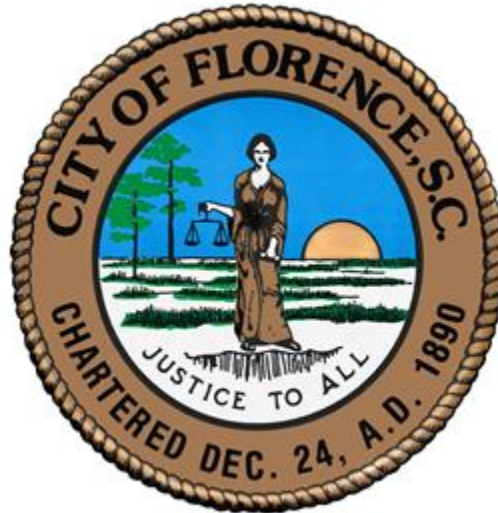


**REGULAR MEETING
OF
FLORENCE CITY COUNCIL**



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

**MONDAY
October 11, 2021
1:00 P.M.**



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, OCTOBER 11, 2021 – 1:00PM
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

September 13, 2021 – Regular Meeting

September 21, 2021 – Special Meeting

IV. PUBLIC HEARING

- a. A Public Hearing will be held to receive input regarding the adoption of a Development Agreement between the City of Florence and the developer of “The Bluffs at Mill Creek” and zone RG-3, Residential General-3, pending annexation, 106 acres located at Redbud Lane and Howe Springs Road, identified as Florence County Tax Map Parcel 00152-01-021.**

V. APPEARANCES BEFORE COUNCIL

- a. Mr. Tim Hammond, Resident**
To speak on yard waste collection.
- b. Mr. John Harrington, Resident**
To discuss the Alternative Program.
- c. Mrs. Clamentine Elmore, Executive Director – Housing Authority**
To provide an update on the Housing Authority.

VI. ORDINANCES IN POSITION

a. **Bill No. 2021-30 – Second Reading**

An Ordinance authorizing the execution and delivery of a lease purchase agreement in an amount not exceeding \$3,000,000 for lighting and various other equipment at the athletic complex.

b. **Bill No. 2021-31 – Second Reading**

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

VII. INTRODUCTION OF ORDINANCES

a. **Bill No. 2021-12 – First Reading**

An Ordinance to annex and zone a portion of Lake Oakdale and the Lake Oakdale dam, identified as a portion of Florence County Tax Map Parcel 00751-01-049.

(Note: The applicant has requested that this item be deferred.)

b. **Bill No. 2021-33 – First Reading**

An Ordinance to enter into a Development Agreement between the City of Florence and the developer of “The Bluffs at Mill Creek” and zone RG-3, Residential General-3, pending annexation, 106 acres located at Redbud Lane and Howe Springs Road, identified as Florence County Tax Map Parcel 00152-01-021, and authorizing the City Manager to execute all documents associated therewith.

c. **Bill No. 2021-34 – First Reading**

An Ordinance to rezone 257 North Coit Street from UR Urban Residential to DS Destination/Select Use; identified as Florence County Tax Map Parcel 90073-05-005.

d. **Bill No. 2021-35 – First Reading**

An Ordinance to rezone 802 Cherokee Road, 806 Cherokee Road, 812 Cherokee Road, and 810 Congaree Road from NC-6.1 to NC-6.3; identified as Florence County Tax Map Parcels 90064-11-006, 90064-11-007, 90064-11-013, and 90064-11-012.

e. **Bill No. 2021-36 – First Reading**

An Ordinance utilizing authority found in §23-31-220 and §23-31-520 of the South Carolina Code of Laws, as amended, to prohibit open carry of “Firearms” at all events permitted by the City of Florence and to expand the current prohibition of concealable weapons on properties owned or operated by the City of Florence to include both concealed and open carry of “concealable weapons” by amending Sections 14-20, 19-52, 19-53, 19-54, and 19-57 and by adding Article V to Chapter 2 of the City Code of Ordinances.

(Note: May be discussed in Executive Session.)

VIII. INTRODUCTION OF RESOLUTIONS

a. Resolution No. 2021-35

A Resolution expressing Council's willingness to grant a request by the Town of Pamplico to release a portion of the City's designated water and sewer service area to allow Pamplico to serve residents of the area.

(Note: May be discussed in Executive Session.)

b. Resolution No. 2021-36

A Resolution by the City of Florence proclaiming October as Bullying Prevention Month.

c. Resolution No. 2021-37

A Resolution by the City of Florence recognizing the second Saturday of July as "The Pee Dee Youth Day."

IX. REPORTS TO COUNCIL

a. Appointments to Boards and Commissions

b. Appropriation of Accommodations Tax Funds for Fiscal Year 2021-2022.

X. COMMITTEE REPORTS

a. Business Development Committee

b. Community Development Committee

c. Marketing and Public Relations Committee

XI. EXECUTIVE SESSION

a. To receive legal advice related to open carry [30-4-70(a)(2)].

b. To receive legal advice related to a request by the Town of Pamplico [30-4-70(a)(2)].

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

XII. ADJOURN



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, SEPTEMBER 13, 2021 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT

Mayor Teresa Myers Ervin, Mayor Pro Tempore George Jebaily, Councilwoman Pat Gibson-Hye Moore, Councilwoman Lethonia Barnes, Councilman Chaquez T. McCall, Councilman Bryan A. Braddock and Councilman C. William Schofield.

ALSO PRESENT

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

MEDIA PRESENT

Mr. Matthew Christian of the Florence Morning News and Mr. Curtis Graham of WBTW News were present for the meeting.

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 September 13, 2021 regular meeting of Florence City Council to order at 1:03 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

Councilman Schofield made a motion to adopt the minutes of the July 27, 2021 Comprehensive Plan Work Session and the August 9, 2021 Regular Meeting and Councilwoman Barnes seconded the motion. The minutes were unanimously adopted.



ADDENDUM TO THE AGENDA

Mayor Ervin said there are two addendums to the agenda before Council for consideration.

Executive Session

To receive legal advice related to a Downtown Economic Development Project.

Pro tem Jebaily made a motion to add this Executive Session item to the September 13, 2021 meeting agenda and Councilman Schofield seconded the motion. Council voted unanimously (7-0) to add this item to the agenda.

Resolution No. 2021-33

A Resolution by the City of Florence recognizing Billy D. Williams for his considerable contributions to the Florence community.

Councilwoman Moore made a motion to add Resolution No. 2021-33 to the September 13, 2021 meeting agenda and Pro tem Jebaily seconded the motion. Council voted unanimously (7-0) to add this item to the agenda.

PUBLIC HEARING

A public hearing on the Edward Byrne Memorial Justice Assistance Grant regarding a request for law enforcement equipment.

Mayor Ervin opened the public hearing at 1:37 p.m.

Chief Allen Heidler reported that this public hearing is required as part of the process for the police department's annual application for the Department of Justice Byrne Memorial Law Enforcement Equipment Grant. This year the police department is seeking to purchase a compact robot and computer equipment for the information technology unit.

There being no one present to speak, Mayor Ervin closed the public hearing at 1:39 p.m.

APPEARANCE BEFORE COUNCIL

Ms. Madie Robinson, Pee Dee Healthy Start – Executive Director

Ms. Madie Robinson appeared before Council to give an update on the Pee Dee Healthy Start program. She said they have been in the community since 1991 and provide services in 7 counties. To promote and raise awareness of their services, they requested to have a music street festival downtown Florence on October 16th from 5-8pm. She said they contacted the Downtown Development office, and it seemed the intent was to deny their application for the street festival. She was told the event could be disruptive to downtown businesses and could be costly. She said her team met with city officials in which they were told, based on their mission and the population they serve, it would be best to hold their festival on Sanborn Street. She said Sanborn Street may be a more convenient location for their festival due to COVID but she does not like the way she and her staff were treated during the process. She addressed Council and said she wants to continue the partnership her organization has with the city, but she will not have her services, participants and people characterized and judged in a manner that is not conducive with society.



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Mayor Ervin asked if they currently have a date for their event. Ms. Robinson said their event will be October 23rd at the City Center Farmers Market.

Ms. Joanne Durant, Resident

Ms. Joanne Durant appeared before Council to speak on the intersection of Oakland Avenue and Royal Street. Her nephew was involved in a fatal hit-and-run accident at this intersection, and she asked Council for their help in placing a traffic light there. Ms. Durant said this is a school zone and a bus stop and should be safe for kids walking to and from school.

Councilman McCall said many accidents have happened at this location and he wishes the city could put a traffic light there, but it is a state road. He said the City has already submitted a request to the SC Department of Transportation (SCDOT) to complete a study at this intersection.

Mayor Ervin asked Mr. Randy Osterman, City Manager, if there are any updates. Mr. Osterman confirmed the City submitted a request to the SCDOT that they begin a study at the location to see if it meets their requirements for a traffic light. He said they have not received a response yet.

ORDINANCES IN POSITION

Bill No. 2021-27 – Second Reading

An ordinance to amend the budget for the City of Florence, South Carolina for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Councilwoman Moore made a motion to adopt Bill No. 2021-27 on second reading and Councilman Schofield seconded the motion.

Council voted unanimously (7-0) to adopt Bill No. 2021-27.

Bill No. 2021-28 – Second Reading

An Ordinance to amend the budget for the City of Florence, South Carolina for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Councilman Schofield made a motion to adopt Bill No. 2021-28 on second reading and Councilman Braddock seconded the motion.

Council voted unanimously (7-0) to adopt Bill No. 2021-28.

Bill No. 2021-29 – Second Reading

An Ordinance to annex the parcel located at 1524 McKenny Court, identified as Florence County Tax Map Parcel 01461-02-005.

Councilman Schofield made a motion to adopt Bill No. 2021-19 on second reading and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) to adopt Bill No. 2021-29.

INTRODUCTION OF ORDINANCES



FLORENCE CITY COUNCIL
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Bill No. 2021-12 – First Reading

An Ordinance to annex and zone a portion of Lake Oakdale and the Lake Oakdale dam, identified as a portion of Florence County Tax Map Parcel 00751-01-049.

Mayor Ervin said the applicants have requested that this item be deferred. Without objection, this item was deferred.

Bill No. 2021-30 – First Reading

An Ordinance authorizing the execution and delivery of a lease purchase agreement in the amount not exceeding \$3,000,000 for lighting equipment at the athletic complex and other matters related thereto.

Councilman Braddock made a motion to pass Bill No. 2021-30 on first reading and Councilwoman Moore seconded the motion.

Mr. Kevin Yokim, Assistant City Manager of Finance/Administration, reported the cost for the sports complex project has increased from its original estimate. To keep the project on budget, a decision was made to lease the lights and other various equipment for this project separately.

Councilman Braddock asked for clarification on the expenditure of the \$3,000,000. Mr. Yokim replied the lighting will cost approximately \$2,000,000 and the bleachers, netting, and various other equipment will cost approximately \$1,000,000.

Councilman Schofield asked Mr. Yokim to provide more data on the fixtures, the manufacturer and size, so Council can compare them to other fixtures that were recently purchased. Mr. Yokim replied he would.

Councilman McCall asked if this \$3,000,000 was included in the bond for the sports complex. Mr. Yokim explained the original estimate for the project was in the \$15-16 million range and a bond was issued for \$15 million. Since the issuance of the bond, the cost for the project has increased and the lease for the equipment is necessary to balance the budget.

Councilman Braddock asked how the lease is being funded. Mr. Yokim replied the lease will be funded from excess local option sales tax revenues.

Council voted unanimously to pass Bill No. 2021-30.

Bill No. 2021-31 – First Reading

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

Councilwoman Moore made a motion to pass Bill No. 2021-31 on first reading and Councilwoman Barnes seconded the motion.

Pro tem Jebaily made a motion to enter into Executive Session to receive legal advice on this matter. Without objection, Council entered into Executive Session at 2:15 p.m.

Council resumed open session at 3:30 p.m.



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Mr. Jerry Dudley, Planning Director, reported this proposal was originally before Council on March 8, 2021 and was referred back to Planning Commission to take a closer look at the Commercial Reuse (CR) zoning designation. Staff drafted some amendments to the CR district, but Commission members felt there may be some unintended consequences throughout the city and did not approve them. During the process, the applicant brought forth some restrictive covenants on the properties that specifically addressed land use. Upon the adoption of the Unified Development Ordinance, the properties were applied the zoning designation of Neighborhood Conservation-6.1 (NC-6.1). Prior to the adoption of the Unified Development Ordinance, the properties were zoned B-2, Convenience Business District and have historically contained a small convenience/grocery store that sells beer and wine as a continuing existing non-conforming use. The proposed restrictive covenants for the three parcels state: 1) there shall be no private clubs on the premises; 2) property owner is prohibited from selling alcohol for onsite consumption; 3) the City of Florence shall have the right to enforce the covenants.

On August 10, 2021 Planning Commission voted 4-3 in favor of the proposed restrictive covenants, which accompany the proposed rezoning request to the CR district.

Council voted unanimously (7-0) to pass Bill No. 2021-31.

INTRODUCTION OF RESOLUTIONS

Resolution No. 2021-30

A Resolution by the City of Florence recognizing Hispanic Heritage Month.

Councilman McCall made a motion to adopt Resolution No. 2021-30 and Councilwoman Barnes seconded the motion.

Councilwoman Moore read the Resolution and presented it to Mrs. Erica Robinson.

Council voted unanimously (7-0) to adopt Resolution No. 2021-30.

Resolution No. 2021-31

A Resolution by the City of Florence recognizing the 65th Anniversary of Saint Anthony Catholic School.

Pro tem Jebaily made a motion to adopt Resolution No. 2021-31 and Councilman Schofield seconded the motion.

Pro tem Jebaily read the Resolution and presented it to the principal of and students at Saint Anthony Catholic School.

Council voted unanimously (7-0) to adopt Resolution No. 2021-31.

Resolution No. 2021-32

A Resolution by the City of Florence declaring its intent to reimburse certain funds or accounts of the city from proceeds of a tax-exempt borrowing for certain public infrastructure capital improvements.

Councilwoman Barnes made a motion to adopt Resolution No. 2021-32 and Councilman Braddock seconded the motion.



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Mr. Yokim reported this Resolution accompanies Bill No. 2021-30 discussed earlier. Since the lease is a tax-exempt lease, Internal Revenue Service (IRS) regulations require that the city adopt a Resolution to reimburse itself for expenditures incurred before the lease is closed. The first invoice for the lighting equipment will be due in late September. The lease will close after the October Council meeting.

Council voted unanimously (7-0) to adopt Resolution No. 2021-32.

Resolution No. 2021-33

A Resolution by the City of Florence recognizing Billy D. Williams for his considerable contributions to the Florence community.

Councilwoman Moore made a motion to adopt Resolution No. 2021-33 and Councilman Schofield seconded the motion.

Councilman McCall read the Resolution and presented it the family of Billy D. Williams.

Mayor Ervin thanked the family for supporting Billy Williams as he served the citizens and the community.

Councilwoman Barnes, Councilwoman Moore, Pro tem Jebaily and Councilman McCall spoke on the loss of Billy Williams and the impact he had on them and his contributions to the community.

Council voted unanimously (7-0) to adopt Resolution No. 2021-33.

REPORTS TO COUNCIL

Appointments to Boards and Commissions

Mr. Scotty Davis, Deputy City Manager, presented the packet of appointments to Boards and Commissions to Council.

Accommodations Tax Advisory Committee

Councilwoman Moore made a motion appoint Jacquelyn Campbell for a term to begin immediately and expire on June 30, 2024.

Board of Zoning Appeals

Councilman McCall deferred his nomination to the Board.

Construction & Maintenance Board of Adjustments and Appeals

Being no applicants, Mayor Ervin deferred her two nominations to the Board.

Aesthetics Advisory Committee

Councilwoman Barnes deferred her nomination to the Committee.

Councilman McCall deferred her nomination to the Committee.



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Mayor Ervin deferred her nomination to the Committee.

Councilman Schofield made a motion to appoint Clara Brockington for an initial term of three years to begin immediately and expire on June 30, 2024.

Being no additional applicants, the remaining appointments were deferred.

Resilience and Sustainability Advisory Committee

Being no applicants, the remaining appointments were deferred.

Public Safety Citizen's Review Board

Councilwoman Barnes made a motion to appoint Marion McDowell to an initial term of two years to begin immediately and expire on June 30, 2023.

Mayor Ervin deferred her appointment to the Board.

Pro tem Jebaily made a motion to appoint Victor Webster to an initial term of three years to begin immediately and expire on June 30, 2024.

Parks and Beautification Commission Annual Report

Mr. Roger Malfatti, Chairman of the of Parks and Beautification Commission, thanked Council for the support they've given the Parks program. He reported there are many activities and improvements underway. Freedom Florence Park has recently been refurbished and replacing playground equipment at all the parks has started. He said the basketball and tennis courts are being resurfaced, dugouts are being upgraded and new community centers have been built. Enhancing the trail system to connect to downtown is being developed. Repairs to Veterans Park have been completed, the soccer complex is being expanded to include track and field events, and the new sports complex will be the home to the Florence Flamingos.

COMMITTEE REPORTS

Business Development Committee, Chaired by Pro tem Jebaily

Pro tem Jebaily reported the Business Development Committee met and received input from Briana Dennis with the business incubator. He said the Committee also discussed the city's corridors and how they can address the corridors and make some improvements to enhance business opportunity throughout the city.

Community Development Committee, Chaired by Councilwoman Barnes

Councilwoman Barnes reported the Committee will continue its listening tour with a meeting with the faith-based community on October 14th to brainstorm on ways to better the community.

Marketing and Public Relations Committee, Chaired by Councilman McCall

Councilman McCall said they discussed partnerships and collaborating with other entities on marketing the city. He also said they continued discussion on the next steps to take for the city to pursue the All-



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American City designation. They received a hint on what the theme will be in 2023 and the city is taking steps to develop a plan. They also discussed the current branding and how they could move from the Full Life. Full Forward. brand to something unique for the city.

EXECUTIVE SESSION

Mayor Ervin said Council will be entering into Executive Session to receive legal advice related to the COVID-19 pandemic and to receive legal advice related to a Downtown Economic Development Project. Councilwoman made a motion to enter into Executive Session and Councilwoman Barnes seconded the motion. Council entered into Executive Session at 3:55 p.m.

Council reconvened open session at 5:22 p.m. and no action was taken.

ADJOURN

Without objection, the September 13, 2021 Regular meeting of City Council was adjourned at 5:24 p.m.

Dated this 11th day of October 2021.

Casey C. Moore, Municipal Clerk

Teresa Myers Ervin, Mayor



**SPECIAL MEETING OF FLORENCE CITY COUNCIL
TUESDAY, SEPTEMBER 21, 2021 – 3:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT

Mayor Teresa Myers Ervin, Mayor Pro Tempore George Jebaily, Councilwoman Pat Gibson-Hye Moore, Councilwoman Lethonia Barnes, Councilman Chaquez T. McCall, Councilman Bryan A. Braddock and Councilman C. William Schofield.

ALSO PRESENT

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

MEDIA PRESENT

Mr. Matthew Christian of the Florence Morning News, Mr. Curtis Graham of WBTW News, and Mr. Carlos Flores of WPDE-TV were present for the meeting.

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 September 21, 2021 special meeting of Florence City Council to order at 3:04 p.m.

INVOCATION

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

INTRODUCTION OF RESOLUTIONS

Resolution No. 2021-15

A Resolution to strongly recommend and encourage all citizens to get one of the FDA approved or authorized vaccinations for COVID-19.



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Pro tem Jebaily made a motion to adopt Resolution No. 2021-15 and Councilwoman Barnes seconded the motion.

Mr. Randy Osterman, City Manager, said the Resolution before Council follows the guidance of South Carolina Department of Health and Environmental Control (SCDHEC) and the Center for Disease Control (CDC). Both agencies have advised that a vaccination rate of 70-80% is necessary to effectively combat the spread of COVID-19.

Councilwoman Moore said President Biden mandated that employers with more than 100 employees require their employees to get the vaccine or be tested weekly and asked what the city is doing in response to this mandate. Mr. Osterman said they have been instructed by South Carolina Occupational Safety and Health Administration (OSHA) to standby for guidance and wait before beginning any action. The city is currently offering an incentive to employees that have received a vaccine by allocating hours to their sick leave bank.

Councilwoman Moore asked what percentage of employees are vaccinated and how often are they being tested for COVID. Mr. Osterman replied employees are tested upon the recommendation of the Nurse Practitioner and just under 40% are vaccinated.

