If at Closing, Buyer is responsible for Buyer's transaction costs and Seller responsible for Seller's transaction costs.

Private/public transfer fees and any costs similar to transfer fees (e.g. capital contributions, conservancy fees, estoppel fees, or otherwise named but similar fees paid to the owners association) are the Seller's or Buyer's transaction costs.
 na 90076-04-016

Unless otherwise agreed upon in writing, Buyer will pay Buyer's transaction costs and Seller pay Seller's transaction costs na

7. FINANCE: Buyer's obligation under this Contract is is not contingent upon obtaining financing of a 30 year or 15 year or other na purchase money loan at reasonable prevailing market terms with loan(s) equal in amounts to a minimum of 2021 % and maximum na % of the Purchase Price or Appraised Value whichever is lower. ("Financing Contingency"). Financing Contingency expires at Closing ("Financing Period"). Buyer must make timely good faith efforts to apply for and obtain financing while refraining from contrary actions ("Financing Effort"). In a timely manner, Buyer shall inform Seller and Brokers of pertinent financing issues and authorize Buyer's Lender to disclose pertinent loan information to Seller and Brokers ("Financing Disclosure"). Buyer shall apply for financing within na Business Days from the Effective Date and shall Deliver Notice to Seller of reasonable pre-final loan approval (e.g. pre-approval letter, final loan approval letter) that contains no unreasonable credit, income, or asset conditions within na Business Days from the Effective Date (no repairs required prior to this Notice). Final loan approval occurs when Lender funds loan(s). If a

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 SCR Form 330 11/2017 PAGE 2 of 9

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Lender subsequently declines or fails to approve financing, the Buyer shall notify the Seller and Brokers as soon as possible.

If the Seller and Brokers are notified of inability to obtain financing during the Financing Period, either Party may terminate this Contract by Notice.

CLICK HERE TO CHANGE Lender may change in FHA VA Conventional Seller
 Other na

An FHA VA Financing Addendum is is not attached. Additional financing terms are are not attached.

8. INSPECTION/REINSPECTION RIGHTS: Buyer and SC licensed and insured inspectors ("Inspectors") reasonably perform any reasonable ultimately non-destructive examination and make reasonable record of the Property with reasonable Notice to Seller through Closing including investigations of off-site conditions and any issues related to the Property at Buyer Expense ("Inspections"). Buyer and persons they choose may make reasonable visual observations of Property.

Sellers will make the Property accessible for inspection and not unreasonably withhold access, unless otherwise agreed in writing by the Parties. Seller will keep all utilities operational through Closing unless otherwise agreed:

Seller grants Buyer permission to connect utilities, pay for utilities, and hire professionals (e.g. electricians, plumbers) to safely connect and operate the utilities during the Inspections

Other na see attached.

Buyer will hold harmless, indemnify, pay damages and attorneys fees to Seller and Brokers for all claims, injuries, and damages arising out of the exercise of these rights. Seller will hold harmless, indemnify, pay damages and attorneys fees to Brokers for all claims, injuries, and damages arising out of the exercise of these rights. Brokers recommend that Parties obtain all inspections as soon as possible. Brokers recommend that Parties and Inspectors use insurance to manage risk.

9. APPRAISED VALUE:

This Contract is contingent upon the Property being valued according to the Lender's appraisal or other appraisal as agreed upon by the Parties ("Appraised Value") for the Purchase Price or higher. If the Parties are made aware that the Appraised Value is less than the Purchase Price and the Seller Delivers Notice to the Buyer within 5 Business Days or Closing (whichever earliest) of an amendment to reduce the Purchase Price to the Appraised Value, the Parties agree to proceed to Closing under terms of this Contract with the Purchase Price amended to be the Appraised Value. If Seller is aware and refuses to reduce as stated above, Buyer may proceed to Closing or terminate this Contract by Delivering Notice of Termination to the Seller.

This Contract is **not** contingent upon the Property being valued at an Appraised Value according to the Lender's appraisal or other appraisal as agreed upon by the Parties for the Purchase Price or more.

10. SURVEY, TITLE EXAMINATION, ELEVATION, INSURANCE: Brokers recommend Buyer have Property surveyed, title examined, elevation/wetlands/beachfront determined, and appropriate insurance (e.g. flood, flood contents, hazard, liability, owner's title) effective at Closing. Unless otherwise agreed upon in writing by Parties, Buyer to obtain new insurance policies by Closing and Seller may cancel existing insurance after Closing. Flood Insurance, if required by Lender or at Buyer's option, shall be assigned to Buyer with permission of carrier and premium prorated to Closing. Buyers are solely responsible to investigate pricing, availability, coverage, and requirements of insurance (e.g. flood, flood contents, hazard, liability) for the property prior to signing Contract.

11. SURVIVAL: If any provision herein contained which by its nature or effect is required to be observed, kept, or performed after Closing, it will survive the Closing and remain binding upon for the parties hereto until fully observed, kept or performed.

12. DUE DILIGENCE:

The Due Diligence Period ends no later than na Business Days after Contract's original Primary Effective Date as unless all the Parties agree in writing to extend the Due Diligence Period.

During the Due Diligence Period, Buyer may take timely/prudent steps to help Buyer/Inspectors, Seller/Estimators, and REALTORS® all have adequate time for: Buyer to coordinate Inspections and Contract Renegotiations, Seller to obtain estimates, Buyer and Seller to negotiate Contract terms, and Buyer to potentially timely/proper Due Diligence terminate or buy.

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BUYER BUYER BUYER **SELLER** SELLER **SELLER** SELLER HAVE READ THIS PAGE

SCR Form 330 11/2017 PAGE 3 of 9

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FLORENCE CITY COUNCIL MEETING

DATE: February 8, 2021

AGENDA ITEM: An Ordinance to amend Sections 2-6.1.1 and 6-19.3.2 of the *Unified Development Ordinance* regarding setbacks in the CG district.

DEPARTMENT/DIVISION: Planning, Research, & Development

I. ISSUE UNDER CONSIDERATION:

Request to amend Sections 2-6.1.1 and 6-19.3.2 of the *Unified Development Ordinance* regarding setbacks in the CG district. The request is being made by staff.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

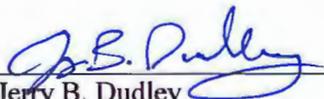
On January 12, 2021 Planning Commission held a public hearing on this matter and voted unanimously, 8-0, to amend Sections 2-6.1.1 and 6-19.3.2 of the *Unified Development Ordinance* regarding setbacks in the CG district.

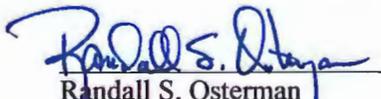
III. POINTS TO CONSIDER:

1. Request is being considered for first reading.
2. 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.
3. The amendment affects those parcels which were zoned Business General (B-3) under the former Zoning Ordinance and that were given the designation of Commercial General (CG) under the *Unified Development Ordinance*.
4. The amendment to Section 2-6.1.1 allows proposed development within the CG district to follow alternative setback standards equal to or greater than the average setbacks within the district and vicinity.
5. The amendment to Section 6-19.3.2 allows alternative setbacks as an additional option for the development of nonconforming lots.
6. City staff concurs with Planning Commission's recommendation to amend Sections 2-6.1.1 and 6-19.3.2 of the *Unified Development Ordinance*.

IV. ATTACHMENTS:

1. Proposed amendment
2. Ordinance


Jerry B. Dudley
Planning Director


Randall S. Osterman
City Manager

Attachment 1: Proposed amendment (additions have been underlined and are in red)

Section 2-6.1.1 General Development Standards – Non-residential

G. CG District Setbacks.

1. Generally, New development and redevelopment may use alternative setbacks according to the conditions on the street and within the block with respect to the setbacks of other buildings. The Director shall approve alternative setbacks if the following standards are met:
 - a. Front setbacks may be reduced to the average front setback along the same side of the same street segment in the same zoning district provided that the lot proposed for modification is not included in the calculation;
 - b. Side setbacks may be adjusted to a distance that is equal to the average actual side setbacks of all other developed lots within 600 feet along the same side of the same street segment.
 - c. The rear setback may be reduced on any lot if it is demonstrated that the proposed rear building setback is equal to not more than 10 percent less than the average actual setback of other developed lots within 600 feet along the same side of the same street segment.