Pro tem Jebaily said they have received information from local, regional, and national medical professionals, as well as the CDC, that the way out of the pandemic is through vaccinations. The data indicates that only 50% of those eligible have been vaccinated in Florence County. He said he believes in Patriotic action and doing things for the greater good and made a request that all the citizens get the vaccine and encourage others to get vaccinated.

Councilwoman Barnes said vaccinations have always been a part of people's lives and every generation has had something they needed to be vaccinated from. There is a lot of misinformation going around and the issue has become political. She said the issue is about saving lives and people need to listen to medical professionals.

Councilman Braddock expressed his support of the Resolution. As Executive Director of House of Hope, he did not want his staff to use him as an excuse to not get vaccinated.

Councilman McCall said pandemics have been defeated before by listening to doctors and getting vaccines. He said the city is gearing up to do a vaccination campaign to help get more people vaccinated and get the community to the 70% vaccinated range.

Mayor Ervin said the way out of the pandemic is through masks and vaccinations. She said a willingness to wear masks to protect each other and a willingness to get the vaccine to build immunity will save lives. The pandemic is not political, it is a public health care crisis.

Council voted unanimously (7-0) to adopt Resolution 2021-15.

INTRODUCTION OF ORDINANCES

Bill No. 2021-32

Two options for an Emergency Ordinance to replace the existing Ordinance 2021-08 and Resolution No. 2021-15 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.



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Pro tem Jebaily made a motion to enter into Executive Session to receive legal advice from the City Attorney and Councilman Braddock seconded the motion. Without objection, Council entered into Executive Session at 3:28 p.m. to receive legal advice relating to the COVID-19 pandemic.

Council resumed Open Session at 3:50 p.m.

Pro tem Jebaily made a motion to adopt “Option 2” of Bill No. 2021-32 and Councilman Braddock seconded the motion. “Option 2” strongly encourages individuals to wear face coverings while inside establishments open to the public or food service establishments, to include schools and daycares, and requires face coverings to be worn while inside city buildings.

Councilwoman Moore made a motion to amend the motion to adopt “Option 1” of Bill No. 2021-32 and Mayor Ervin seconded the motion. She said “Option 2” is political and is not about keeping people safe. More people are dying now than before, and they have to do what it takes to keep people safe. She said she hopes it won’t be for long, but “Option 1” is necessary right now.

Councilwoman Barnes acknowledged that masks are important, but she is concerned because people are using the mask as an excuse to not get vaccinated and wearing masks alone will not stop COVID. She said people are getting COVID when they are at home with their families and not wearing masks.

Councilman Braddock said he believes in personal liberties and freedoms, but people are hiding behind the mask and using it as an excuse to not get vaccinated. The rates of infection continuously ebb and flow as people get together for holidays. He said the holiday season is approaching and posed an incentive for residents. Come November, if there is not an increase in the vaccination rates and a decrease in infestation rates, he will support a 60-day mask mandate ordinance. Councilman Braddock said he wants to give people the opportunity to get the vaccine so that Council is not put in the position to force a mask mandate. He said he trusts the citizens of Florence to do the right thing without having to be told what to do.

Councilman McCall said he wants to give the people the opportunity to respond and do the right thing and he also does not want to be in the position to make mandates. He said this goes hand in hand with the vaccination campaign to get people vaccinated and move the vaccination rate to 70%.

Discussion on masks and vaccinations continued among Councilmembers. Pro tem Jebaily said both options of the Ordinance are a statement of the importance of wearing a face mask. He pointed out some differences in the Ordinances regarding section 6(a). “Option 1” mandates masks in “establishments open to the public” and “food service establishments” and specifically excludes schools and daycare. Pro tem Jebaily said victims are getting younger in South Carolina and “Option 2” specifically includes and strongly encourages the use of face masks in schools and daycares.

Mayor Ervin said “Option 2” is continuing to do what the city is already doing. She said the schools were not addressed in “Option 1” because the school board is their governing body, and all schools are not located in the city. She said, medically speaking, a combination of vaccinations and wearing masks is the answer to get out of the pandemic.

The motion to amend the principal motion and adopt “Option 1” of Bill No. 2021-32 failed with a vote of 2-5, with Mayor Ervin and Councilwoman Moore voting in favor and Pro tem Jebaily, Councilman Schofield, Councilman McCall, Councilwoman Barnes and Councilman Braddock voting against.



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The motion to adopt “Option 2” of Bill No. 2021-32 passed. Council voted 5-2 in favor of the motion to adopt “Option 2” of the Ordinance, with Pro tem Jebaily, Councilman Schofield, Councilman McCall, Councilwoman Barnes and Councilman Braddock voting in favor and Mayor Ervin and Councilwoman Moore voting against.

ADJOURN

Without objection, the September 21, 2021 Special meeting of City Council was adjourned at 4:27 p.m.

Dated this 11th day of October 2021.

Casey C. Moore, Municipal Clerk

Teresa Myers Ervin, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021

AGENDA ITEM: An ordinance authorizing a lease agreement in an amount not exceeding \$3,000,000 for lighting and other various equipment at the athletic complex

DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

For City Council consideration is an ordinance to authorize a lease agreement for lighting and other various equipment at the athletic complex being constructed beside the tennis center.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER


1. In order to keep the athletic complex project on budget, a decision was made to lease the lights and other various equipment for this project separately.
2. The annual payments for this lease will be made from excess local option sales tax revenues.

IV. STAFF RECOMMENDATION


Approve and adopt the proposed ordinance.

V. ATTACHMENTS

A copy of the proposed ordinance is attached.



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2021-31

AN ORDINANCE TO AUTHORIZE THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT IN AN AMOUNT NOT EXCEEDING \$3,000,000 RELATING TO THE ACQUISITION OF CERTAIN LIGHTING EQUIPMENT AND ASSOCIATED COLLATERAL AND VARIOUS OTHER EQUIPMENT AND FIXTURES FOR AN ATHLETIC COMPLEX; TO PROVIDE FOR THE GRANTING OF A SECURITY INTEREST TO SECURE ALL OBLIGATIONS OF LESSEE UNDER THE LEASE PURCHASE AGREEMENT; TO AUTHORIZE THE EXECUTION AND DELIVERY OF ALL DOCUMENTS NECESSARY OR APPROPRIATE TO THE CONSUMMATION OF SUCH LEASE PURCHASE AGREEMENT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Florence, South Carolina, a public body corporate and politic and a political subdivision organized and existing under the laws of the State of South Carolina (the "**City**"), proposes to finance the acquisition of certain lighting equipment and associated collateral, bleachers, tractors and other equipment and fixtures for the City's new athletic complex (collectively, the "**Equipment**") in the principal amount not to exceed \$3,000,000; and

WHEREAS, the City Council of the City of Florence (the "**Council**"), the governing body of the City, has determined that such Equipment serves a valid corporate and public purpose of the City and is appropriate and necessary to the functions and operation of the City; and

WHEREAS, the Council has further determined that it is in the best interests of the City to purchase the Equipment through a lease-purchase financing in accordance with the terms of this Ordinance; and

WHEREAS, the City may pay certain capital expenditures in connection with the Equipment prior to its receipt of proceeds of the financing ("**Lease Purchase Proceeds**") for such expenditures and such expenditures are not expected to exceed the principal amount of the borrowing; and

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital, and the City hereby declares, to the extent necessary, its official intent to be reimbursed for any capital expenditures for Equipment from the Lease Purchase Proceeds; and

WHEREAS, under the terms of a lease-purchase financing arrangement as more particularly described herein, the City may, as determined by the City Manager, convey a security interest in the Equipment acquired under the Agreement to the Lessor selected by the City Manager, as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL in meeting duly assembled:

ARTICLE I
AUTHORIZATION

Section 1.01 **Approval of the Financing.**

The Council hereby approves the entry of the City into a lease-purchase financing utilizing, among other documents, a Lease Purchase Agreement (the "**Agreement**") to finance the purchase of the Equipment and to pay the issuance costs with respect to the Agreement. The principal amount of the Agreement shall not exceed \$3,000,000 and its term shall not exceed ten years. The City's obligations under the Agreement shall be subject to annual appropriation or renewal by the City as set forth in the Agreement and the City's

obligations under the Agreement shall not constitute general obligations of the City or indebtedness under the Constitution or laws of the State of South Carolina.

The conveyance by the City to the Lessor or its assigns, as selected by the City Manager (the "Lessor"), of a security interest in the Equipment acquired pursuant to the Agreement, if necessary, is hereby approved. Further, the terms of the Agreement are in the best interests of the City for the acquisition of the Equipment and the consummation of all transactions contemplated by the Agreement is hereby approved.

Section 1.02. Authorization to Contract.

The City Manager of the City (the "City Manager") is hereby authorized and empowered to negotiate the award of the Agreement to the entity which, in the determination of the City Manager, offers the terms most favorable to the City. The City Manager is further authorized and empowered to determine the final principal amount and maturity date of the Agreement, the payment dates and sums of such principal payments, the interest rate for the Agreement (provided that such rate of interest shall not exceed 2.00% and the dates of such payments, the redemption provisions, terms and conditions and any such other information as may be necessary to effect the execution of the Agreement, as all shall be set forth in a certificate signed by the City Manager. The execution of the Agreement by the City Manager shall constitute conclusive evidence of approval of the principal amount and rental payments due pursuant to the Agreement and the terms thereof.

The City Manager and the Assistant City Manager (the "Authorized Officials") are hereby severally authorized and directed to execute and deliver the Agreement, in such form as they, or either one of them shall, shall approve, upon advice of bond counsel and not inconsistent with this Ordinance, together with all associated documents, certificates, agreements, undertakings, and papers to the provider of the Agreement and other appropriate parties. The execution of the Agreement by the Authorized Official shall constitute conclusive evidence of its approval, inclusive of the terms thereof and any changes thereto. The Clerk of City Council is hereby authorized and directed to affix the corporate seal of the City to the Agreement and any other document executed in accordance with this Section 1.02 and to attest the same.

Section 1.03. Effective Date of Ordinance.

This Ordinance shall become effective immediately upon its adoption.

ARTICLE II
CERTAIN MATTERS PERTAINING TO THE INTERNAL REVENUE CODE

Section 2.01 General Tax Covenants.

The City will comply with all requirements of the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the tax-exempt status of the Agreement including without limitation, the requirement to file the information report pertaining to the Agreement with the Internal Revenue Service.

Section 2.02 General Tax Representations and Covenants.

The City hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause the interest component of payments made pursuant to the Agreement to become includable in the gross income of the Holder thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original execution of the Agreement. Without limiting the generality of the foregoing, the City represents and covenants that:

(a) All property provided by the net proceeds of the Agreement will be owned by the City in accordance with the rules governing the ownership of property for federal income tax purposes.

(b) The City shall not permit the proceeds of the Agreement or any facility financed with the proceeds of the Agreement to be used in any manner that would result in (a) ten percent or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.

(c) The City is not a party to or nor will it enter into any contracts with any person for the use or management of any facility provided with the proceeds of the Agreement that do not conform to the guidelines set forth in Revenue Procedure 97-13, as may be modified by subsequent pronouncements of the United States Treasury Department applicable thereto.

(d) The City will not sell or lease the Equipment or any property provided by the Agreement to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Agreement.

(e) The Agreement will not be federally guaranteed within the meaning of Section 149(b) of the Code. The City has not entered into any leases or sales or service contract with any federal government agency and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Agreement.

DONE IN MEETING DULY ASSEMBLED this 11th day of October, 2021.

CITY OF FLORENCE, SOUTH CAROLINA

Mayor

Attest:

Clerk

First Reading: September 13, 2021

Second Reading: October 11, 2021

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

CERTIFICATE OF CLERK TO CITY COUNCIL

I, the undersigned Clerk to City Council of the City of Florence, South Carolina, do hereby certify:

That the foregoing Ordinance to which this certificate is annexed, constitutes a true, correct and verbatim copy of Ordinance No. 2021-30 of the City Council of City of Florence, South Carolina, which was given first reading on September 13, 2021, and second and third reading and adopted at a meeting of the City Council of City of Florence, South Carolina, on October 11, 2021, the original of which is entered in the permanent records of Minutes of Meetings of said City Council and the ordinances adopted by said City Council in my custody as Clerk to City Council.

That the meetings at which actions were taken on the foregoing ordinance were duly called, that a majority of the members of the City Council were present at such meetings and remained throughout the proceedings incident to the adoption of said ordinance; and that said ordinance has not been amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of October, 2021.

Clerk to City Council, City of Florence

FLORENCE CITY COUNCIL MEETING

DATE: September 13, 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 (4-2) to recommend the rezoning request of CR, Commercial Reuse District.
- (2) City Council considered the rezoning on March 8, 2021. City Council deferred the case and requested that Planning Commission explore possible amendments to the CR District to mitigate nuisances associated with certain commercial uses near residentially zoned areas.
- (3) Staff subsequently worked with Planning Commission to draft amendments to the *Unified Development Ordinance* reflecting conditional requirements within the CR District.
- (4) On August 10, 2021, Planning Commission considered the text amendments prepared by Staff and voted unanimously (7-0) to not recommend the proposed changes due to possible unintended consequences of negatively impacting all CR zoned property within the City.
- (5) On August 10, 2021, the applicant proposed restrictive covenants for the three parcels which restricted certain land uses on the parcels. Based on Section 4-14.3 (Covenants, Conditions, and Restrictions) of the *Unified Development Ordinance*, Planning Commission voted (4-3) to approve the proposed restrictive covenants, which now accompany the proposed rezoning.

III. POINTS TO CONSIDER:

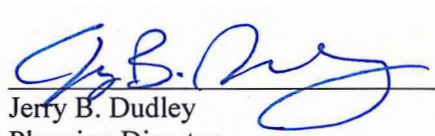
- (1) The parcel is currently zoned NC-6.1 which is characterized by single-family detached development with 6,000 square feet minimum lot areas and 60 feet minimum lot widths. The adjacent developed properties are a mixture of single-family detached homes, multifamily homes, institutional, recreational, and commercial uses.
- (2) The 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.
- (3) 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 that sells beer and wine as a continuing existing non-conforming use.
- (4) 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*.
- (5) The owner's original request to Planning Commission 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.

- (6) The owner agreed that the CR District would be more appropriate for the properties based upon the historic character of the build 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.
- (7) The owner's plan for the parcels include construction of a convenience/grocery store on the combined lots and demolishing the existing buildings. The new construction would require compliance with the *Unified Development Ordinance* including setbacks, parking, landscaping, and bufferyards.
- (8) Based on Section 4-14.3 (Covenants, Conditions, and Restrictions) of the *Unified Development Ordinance*, the applicant has proposed restrictive covenants for the three parcels which state:
 - a. There shall be no private clubs on the premises.
 - b. Property owner is prohibited from selling alcohol for onsite consumption.
 - c. The City of Florence shall have the right to enforce the covenants
- (9) These restrictive Covenants must be recorded by the applicant as Public Record.

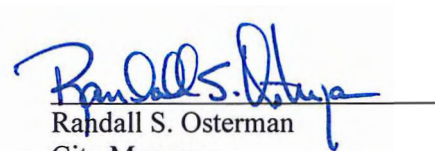
IV. PERSONAL NOTES

V. ATTACHMENTS:

- A. Ordinance
- B. Exhibit A - Restrictive Covenants
- C. Location Map
- D. Current Zoning Map
- E. 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, based on Section 4-14.3 (Covenants, Conditions, and Restrictions) of the Unified Development Ordinance, the applicant has proposed restrictive covenants (Exhibit A) for the three parcels which state:

- a. There shall be no private clubs on the premises.
- b. Property owner is prohibited from selling alcohol for onsite consumption.
- c. The City of Florence shall have the right to enforce the covenants

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 CR, Commercial Reuse District;
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence, recording of the proposed Restrictive Covenants (Exhibit A) with the County 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:

Casey C. Moore
Municipal Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

RESTRICTIVE COVENANTS OF
900 OAKLAND AVENUE

WHEREAS the undersigned is the owner of the following described real estate, to wit:

PARCEL ONE:

All that certain piece, parcel, or lot of land, lying and being situate in the City and County of Florence, State of South Carolina, on the East side of Oakland Avenue at the Northeast corner of Oakland Avenue and Maxwell Street shown and designated as Lot No. One (1) in Block "W" on a map of Magnolia Heights made by Adams & Ervin, C.E's., dated October 29 1912, recorded in Plat Book "B" at Page 197. Said lot measures fifty (50') feet front on Oakland Avenue and is in depth one hundred fifty (150') feet, bounded on the North by Lot No. Two (2) of said plat; on the East by a fifteen (15) foot alley as shown on said plat; on the South by Maxwell Street, and on the West by Oakland Avenue.

Tax Map No.: 90114-13-001

PARCEL TWO:

All that certain piece, parcel, or lot of land fronting fifty (50') feet on the north side of Maxwell Street between Oakland Avenue and Rose Avenue and being in depth one hundred fifty (150'). Being the same lot returned for taxation in 1930, 1931, 1932, 1933, 1934 and 1935 in the name of J.C. Wheeler, and conveyed to G.B. Stokes by Frank H. Barnwell, Forfeited Land Commissioner for Florence County by his deed dated March 4, 1939, recorded in Deed Book 77 at Page 1125, and being the same lot conveyed to John B. Northcutt by G.B. Stokes by his deed dated November 28, 1949, record in the office of the Clerk of Court for Florence County in Deed Book 134 at Page 43. This is the same property conveyed to Bipinchandra S. Patel, Nayana B. Patel, Birju B. Patel, and Himanshu B. Patel by deed found in Deed Book A-66 at Page 5 and recorded in the office of the Clerk of Court for Florence County.

Tax Map No.: 90114-13-002

PARCEL THREE:

All that certain piece, parcel or lot of land situate, lying and being in the City of Florence, County of Florence, State of South Carolina, on the West side of Goose Pond Road (now Oakland Avenue), whereon it fronts for a distance of fifty (50') feet and running back therefrom for a depth of one hundred (100') feet and being bounded on the North by lands, now or formerly, of J.C. Cain; on the East by Goose Pond Road (now Oakland Avenue); on the South by Roughfork Street; and, on the West by I.S. Rainwater.

Tax Map No.: 90114-13-013

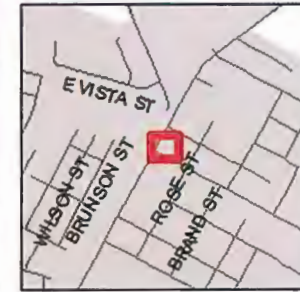
These being the same properties conveyed to Purnima LLC by deed of Bipinchandra S. Patel, Nayana B. Patel, Birju B. Patel, and Himanshu B. Patel, dated October 21, 2020, and recorded on same in Book 881 at Page 1474 in the office of the Clerk of Court for Florence County.

WHEREAS, the undersigned believes it beneficial to place certain restrictive covenants on the property for the benefit of the present and future owners.

1. There shall be no private clubs on the premises.
2. Property owner is prohibited from selling alcohol for onsite consumption.
3. The City of Florence shall have the right to enforce the covenants in accordance with Sec. 4-14.3.2(c) of the City of Florence Unified Development Code.

NOW THEREFORE, the undersigned does hereby place the following restrictive covenants on the property above described.

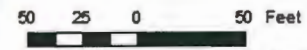
PC 2021-03 Attachment B
Location Map 900, 902 Oakland Ave. & 607 Maxwell St



Legend
 Parcels



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



Date: 1/28/2021

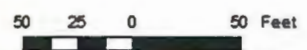
PC 2021-03 Attachment C Zoning Map



- Legend**
- Parcels
 - 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

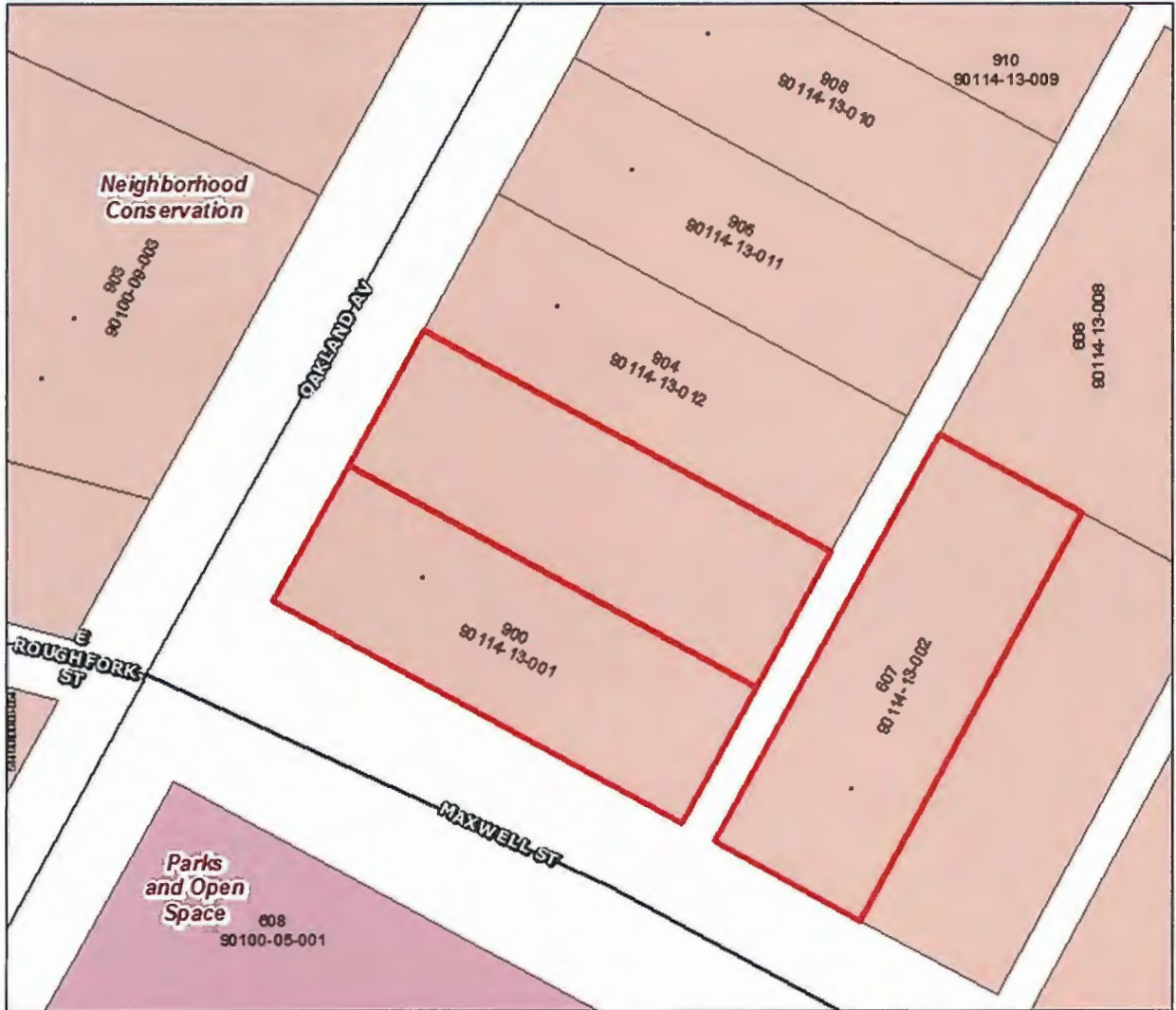


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Date: 1/28/2021

**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: May 10, 2021

AGENDA ITEM: Ordinance to Annex and Zone the North Side of Lake Oakdale and the Lake Oakdale Dam, a portion of TMN 00751-01-049.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex a portion of Tax Map Number 00751-01-049 which includes the north half of Lake Oakdale and the dam into the City of Florence and zone to OSR, Open Space and Recreation. The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On April 13, 2021, Planning Commission held a public hearing on this matter, and voted unanimously, 7-0, to recommend the zoning request of OSR, Open Space and Recreation.

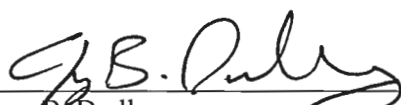
III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) City water and sewer services are not necessary; there is no cost to extend utility services.
- (3) A Public Hearing for zoning was held at the April 13, 2021 Planning Commission meeting.
- (4) This request includes portions of Lake Oakdale and the associated dam. The proposed zoning of OSR is in agreement with the existing use of the property.

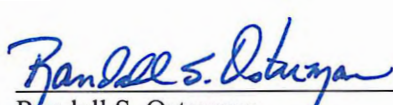
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Parcels 1 and 2 Plat
- (4) Annexation Petition



Jerry B. Dudley
Planning Director



Randall S. Osterman
City Manager

ORDINANCE NO. 2021_____

AN ORDINANCE TO ANNEX AND ZONE THE NORTH SIDE OF LAKE OAKDALE AND THE LAKE OAKDALE DAM, A PORTION OF TMN 00751-01-049.

WHEREAS, a Public Hearing was held in the Council Chambers on April 13, 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 Claussen Developers, LLC, owner of TMN 00751-01-049, 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 OSR:

The property requesting annexation is shown more specifically on Florence County Tax Map 00751, block 01, parcel 049 and on the plat filed in Plat Book 107 at page 233.

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

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

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

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

EXECUTED ON ONE (1) ADDITIONAL PAGE

ADOPTED THIS _____ DAY OF _____, 2021

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin,
Mayor

Attest:

Casey C. Moore
Municipal Clerk

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

William F. Cox, Jr. 8/3/20
 WILLIAM F. COX, JR. PLS 11363 DATE



Florence County Planning Department
 Hereby certified that the above is a true and correct copy of the original survey.
 Date of *8/3/20*
 County Planner *Dorothy S. Taylor*

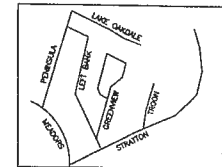
LEGEND
 I.N. IRON NEW 1/2" REBAR
 I.O. IRON OLD
 PT. POINT

NOTES:
 1) TAX MAP NO. 00075-01-020, 00751-01-049
 2) DATE OF SURVEY: AUGUST 19, 2020
 3) THIS LOT IS LOCATED IN FLOOD ZONE "X"
 NATIONAL FLOOD INSURANCE PROGRAM,
 FLOOD RATE MAP DATED DEC. 16, 2014

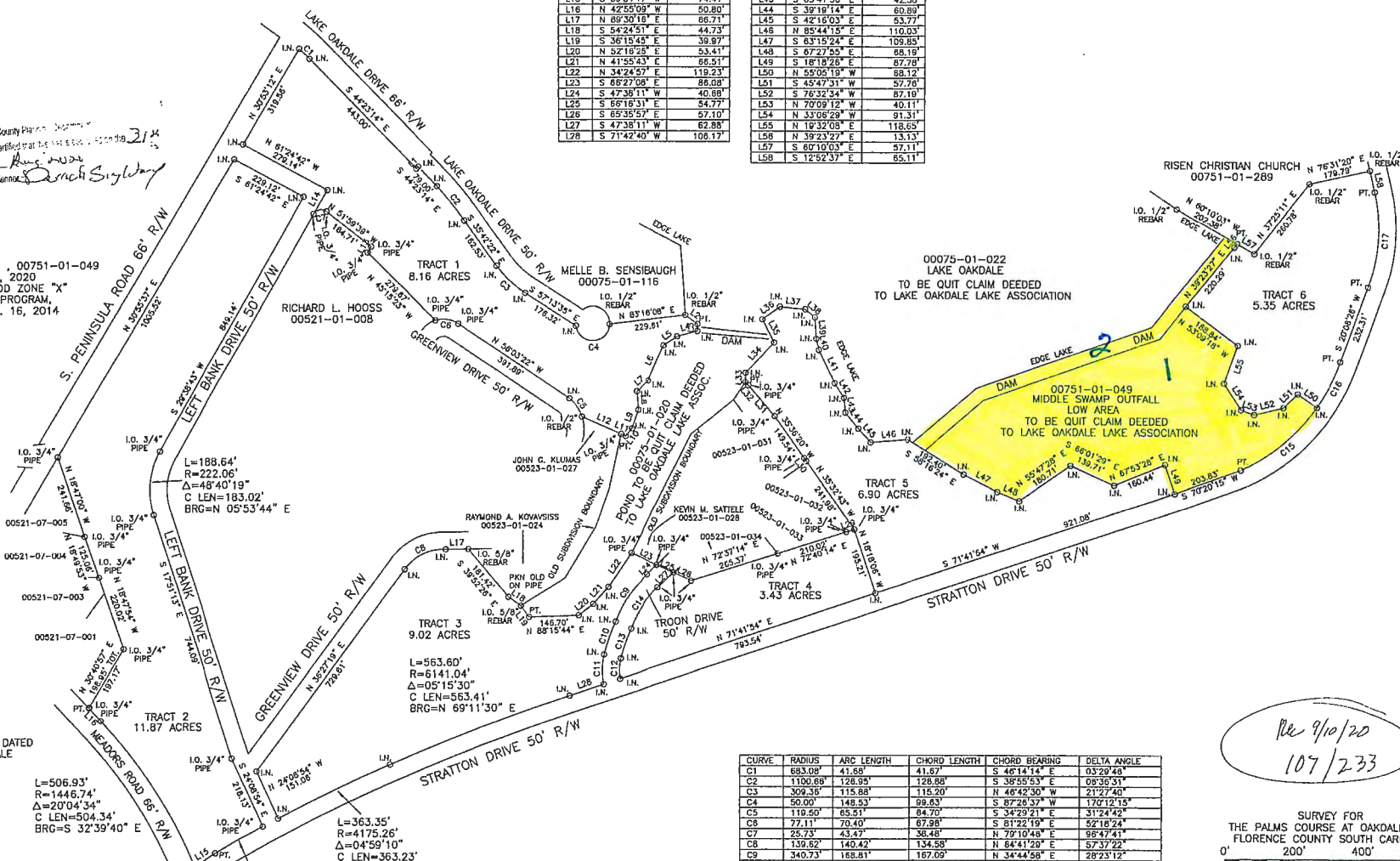
REFERENCE:
 1) PLAT BY ERVIN ENGINEERING DATED MARCH 15, 1993 FOR OKDALE COUNTRY CLUB.
 2) PB 22/555
 3) PB 23/173
 4) PB 30/210
 5) PB 36/419
 6) PB 43/135
 7) PB 84/421
 8) PB 90/170
 9) PB 92/295

LINE	BEARING	DISTANCE
L1	N 49°36'46" E	8.00'
L2	S 53°04'41" E	44.59'
L3	S 07°09'00" W	20.00'
L4	S 79°22'11" W	61.45'
L5	S 56°40'56" W	48.73'
L6	S 23°50'57" W	112.87'
L7	S 50°59'09" W	48.77'
L8	S 04°28'00" E	54.29'
L9	S 18°58'10" W	57.50'
L10	S 38°22'49" W	28.78'
L11	N 69°01'44" W	15.00'
L12	N 68°03'43" W	125.58'
L13	N 31°03'42" E	19.85'
L14	N 30°29'52" E	79.73'
L15	S 58°34'17" W	74.41'
L16	N 42°58'09" W	50.80'
L17	N 89°50'18" E	86.71'
L18	S 54°24'51" E	44.73'
L19	S 36°15'40" E	39.87'
L20	N 52°16'23" E	53.41'
L21	N 41°53'43" E	65.51'
L22	N 34°24'57" E	119.23'
L23	S 68°27'08" E	86.08'
L24	S 47°38'11" W	40.88'
L25	S 62°16'31" E	54.77'
L26	S 65°35'57" E	57.10'
L27	S 47°38'11" W	62.88'
L28	S 71°42'40" W	106.17'

LINE	BEARING	DISTANCE
L29	N 72°29'36" E	24.93'
L30	N 35°32'43" W	10.04'
L31	N 40°43'54" W	118.04'
L32	N 40°43'54" W	12.03'
L33	N 00°37'28" E	27.16'
L34	N 43°12'51" E	121.67'
L35	N 26°59'42" W	78.24'
L36	N 54°44'50" E	62.84'
L37	S 84°19'27" E	74.80'
L38	S 50°17'24" E	38.42'
L39	S 03°45'57" E	62.22'
L40	S 13°28'31" E	33.88'
L41	S 25°03'17" E	107.12'
L42	S 32°36'48" E	50.85'
L43	S 05°41'58" E	42.58'
L44	S 39°19'14" E	60.89'
L45	S 42°15'03" E	53.71'
L46	N 85°44'15" E	110.03'
L47	S 83°15'24" E	109.85'
L48	S 67°27'55" E	88.19'
L49	S 18°19'24" E	87.78'
L50	N 55°05'19" W	68.12'
L51	S 45°47'31" W	57.78'
L52	S 76°32'34" W	87.19'
L53	N 70°59'12" W	40.11'
L54	N 33°08'28" W	91.31'
L55	N 19°32'08" E	118.65'
L56	N 39°23'27" E	13.13'
L57	S 80°10'03" E	57.11'
L58	S 12°52'37" E	65.11'



VICINITY MAP
 NOT TO SCALE



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	683.08	41.60	41.57	S 46°14'14" E	03°29'45"
C2	1190.89	128.95	128.88	S 39°55'53" E	08°28'53"
C3	309.38	115.88	115.20	N 46°42'36" W	21°27'40"
C4	50.00	148.53	99.63	S 87°26'37" W	17°02'15"
C5	119.50	85.51	84.70	S 34°29'21" E	31°24'42"
C6	77.11	70.40	67.88	S 61°22'19" E	52°18'24"
C7	25.73	43.47	38.48	N 79°10'48" E	96°47'41"
C8	139.62	140.42	134.58	N 64°41'20" E	57°37'22"
C9	340.73	168.81	167.09	N 34°44'58" E	28°29'12"
C10	251.12	191.43	191.43	N 19°23'17" E	10°33'54"
C11	208.65	85.95	86.32	N 07°58'07" E	23°52'34"
C12	158.65	59.17	58.83	N 02°02'50" E	21°22'06"
C13	501.12	92.07	91.84	N 19°28'04" E	10°31'59"
C14	287.85	148.56	148.61	N 34°38'13" E	28°35'21"
C15	541.51	290.45	288.89	S 62°20'00" W	30°43'56"
C16	541.51	151.12	150.83	S 26°58'20" W	16°59'23"
C17	478.55	279.90	278.89	S 03°52'42" E	33°39'07"

Re 9/10/20
107/233

SURVEY FOR
 THE PALMS COURSE AT OKDALE, LLC
 FLORENCE COUNTY SOUTH CAROLINA

 SCALE 1"=200' AUGUST 19, 2020
 SURVEY AND PLAT BY
 LOWER FLORENCE COUNTY SURVEYING
 155 NORTH CHURCH STREET
 LAKE CITY, S.C. 29560
 843-374-8614



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:
SEE ATTACHED SCHEDULE A
Florence County Tax Map Number: portion of 00751-01-049
- 3. Annexation is being sought for the following purposes: Access to City services
- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

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

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

APPLICANT (S) (Please print or type):

Name(s): Claussen Developers, LLC (B. Kendall Hiller, Attorney)

Address: P.O. Box 1461, Florence, SC 29501

Telephone Numbers: 843-669-6395 [work] _____ [home]

Email Address: khiller@mcgowanlaw.com

Signature BK Hiller, attorney Date March 4, 2021

Certification as to ownership on the date of petition:	FOR OFFICAL USE ONLY
Date <u>3/4/2021</u>	<u>AK</u>

SCHEDULE A
PROPERTY TO BE ANNEXED

Parcel 1 of 3: The parcel of land depicted as "Middle Swamp Outfall Low Area to be Quit Claim Deeded to Lake Oakdale Lake Association" on the plat filed in the Florence County Clerk of Court's Office on September 10, 2020 in Plat Book 107 at Page 233.

Parcel 2 of 3: The strip of land abutting Parcel 1 above depicted on the plat referenced above as "DAM", being bound as follows: on its southernmost end by Tract 5 as shown on the above referenced plat; on its eastern line by Parcel 1 above and Tract 6 depicted on the above reference plat; on its northernmost line by property of Risen Christian Church (tax parcel 00751-01-289); and on its westernmost line by Lake Oakdale.

Parcel 3 of 3: The **portion** of Tax Parcel Number 00751-01-049 comprising essentially the northern half of Lake Oakdale, bounded as follows: on the south by Parcels 00075-01-022 and 00075-01-237; on the east by a portion of Parcel 2 above; on the West by Parcels 00075-01-021 and 0051-01-003 and on its northern most line by the rear property lines of various residential parcels that front on West Lake Drive; this Parcel 3 to be annexed also abuts two (2) portions of West Lake Drive - one near its northeastern end between Tax Parcels 00751-01-285 and 00751-01-040 and the other near its southern end between Tax Parcels 00751-01-281, 00751-01-282 and 00751-01-289.

FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021

AGENDA ITEM: An ordinance for the City of Florence to enter into a Development Agreement and zone RG-3, Residential General-3, pending annexation, 106 acres located at Redbud Lane and Howe Springs Road, identified as Florence County Tax Map Number 00152-01-021.

DEPARTMENT/DIVISION: Planning, Research, & Development

I. ISSUE UNDER CONSIDERATION:

An ordinance for the City of Florence to enter into a Development Agreement and zone RG-3, Residential General-3, pending annexation, 106 acres located at Redbud Lane and Howe Springs Road, identified as Florence County Tax Map Number 00152-01-021.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:


1. On September 14, 2021, Planning Commission held the first of two required public hearings on this matter, and voted unanimously, 7-0, to recommend the zoning request of RG-3, Residential General 3, upon annexation.
2. The second of two public hearings will be held at the next scheduled City Council meeting on October 11, 2021.
3. No action has been taken by City Council.

III. POINTS TO CONSIDER:

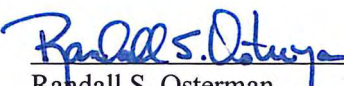
1. Request is being considered for first reading.
2. The State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development.
3. The developer of the above referenced property, requests to zone RG-3 at the time annexation is requested. A preliminary plan showing the property boundary and lot layout has been submitted (Attachment 3).
4. Per the Development Agreement, annexation will be requested prior to development of the property, but is not for consideration at this time.

IV. ATTACHMENTS:

1. Ordinance
2. Development Agreement
3. Preliminary sketch plan



Clint Moore
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2021-_____

AN ORDINANCE FOR THE CITY OF FLORENCE TO ENTER INTO A DEVELOPMENT AGREEMENT AND ZONE RG-3, RESIDENTIAL GENERAL-3, PENDING ANNEXATION, 106 ACRES LOCATED AT REDBUD LANE AND HOWE SPRINGS ROAD, IDENTIFIED AS FLORENCE COUNTY TAX MAP NUMBER 00152-01-021:

WHEREAS, the first of two a Public Hearings was held in the City Center Council Chambers on September 14, 2021 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the second of two Public Hearings was held in the City Center Council Chambers on October 11, 2021 at 1:00 P.M. before the City of Florence City Council and notice of said hearing was duly given;

WHEREAS, the Developer/Future Owner of the “Bluffs at Mill Creek” property shall annex and zone Residential General – 3 (RG-3), the above referenced property upon administrative review and approval of the development plan;

WHEREAS, the State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a potentially valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development.

WHEREAS, Florence City Council concurs in the aforesaid Development Agreement, 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 to enter into a Development Agreement between the City of Florence, the Developer/Future Owner, and the Owner of the property and future development of the “Bluffs at Mill Creek” (Attachment 2), and authorizing the City Manager to execute all documents associated therewith, properties being specifically designated in the Florence County Tax Records as Tax Map Parcel 00152-01-021;

2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

ADOPTED THIS _____ DAY OF _____, 2021

Approved as to form:

James W. Peterson, Jr.
City Attorney

Theresa Myers Ervin,
Mayor

Attest:

Casey C. Moore
Municipal Clerk

STATE OF SOUTH CAROLINA)
)
CITY OF FLORENCE)

DEVELOPMENT AGREEMENT
TMN: 000152-01-021 (106.10 Acres)

This Development Agreement (“Agreement”) is made and entered this ____ day of _____, 2021, by and between **Tri-Zenith Company, LLC** (“Owner”), **D.R. Horton, Inc.** (“Developer”), and the governmental authority of City of Florence, South Carolina (“City of Florence”).