Section 6-19.3.2 Nonconforming Lots; Construction and Combination

A. Nonconforming Lots.

1. Construction on Nonconforming Lots. A nonconforming lot that does not meet district requirements with respect to area, lot width, or frontage may be built upon if:
 - a. The lot is a lot of record;
 - b. The use is permitted in the district in which the lot is located;
 - c. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use;
 - d. All yards or height standards are complied with, except that the Director may authorize a reduction of required yards of up to 10 percent, provided that the Director finds that the reduction does not allow a building that would be larger than permitted on a conforming lot. Yard reductions that are greater than 10 percent shall make application for a variance.
 - e. In certain zoning districts, alternative setbacks as provided for in Section 2-5.2.2 “Alternative Setback Standards” and Section 2-6.1.1 “General Development Standards – Non-residential” may also be applicable.

ORDINANCE NO. 2021-_____

AN ORDINANCE TO AMEND SECTIONS 2-6.1.1 AND 6-19.3.2 OF THE UNIFIED DEVELOPMENT ORDINANCE REGARDING SETBACKS IN THE CG DISTRICT

WHEREAS, the adoption of the Unified Development Ordinance and the associated new zoning designations resulted in nonconforming lots in the Commercial General district; and

WHEREAS, the amendments contained herein will enable the development of existing lots in the Commercial General zoning district using average existing setbacks within the vicinity and district;

THEREFORE, Section 2-6.1.1 and Section 6-19.3.2 of the City of Florence Unified Development Ordinance shall read as follows:

Section 2-6.1.1 General Development Standards – Non-residential

G. CG District Setbacks.

1. *Generally.* New development and redevelopment may use alternative setbacks according to the conditions on the street and within the block with respect to the setbacks of other buildings. The Director shall approve alternative setbacks if the following standards are met:
 - a. Front setbacks may be reduced to the average front setback along the same side of the same street segment in the same zoning district provided that the lot proposed for modification is not included in the calculation;
 - b. Side setbacks may be adjusted to a distance that is equal to the average actual side setbacks of all other developed lots within 600 feet along the same side of the same street segment.
 - c. The rear setback may be reduced on any lot if it is demonstrated that the proposed rear building setback is equal to not more than 10 percent less than the average actual setback of other developed lots within 600 feet along the same side of the same street segment.

Section 6-19.3.2 Nonconforming Lots; Construction and Combination

B. Nonconforming Lots.

1. *Construction on Nonconforming Lots.* A nonconforming lot that does not meet district requirements with respect to area, lot width, or frontage may be built upon if:
 - a. The lot is a lot of record;

- b. The use is permitted in the district in which the lot is located;
- c. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use;
- d. All yards or height standards are complied with, except that the Director may authorize a reduction of required yards of up to 10 percent, provided that the Director finds that the reduction does not allow a building that would be larger than permitted on a conforming lot. Yard reductions that are greater than 10 percent shall make application for a variance.
- e. In certain zoning districts, alternative setbacks as provided for in Section 2-5.2.2 “Alternative Setback Standards” and Section 2-6.1.1 “General Development Standards – Non-residential” may also be applicable.

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 _____, 2021

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

VI. a.
Bill No. 2021-05
First/Final Reading

DATE: March 8, 2021
AGENDA ITEM: Emergency Ordinance
DEPARTMENT/DIVISION: City Administration

I. ISSUE UNDER CONSIDERATION:

An Emergency Ordinance to extend emergency measures put in place previously by Emergency Ordinance Nos. 2020-12, 2020-13 and 2020-20, as consolidated in Emergency Ordinance No. 2020-28, 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

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

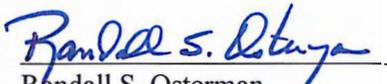
1. On September 14, 2020 City Council adopted Emergency Ordinance No. 2020-28, which consolidated Emergency Ordinance Nos. 2020-12, 2020-13 and 2020-20, to extend emergency measures put in place in response to the COVID-19 emergency.
2. On November 9, 2020 City Council adopted Resolution No. 2020-21 to extend the term of Emergency Ordinance No. 2020-28 by an additional 60 days.
3. On January 11, 2021 City Council adopted Resolution No. 2021-01 to extend Emergency Ordinance 2020-28 by an additional 60 days, with an expiration date of March 12, 2021.

III. POINTS TO CONSIDER:

1. The Emergency Ordinance will extend the emergency provisions, terms and conditions of Ordinance No. 2020-28 by an additional 60 days, to expire on May 7, 2021.

IV. ATTACHMENTS:

1. Proposed Ordinance


Randall S. Osterman
City Manager

EMERGENCY ORDINANCE NO. 2021-_____

AN EMERGENCY ORDINANCE TO EXTEND EMERGENCY MEASURES PUT IN PLACE PREVIOUSLY BY EMERGENCY ORDINANCES NO. 2020-12, 2020-13, 2020-20, AS CONSOLIDATED IN EMERGENCY ORDINANCE NO. 2020-28, TO INCLUDE THE REQUIREMENT ESTABLISHED THAT INDIVIDUALS TO WEAR FACE COVERINGS IN ESTABLISHMENTS OPEN TO THE PUBLIC AND FOODSERVICE ESTABLISHMENTS, AND OTHER MATTERS RELATED RESPONSE TO THE COVID-19 EMERGENCY.

WHEREAS, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020;

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

WHEREAS, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020;

WHEREAS, also on March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State;

WHEREAS, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28, 2020), and it has been repeatedly extended with the latest being Executive Order 2021-08 issued on February 6, 2021;

WHEREAS, the State and the Florence area have continued to experience an increase in the number of identified new COVID-19 cases, and the South Carolina Department of Health and Environmental Control (“DHEC”) has reported that the continuation emergency measures to include face covering requirements is making a significant impact on slowing the spread of COVID-19 cases;

WHEREAS, health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19;

WHEREAS, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law;

WHEREAS, the Florence City Council has previously unanimously adopted Emergency Ordinances designed to properly react to the emergency presented by the pandemic including, but not limited to Emergency Ordinance Nos. 2020-12, 2020-13, and 2020-20, all of which were consolidated under Emergency Ordinance No. 2020-28;

WHEREAS, it has been determined by the City Council that the extension of the Emergency Ordinances is in the best interest of the City of Florence and its citizens;

WHEREAS, S.C. Code § 5-7-250(d) provides that “[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;” and

WHEREAS, this Ordinance has been approved by at least two-thirds of the Councilmembers present at the meeting in which it was considered;

NOW, THEREFORE, it is hereby ordained by the City Council of the City of Florence as follows:

I. Extension of Emergency Ordinance No. 2020-28, which consolidated Emergency Ordinance Nos. 2020-12, 2020-13, and 2020-20

- (a) The City hereby declares that the emergency situation created by the 2019 Novel Coronavirus (COVID-19) pandemic situation continues to exist, and, therefore, all of the provisions contained in Emergency Ordinance No. 2020-28 previously adopted are hereby extended for an additional sixty (60) days as fully as if set forth verbatim herein.
- (b) This Ordinance shall expire automatically at Midnight on May 7, 2021 unless its Term is extended by City Council by resolution for one or more additional terms, each such term for no more than sixty days, provided that the aggregate term of the Emergency Term, including all such extensions, does not exceed six months.

II. Effective Date and Time. This Emergency Ordinance shall take immediately upon its adoption by at least two-thirds of the Councilmembers present.