WHEREAS, the legislature of the State of South Carolina has enacted the “South Carolina Local Government Development Agreement Act, (the “Act”) as set forth in Sections 6-31610 through 6-31-160 of the South Carolina Code of Laws (1976), as amended; and

WHEREAS, the Act recognizes that “The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning.” [Section 6-31.10 (B)(1); and,

WHEREAS, the Act also states: “Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the Development Agreement or in any way hinder, restrict, or prevent the development of the project. Development Agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our state.” [Section 6-31.10 (B)(1); and,

WHEREAS, the Act further authorizes local governments, including City governments, to enter Development Agreements with owners to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and,

WHEREAS, Owner presently owns title to, approximately **106.10** acres, bordered by E Howe Springs Rd to the south, E Redbud Ln to the west, and Middle Swamp to the north, hereinafter **The Bluffs at Mill Creek**, and Developer/Future Owner is in the process of acquiring title to said property and proposes to develop, or cause to be developed single-family residential and conservation uses; and,

WHEREAS, the City of Florence seeks to protect and preserve the natural environment and to secure for its citizens quality, well planned and designed development and a stable and viable tax base; and,

WHEREAS, the City of Florence finds that the program of development proposed by Owner for this Property is consistent with City of Florence’s comprehensive land use plan; and will further the health, safety, welfare and economic well being of City of Florence and its residents; and,

WHEREAS, the program for development of the Property presents an unprecedented opportunity for City of Florence to secure quality planning and growth, protection of the environment and a strengthened and revitalized tax base; and,

WHEREAS, this Development Agreement is being made and entered between Owner, Developer/Future Owner, and City of Florence, under the terms of the Act, for the purpose of providing

assurances to Owner that it may proceed with its development plan under the terms hereof, as hereinafter defined, without encountering future changes in law which would materially affect the ability to develop under the plan, and for the purpose of providing important protection to the natural environment and long term financial stability and a viable tax base to City of Florence.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to both City of Florence and Owner by entering this Agreement, and to encourage well planned development by Owner, the receipt and sufficiency of such consideration being hereby acknowledge, City of Florence, Owner, and Developer/Future Owner hereby agree as follows:

I. INCORPORATION

The above recitals are hereby incorporated into this Agreement, together with the South Carolina General Assembly findings as set forth under Section 6-31-10(B) of the act.

II. DEFINITIONS

As used herein, the following terms mean:

“Act” means the South Carolina Local Government Development Agreement Act, as Codified in Sections 6-31-10 through 6-31-160 of the Code of Laws of South Carolina (1976), as amended; attached hereto as **EXHIBIT A**.

“Bluffs at Mill Creek” means that certain tract of land described on **EXHIBIT B**.

“Developer/Future Owner” means **D.R. Horton, Inc.** and all successors in title or lessees of D.R. Horton, Inc. who undertake Development of the Property or who are transferred Development Rights.

“Development” means the definition of development as set forth in the City of Florence Unified Development Ordinance at the time of this adopted ordinance.

“Development Rights” means Development undertaken by the Owner or Developers in accordance with the Unified Development Ordinance and this Development Agreement.

“Duplex” means a single-family attached unit type that includes two units that are attached along a common wall or separated by a floor that is not penetrated for the purpose of interior access between the two units. The standard duplex has side-by-side units with a common wall (the units may be divided into separate lots along the common lot line for individual fee-simple ownership). The units in the over-under duplex are located on different floors (the units may be accessed via separate outside entrances or through a common foyer area). Vehicular access to duplex homes in either style is from the street or from an alley.

“Mixed Use” means development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

“Multi-family Residential” means a building that includes three or more dwelling units, which is not designed as townhomes or multiplex buildings. Multifamily also means two or more residential units that are located on the upper floors of a mixed-use building.

“Multiplex also Quadraplex” means a residential building that is constructed to look like a large single-family detached residence.

“Owner” means Tri-Zenith Company, LLC, its heirs and assigns.

“Property” means that tract of land described on **EXHIBIT B**.

“Term” means the duration of this agreement as set for in Section III hereof.

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

“Zoning Regulations” means the approval by the City Council of the City of Florence, herein after referred to as “City of Florence” on _____, 2021 establishing the zoning designation for the Property upon annexation, as defined in the Unified Development Ordinance, and this Development Agreement.

III. TERM.

The term of this Agreement shall commence on the date this Agreement is executed by City of Florence and Owner and the terminate five (5) years thereafter; provided however, that if at the expiration of the term Owner or its successors or assign have commenced development under the provisions hereof, the provisions of the Unified Development Ordinance shall be deemed vested against any future changes to City of Florence law which would materially affect the ability of the Owner or Developers to carry out the development plan as approved under the Unified Development Ordinance upon annexation.

IV. AGREEMENT TO ANNEX

The Developer/Future Owner and its successors and assigns hereby agree to annex and zone RG-3, Residential General-3, the property as described in this ordinance, at the time of development of each phase of the development. In consideration of the agreement to annex, the City of Florence hereby agrees to accept and assume ownership of certain water and sewer infrastructure, established elsewhere in this Development Agreement, immediately following annexation and in conjunction with the development.

V. DEVELOPMENT OF THE PROPERTY.

The Property shall be developed in accordance with the Unified Development Ordinance and this Development Agreement. City of Florence shall, throughout the Term, maintain or cause to be maintained, a procedure for the processing of reviews as contemplated by the Unified Development Ordinance.

VI. CHANGES TO ZONING REGULATIONS.

No changes in the Unified Development Ordinance shall affect the Property subject to this Development Agreement shall not be amended or modified during the Term, without the express written consent of the Owner. Owner does, for itself and its successors and assigns, including Developers and notwithstanding the Zoning Regulations, agrees to be bound by the following:

1. The Owner shall be required to notify City of Florence, in writing, as and when Development rights are transferred to any other party. Such information shall include the identity and

address of the acquiring party, a proper contact person, the location and number of acres of the Property transferred, and the number of residential units and/or commercial acreage, as applicable, subject to the transfer. Developers transferring Development Rights to any other party shall be subject to this requirement of notification, and any entity acquiring Development Rights hereunder shall be required to file with City of Florence an acknowledgment of this Development Agreement and a commitment to be bound by it.

2. The Owners and Developer/Future Owner, and their respective heirs, successors and assigns agree that all development, with the exception of irrigation, incidental maintenance facilities and facilities existing at the date of this Development Agreement will be served by potable water and sewer through the City of Florence, upon annexation, prior to occupancy, except as otherwise provided herein for temporary use of wells, and/or septic tanks (or similar devices).

VII. DEVELOPMENT SCHEDULE
The Development Schedule

Years 0-5 include: Phase I – 101 Lots
Phase II – 56 Lots

Years 5-10 include: Phase III – 78 Lots

Pursuant to the Act, the failure of the Owner and any subsequent Owner to meet an implied development schedule shall not, in and of itself, constitute a material breach of this agreement. In such an event, the failure to meet the development expectation or sequence of development shall be judged by the totality of circumstances, including but not limited to the Owners and Developer/Future Owner(s) good faith efforts to attain compliance with the development. Any implied phases or schedules are planning and forecasting tools only. The fact that actual development may take place at a difference pace or sequence, based on future market forces, is expected and shall not be considered a default hereunder. Furthermore, periodic adjustments which may be submitted by Owner / Developers in the future shall not be considered a material amendment or breach of the Agreement.

VIII. DEVELOPMENT STANDARDS

The Developer/Future Owner shall develop The Bluffs at Mill Creek to the RG-3 standards applicable to the Unified Development Ordinance.

The Developer/Future Owner shall submit specific plans with each phase as he requests annexation and must follow the Development Review Procedures as outlined within the city's Unified Development Ordinance.

IX. RESTRICTED ACCESS

Owner and/or Developer/Future Owner shall have the right to develop restricted access communities within the Property in accordance with the Unified Development Ordinance, but shall not be required to do so in the future. In the event a restricted access community is developed, access to publicly owned infrastructure and facilities shall be afforded at all times and under any circumstances. Access shall also be afforded to emergency service providers such as police, fire, EMS, etc.

X. EFFECT OF FUTURE LAWS

Owner and Developer/Future Owner shall have vested rights to undertake Development of any or all of the Property in accordance with the Unified Development Ordinance, as defined herein and modified hereby, and as may be modified in the future pursuant to the terms hereof, and this Development Agreement for the entirety of the Term. Future enactments of, or changes or amendments to City of Florence ordinances, including zoning or development standards ordinances, which conflict with the Unified Development Ordinance in effect at the time of adoption of this Agreement shall not apply to the Property unless the Owner and/or Developer/Future Owner(s) consent to such modification.

The parties specifically acknowledge that this Agreement shall not prohibit the application of any future building, housing, electrical, plumbing, gas or other standard codes, or any tax or fee of general application throughout the City of Florence. Owner(s) shall pay all applicable service fees, connection fees, assessments and taxes that are approved and adopted by City Council which are applied to all other properties within the jurisdiction of the City of Florence. Special assessments or impact fees not levied against other properties, however, shall not be applied to the property without the consent of the Owner(s).

XI. INFRASTRUCTURE AND SERVICES

City of Florence and Owner recognize that the majority of the direct costs associated with the Development of the property will be borne by the Owner and Developer/Future Owner, and many other necessary services will be provided by other governmental or quasi-governmental entities, and not by City of Florence. For clarification, the parties make specific note of and acknowledge the following:

A. ROADS WITHIN DEVELOPMENT. All roads within the Property shall be constructed by the Owner and to the specifications and standards of the Unified Development Ordinance, and maintained by it and/or an Owner's Association or dedicated for maintenance to the City of Florence. The City of Florence will not be responsible for the construction of any roads within the Property unless City of Florence specifically agrees to such in the future. Any private roads built or constructed within this development shall adhere to the provisions of the City of Florence Unified Development Ordinance, in effect at the time of adoption of this agreement, and shall be maintained by it and/or an Owner'.

B. PUBLIC ROADS. The Property shall be served by direct access to E Howe Springs Road and E Redbud Lane as shown on the General Development Plan.

C. POTABLE WATER. Potable water is currently available to the Property. The City of Florence will not be responsible for the construction of any water distribution lines within the Property. Any water distribution lines built or constructed within this development shall adhere to the provisions of the City of Florence Code of Ordinances and the Unified Development Ordinance, in effect at the time of adoption of this agreement. Upon completion water distribution lines, at the discretion of the Developer/Future Owner, the water distribution lines maybe maintained as private or offered to the City of Florence as part of the public system. Upon acceptance by the City of Florence, the City of Florence shall maintain the water distribution system in the same manner as other developments within the City. If water distribution lines are maintained as private, the City of Florence will have no responsibility to maintain such private water systems. All fees and charges associated with the treatment and provision of potable water shall be levied and paid by the Developer/Future Owner or residents of the Property. Nothing contained in this Agreement shall be interpreted to allow the Developer/Future Owner to resell water as prohibited within the City of Florence Code of Ordinances.

D. SEWAGE TREATMENT AND DISPOSAL. Sewer is currently unavailable to the Property; however, the City of Florence agrees to accept the sewer discharge from the development should the owner make improvements to connect to the City's sewer main. The City of Florence agrees to work with the Developer/Future Owner at a location mutually agreeable between the City of Florence and the Developer/Future Owner to construct and connect to the City of Florence public sewage system. The City of Florence will not be responsible for the construction of any sewer collection lines within the Property. Any sewer collection lines built or constructed within this development shall adhere to the provisions of the City of Florence Code of Ordinances and the Unified Development Ordinance, in effect at the time of adoption of this agreement. Upon completion of sewer collection lines, at the discretion of the Developer/Future Owner, the sewer collection lines maybe maintained as private or offered to the City of Florence as part of the public system. Upon acceptance by the City of Florence, the City of Florence shall maintain the sewer collection system in the same manner as other developments within the City. If sewer collection lines are maintained as private, the City of Florence will have no responsibility to maintain such private sewage systems. All fees and charges associated with the treatment and provision of sewage service shall be levied and paid by the Developer/Future Owner or residents of the Property. Nothing contained in this Agreement shall be interpreted to allow the Developer/Future Owner to resell sewer services as prohibited within the City of Florence Code of Ordinances.

E. USE OF EFFLUENT. Owner agrees that treated effluent will be disposed of only in such manner as may be approved by DHEC and the City of Florence.

F. OTHER SERVICES / FUTURE AGREEMENTS. The development activity which is authorized and vested under this Development Agreement is allowable, in general terms, under existing City of Florence law. Normal City of Florence services, such as fire protection, police protection will be made available to this Property, on the same basis as would occur for the development if a Development Agreement had not been requested or approved. The parties recognize that as future development unfolds on the Property, the Owner or Developer/Future Owners may request enhanced services, beyond the normal services which would otherwise be provided. Development within the Property shall be entitled to all normal services provided to other property within the City of Florence with the understanding that all development within the Property will be subject to all City of Florence taxes of universal application within City of Florence as well as any special service district taxes which may apply to all other new and existing properties and development within the area, such as Fire District millage rates. City of Florence will not be required to provide enhanced services in the future at the expense of other City of Florence residents unless future arrangements are made by amendment to this Agreement to provide payment for such enhanced services. Normal service will be considered a matter of right within this Property on the same basis as all other City of Florence property.

XII. COMPLIANCE REVIEWS

As long as Owner owns any of the Property; Owner, or its designee, shall meet with the City of Florence, or its designee, at least once per year as required by South Carolina state law during the Term to review Development completed in the prior year and the Development anticipated to be commenced or completed in the ensuing year. The Owner, or its designee, shall be required to provide such information as may reasonably be requested to include but not be limited to acreage of the Property sold in the prior year, acreage of the Property under contract, the number of certificates of occupancy issued in the prior year, and the number anticipated to be issued in the ensuing year, Development Rights transferred in the prior year, and anticipated to be transferred in the ensuing year, the Owner, or its designee, shall be required to compile this information.

XIII. DEFAULTS

The failure of the Owner, Developer/Future Owner or City of Florence to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as deemed appropriate, including specific performance and the termination of this Development Agreement in accordance with the Act; provided however no termination of this Development Agreement may be declared by the City of Florence absent its according the Owner and any relevant Developer the notice, hearing and opportunity to cure in accordance with the Act; and provided further that nothing herein shall be deemed or construed to preclude the City of Florence or its designee from issuing stop work orders or voiding permits issued for Development when such Development contravenes the provisions of the Zoning Regulations of this Development Agreement. A default of the Owner shall not constitute a default by Developer/Future Owner, default by a developer shall not constitute a default by the Owner.

XIV. MODIFICATION OF AGREEMENT

This Development Agreement may be modified or amended only by the written agreement of the City of Florence and the Owner. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

XV. NOTICES

Any notice, demand, request, consent, approval or communication which a signatory party is required to and may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, consents, approvals or communications to City of Florence shall be addressed to

The City at: _____

And to the Owner at: _____

With Copy to: _____

XVI. ENFORCEMENT

Any party hereto shall have the right to enforce the terms, provisions and conditions of the Agreement by any remedies available at law or in equity, including specific performance, and the right to recover attorney's fees and costs associated with said enforcement.

XVII. GENERAL SUBSEQUENT LAWS.

In the event state or federal laws or regulations are enacted after the execution of this Development Agreement or decisions are issued by a court of competent jurisdiction which prevent or preclude compliance with the Act or one or more provisions of this Agreement ("New Laws"), the provisions of this Agreement shall be modified or suspended as may be necessary to comply with such New Laws. Immediately after enactment of any such New Law, or court decision, a party designated by the Owners, and Owners and City of Florence shall meet and confer in good faith in order to agree upon such modification or suspension based on the effect such New Law would have on the purposes and intent on this Agreement. During the time that these parties are conferring on such modification or suspension or challenging the new Laws, City of Florence may take reasonable action to comply with such New Laws. Should these parties be unable to agree to a modification or suspension, either may petition a court of competent jurisdiction for an appropriate modification or suspension of this Agreement. In addition, the Owner, Developer/Future Owner and City of Florence each shall have the right to challenge the New Law preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

ESTOPPEL CERTIFICATE. City of Florence, the Owner or any Developer may, at any time, and from time to time, deliver written notice to the other applicable party requesting such party to certify in writing:

- (1) that this Agreement is in full force and effect
- (2) that this Agreement has not been amended or modified, or if so amended, identifying the amendments
- (3) whether, to the knowledge of such party, the requesting party is in default or claimed default in the performance of its obligations under this Agreement, and, if so, describing the nature and amount, if any, of such default or claimed default, and
- (4) whether, to the knowledge of such party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both would constitute a default and if so, specifying each such event.

ENTIRE AGREEMENT. This agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings among City of Florence, Owner, and Developer/Future Owner relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

NO PARTNERSHIP OR JOINT VENTURE. Nothing in this Agreement shall be deemed to create a partnership or joint venture between The City of Florence, the Owner or any Developer or to render such party liable in any manner for the debts or obligations of another party.

EXHIBITS. All exhibits attached hereto and/or referred to in this Agreement are incorporated herein as though set forth in full.

CONSTRUCTION. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against

the drafting party shall not apply in the interpretation of this agreement or any amendments or exhibits hereto.

ASSIGNMENTS. Subject to the notification provisions hereof, Owner may assign its rights and responsibilities hereunder to subsequent land owners and Developers.

GOVERNING LAW. This Agreement shall be governed by the laws of the State of South Carolina.

COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall be deemed original, and such counterparts shall constitute but one and the same instrument.

AGREEMENT TO COOPERATE. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

EMINENT DOMAIN. Nothing contained in this Agreement shall limit, impair or restrict the City of Florence's right and power of eminent domain under the laws of the State of South Carolina.

NO THIRD PARTY BENEFICIARIES. The provisions of this Agreement may be enforced only by the City of Florence, the Owner and Developer/Future Owners. No other persons shall have any rights hereunder.

XVIII. STATEMENT OF REQUIRED PROVISIONS

A. Specific Statements. The Act requires that a development agreement must include certain mandatory provisions, pursuant to Section 6-31-60 (A). Although certain of these items are addressed elsewhere in this Agreement, the following listing of the required provisions is set forth for convenient reference. The numbering below corresponds to the numbering utilized under Section 6-31-60 (A) for the required items:

- 1. LEGAL DESCRIPTION OF PROPERTY AND LEGAL AND EQUITABLE OWNERS.** The legal description of the property is set forth in **EXHIBIT B** attached hereto. The present legal Owner of the Property is _____, or its affiliated entity, and the equitable owner is _____, who will take title prior to the recording hereof.
- 2. DURATION OF AGREEMENT.** The duration of this Agreement is five (5) years.
- 3. PERMITTED USES, DENSITIES, BUILDING HEIGHTS AND INTENSITIES.** A complete listing and description of permitted uses, population densities, building intensities and heights, as well as other development – related standards, are contained in the Unified Development Ordinance of the City of Florence.
- 4. REQUIRED PUBLIC FACILITIES.** The utility services available to the Property are described generally above regarding electrical services, telephone service and solid waste disposal. The mandatory procedures of the Unified Development Ordinance will ensure availability of roads and utilities to serve the residents on a timely basis.

5. **DEDICATION OF LAND AND PROVISIONS TO PROTECT ENVIRONMENTALLY SENSITIVE AREAS.** No dedications of land to the public are required hereunder. The Unified Development Ordinance described above, and incorporated herein; contain numerous provisions for the protection of environmentally sensitive areas. All relevant State and Federal laws will be fully complied with, in addition to the important provisions set forth in this Agreement.

6. **LOCAL DEVELOPMENT PERMITS.** The Development standards for the Property shall be as set forth in the Zoning Regulations. Specific permits must be obtained prior to commencing Development, consistent with the standards set forth in the Unified Development Ordinance. Building Permits must be obtained under applicable law for any vertical construction, and appropriate permits must be obtained from the State of South Carolina and Army Corps of Engineers, when applicable, prior to any impact upon freshwater wetlands. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Owner, its successors and assigns, of the necessity of complying with the law governing the permitting requirements, conditions, terms of restrictions, unless otherwise provided hereunder.

7. **COMPREHENSIVE PLAN AND DEVELOPMENT AGREEMENT.** The Development permitted and proposed under the Unified Development Ordinance, is consistent with the Comprehensive Plan and with current land use regulations of the City of Florence, South Carolina.

8. **TERMS FOR PUBLIC HEALTH, SAFETY AND WELFARE.** The City Council finds that all issues relating to public health, safety and welfare have been adequately considered and appropriately dealt with under the terms of this Agreement, the Zoning Regulations and existing laws.

9. **HISTORICAL STRUCTURES.** No specific terms relating to historical structures are pertinent to this Development Agreement. Any historical structure or sites will be addressed through the permitting process at the time of development, as required by the Zoning Regulations, and no exception from any standard is hereby granted.

IN WITNESS WHEREOF, the undersigned parties have executed this **Development Agreement** on the date set forth beneath their respective signatures.

WITNESSES:

City of Florence

By: _____

Date: _____

Tri-Zenith Company, LLC

By: _____

Date: _____

D.R. Horton, Inc.

By: _____

Date: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that **Randy S. Osterman, as City Manager of the City of Florence**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this ____ day of _____ 2021.

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that _____, as **authorized agent for Tri-Zenith Company, LLC**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this ____ day of _____ 2021.

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

STATE OF SOUTH CAROLINA

)

)

ACKNOWLEDGMENT

COUNTY OF FLORENCE

)

I, the undersigned Notary Public, do hereby certify that _____,
as authorized agent for D.R. Horton, Inc., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this ____ day of _____ 2021.