[Signatures on Next Page]

ADOPTED THIS _____ day of March, 2021.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Amanda Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: March 8, 2021
AGENDA ITEM: Ordinance
DEPARTMENT/DIVISION: City Administration

I. ISSUE UNDER CONSIDERATION:

An Ordinance to replace the existing Emergency Ordinance (Bill No. 2021-05) and to extend emergency measures put in place previously by Emergency Ordinance No. 2020-28, which consolidated Emergency Ordinance Nos. 2020-12, 2020-13 and 2020-20 in response to the COVID-19 emergency.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

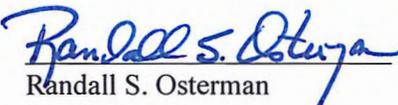
1. On September 14, 2020 City Council adopted Emergency Ordinance No. 2020-28, which consolidated Emergency Ordinance Nos. 2020-12, 2020-13 and 2020-20, to extend emergency measures put in place in response to the COVID-19 emergency.
2. On November 9, 2020 City Council adopted Resolution No. 2020-21 to extend the term of Emergency Ordinance No. 2020-28 by an additional 60 days.
3. On January 11, 2021 City Council adopted Resolution No. 2021-01 to extend Emergency Ordinance 2020-28 by an additional 60 days, with an expiration date of March 12, 2021.

III. POINTS TO CONSIDER:

1. The Ordinance will replace the existing Emergency Ordinance and extend the emergency measures set forth in the Emergency Ordinance on a more permanent basis.
2. The Ordinance shall expire automatically upon either the issuance of a Resolution by City Council declaring COVID-19 is no longer a serious threat to the public health, safety and welfare of the citizens of the City of Florence or upon the expiration of the Executive Orders of the Governor of South Carolina declaring a State of Emergency due to COVID-19, whichever event occurs first.

IV. ATTACHMENTS:

1. Proposed Ordinance


Randall S. Osterman
City Manager

ORDINANCE NO. 2021-_____

AN ORDINANCE TO REPLACE THE EXISTING EMERGENCY ORDINANCE 2021-_____ AND TO EXTEND EMERGENCY MEASURES PUT IN PLACE PREVIOUSLY BY EMERGENCY ORDINANCES NO. 2020-28, WHICH CONSOLIDATED EMERGENCY ORDINANCES NOS. 2020-12, 2020-13 AND 2020-20 IN RESPONSE TO THE COVID-19 EMERGENCY.

WHEREAS, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020;

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

WHEREAS, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020;

WHEREAS, also on March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State;

WHEREAS, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28, 2020), and it has been repeatedly extended with the latest being Executive Order 2021-08 issued on February 6, 2021;

WHEREAS, the State and the Florence area have continued to experience an increase in the number of identified new COVID-19 cases, and the South Carolina Department of Health and Environmental Control (“DHEC”) has reported that the continuation emergency measures to include face covering requirements is making a significant impact on slowing the spread of COVID-19 cases;

WHEREAS, health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19;

WHEREAS, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by state law;

WHEREAS, the Florence City Council has previously unanimously adopted Emergency Ordinances designed to properly react to the emergency presented by the pandemic including, but not limited to Emergency Ordinance No. 2020-28, which consolidated Emergency Ordinance No. 2020-13, Emergency Ordinance No. 2020-12, and Emergency Ordinance No. 2020-20; and

WHEREAS, it has been determined by the City Council that the extension of the emergency measures set forth in the Emergency Ordinances on a more permanent basis is needed in recognition of the extended duration of the emergency conditions caused by COVID-19;

NOW, THEREFORE, it is hereby ordained by the City Council of the City of Florence as follows:

Section 1. Remote Meetings During the COVID-19 Crisis. The provisions of this Section shall apply to Council and to any and all boards, commissions, committees, or other subsidiary, related, or delegated bodies of the City (collectively, “Boards and Commissions”). Until the termination of this Ordinance pursuant to Section 10 below, the Council and all of its Boards and Commissions shall be entitled to conduct all regular and special meetings by telephone or other electronic means, provided that:

- a) Members attending by electronic means shall be able to hear any and all comments made by the public, staff, and other council members;
- b) All public participants and attendees, staff, and other members shall be able to hear the comments, motions, and votes of the members attending such meeting by electronic means;
- c) Other than establishing the electronic connections, there shall be no communications among the members attending electronically, unless such communication is part of the meeting and can be heard by all public participants or attendees; and
- d) The comments, motions, and votes of the members attending electronically shall be recorded in the minutes of the meeting.

Collectively, these conditions are referred to as the “Participation Requirements.”

Section 2. Physical Presence Not Required to be Counted as Part of a Quorum. The provisions of this section shall apply to Council and to all of its Boards and Commissions. During the Emergency Term, and notwithstanding any other provision of applicable State or local law, a member attending a meeting of Council or any of its Boards and Commissions by telephone or electronic means in compliance with the Participation Requirements, whether physically present or not, shall be counted as present in determining the quorum for such meeting.

Section 3. Suspension of Deadlines. The City Manager is authorized to suspend all deadlines imposed by City Ordinance, applicable to the municipality or applicant during the duration of the emergency conditions caused by COVID-19.

Section 4. Plan for Continuity of Government Services. The City Manager is authorized to develop and enact a plan to ensure continuity in the delivery of government services in light of the COVID-19 outbreak.

Section 5. Special Events Permits. The City Manager is authorized to cancel and revoke any special events permits issued prior to the date of this ordinance for events scheduled to take place during this state of emergency period.

Section 6. Use of Face Coverings. Effective immediately:

- a) All persons entering any Establishment Open to the Public or Foodservice Establishment as defined below in the City of Florence must wear a face covering while inside the establishment. For purposes of this Ordinance, the term “Establishment Open to the Public” shall mean any organization, establishment, facility, or retail business open to the public within the City of Florence. “Foodservice Establishment” shall mean any establishment within the City of Florence that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis. The business shall not have responsibility for enforcing this requirement, but it shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.
- b) All Establishments Open to the Public and Foodservice Establishments in the City shall require their staff and employees to wear a face covering at all times while having face to face interaction with the public and while working in areas open to the general public and areas in which interactions with other staff are likely in which social distancing of at least six feet cannot be observed.
- c) “Face Covering” as used herein means a uniform piece of cloth, fabric, or other material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided they are worn such that they securely cover the person’s nose and mouth.

Section 7. Exemptions. Face Coverings shall not be required as follows:

- a) in outdoor or unenclosed areas appurtenant to Establishments Open to the Public or Foodservice Establishments in which social distancing of at least six feet is possible and observed;
- b) for people whose religious beliefs prevent them from wearing a Face Covering;
- c) for those who cannot wear a Face Covering due to a medical or behavioral condition;

- d) for children under six (6) years old, provided that adults accompanying children age two (2) through five (5) shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Establishments Open to the Public or Foodservice Establishment;
- e) for patrons of Foodservice Establishments while they are dining;
- f) in private offices and workspaces in which social distancing of at least six feet is possible and observed;
- g) when complying with directions of law enforcement officers;
- h) in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming; and/or
- i) while exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.

Section 8. Civil Infraction.

- a) Any person violating the provisions of Section 6(a) of this Ordinance by failing to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of \$25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.
- b) A person who fails to comply with Section 6(b) of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Section 6(b) of this Ordinance, "person" shall be defined as any individual associated with the business who has the control or authority and ability to enforce the requirements of the Ordinance within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc. but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

Section 9. Suspension of Contrary Local Provisions. During the term of this Ordinance, any ordinance, resolution, policy, or bylaw of the City of Florence that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

Section 10. Termination of Ordinance. This Ordinance shall expire automatically upon either the issuance of a Resolution by the City Council of the City of Florence declaring that COVID-19 is no longer a serious threat to the public health, safety and welfare of the citizens of the City of Florence or upon the expiration of the Executive Orders of the Governor of South Carolina declaring a State of Emergency due to COVID-19, whichever event occurs first.

Section 11. Severability. Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Effective Date and Time. This Ordinance shall take immediately upon its adoption on second reading by City Council.

ADOPTED this ____ day of April, 2021.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Amanda Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: March 8, 2021

AGENDA ITEM: Ordinance To Annex and Zone 1541 Palomar Parkway, TMN 90113-01-067.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at 1541 Palomar Parkway, Tax Map Number 90113-01-067, into the City of Florence and zone to NC-6.1, Neighborhood Conservation 6.1. The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On February 9, 2021, Planning Commission held a public hearing on this matter, and voted unanimously, 6-0, to recommend the zoning request of NC-6.1, Neighborhood Conservation 6.1.

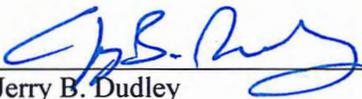
III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) City water and sewer services are currently available; there is no cost to extend utility services.
- (3) A Public Hearing for zoning was held at the February 9, 2021 Planning Commission meeting.
- (4) City staff recommends annexation and concurs with Planning Commission's recommendation to zone the property NC-6.1 Neighborhood Conservation 6.1.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Annexation Petition


Jerry B. Dudley
Planning Director


Randall S. Osterman
City Manager

ORDINANCE NO. 2021_____

AN ORDINANCE TO ANNEX AND ZONE 1541 PALOMAR PARKWAY, TMN 90113-01-067.

WHEREAS, a Public Hearing was held in the Council Chambers on February 9, 2021 at 6:00 P.M. before the City of Florence Planning Commission via Zoom, and notice of said hearing was duly given;

WHEREAS, application by Rosa May Eleby, owner of TMN 90113-01-067, 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 given the zoning district classification of NC-6.1:

The property requesting annexation is shown more specifically on Florence County Tax Map 90113, block 01, parcel 067 (0.271491 acre).

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

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

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

- 1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.**

Ordinance No. 2021 - _____
Page 2

ADOPTED THIS _____ DAY OF _____, 2021

Approved as to form:

James W. Peterson, Jr.
City Attorney

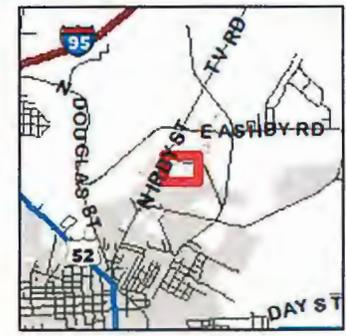
Teresa Myers Ervin,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

PC 2021-02

Vicinity Map - 1541 Palomar Parkway



Legend

-  City Limits
-  Parcels



DISCLAIMER:
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Date 1/22/2021

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: 90113-01-067
3. Annexation is being sought for the following purposes:
4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

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

Total Residents	<u>1</u>	Race	<u>BLACK</u>
Total 18 and Over	<u>1</u>	Total Registered to Vote	<u>1</u>

APPLICANT (S) (Please print or type):

Name(s): ROSA M ELEBY

Address: 1541 PALOMAR PKWY FLORENCE, S.C. 29506

Telephone Numbers: 843-245-6694 [- ; 203-631-7551 [home] ✓

Email Address: _____

Signature Rosa M Eleby Date 1-12-21

Certification as to ownership on the date of petition:	FOR OFFICIAL USE ONLY
Date <u>1/21/2021</u>	<u>AS</u>

FLORENCE CITY COUNCIL MEETING

DATE: March 8, 2021

AGENDA ITEM: An ordinance to rezone three parcels located at 900 Oakland Avenue and 607 Maxwell Street, identified as TMNs 90114-13-001, 90114-13-002, and 90114-13-013.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to rezone from Neighborhood Conservation 6.1 (NC-6.1) to Commercial Reuse (CR) approximately 0.526 acres located on Oakland Avenue and Maxwell Street, specifically identified as Florence County Tax Map Numbers 90114-13-001, 90114-13-002, and 90114-13-013. The request is being made by the property owner, Purnimal LLC.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On February 9, 2021 Planning Commission held a public hearing on this matter and voted four (4) to two (2) to recommend the rezoning request of CR, the Commercial Reuse District.

III. POINTS TO CONSIDER:

- (1) The rezoning request is being considered for first reading.
- (2) The parcel is currently zoned NC-6.1 which is characterized by single-family detached development with 6,000 square feet minimum lot areas and 60 feet minimum lot widths. The adjacent developed properties are a mixture of single-family detached homes, multifamily homes, institutional, recreational, and commercial uses.
- (3) The Commercial Reuse (CR) District is intended to provide for low-impact commercial uses that are small-scale and thus, may be appropriate in certain residential settings, as well as adaptive re-use of residential buildings for limited commercial uses along major corridors.
- (4) Prior to the adoption of the Unified Development Ordinance, the lots were zoned B-2, Convenience Business District and has historically contained a small convenience/grocery store.
- (5) The existing use of convenience/grocery store is considered an existing nonconforming use and may continue per the nonconforming use requirements of the Unified Development Ordinance.
- (6) The owner's original rezoning request was for the properties to be rezoned Commercial General (CG) to conditionally permit a gas station; however, site limitations, adjacent land uses, and buffering requirements severely limited the feasibility of this request.
- (7) The owner agreed that the CR District would be more appropriate for the properties based upon the historic character of the built environment, the historic B-2 zoning designation, the current and proposed use of the property as well as its proximity to surrounding residences and Dr. Iola Jones Park.
- (8) The owner's new future plan is to demolish the existing building and construct a new convenience/grocery store on the combined lots. The new construction would require compliance with the Unified Development Ordinance including setbacks, parking, landscaping, and bufferyards.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A. Ordinance
- B. Location Map
- C. Current Zoning Map
- D. Future Land Use Map



Jerry B. Dudley
Planning Director



Randall S. Osterman
City Manager

ORDINANCE NO. 2021-_____

AN ORDINANCE TO REZONE PROPERTY IDENTIFIED AS TAX MAP NUMBERS 90114-13-001, 90114-13-002, and 90114-13-013 LOCATED ALONG OAKLAND AVENUE AND MAXWELL STREET FROM NC-6.1 NEIGHBORHOOD CONSERVATION-6.1 ZONING DISTRICT TO CR COMMERCIAL REUSE ZONING DISTRICT

WHEREAS, a Public Hearing was held in City Council Chambers on February 9, 2021 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Purnimal LLC made application to rezone from NC-6.1, Neighborhood Conservation-6.1 District to CR, Commercial Reuse District;

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence for the aforesaid property to Commercial Reuse, CR;
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