Notary Public for South Carolina
My Commission Expires: _____

EXHIBIT A

SOUTH CAROLINA LOCAL GOVERNMENT
DEVELOPMENT AGREEMENT ACT

CHAPTER 31:

SECTION 6-31-10

SECTION 6-31-160

Title 6 - Local Government - Provisions Applicable to Special Purpose Districts and Other Political Subdivisions

CHAPTER 31

South Carolina Local Government Development Agreement Act

SECTION 6-31-10. Short title; legislative findings and intent; authorization for development agreements; provisions are supplemental to those extant.

(A) This chapter may be cited as the "South Carolina Local Government Development Agreement Act".

(B)(1) The General Assembly finds: The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning.

(2) Assurance to a developer that upon receipt of its development permits it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, reduces the economic costs of development, allows for the orderly planning of public facilities and services, and allows for the equitable allocation of the cost of public services.

(3) Because the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public.

(4) Public benefits derived from development agreements may include, but are not limited to, affordable housing, design standards, and on and off-site infrastructure and other improvements. These public benefits may be negotiated in return for the vesting of development rights for a specific period.

(5) Land planning and development involve review and action by multiple governmental agencies. The use of development agreements may facilitate the cooperation and coordination of the requirements and needs of the various governmental agencies having jurisdiction over land development.

(5) Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State.

(C) It is the intent of the General Assembly to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

(D) This intent is effected by authorizing the appropriate local governments and agencies to enter into development agreements with developers, subject to the procedures and requirements of this chapter.

(E) This chapter must be regarded as supplemental and additional to the powers conferred upon local governments and other government agencies by other laws and must not be regarded as in derogation of any powers existing on the effective date of this chapter. HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-160. Agreement may not contravene or supersede building, housing, electrical, plumbing, or gas code; compliance with such code if subsequently enacted.

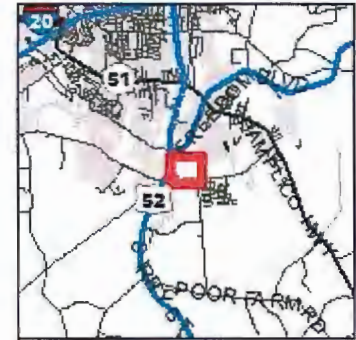
Notwithstanding any other provision of law, a development agreement adopted pursuant to this chapter must comply with any building, housing, electrical, plumbing, and gas codes subsequently adopted by the governing body of a municipality or county as authorized by Chapter 9 of Title 6. Such development agreement may not include provisions which supersede or contravene the requirements of any building, housing, electrical, plumbing, and gas codes adopted by the governing body of a municipality or county. HISTORY: 1993 Act No. 150, Section 1.

EXHIBIT B

LEGAL DESCRIPTION

(The legal description is currently being finalized and will be provided prior to second reading of City Council.)

Location Map Redbud Lane & Howe Springs Road

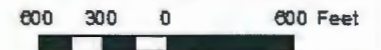


Legend

 Parcels



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Date: 9/1/2021

FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021
AGENDA ITEM: Ordinance to Rezone from UR to DS the parcel located at 257 North Coit Street, TMN 90073-05-005.

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

I. ISSUE UNDER CONSIDERATION:

A request to rezone from UR to DS the parcel located at 257 North Coit Street, said property being specifically designated in the Florence County Tax Records as Tax Map Number 90073-05-005. The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

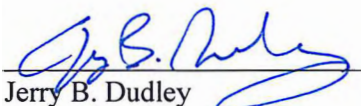
On September 14, 2021, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the parcels be rezoned from UR to DS.


III. POINTS TO CONSIDER:

1. The property is currently zoned Urban Residential (RU), which permits residential uses such as single family detached, duplex, townhome, and multifamily.
2. The proposed zoning is Destination/Select Use (DS), which allows a number commercial uses.
3. Historic zoning of the property was B-3, General Commercial. The site is currently developed with a commercial building which has most recently been occupied by Missy's Café and Jack's Seafood. The current zoning of Residential Urban was adopted with the land use maps associated with the adoption of the Unified Development Ordinance in 2018; however, this is not reflective of the developed site or the historic zoning.
4. Land use of the adjacent properties is a mixture of commercial, institutional, single-family, and multi-family residential.
5. This request is being considered for first reading

IV. ATTACHMENTS:

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


Jerry B. Dudley
Planning Director


Randall S. Osterman
City Manager

ORDINANCE NO. 2021-_____

AN ORDINANCE TO REZONE PARCEL IDENTIFIED AS 257 NORTH COIT STREET, TAX MAP NUMBER 90073-05-005 FROM URBAN RESIDENTIAL ZONING DISTRICT TO DESTINATION/SELECT USE.

WHEREAS, a Public Hearing was held in City Council Chambers on September 14, 2021 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the property owners made application to rezone from RU, Urban Residential to DS, Destination/Select Use.

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 RU**
- 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:

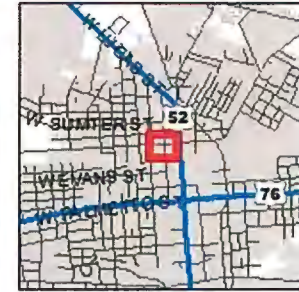
James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Casey C. Moore
Municipal Clerk

Vicinity Map - 257 North Coit Street

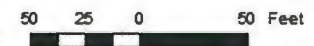


Legend

 Parcels



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Date: 10/6/2021

Location Map - 257 North Coit Street

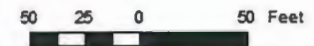


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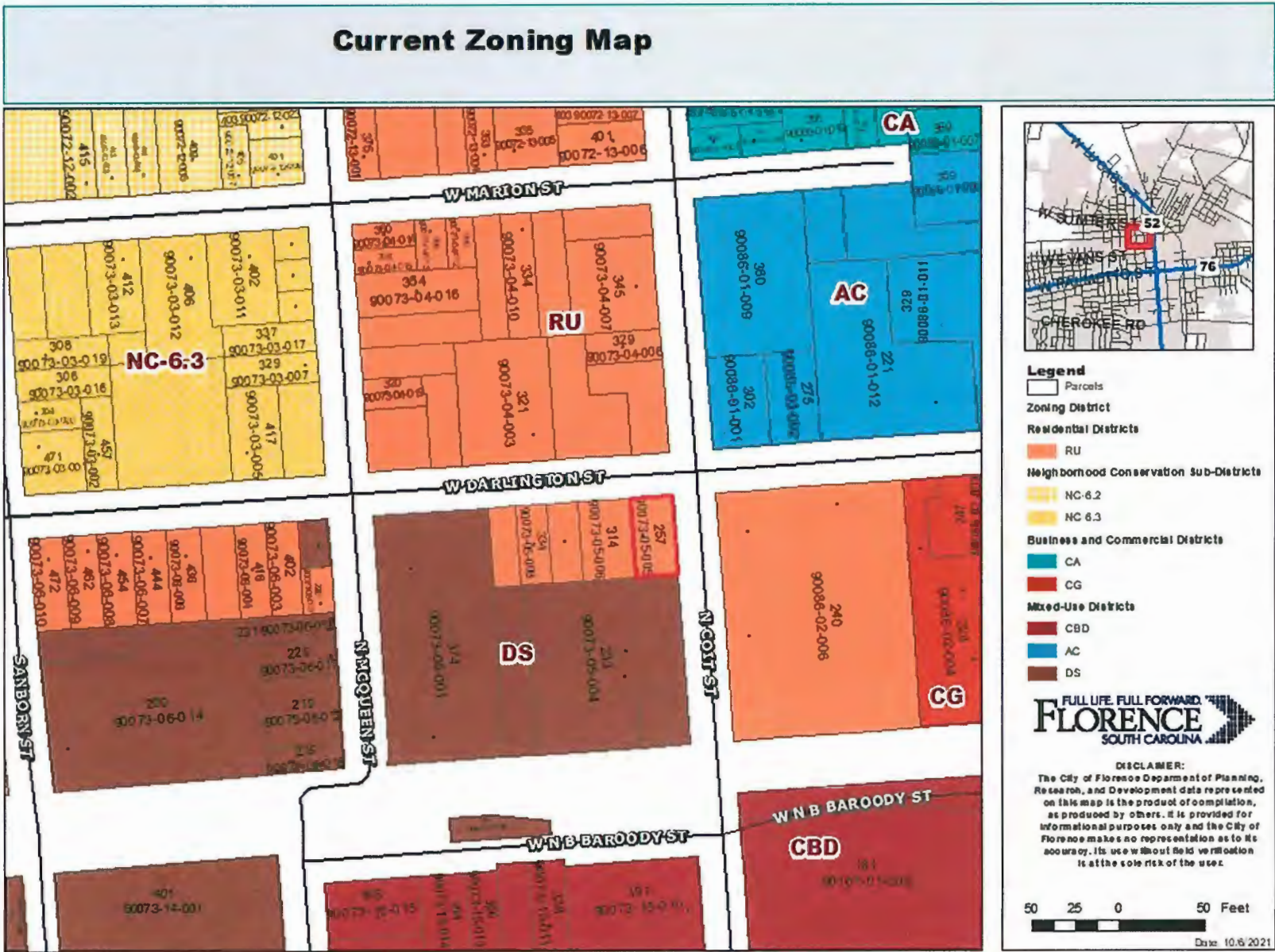
 Parcels

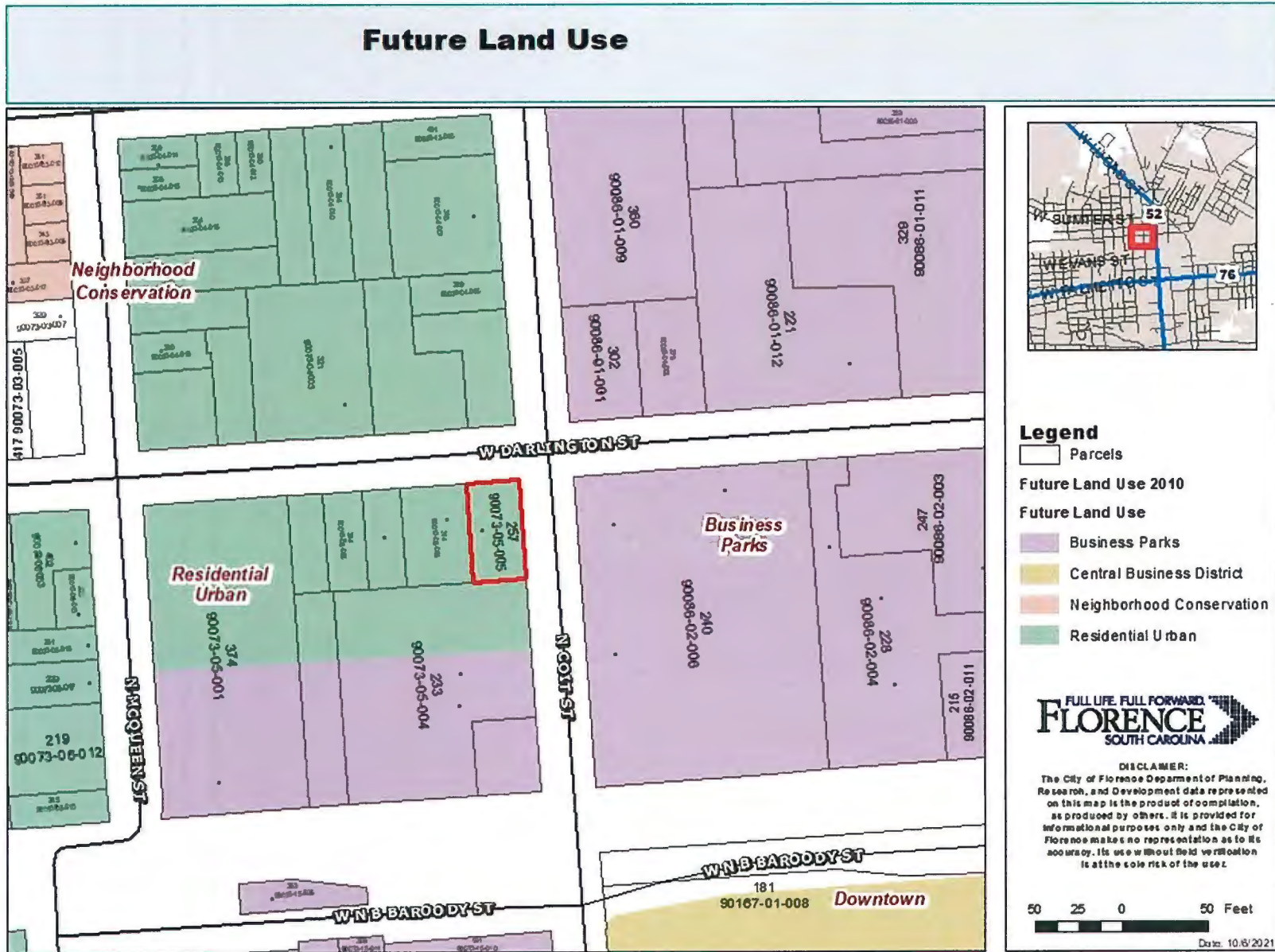


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Date: 10/6/2021





FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021

AGENDA ITEM: Ordinance to Rezone from NC-6.1 to NC-6.3 the parcels located at 802 Cherokee Road, 806 Cherokee Road, 812 Cherokee Road, and 810 Congaree Road, TMNs 90064-11-006, 90064-11-007, 90064-11-013, and 90064-11-012.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request to rezone from NC-6.1 to NC-6.3 the parcels located at 802 Cherokee Road, 806 Cherokee Road, 812 Cherokee Road, and 810 Congaree Road, said properties being specifically designated in the Florence County Tax Records as Tax Map Parcels 90064-11-006, 90064-11-007, 90064-11-013, and 90064-11-012. The request is being made by the property owners.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On September 14, 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 NC-6.1 to NC-6.3.


III. POINTS TO CONSIDER:

1. Under the 2008 Florence Zoning Ordinance, these lots were zoned R-5, which was a multi-family zoning district. A townhouse development of 11 units was built in 1979 at 810 Congaree Drive; a duplex is located at 806 Cherokee Road; 802 Cherokee Road is a single family house with an apartment onsite; and 812 Cherokee Road has the appearance of a single family house but has been used for multiple tenants in the past. Under the current zoning designation, these uses are non-conforming and could not be rebuilt if they were destroyed by more than 50%.
2. When the *Unified Development Ordinance* and its associated zoning map were adopted in January 2018, these properties were zoned Neighborhood Conservation-6.1, which permits single family detached housing only. This is not reflective of the historic zoning or existing uses.
3. The proposed zoning is Neighborhood Conservation-6.3, which permits single family houses, duplexes, townhomes, multiplexes, and multi-family structures. This zoning designation better represents the historic zoning and existing uses on these parcels.
4. This request is being considered for first reading.
5. The lots are currently privately owned.

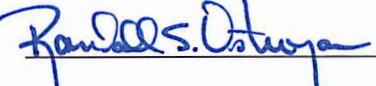
IV. PERSONAL NOTES:

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. Oeterman
City Manager

ORDINANCE NO. 2021-_____

AN ORDINANCE TO REZONE PROPERTIES IDENTIFIED AS 802 CHEROKEE ROAD, 806 CHEROKEE ROAD, 812 CHEROKEE ROAD, AND 810 CONGAREE ROAD, TAX MAP NUMBERS 90064-11-006, 90064-11-007, 90064-11-013, AND 90064-11-012 FROM NEIGHBORHOOD CONSERVATION-6.1 ZONING DISTRICT TO NEIGHBORHOOD CONSERVATION-6.3 ZONING DISTRICT:

WHEREAS, a Public Hearing was held in City Council Chambers on September 14, 2021 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the property owners made application to rezone from NC-6.1, Neighborhood Conservation-6.1 District to NC-6.3, Neighborhood Conservation-6.3;

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 NC-6.3**
- 2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.**

ADOPTED THIS _____ DAY OF _____, 2021

Approved as to form:

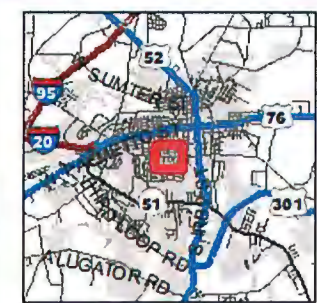
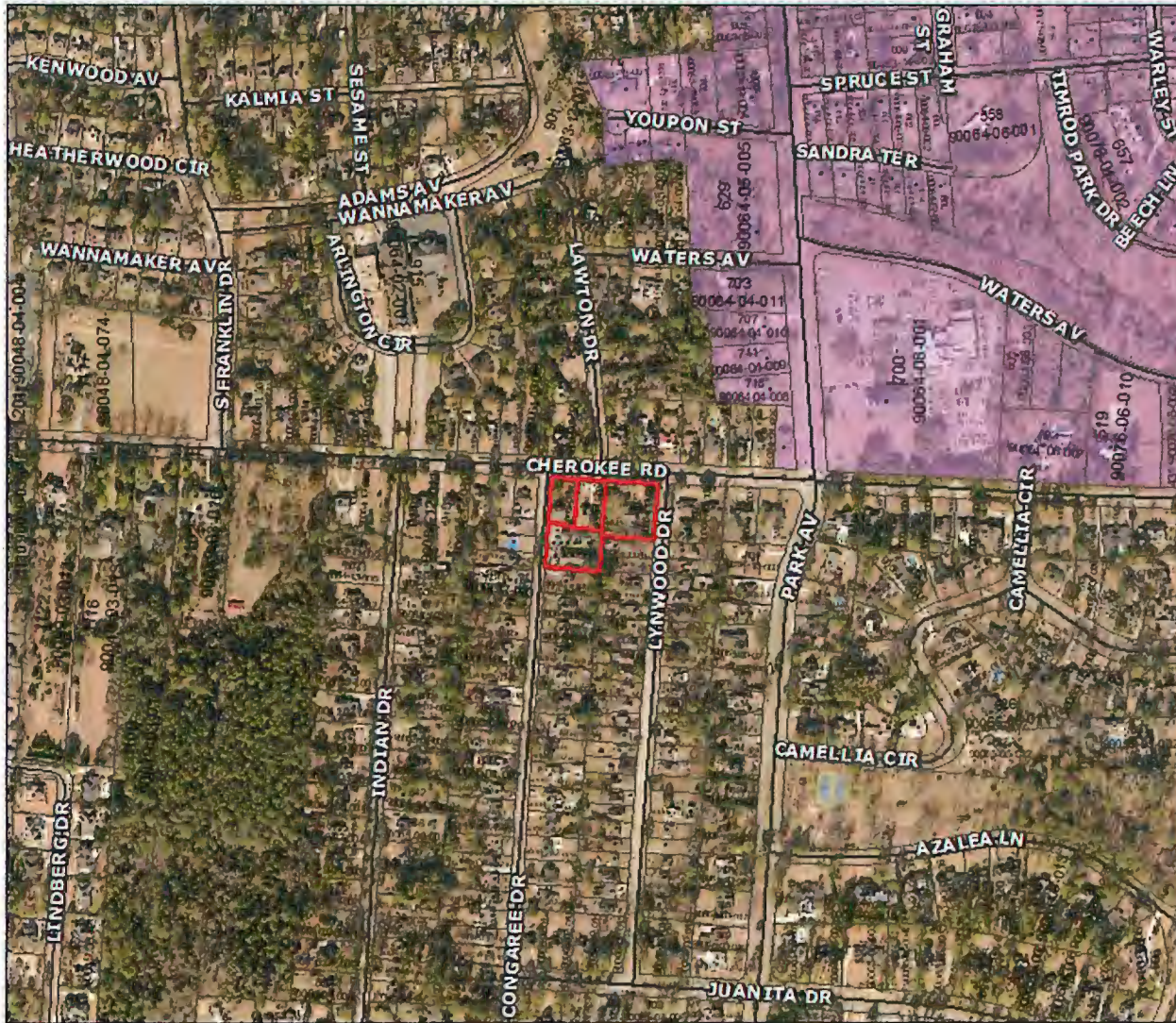
James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Casey C. Moore
Municipal Clerk