EXECUTED ON ONE (1) ADDITIONAL PAGE

Ordinance No. 2021-_____
Page 2

ADOPTED THIS _____ DAY OF _____, 2021

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

PC 2021-03 Attachment B

Location Map 900, 902 Oakland Ave. & 607 Maxwell St

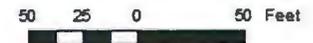


Legend

 Parcels

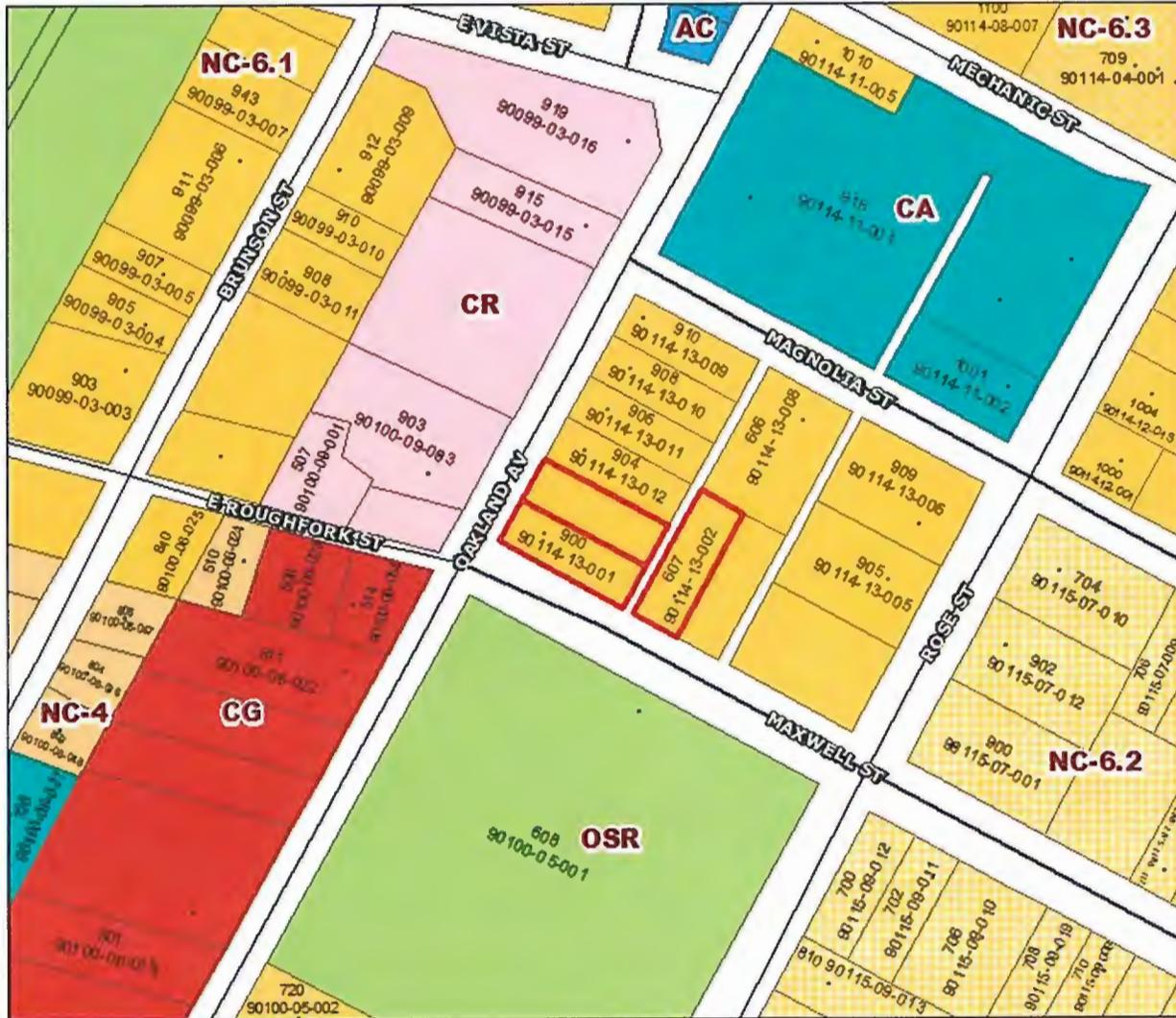


DISCLAIMER:
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Date: 1/28/2021

PC 2021-03 Attachment C Zoning Map



Legend

- Parcel
- Zoning District
- Agricultural and Open Space Districts
 - OSR
- Neighborhood Conservation Sub-Districts
 - NC-6.1
 - NC-6.2
 - NC-6.3
 - NC-4
- Business and Commercial Districts
 - CR
 - CA
 - CG
- Mixed-Use Districts
 - AC

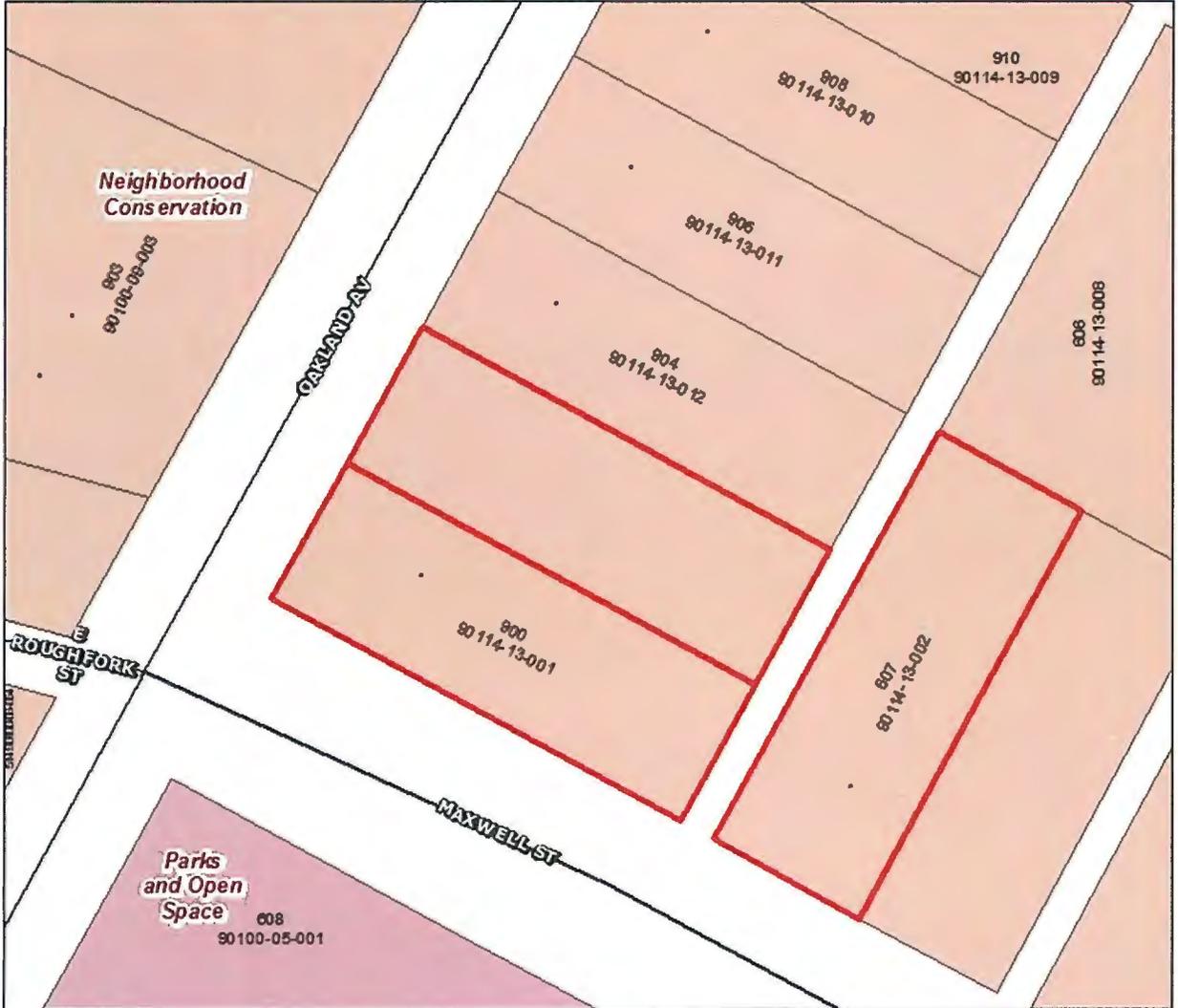


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Date: 1/28/2021

PC 2021-03 Attachment D Future Land Use



- Legend**
- Parcels
 - Future Land Use 2010
 - Future Land Use
 - Neighborhood Conservation
 - Parks and Open Space



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Date: 1/28/2021

FLORENCE CITY COUNCIL MEETING

DATE: March 8, 2021

AGENDA ITEM: Ordinance to Rezone from CR to CG the parcel located at 607 Second Loop Road, TMN 90079-03-008.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request to rezone from CR to CG the parcel located at 607 Second Loop Road, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 90079-03-008. The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On February 9, 2021, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the parcels be rezoned from CR to CG.

III. POINTS TO CONSIDER:

- (1) This request is being considered for first reading.
- (2) The lot is the site of the newly constructed Bela Dentistry office.
- (3) The property is currently zoned CR Commercial Reuse District. The requested zoning is CG Commercial General District.
- (4) City staff recommends that the rezoning request be approved with the contingency that the existing buffer be intensified to the CG level upon redevelopment to CG standards.