Vicinity Map - Cherokee Road Rezoning



Legend

-  Parcels
-  Timrod Park Overlay District
-  Proposed Parcel



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Date: 9/29/2021

Location Map - Cherokee Road Rezoning

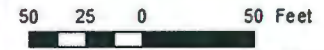


Legend

-  Parcels
-  Timrod Park Overlay District
-  Proposed Parcel

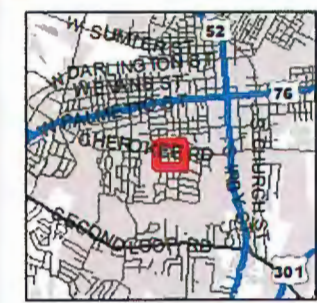
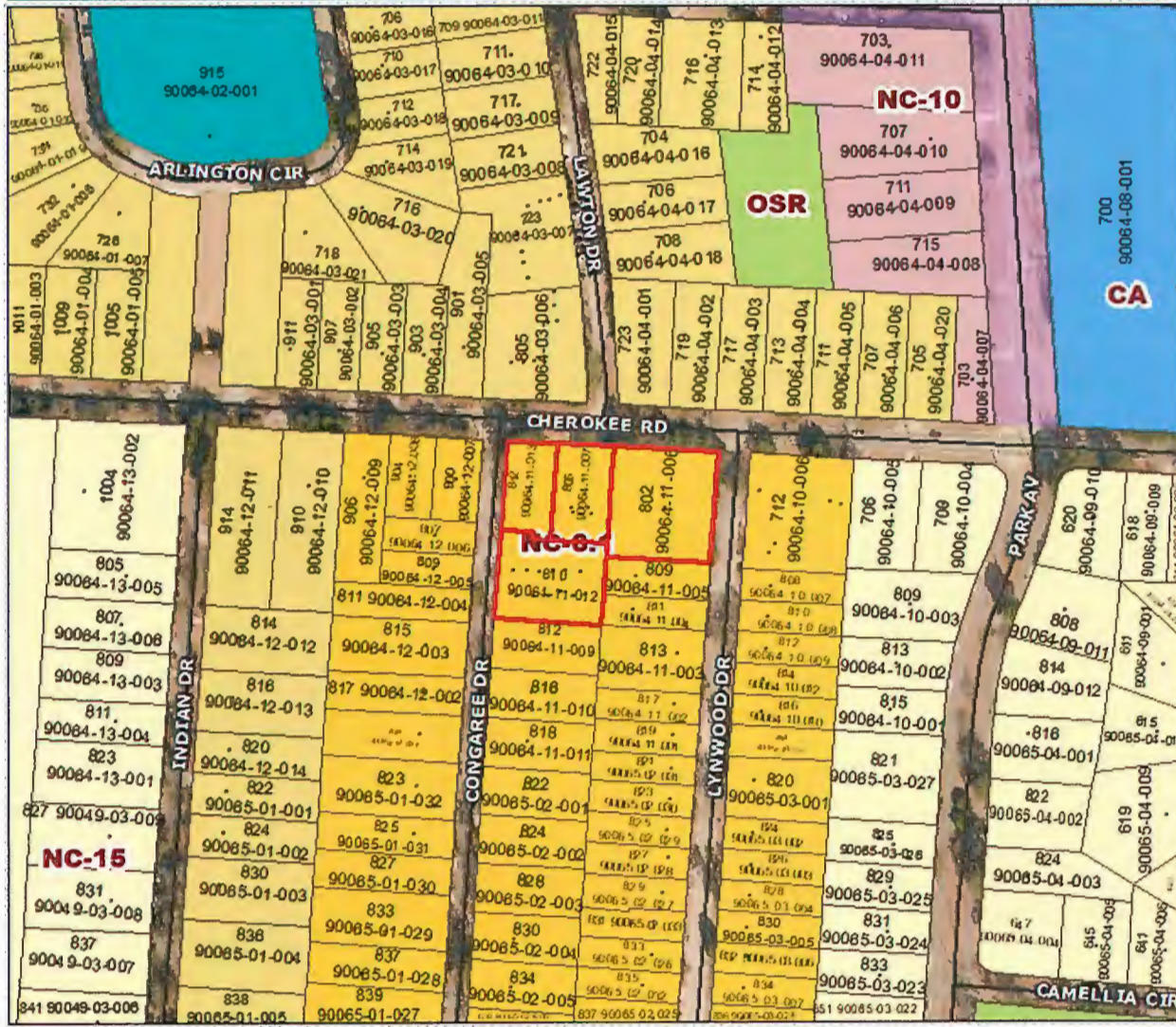


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Date: 9/29/2021

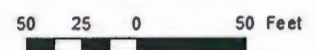
Current Zoning Map - Cherokee Road Rezoning



- Legend**
- Parcels
 - Timed Park Overlay District
 - Zoning District**
 - Agricultural and Open Space Districts**
 - OSR
 - Neighborhood Conservation Sub-Districts**
 - NC-15
 - NC-10
 - NC-6.1
 - Business and Commercial Districts**
 - CA
 - Proposed Parcel

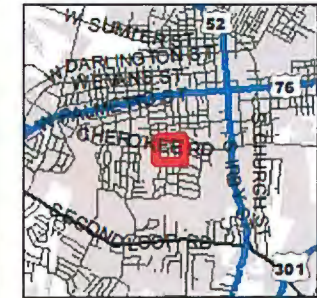
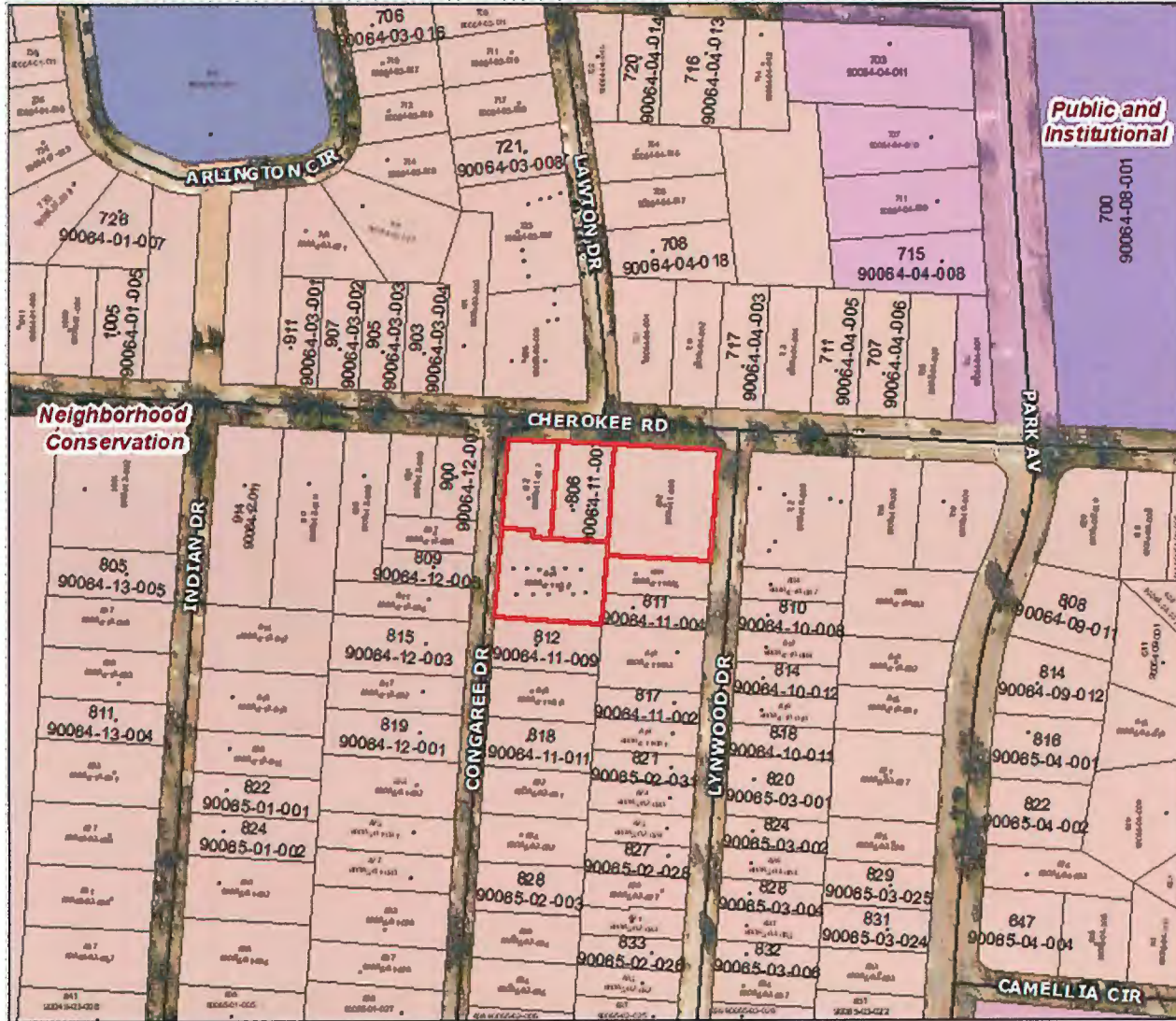


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Date 9/29/2021

Future Land Use Map - Cherokee Road Rezoning

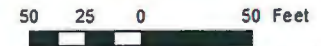


Legend

-  Parcels
-  Timrod Park Overlay District
- Future Land Use 2010**
- Future Land Use**
-  Neighborhood Conservation
-  Parks and Open Space
-  Public and Institutional
-  Proposed Parcel



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Date: 9/29/2021

FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021

AGENDA ITEM: An ordinance utilizing authority found in §23-31-220 and §23-31-520 of the South Carolina Code of Laws, as amended, to prohibit open carry of “firearms” at all events permitted by the City of Florence and to expand the current prohibition of concealable weapons on properties owned or operated by the City to include both concealed and open carry of “concealable weapons” by amending sections 14-20, 19-52, 19-53, 19-54, and 19-57 and by adding Article V to Chapter 2 of the City Code of Ordinances.

DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

In response to the recent passage of the Open Carry with Training Act by the South Carolina Legislature, this ordinance would utilize the authority granted to municipalities by the Act to prohibit the open carry of firearms at events permitted by the City and would prohibit both the open and concealed carry of concealable weapons on properties owned or operated by the City or while using any machinery, vehicle, or equipment owned or operated by the City.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- A. On May 17, 2021, the Governor of South Carolina signed the “Open Carry with Training Act” into law with a 90-day implementation period. This law redefines “concealable weapon” to allow open carry of certain weapons in South Carolina.
- B. Section 23-21-220 of the Act makes it clear that the new law does not affect the right of a public or private entity from prohibiting the carrying of a concealable weapon, “...whether concealed or openly carried, upon the premises of the business or workplace or while using any machinery, vehicle, or equipment owned or operated by the business...”.
- C. Section 23-31-520(A) of the Act further provides as follows:
- Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property when a governing body issues a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and issued prior to an event as described in this subsection, a county, municipality, or political subdivision may not exercise the provisions of this subsection. A person or entity hosting a public protest, rally, fair, parade, festival or other organized event must post signs at the event when open carrying is allowed or not allowed at the event.
- D. The carrying of concealed weapons on properties owned or operated by the City has historically been prohibited, and the required signage has been posted.

- E. With the new statutory provisions allowing open carry of concealable weapons, the City can amend its historical position on concealable weapons on properties it owns or operates to expand the prohibition to include both concealed carry and the newly allowed open carry as allowed by §23-31-220.

III. POINTS TO CONSIDER:

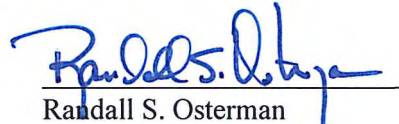
- A. Sections 23-31-220 and 23-31-520 specifically authorize a City to limit open carry in properties they own and operate and at events for which they issue a permit on public property.
- B. In order to be able to restrict open carry at public protest and picket events, they must be events for which the City issues a permit. The proposed change to Sec. 19-57 adds a permit requirement to the current notice requirement to bring such events under §23-31-520.

IV. STAFF RECOMMENDATION

Staff supports the proposed Ordinance changes as being in the best interest of the City and recommends City Council approval and adoption of the proposed Ordinance.

V. ATTACHMENTS:

The Ordinance with attached Exhibits


Randall S. Osterman
City Manager

ORDINANCE NO. 2021-_____

AN ORDINANCE UTILIZING AUTHORITY FOUND IN §23-31-220 AND §23-31-520 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED, TO PROHIBIT OPEN CARRY OF “FIREARMS” AT ALL EVENTS PERMITTED BY THE CITY OF FLORENCE AND TO EXPAND THE CURRENT PROHIBITION OF CONCEALABLE WEAPONS ON PROPERTIES OWNED OR OPERATED BY THE CITY OF FLORENCE TO INCLUDE BOTH CONCEALED AND OPEN CARRY OF “CONCEALABLE WEAPONS” BY AMENDING SECTIONS 14-20, 19-52, 19-53, 19-54, AND 19-57 AND BY ADDING ARTICLE V TO CHAPTER 2 OF THE CITY CODE OF ORDINANCES.

Incident to adoption of this Ordinance, City Council ("Council") makes the following findings of fact:

1. On May 17, 2021, the Governor of South Carolina signed the “Open Carry with Training Act” into law with a 90-day implementation period. This law redefines “concealable weapon” to allow open carry of certain weapons in South Carolina.
2. Section 23-21-220 of the Act makes it clear that the new law does not affect the right of a public or private entity from prohibiting the carrying of a concealable weapon, “...whether concealed or openly carried, upon the premises of the business or workplace or while using any machinery, vehicle, or equipment owned or operated by the business ...”.
3. Section 23-31-520(A) of the Act further provides as follows:

Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property when a governing body issues a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and issued prior to an event as described in this subsection, a county, municipality, or political subdivision may not exercise the provisions of this subsection. A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs at the event when open carrying is allowed or not allowed at the event.
4. The carrying of concealed weapons on properties owned or operated by the City has historically been prohibited, and the required signage has been posted.

5. With the new statutory provisions allowing open carry of concealable weapons, the City finds that it should amend its historical position on concealable weapons on properties it owns or operates to expand the prohibition to include both concealed carry and open carry as allowed by §23-31-220.
6. In addition, with respect to events permitted by the City pursuant to Chapter 19, Article III of the Florence Code of Ordinances, we find and conclude that the statutory allowance of open carry of concealable weapons creates the additional dangers, including but not limited to the concerns listed below, all of which make it in the best interest of the city and its residents and visitors that the City act in accordance with §23-31-520(A) to restrict the carrying of firearms at events permitted by the City. The dangers and concerns identified at this time are the following:
 - (a) Open carry of firearms in crowded venues raise serious issues from the danger that such weapons may be stolen or that their presence may cause incidents of physical confrontations as a result of attempts to steal or confiscate such weaponry.
 - (b) The individual and/or their openly carried firearm are more likely to become the target of a violent offender.
 - (c) People who open carry are more apt to use a readily available firearm in a situation where deadly force is not justified.
 - (d) Open carry causes concern for many people and crowded venues can exaggerate the level of concern.
 - (e) It is anticipated that open carry will generate more law enforcement calls for service from people who are concerned by the open presence of firearms in a crowded venue.
7. The prohibition of concealable weapons on properties owned or operated by the City requires signage as prescribed in detail by §23-31-220 and §23-31-235 of the SC Code of Laws, as amended.
8. The prohibition of open carry of firearms at events permitted by the City requires signage and notice as specified in §23-31-520.

NOW, THEREFORE, BASED UPON THE FINDINGS OF FACT SET OUT ABOVE, IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA AS FOLLOWS:

a. A new Article V, Section 2-300 is hereby added to the City Code of Ordinances pursuant to the authority set forth in §23-31-220 of the SC Code of Laws, as amended, to prohibit the carrying of a concealable weapon on properties owned or operated by the City or while using any machinery, vehicle, or equipment owned or operated by the City, whether concealed or openly carried, said new Code section to read in its entirety as set forth on Exhibit A hereto

b. Code Section 14-20 of the City Code of Ordinances is hereby repealed and replaced in its entirety so that it reads as set forth on Exhibit B hereto.

c. Code Section 19-52 of the City Code of Ordinances is hereby amended to add a new subparagraph (c) which shall read in its entirety as set forth on Exhibit C hereto.

d. Code Section 19-53 of the City Code of Ordinances is hereby amended pursuant to the authority set forth in §23-31-520 of the SC Code of Laws, as amended, to prohibit the open carrying of a concealable weapon at events permitted by the City to add a new subparagraph (6) which shall read in its entirety as set forth on Exhibit D hereto.

f. Code Section 19-54 of the City Code of Ordinances is hereby amended to add a new subparagraph (d) which shall read in its entirety as set forth on Exhibit E hereto.

g. Code Section 19-57 of the City Code of Ordinances is hereby amended to change subparagraph (a)(1) to read in its entirety as set forth on Exhibit F hereto and to repeal subparagraph (7) and add new subparagraphs (7), (8), and (9) to read in their entirety as set forth on Exhibit F hereto.

AND IT IS SO ORDAINED this ____ day of November, 2021.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
City Attorney

TERESA MYERS ERVIN
Mayor

ATTEST:

CASEY C. MOORE
Municipal Clerk

EXHIBIT A

New Chapter 2, Article V, Section 2-300

ARTICLE V. CITY OWNED BUILDINGS, PREMISES, WORKPLACES, EQUIPMENT, AND VEHICLES

Sec. 2-300. Prohibition of Concealable Weapons.

(a) Pursuant to the authority set forth in §23-31-220 of the SC Code of Laws, as amended, the City of Florence hereby prohibits the carrying of a concealable weapon on properties owned or operated by the City or while using any machinery, vehicle, or equipment owned or operated by the City, whether concealed or openly carried.

(b) The City will utilize signage as prescribed by §23-31-220 and §23-31-235 of the SC Code of Laws, as amended to notify the public of the prohibitions set forth in (a) above.

(c) The prohibition of carrying concealable weapons set forth above does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

EXHIBIT B

Code Section 14-20. Carrying Concealable weapons/Firearms, Whether Open or Concealed

Sec. 14-20. Carrying Concealable Weapons/Firearms, Whether Open or Concealed.

(a) It shall be unlawful to carry a concealable weapon, whether open or concealed, on properties owned or operated by the City or while using any machinery, vehicle, or equipment owned or operated by the City as prohibited by Sec. 2-300.

(b) It shall be unlawful to openly carry a firearm at events permitted by the City as prohibited by Sec. 19-53 and Sec. 19-54.

(c) It shall be unlawful to openly carry a firearm at picketing events permitted by the City as prohibited by Sec. 19-57.

(d) The prohibition of carrying concealable weapons and/or firearms set forth above does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

EXHIBIT C

Code Section 19-52 is Amended to add a new subparagraph (c) which will read as follows:

(c) The organizer of a permitted event, or the person designated in the permit as the one who will carry the maintain permit, shall be responsible for working with the city to post conspicuous signage at the permitted event location informing participants that the open carry of firearms is prohibited for the duration of the permitted event.

EXHIBIT D

Code Section 19-53 is amended to add a new subparagraph (6) which will read as follows:

- (6) Pursuant to the authority set forth in §23-31-520 of the SC Code of Laws, as amended, it shall be unlawful to openly carry a firearm at such events permitted by the City. Provided, however, the prohibition of openly carrying firearms set forth herein does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

EXHIBIT E

Code Section 19-54 is amended to add a new subparagraph (d) which will read as follows:

- (d) Pursuant to the authority set forth in §23-31-520 of the SC Code of Laws, as amended, it shall be unlawful for any member of the public to openly carry a firearm at a parade public assembly, or block party permitted by the City. Provided, however, the prohibition of openly carrying firearms set forth herein does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

EXHIBIT F

Code Section 19-57(a)(1) is Amended to read as follows:

(1) The organizer of the picketing event shall give written notice to the city and request a picketing permit at least twenty-four (24) hours prior to picketing unless such event is an ultra-spontaneous event occasioned by news or affairs coming into public knowledge on the same day of such picketing event, in which case the twenty-four (24) hour requirement shall be waived, but notice shall be given. The City Manager or the City Manager's designee shall issue a permit for the picketing event subject only to the requirements set forth below in subparagraphs (2)-(8).

Code Section 19-57(a) is Amended to repeal subparagraph (7) and add new subparagraphs (7), (8), and (9) which shall read as follows:

(7) For public safety reasons, the following are prohibited in the immediate proximity of pickets, and due notice shall be included in every picketing permit that these restrictions apply;

- (i) Open flames and combustible solids;
- (ii) Sticks, poles, selfie sticks, or other similar elongated solid objects capable of inflicting bodily harm as a striking or stabbing object, excluding commercially available corrugated cardboard tubing as the supporting article for signs, flags, and the like;
- (iii) Backpacks, satchels, bags, coolers, or similar personally carried containers exceeding six inches by eight inches by three inches, except when said container is completely clear and see-through;
- (iv) Pursuant to S.C. Code §23-31-520, as amended, the open carry of any firearm;
- (v) Any mechanical or handmade contrivance that launches any projectile of solid, liquid, or gaseous composition, including aerosols/pressurized canisters;
- (vi) Any stabbing, cutting, slicing, or striking blade, whether of metal or other solid composition;
- (vii) Any striking object, such as a bat, stick, brass knuckles, martial arts weapons, implement handles and the like, which would inflict bodily injury;

- (viii) Any fascial mask, headgear, or cloth worn over any portion of the face which prevents facial identification of a person 14 years of age or older;
- (ix) Any carried object that resembles or serves the purpose of a shield;
- (x) Any armor of defensive covering that resembles the purpose of a defensive body armor;
- (xi) Carried signage exceeding the size restrictions set forth in subsection (3) above; and
- (xii) Bicycles, automobiles, and mopeds.

This subsection shall not apply to law enforcement officers while in the discharge of their duties.

(8) Provided, however, the prohibition of openly carrying firearms set forth herein above does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

(9) The organizer of a picket, or the person designated in the permit as the one who will carry the permit shall be responsible for posting conspicuous signage at the picketing location informing participants that the open carry of firearms is prohibited for the duration of the picket.

(10) Picketing done contrary to this section shall be unlawful and punishable pursuant to Sec. 1-7 of the City Code of Ordinances. Police or city personnel may confiscate any of the items listed in this Code Section if a picket participant refuses to remove the prohibited item from the picketing site, with the exception of firearms in accordance with S.C. Code Ann. §23-31-520. A firearm or ammunition may be seized or confiscated pursuant to a lawful arrest.

FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021

AGENDA ITEM: Resolution

DEPARTMENT/DIVISION: City Manager

I. ISSUE UNDER CONSIDERATION:

A resolution by the City of Florence City Council expressing its willingness to grant a request by the Town of Pamplico to release a portion of the City's designated water and sewer service area to Pamplico to allow for improvements of the Pamplico system and to serve residents of the area, as described and shown in Exhibit "A".

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

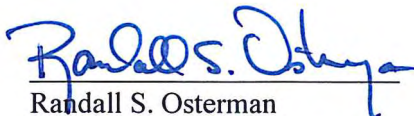
This is the initial consideration by City Council of this resolution.

III. POINTS TO CONSIDER:

1. The area requested by Pamplico contains approximately 5.84 square miles and is a portion of the service area granted to the City by Florence County in 2002. The City does not currently have any water/sewer lines or serve any customers in the requested area.
2. Pamplico desires, through a USDA grant, to improve and extend its system to improve reliability and service delivery. Pamplico could then provide water service to those customers in the improvement area.
3. The City of Florence has no current plans to extend mains or provide service in the requested area.
4. Approval of this Resolution by City Council would provide the basis upon which Florence County would be authorized to redesignate the requested area as part of Pamplico's water and sewer service area.

IV. ATTACHMENTS:

1. Proposed Resolution
2. Exhibit "A", describing the franchise area requested by the Town of Pamplico.



Randall S. Osterman

City Manager

RESOLUTION NO. 2021-_____

A RESOLUTION BY THE CITY OF FLORENCE CITY COUNCIL EXPRESSING ITS WILLINGNESS TO GRANT A REQUEST BY THE TOWN OF PAMPLICO TO RELEASE A PORTION OF THE CITY'S DESIGNATED WATER AND SEWER SERVICE AREA TO PAMPLICO TO ALLOW FOR IMPROVEMENTS OF THE PAMPLICO SYSTEM AND TO SERVE RESIDENTS OF THE AREA, AS DESCRIBED AND SHOWN IN EXHIBIT "A".

Findings of Fact

WHEREAS, The Town of Pamplico, through a grant, desires to improve and extend its system to improve reliability and service delivery; and

WHEREAS, Pamplico desires to provide water service to potential customers along the area of improvement; and

WHEREAS, Pamplico has requested that the City facilitate this project by allowing the transfer of the service area described and shown in Exhibit "A" from the City to the Town; and

WHEREAS, The City has no current plans to extend mains or provide service in the requested area; and

WHEREAS, It is the City's desire to assist Pamplico in upgrading the reliability of the Town's water system and making community water service available to residents within the requested area;

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

a. That the City of Florence is willing to grant a request by the Town of Pamplico to release a portion of the City's designated water and sewer service area, as described and shown in Exhibit "A" to the Town; and,

b. That the City of Florence requests Florence County Council to assist Pamplico in effecting the transfer of this service area to the Town.

EXECUTED ON ONE (1) ADDITIONAL PAGE

Resolution No. 2021-_____

AND IT IS SO RESOLVED this _____ day of October, 2021.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
City Attorney

TERESA MYERS ERVIN
Mayor

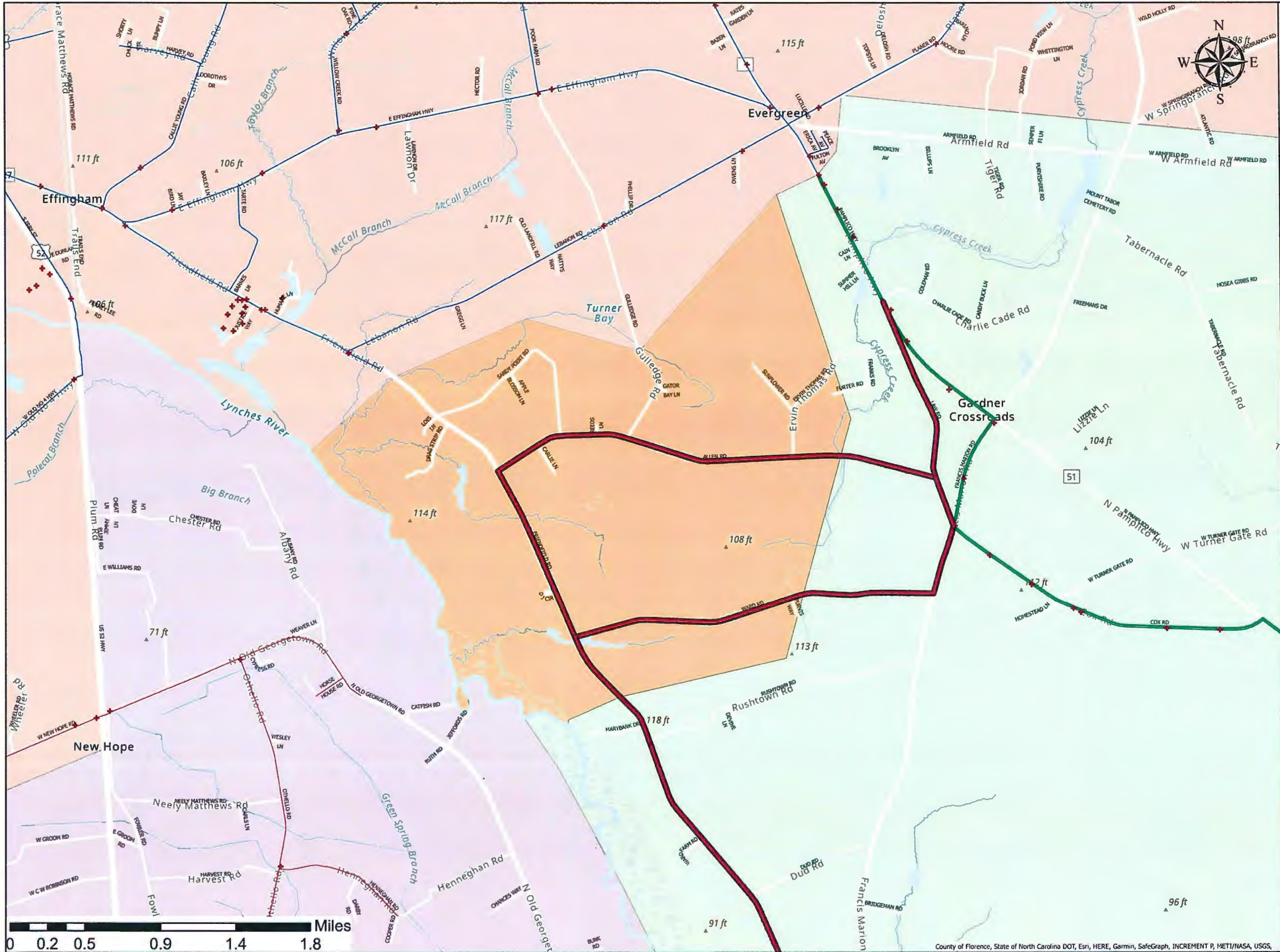
ATTEST:

CASEY C. MOORE
Municipal Clerk

EXHIBIT "A"

Description of Franchise Area to be Transferred to Pamplico

The proposed franchise area to be transferred to the Town of Pamplico includes approximately 5.84 square miles covering portions of Allen Road, Ward Road, Gullede Road, Sandy Point Road and other roads. The area to be transferred is shown on a map by Eastern Engineering of SC titled "Franchise Area Request to Transfer from Florence" dated September 3, 2021. The area is bounded by beginning at a point along the existing Florence Franchise area contiguous to the Pamplico Franchise Area approximately 2,233 feet south of the intersection of Lebanon Road and Pamplico Highway. From this point, continuing along the existing boundary south-southeasterly approximately 7,440 feet to a point 1,215 feet north of Allen Road. Thence, continuing along the existing boundary south-southwesterly, crossing Allen Road and Ward Road, approximately 7,855 feet to a point approximately 2,110 feet south of Ward Road. Thence, continuing along the existing boundary west-southwesterly approximately 5,408 feet to a point on Friendfield Road that is approximately 2,372 feet southeast of the intersection of Friendfield Road and Ward Road. Thence, continuing southwesterly along the existing boundary approximately 2,000 feet to the Lynches River. Thence, continuing northwesterly along the run of Lynches River to a point approximately 3,410 feet southwest of the intersection of Lebanon Road and Friendfield Road. Thence, continuing northeasterly approximately 3,602 feet to a culvert approximately 1,695 feet southeast of the intersection of Lebanon Road and Friendfield Road. Thence, continuing northeasterly approximately 4,575 feet to a point along the blue line stream that is approximately 1,819 feet south of the intersection of Old Landfill Road and Lebanon Road. Thence, continuing east southeasterly approximately 3,718 feet to a culvert approximately 4,102 feet south of the intersection of Lebanon Road and Gullede Road. Thence, continuing approximately 6,000 feet northeast to the point of origination.



108 South Acline Street
 P.O. Box 1322
 Lake City, SC 29560
 (843)374-8030



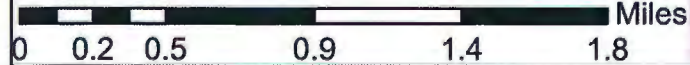
Water Lines	Franchise Areas
Coward	Coward
Florence City	Florence
Johnsonville	Johnsonville
Lake City	Lake City
Pamplico	Olanta
Scranton	Pamplico
USDA Project	Scranton
Hydrants	Timmonsville
	Florence Transfer



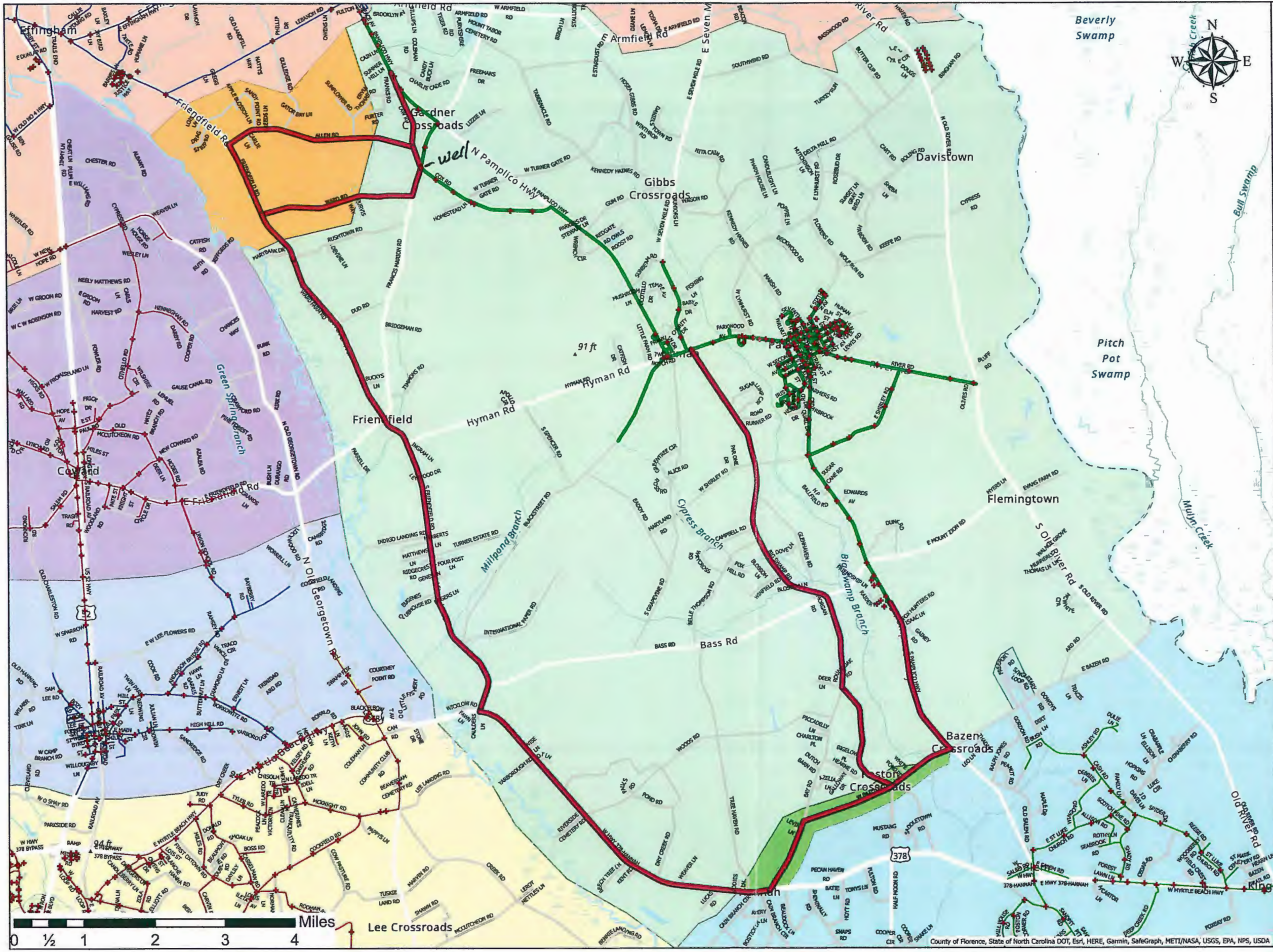
Pamplico Water System
 Franchise Area Request to Transfer from
 Florence

September 3, 2021

Map
 Sheet 1 of 1



County of Florence, State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS,




**EASTERN
ENGINEERING OF SC**
SINCE 1937

108 South Acline Street
P.O. Box 1322
Lake City, SC 29560
(843)374-8030



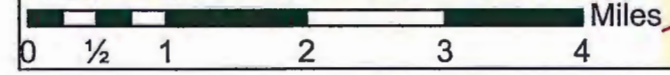

Water Lines	Franchise Areas
— Coward	— Coward
— Florence City	— Florence
— Johnsonville	— Johnsonville
— Lake City	— Lake City
— Pamplico	— Olanta
— Scranton	— Pamplico
— USDA Project	— Scranton
♦ Hydrants	— Timmonsville
	— Johnsonville Transfer
	— Florence Transfer



Pamplico Water System
Master Plan

July 8, 2021

Map
Sheet 1 of 1



County of Florence, State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

VIII. b.
Resolution No.
2021-36

FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: City Council
Sponsored Councilman Chaquez McCall

I. ISSUE UNDER CONSIDERATION:

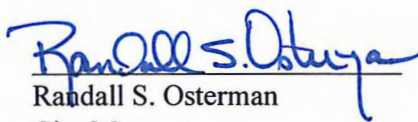
A Resolution by the City of Florence recognizing October as “National Bullying Prevention Month.”

II. POINTS TO CONSIDER:

1. More than one out of every five students are the victims of bullying.
2. Bullying can result in physical injury, social and emotional distress, self-harm, and even death. It also increases the risk for depression, anxiety, sleep difficulties, lower academic achievement, and dropping out of school.
3. Bullying is preventable by being aware of the warning signs, fostering a culture of trust and support, and taking appropriate action.

III. ATTACHMENTS:

1. Proposed Resolution


Randall S. Osterman
City Manager

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

RESOLUTION 2021-__

A Resolution by the City of Florence recognizing October as “National Bullying Prevention Month.”

WHEREAS, bullying is physical, verbal, sexual, or emotional harm or intimidation intentionally directed at a person or group of people; and

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools, and online through technology; and

WHEREAS, researchers have concluded that bullying is the most common form of violence affecting millions of American children and adolescents annually; and

WHEREAS, targets of bullying are at an increased risk for depression, anxiety, sleep difficulties, lower academic achievement, and dropping out of school and students who are repeatedly bullied often fear such activities as riding the bus, going to school, interacting online, and attending community activities; and

WHEREAS, children who bully are at greater risk of engaging in more serious violent behaviors; and

WHEREAS, children who witness bullying often feel less safe, helpless to stop it, and intimidated.

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

The City of Florence recognizes October as “National Bullying Prevention Month” and encourages citizens to engage in a variety of awareness and prevention activities designed to make the community safer for all children and adolescents.

RESOLVED THIS 11th DAY OF OCTOBER, 2021.

Approved as to form:

James W. Peterson, Jr., City Attorney

Teresa Myers Ervin, Mayor

ATTEST:

Casey C. Moore, Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: City Council
Sponsored Mayor Teresa Myers Ervin

I. ISSUE UNDER CONSIDERATION:

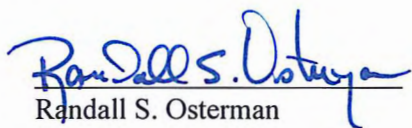
A Resolution by the City of Florence recognizing the third Saturday of July as “The Pee Dee Youth Day.”

II. POINTS TO CONSIDER:

1. The Pee Dee Youth Day brings attention to the difficulties and challenges today’s youth face in the Pee Dee.

III. ATTACHMENTS:

1. Proposed Resolution


Randall S. Osterman
City Manager

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

RESOLUTION 2021-__

A Resolution by the City of Florence recognizing the third Saturday of July as “The Pee Dee Youth Day.”

- WHEREAS,** children today face challenging circumstances and risks associated with drug, alcohol, and tobacco use, juvenile crime and delinquency, suicide, teen pregnancy, school dropout, domestic violence, sexual abuse, gang activity, bullying, broken families, and peer pressure; and
- WHEREAS,** providing children with support and the very best opportunities to lead productive and fulfilling lives is a responsibility we all share; and
- WHEREAS,** young people need stability, workable values and good examples by which to live, and those who demonstrate good judgement and common sense help bring order to all our lives; without guidelines of decency and civility, all nations and societies, and the individuals that comprise them, cannot survive; and
- WHEREAS,** we all share a commitment to care for our children, and can best do so by serving as living examples of integrity, honesty, tolerance, and understanding for our youth; and
- WHEREAS,** it is fitting that we rededicate our efforts to maintain a society that emphasizes a way of life structured upon a wholesome and nurturing environment for all our children; and
- WHEREAS,** beneath all that troubles this world lies a moral crisis where old social values have been broken and new moral values have not replaced them; and
- WHEREAS,** our greatest resources are our children, parents, officials and residents of all the Pee Dee counties, and they can help make a difference with their commitment to reduce and eliminate drug use/abuse, crime, violence, brutality, illiteracy, child abuse, and other social ills from our world by setting the examples here in our state and our counties of the Pee Dee.

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

The City of Florence recognizes the third Saturday of July to be “The Pee Dee Youth Day.”

RESOLVED THIS 11 DAY OF OCTOBER, 2021.

Approved as to form:

James W. Peterson, Jr., City Attorney

Teresa Myers Ervin, Mayor

ATTEST:

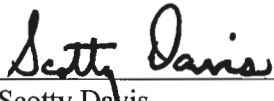
Casey C. Moore, Municipal Clerk

IX. a.
Reports to Council
Appts. Boards/Comm

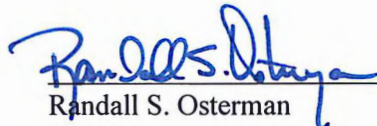
FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021
AGENDA ITEM: Report to Council
DEPARTMENT/DIVISION: City Council

- I. ISSUE UNDER CONSIDERATION:**
Council will consider nominations for City Boards and/or Commissions.
- II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**
There are five (5) Boards or Commissions that have either vacancies and/or expired terms.
- III. ATTACHMENTS:**
(1) Spreadsheet of Council Nominations to Boards and Commissions.
(2) Nomination Packet.