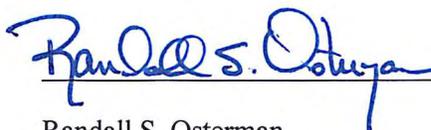
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Vicinity Map
- C) Location Map
- D) Zoning Map
- E) Future Land Use Map



Jerry B. Dudley
Planning Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2021-_____

AN ORDINANCE TO REZONE PROPERTY IDENTIFIED AS 607 SECOND LOOP ROAD, TAX MAP NUMBER 90079-03-008 FROM COMMERCIAL REUSE ZONING DISTRICT TO COMMERCIAL GENERAL ZONING DISTRICT:

WHEREAS, a Public Hearing was held in City Council Chambers on February 9, 2021 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Vineyard Dental, LLC made application to rezone from CR, Commercial Reuse District to CG, Commercial General District;

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence for the aforesaid property to CG Commercial General District;
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

EXECUTED ON ONE (1) ADDITIONAL PAGE

ADOPTED THIS _____ DAY OF _____, 2021

Approved as to form:

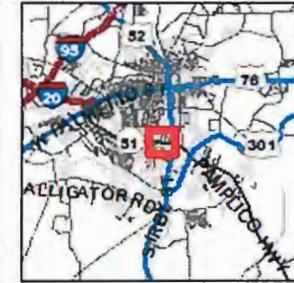
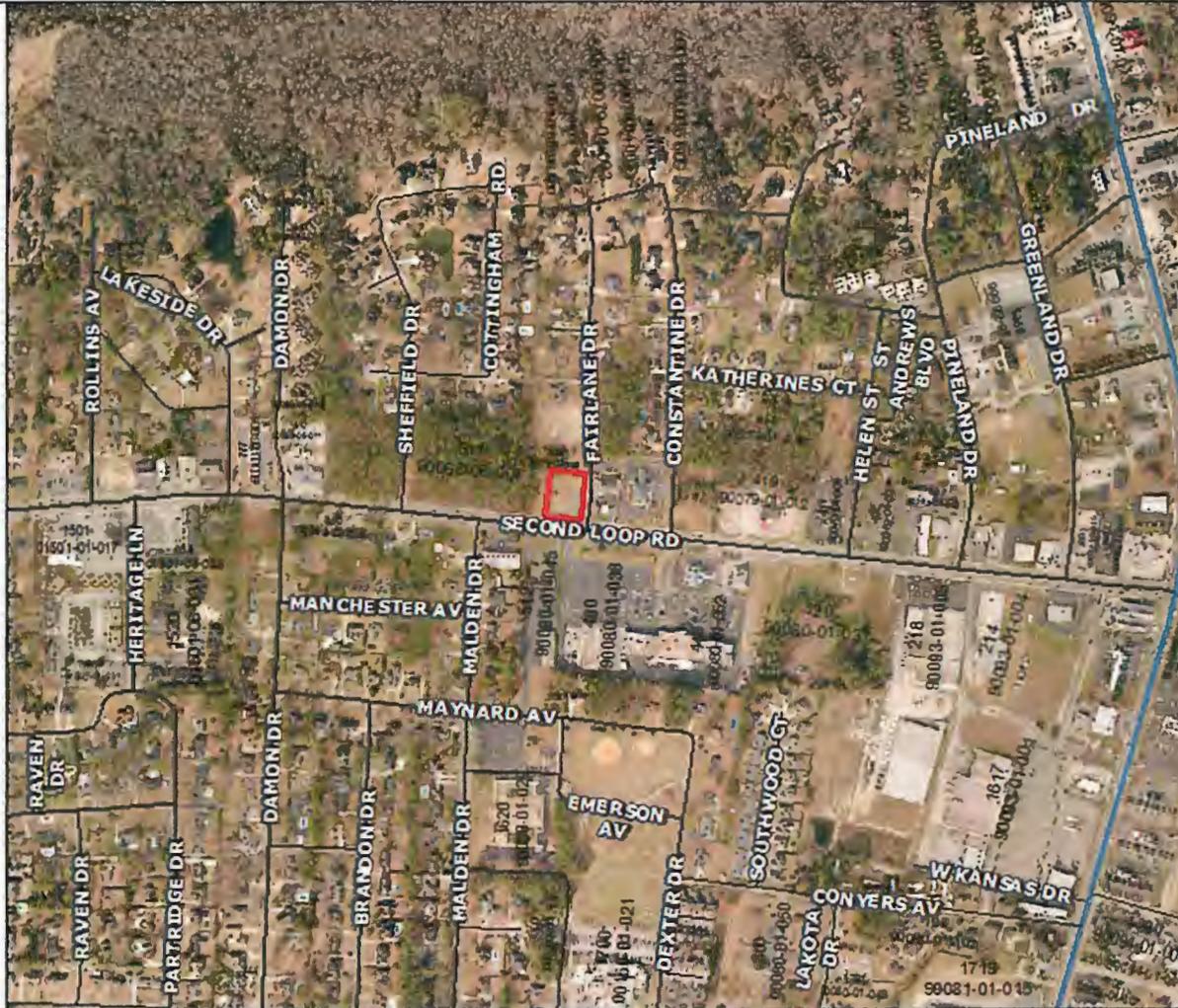
James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

Vicinity Map – 607 Second Loop Road TMN 90079-03-008



Legend

Proposed Parcel



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100 50 0 100 Feet

Date: 1/28/2021

Location Map – 607 Second Loop Road TMN 90079-03-008



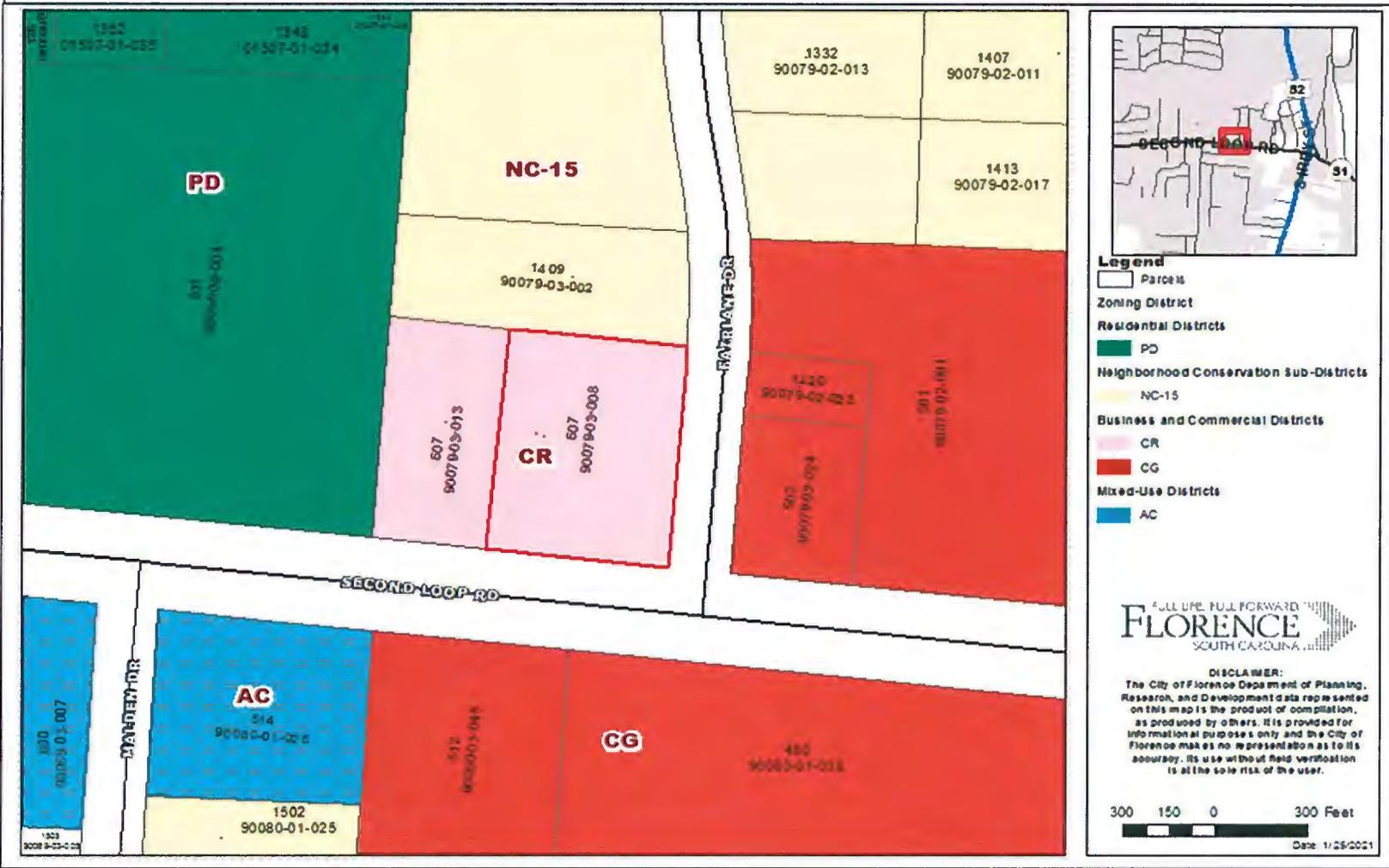
Legend
 Proposed Parcel



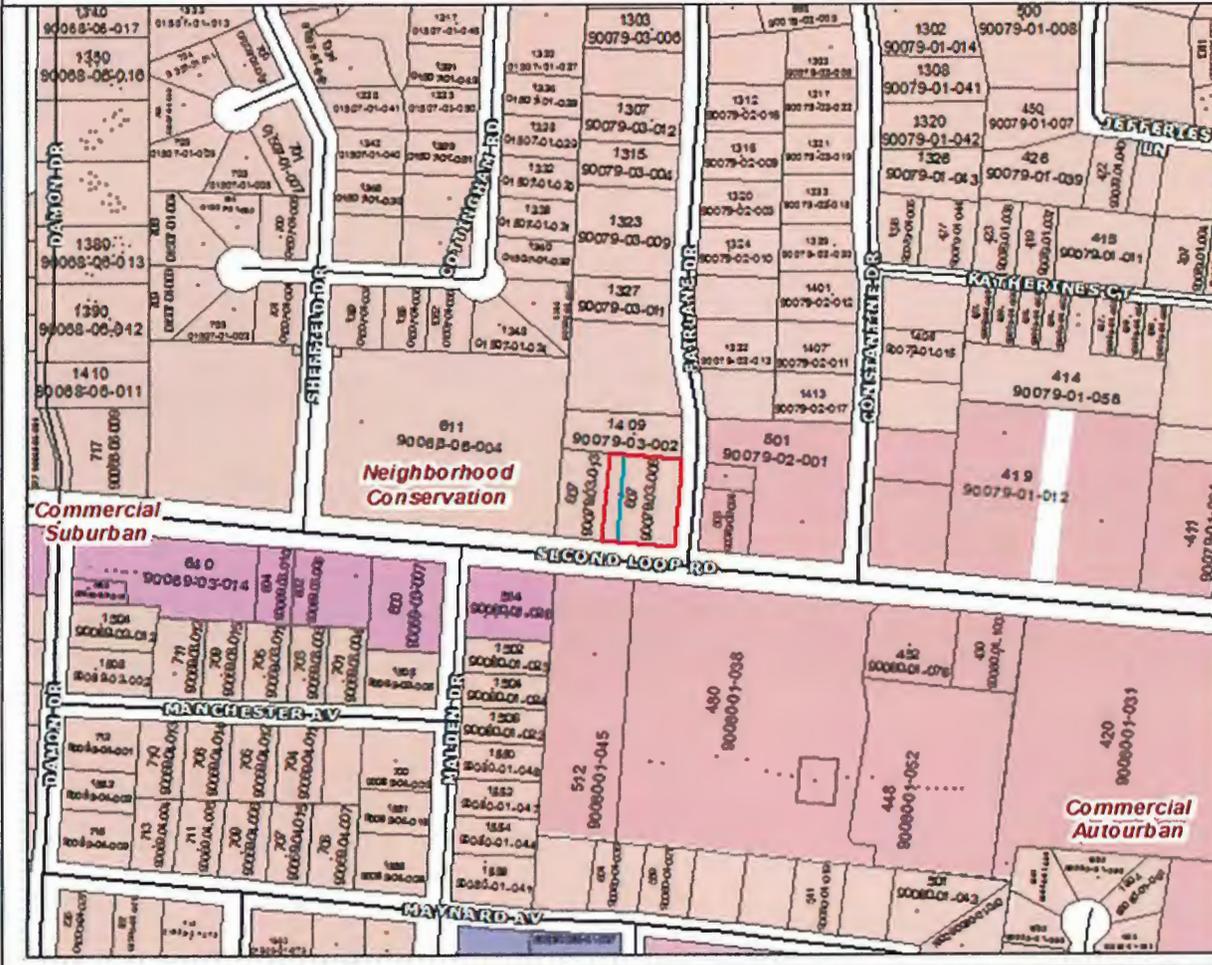
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Current Zoning Map – 607 Second Loop Road TMN 90079-03-008



Future Land Use Map – 607 Second Loop Road TMN 90079-03-008



Legend

- Parcels

Future Land Use 2010

Future Land Use

- Auto-Urban Commercial
- Neighborhood Conservation
- Parks and Open Space
- Public and Institutional
- Sub-Urban Commercial

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300 150 0 300 Feet

Date: 1/25/2021

VII. a.
Resolution No.
2021-07

FLORENCE CITY COUNCIL MEETING

DATE: March 8, 2021
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

A Resolution in support of the Ron James Youth Tennis Program.

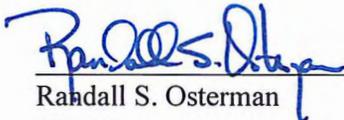
II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

III. POINTS TO CONSIDER:

1. The Florence Tennis Association has collaborated with City Recreation and Athletics/sports Tourism Departments in the development of a tennis program for children.
2. The Ron James Youth Tennis Program is an introductory after-school and summer program for children who do not typically have access to tennis.

IV. ATTACHMENTS:

1. Proposed Resolution


Randall S. Osterman
City Manager

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

RESOLUTION NO. 2021-07

A RESOLUTION IN SUPPORT OF THE RON JAMES YOUTH TENNIS PROGRAM

WHEREAS, Ronald Avan “Ron” James was known as an accomplished tennis teacher and player and a highly respected member of the Florence tennis community; and

WHEREAS, Ron James was a mainstay of adult and junior beginner tennis for many years, managing and conducting programs for both the Florence Tennis Association and the City’s Parks and Recreation Department; and

WHEREAS, the Florence Tennis Association has collaborated with City Recreation and Athletics/Sports Tourism Departments and local businesses in the development of an introductory tennis program for children at the City’s Community Centers; and

WHEREAS, the Ron James Youth Tennis Program is an introductory after-school and summer program for children who do not typically have access to tennis with an emphasis on fun, fitness and sportsmanship; and

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

The City of Florence supports the Ron James Youth Tennis Program in their endeavor to serve the Florence community by making the sport of tennis accessible to everyone.

RESOLVED THIS 8TH DAY OF MARCH, 2021.

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

TERESA MYERS ERVIN
MAYOR

ATTEST:

AMANDA P. POPE
MUNICIPAL CLERK

VIII.
Report to Council
Boards/Commissions

FLORENCE CITY COUNCIL MEETING

DATE: March 8, 2021
AGENDA ITEM: Report to Council
DEPARTMENT/DIVISION: City Manager

I. ISSUE UNDER CONSIDERATION:

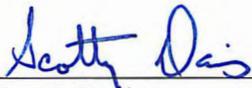
Council will consider nominations for City Boards, Commissions and/or Committees.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

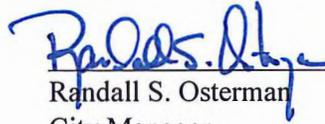
1. There is one (1) vacancy on the Housing Authority Board.
2. There is one (1) vacancy on the Florence Area Transportation Study (FLATS) Committee.

III. ATTACHMENTS:

1. Spreadsheet of Nominations
2. Nomination Packet



Scotty Davis
Deputy City Manager



Randall S. Osterman
City Manager

SCHEDULE OF COUNCIL NOMINATIONS TO BOARDS AND COMMISSIONS - MARCH 2021

	District 1	District 2	District 3	At-Large 1	At-Large 2	At-Large-3	Mayor
	vacant	Moore	vacant	Jebally	Barnes	McCall	Ervin
Housing Authority					x		
FLATS Committee							x

HOUSING AUTHORITY

I. NOMINATIONS:

There is one (1) vacancy* on the Housing Authority.

*John Etheridge has resigned his position on the Housing Authority. The appointee will be filling Mr. Etheridge's unexpired term, to expire 06/30/2023.

II. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Councilwoman Barnes

III. APPLICANT(S):

- Castine Jones
- Joe Linder
- Eric Robinson
- Linda Williams

IV. ATTACHMENTS:

- Resignation transmittal
- Applications received

Received: 1.21.2021
CM

John R Etheridge, III
427 Woodvale Dr.
Florence, SC 29501

November 29, 2020

To whom it may concern,

With great sadness and after many years, I must resign from the Housing Authority Board.

Please know that my resignation is in no way a reflection on the Housing Authority or its Leadership. I genuinely thank you for the opportunity to serve for nearly 15 years.

Sincerely,

John R. Etheridge, III



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <i>Housing Authority Board</i>			
Your Name (Last, First, Middle) <i>Jones, Castine</i>		County <i>Florence</i>	Council District
Residential Address <i>1336 Millbank Dr.</i>		City <i>Florence</i>	State <i>S.C.</i> South Carolina
Mailing Address <i>P.O. Box 3622</i>		City <i>Florence</i>	Zip Code <i>29501</i>
Your Occupation- Title		Business Phone	Residence Phone
Employer Name		E-mail Address <i>Castine.Jones@hotmail.com</i>	
Employer Address		City	State <i>South Carolina</i>
			Zip Code

General Qualifications

Are you a resident of the City? Yes No How Long? *59 yrs*

Why would you like to serve?
I would like to serve to be a voice for those in need of housing.

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 share the concerns and needs of those in housing and seeking housing.

I certify that the information above is true and correct. *C.J* Initial *10-26-20* Date
Information on this form will be considered public. *(r)* Initial *10-26-20* 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>10/26/2020</i> <i>(JP)</i>
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: City of Florence Housing Authority			
Your Name (Last, First, Middle) Linder Joe Lewis	County Florence	Council District 2	
Residential Address 511 Hickory St	City Florence	State South Carolina	Zip Code 29501
Mailing Address 511 Hickory St	City	State South Carolina	Zip Code
Your Occupation- Title Maintenance Tech	Business Phone 843-615-2131	Residence Phone 843-933-0727	
Employer Name Three J Property Maintenance	E-mail Address mrcc_j3@yahoo.com		
Employer Address Po. Box 12151	City Florence	State South Carolina	Zip Code 29505

General Qualifications

Are you a resident of the City? Yes No How Long? 3 Years

Why would you like to serve?

I feel a need to contribute to something meaningful inside the Florence community. I'm very passionate about the Florence Housing Authority and its current and future shape of the organization. I've seen first hand on the ground level the works that's taking place with the Florence Housing Authority and feel that I can be of great service to the organization.

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:

I have sponsored local youth football teams. I have hand out backpacks on the first day back to school to local students. I had free community to give back.

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

To provide my specific knowledge & expertise to the organization to really make a difference to the operation of the organization.

I certify that the information above is true and correct. JJ Initial 3/3/20 Date
Information on this form will be considered public. JJ Initial 3/3/20 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:	3.5.2020 (CM)
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: City of Florence Housing Authority			
Your Name (Last, First, Middle) Robinson, Eric M.	County Florence	Council District 3	
Residential Address 819 Wood Duck Lane	City Florence	State South Carolina	Zip Code 29505
Mailing Address 819 Wood Duck Lane	City Florence	State South Carolina	Zip Code 29505
Your Occupation- Title Voc. Rehab Counselor	Business Phone 8436628114	Residence Phone 6784685728	
Employer Name SC Vocational Rehabilitation Department	E-mail Address ERROBINSON@DOH.WA.		
Employer Address 1947 W Darlington St	City Florence	State South Carolina	Zip Code 29501

General Qualifications

Are you a resident of the City? Yes^x No How Long? 3 years

Why would you like to serve?

I would like to help continue to develop fair housing for the citizens of Florence

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:

I am a Pastor

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

To become a valued asset in the community and to assist with creating housing opportunities for those that are in need.

I certify that the information above is true and correct. EMR Initial 7/23/2020 Date
Information on this form will be considered public. EMR Initial 7/23/2020 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:		7.29.20
Appointed to:		
Date:		

Entry #: 6

Date Submitted: 1/30/2021 6:59 PM

Board or Commission for which you are applying:
Housing Authority

Your Name
Williams, Linda Barr

County
Florence

Council District
District 2

Email Address
williams431886@gmail.com

Residential Address
2705 Carriage Lane, Florence, South Carolina 29505

Mailing Address
2705 Carriage Lane, Florence, South Carolina 29505

Your Occupation - Title
Retired Florence County, SCDJJ County Director

Business Phone
(843) 617-2300

Residence Phone
(843) 661-7471

Employer Name

Employer Address

City

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
40

Why would you like to serve?

I am retired now and I have lots of time to give back to the community. I served on boards and volunteered in the community for numerous years while I worked. I am a peoples person and I truly care about people. I just want to give back to my community and hope to make Florence a better place to live and enjoy!

Do you presently serve on any Commissions/ Boards of the City/ County/ State?

Yes

If so, please list:

South Carolina Department of Social Services, State Foster Care Review Board Appointed by Senator Hugh Leatherman, Florence County Board 12-A. I have been serving for the past 5 years and held positions as Board Chairperson and presently the Secretary.

Have you formerly served on any Commissions/ Boards of the City/ County/ State?

Yes

If so, please list:

I served 15 years on the Alcohol and Drug Abuse Board, Circle Park. Charles Young was the Executive Director at that time.

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?

Yes/No
No

If so, list the position and date:

N/A

Are you involved in any Community Activities?

Yes

If so, please list:

I serve as a Volunteer at the Leatherman Senior Center for the past 5 years and presently. Linda Mitchell Johnson is the Executive Director.

I serve in all volunteer capacities in the community sponsored by Alpha Kappa Alpha Sorority, Inc.

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

My goal is to become a valuable asset to the Housing Authority Board. I would like to review and understand the mission statement, the purpose that articulates Housing Authority's goals, means, and the primary constituents served. I would like to support the Executive Director and the Housing Authority's Board, so we can work as a team for the people we serve. Also, ensuring effective planning, monitoring and strengthening programs.

I certify that the information above is true and correct.

Today's Date
1/30/2021

LBW

Information on this form will be considered public.

Today's Date
1/30/2021

L. BLW

FLORENCE AREA TRANSPORTATION STUDY (FLATS) COMMITTEE

I. VACANCY:

There is one (1) vacancy* on the FLATS Committee.

*Mayor Ervin previously served as the designated Councilmember to this committee.

II. REQUIREMENTS:

The FLATS Committee requires the City of Florence Mayor and a Councilperson nominated by the Mayor, with the approval of Council, serve as voting members.