Scotty Davis
Deputy City Manager



Randall S. Osterman
City Manager

SCHEDULE OF COUNCIL NOMINATIONS TO BOARDS AND COMMISSIONS - OCTOBER 2021

	District 1	District 2	District 3	At-Large 1	At-Large 2	At-Large-3	Mayor
	Schofield	Moore	Braddock	Jebaily	Barnes	McCall	Ervin
City of Florence Board of Zoning Appeals						x	
Construction & Maintenance Board							x ²
Aesthetics Advisory Committee		x			x	x	x
Resilience and Sustainability Advisory Committee	x	x	x	x	x	x	x
Public Safety Citizen's Review Board							x

CITY OF FLORENCE BOARD OF ZONING APPEALS

I. NOMINATIONS:

There is one (1) expired term on the Board of Zoning Appeals.

II. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Councilman McCall

III. SEEKING REAPPOINTMENT:

- Nathaniel Poston

IV. NEW APPLICANT(S):

- Michael (Tommy) Phillips

V. ATTACHMENTS:

- Letters of interest from current board members
- Applications received



FULL LIFE. FULL FORWARD.
FLORENCE
SOUTH CAROLINA

OFFICE OF THE CITY MANAGER

TEL: (843) 665-3113

FAX: (843) 665-3110

April 27, 2021

Mr. Nathaniel Poston
P.O. Box 3426
Florence, SC 29502

Dear Mr. Poston,

Our records indicate that your term on the Board of Zoning Appeals will expire on June 30, 2021. City Council will begin reviewing vacancies and expired terms on City Boards and Commissions at their July meeting.

If you wish to be considered for reappointment to the Board of Zoning Appeals or if you would like to discontinue serving, please indicate your choice by marking the appropriate blank below. Please sign and return this letter to our office and keep the enclosed copy for your records.

The City of Florence appreciates your past service on this Board. If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

Randall S. Osterman
City Manager

I would like to be considered for reappointment to the Board of Zoning Appeals.

I do not want to be considered for reappointment to the Board of Zoning Appeals.

Signature

5-1-2021
Date

Entry #: 34

Date Submitted: 7/23/2021 5:40 PM

Board or Commission for which you are applying:
City of Florence Board of Zoning Appeals

Your Name
Phillips, Michael T. (Tommy)

County
Florence

Council District
District 3

Email Address
mtommyp@att.net

Residential Address
1703 Pineland Ave., Apt A, Florence, South Carolina 29501

Mailing Address
Same as residence, Florence, South Carolina 29501

Your Occupation - Title
Semi retired

Business Phone
(843) 661-0995

Residence Phone
(843) 669-4432

Employer Name
A Bail Bonds, Notary Public, B and L Properties, LLC, Silver Haired Legislature.

Employer Address
1703 Pineland Ave., Apt A

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
1958

Why would you like to serve?
I believe that my knowledge and experience with the city of Florence, will help me be of service to the City.

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

If so, please list:
Silver Haired Legislature

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

If so, please list:
Florence City Planning Com.
Florence Airport Com.

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:

Are you involved in any Community Activities?
Yes

If so, please list:
Past:
Completed the Citizen's Police Academy
Completed the "Leadership Florence" Program with the Chamber of Commerce

Chairman for the Florence County Republican (4 terms)

What are your goals and objectives if appointed to the Commission/Board?
Use my experience and knowledge to help make Florence a better place to live.

I certify that the information above is true and correct.

Today's Date
7/23/2021

Information on this form will be considered public.

Today's Date
7/23/2021

CONSTRUCTION AND MAINTENANCE BOARD OF ADJUSTMENTS AND APPEALS

I. NOMINATIONS:

There are two (2) vacancies on the Construction and Maintenance Board of Adjustments and Appeals.

- William Wilcox has indicated that he would not like to be considered for reappointment. Mr. Wilcox served as an Engineer.
- Gary Bullard has resigned his position. Mr. Bullard served as a Mechanical Contractor. The unexpired term of Mr. Bullard will expire on 06/30/2023.

II. APPOINTMENT REQUIREMENTS:

- (A) 1 – Engineer
- (B) 1 – Mechanical Contractor

III. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Mayor Ervin will make all nominations to this Board, per City Code.

IV. NEW APPLICANT(S):

- There are currently no qualified applicants for this Board.

V. ATTACHMENTS

AESTHETICS ADVISORY COMMITTEE

I. NOMINATIONS:

There are four (4) seats to be filled on the Aesthetics Advisory Committee. Terms of the initial appointees shall be staggered, as follows:

- Seats designated as seats 1 & 2 will serve initial terms of one (1) year.
- Seats designated as seats 3 & 4 will serve initial terms of two (2) years.
- Seats designated as seats 5, 6 & 7 will serve initial terms of three (3) years.

After the completion of initial terms, all members appointed shall serve three (3) year terms.

II. APPOINTMENT REQUIREMENTS:

Members must reside or be employed within the city limits.

III. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Councilwoman Barnes (Seat 3 – 2-year term)
- Councilman McCall (Seat 4 – 2-year term)
- Mayor Ervin (Seat 5 – 3-year term)
- Councilwoman Moore (Seat 7 – 3-year term)

IV. NEW APPLICANT(S):

- James Hicks

V. ATTACHMENTS

- Applications received

Entry #: 71

Date Submitted: 9/30/2021 1:14 PM

Board or Commission for which you are applying:
Aesthetics Advisory Committee

Your Name
JAMES HICKS

County
sc

Council District
District 1

Email Address
jh29505@gmail.com

Residential Address
1710 RAVEN DRIVE, FLORENCE, South Carolina 29505

Mailing Address
1710 RAVEN DRIVE, FLORENCE, South Carolina 29505

Your Occupation - Title

Business Phone

Residence Phone
(843) 319-4561

Employer Name

Employer Address

City
FLORENCE

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
20

Why would you like to serve?
Help and serve the city of Florence

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

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:

Are you involved in any Community Activities?
No

If so, please list:

President of Huntington Home Owners Association

What are your goals and objectives if appointed to the Commission/Board?
Help and serve the city of Florence

I certify that the information above is true and correct.

Today's Date
9/30/2021



Information on this form will be considered public.

Today's Date
9/30/2021



RESILIENCE & SUSTAINABILITY ADVISORY COMMITTEE

I. NOMINATIONS:

There are eight (8) seats to be filled on the Resilience and Sustainability Advisory Committee. Terms of the initial appointees shall be staggered, as follows:

- Seats designated as seats 1, 2 & 3 will serve initial terms of one (1) year.
- Seats designated as seats 4, 5 & 6 will serve initial terms of two (2) years.
- Seats designated as seats 7, 8 & 9 will serve initial terms of three (3) years.

After the completion of initial terms, all members appointed shall serve three (3) year terms.

II. APPOINTMENT REQUIREMENTS:

Members must reside or be employed within the city limits.

Membership will consist of the following:

- (A) 1 – Representative from a local energy company
- (B) 1 – Representative from a local university or college
- (C) 2 – Representatives from conservation or environmental organizations
- (D) 1 – Representative from District 1
- (E) 1 – Representative from District 2
- (F) 1 – Representative from District 3
- (G) 1 – Layperson, resident of the city

III. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Pro tem Jebaily (Seat 2 – 1-year term)
- Councilwoman Barnes (Seat 3 – 1-year term)
- Councilman McCall (Seat 4 – 2-year term)
- Mayor Ervin (Seat 5 – 2-year term)
- Councilman Schofield (Seat 6 – 2-year term)
- Councilwoman Moore (Seat 7 – 3-year term)
- Councilman Braddock (Seat 8 – 3-year term)
- Pro tem Jebaily (Seat 9 – 3-year term)

IV. NEW APPLICANT(S):

- Lauren Piner – meets qualifications of (D) and (G) above: Appointment Requirements
- Mindy Taylor – meets qualifications of (A) above: Appointment Requirements

V. ATTACHMENTS

- Applications received

Entry #: 66

Date Submitted: 9/15/2021 1:21 PM

Board or Commission for which you are applying:
Resilience and Sustainability Advisory Committee

Your Name: Lauren Piner County: Florence Council District: District 1

Email Address: lauren

Residential Address: 516 S Franklin Dr, Florence, Colorado 29501

Mailing Address: 516 S Franklin Dr, Florence, South Carolina 29501

Your Occupation - Title: Realtor Business Phone: Residence Phone: (843) 636-3880

Employer Name: eXp Realty

Employer Address: 170 Meeting St Ste 304 City: Charleston State: South Carolina

General Qualifications

Are you a resident of the City? Yes If so, how Long? 1

Why would you like to serve? I was on the Human Relations Commission in the city I lived before moving here. It was an amazing and fulfilling journey working closely with other members of the community to improve the lives of those in our city. Florence is a smaller city and I look forward to the possibility of making an even bigger impact. I don't want to just live in a neighborhood, city, community, I want to be part of it. I want to work with other community members to create a safe and sustainable home for all of us. Including those who will outlive me.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? No

If so, please list:

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

If so, please list: I served on the Human Relations Commission for the City of Aurora, CO for about 3 years. I stepped down because I was moving her.

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? No

If so, list the position and date:

Are you involved in any Community Activities? Yes

If so, please list: I regularly participate in plant talks at a local nursery. I also am an active member of the Chamber of Commerce and the Pee Dee Business and Professional Women's Networking Group. Going forward, I plan to begin volunteering with the local animal shelter (I've already helped with some feral cats). I've been in the city about 4 months now and I'm looking forward to finding other ways to get involved.

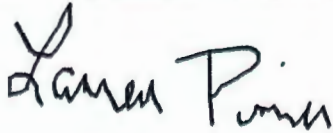
What are your goals and objectives if appointed to the Commission/Board? Florence is already a leader in sustainability in the area with its city sponsored recycling program as well as its Bee City and High Five Florence programs.

My first goal would be to learn more from the experts about where the city is thriving and how we can make change at a systemic level while also driving economic growth.

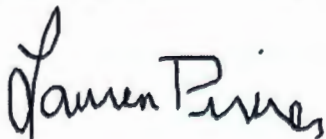
Beyond that, a primary goal would be to promote solar in the area. South Carolina has some of the best tax incentives in the country to convert to solar and it can make a huge difference in the power available to the city, while also putting more money in our community.

Finally, I'd like to ensure we have an educational component for the city at large so they know how best to serve their community and how different programs can help them. In many ways people can save time and money with sustainable projects (such as converting a portion of your yard to a bee habitat) but they need to know they're there.

I certify that the information above is true and correct. Today's Date: 9/15/2021



Information on this form will be considered public. Today's Date: 9/15/2021



Entry #: 69

Date Submitted: 9/21/2021 5:30 PM

Board or Commission for which you are applying:
Resilience and Sustainability Advisory Committee

Your Name
Taylor, Mindy Higgs

County
Florence

Council District
District 1

Email Address
mindy.taylor@duke-energy.com

Residential Address
2827 Hermitage Lane, Florence, South Carolina 29501

Mailing Address
1755 Mechanicsville Road, Florence, South Carolina 29501

Your Occupation - Title
District Mgr, Gov't & Community Relations

Business Phone
(843) 661-1480

Residence Phone
(843) 616-0186

Employer Name
Duke Energy

Employer Address
1755 Mechanicsville Road

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
No

If so, how Long?

Why would you like to serve?

Duke Energy is committed to sustainability and we are intensifying our focus on environmental, social and governance (ESG) considerations and accelerating our clean energy transformation. On behalf of Duke Energy, I want to partner with the city to help them with their sustainability goals.

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

If so, please list:
SC Energy Office - Energy Advisory Council

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

If so, please list:
Pee Dee Committee for Judicial Merit Selection

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:

Are you involved in any Community Activities?
Yes

If so, please list:
Current - Greater Florence Chamber of Commerce Board of Directors, The School Foundation Board of Directors, Greater Lake City Chamber of Commerce Board of Directors, Hartsville United Way Board of Directors

What are your goals and objectives if appointed to the Commission/Board?
To partner with the city to develop and attain their sustainability goals.

I certify that the information above is true and correct.

Today's Date
9/21/2021

Information on this form will be considered public.

Today's Date
9/21/2021

PUBLIC SAFETY CITIZEN'S REVIEW BOARD

I. NOMINATIONS:

There is one (1) seat to be filled on the Public Safety Citizen's Review Board. Terms of the initial appointees shall be staggered, as follows:

- Seats designated as seats 1 & 2 will serve initial terms of two (2) years;
- Seats designated as seats 3, 4, and 5 will serve initial terms of four (4) years;
- Seats designated as seats 6 & 7 will serve initial terms of three (3) years.

After completion of the initial terms, all members of the board will serve four (4) year terms.

II. APPOINTMENT REQUIREMENTS:

- Must be a city resident
- At least 21 years of age

III. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Mayor Ervin (Seat 3 – 4-year term)

IV. NEW APPLICANT(S):

- Marsden Alexander
- Robbie Epps
- Frederick Goethel
- Margaret Hawkins
- LaTisha Jackson
- Debra Montgomery
- Michael (Tommy) Phillips
- Ron Roberts
- Howard Simons
- Wattie Snowden

V. ATTACHMENTS

- Applications

Entry #: 60

Date Submitted: 8/30/2021 11:25 PM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Alexander, Marsden Wayne

County
Florence

Council District
District 1

Email Address
mwa4me@gmail.com

Residential Address
525 3rd Loop Rd- Unit ag, Florence, South Carolina 29504 ✓

Mailing Address
P. O. Box 15295, Florence, South Carolina 29504

Your Occupation - Title
Educator

Business Phone
(843) 615-6237

Residence Phone
(843) 496-0633

Employer Name
Sumter School District

Employer Address
1345 Wilson Hall Rd

City
Sumter

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
39

Why would you like to serve?

It is important to bridge the gap between the community and it's leadership. Serving on this board would give me the opportunity to serve the people of the city in which i was reared. I would like to provide insight and oversight ensuring a fair experience for the citizens of our city. Im eager for the opportunity and would love the opportunity to give back to an emerging community.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

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:

Are you involved in any Community Activities?
No

If so, please list:

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

1. Provide a fair and unbiased assessment protocol to the citizens of the city of Florence.
2. Protect the interests of the city and her citizens by offering transparency through partnership.
3. Proactively demonstrate a need for citizen involvement in processes that involve the people of Florence.
4. Promote the advantage given to individuals who live in our city.

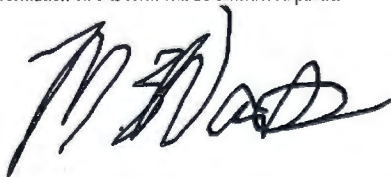
I certify that the information above is true and correct.

Today's Date
8/30/2021



Information on this form will be considered public.

Today's Date
8/30/2021



Entry #: 64

Date Submitted: 8/31/2021 10:55 AM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Epps, Robbie C

County
Florence

Council District
District 1

Email Address
dailylivingllc@yahoo.com

Residential Address
1625 Gregg Ave Unit A, Florence, South Carolina 29501

Mailing Address
1625 Gregg Ave Unit A, Florence, South Carolina 29501

Your Occupation - Title
Director of Operation

Business Phone
(843) 206-9042

Residence Phone
(843) 230-1918

Employer Name
Daily Living ADC LLC

Employer Address
500 Pamplico Hwy Ste: F

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
5

Why would you like to serve?

As a long time member of the fire dept. I was a fireman for 6yrs, and background in Law Enforcement for 4yrs. I can use my background education and experience too give some in sight on how to improve and keep the city moving forward.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

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

If so, please list:

Beautification Broad for the Town of Kingstree, as Staff Member.

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:

Are you involved in any Community Activities?
No

If so, please list:

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

I want to serve on boards and commissions as a means of gaining new skills, sharing diverse viewpoints, use my pre-existing passion for the cause, and anxious to serve on community.

I certify that the information above is true and correct.

Todays Date
8/31/2021

Information on this form will be considered public.

Todays Date
8/31/2021

Entry #: 51

Date Submitted: 8/4/2021 5:09 PM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Frederick S. Goethel

County
Florence

Council District
District 3

Email Address
fsgoethel@cs.com

Residential Address
1619 Brandon Dr, Florence, South Carolina 29505 ✓

Mailing Address
PO Box 3827, Florence, South Carolina 29502

Your Occupation - Title
Retired Fire Protection Engineer

Business Phone

Residence Phone
(209) 915-8979

Employer Name
Retired from Liberty Mutual Insurance Company

Employer Address
Berkley Street

City
Boston, Mass

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
2

Why would you like to serve?

I have always tried to give back to communities I live in and this Committee is in my area of expertise. I have been involved in the emergency services for years and feel I can bring knowledge and experience to the table. I have previously served as a firefighter, volunteer police officer, assistant fire marshal and with the emergency medical services.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

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

If so, please list:

When I lived in PA, I was Chairman of the Fire Code Appeals Board for 7 years in Plymouth Township. In California, where I last lived, I was on the Board of Trustees of The Sacramento/Yolo Mosquito and Vector Control District, Member of the Sacramento Cemetery Advisory Commission, and spent 7 years as a Trustee with the Galt-Arno Cemetery District. I also served on the Board of the Galt Fire Protection District until it merged with the Consumes Fire Department and then was a member of the Merger Committee.

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?
No

If so, list the position and date:

Are you involved in any Community Activities?
No

If so, please list:

Not yet. We have just gotten settled into the community due to the pandemic.

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

To hear complaints as needed and judge the merits fairly and impartially, without bias and prejudice.

I certify that the information above is true and correct.

Today's Date
8/4/2021



Information on this form will be considered public.

Today's Date
8/4/2021



Entry #: 50

Date Submitted: 7/28/2021 11:35 AM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Hawkins, Margaret M

County
Florence

Council District
District 3

Email Address
Stephen65Roses@aol.com

Residential Address
3076 Wild Turkey Dr, Effingham, South Carolina 29541 ✓

Mailing Address
3076 Wild Turkey Drive, Effingham, South Carolina 29541

Your Occupation - Title
RN- (Not currently working)

Business Phone

Residence Phone
(843) 407-7671

Employer Name

Employer Address

City

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
37

Why would you like to serve?

I have a great passion for the Public Safety of all the citizens of Florence. I'm the daughter of a retired Detroit Police Officer. I know the importance of keeping our communities safe and of having a relationship with our law enforcement departments. I started a Neighborhood Watch, years ago, in our former neighborhood. I have established a Neighborhood Watch in our current neighborhood, Wild Bird Run. I'm the head of our Neighborhood Watch. I have done many things in our neighborhood to make it a nice place to live. I feel that I can be an asset to the Public Safety Citizen's Review Board. I'm a nurse (currently not working) so I'm used to working with the Public during very trying times and happy times in their lives. I feel that I have great compassion and empathy that I can bring to this Commission. I believe that my life experiences, both personal and professional, can add to my serving on this Commission.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

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:

Are you involved in any Community Activities?
No

If so, please list:

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

1. To ensure the Public Safety of all of the citizens in the city of Florence.
2. To help ensure a good relationship between Law Enforcement and the public, as I feel this is important to build a good repoire between both and thus help with the safety of the public.
3. To be fair and have an open mind.
4. To share my experiences if they will add to the objectives of the Commission

I certify that the information above is true and correct.

Todays Date
7/28/2021

Information on this form will be considered public.

Todays Date
7/28/2021

Entry #: 67

Date Submitted: 9/16/2021 3:36 PM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Jackson, LaTisha Simone

County
Florence

Council District
District 2

Email Address
lsimonej@gmail.com

Residential Address
709 Malloy St, Florence, South Carolina 29506-6456

Mailing Address
709 Malloy St., Florence, South Carolina 29506

Your Occupation - Title
Addictions Counselor

Business Phone
(843) 519-1684

Residence Phone
(843) 230-0540

Employer Name
Vocational Rehabilitation

Employer Address
1709 Stokes Rd

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
25

Why would you like to serve?

I'm very concerned about the matters that are going on in the community and feel that I would give valuable input. When it comes to the treatment of the citizens of Florence I will be able to bring innovative ideas as well as be non-judgmental towards others that may not share the same ideology as I do.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

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:

Are you involved in any Community Activities?
No

If so, please list:

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

My goal will be to improve communication flow between Florence police department and the community, help identify and collaborate on public safety issues, and help encourage a positive dialogue between the citizens of Florence specifically around policing and recognizing the evolving relationship between law enforcement and the community.

I certify that the information above is true and correct.

Today's Date
9/16/2021



Information on this form will be considered public.

Today's Date
9/16/2021



Entry #: 44

Date Submitted: 7/27/2021 9:56 AM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Debra Montgomery

County
Florence

Council District
District 1

Email Address
loumont9@gmail.com

Residential Address
600 West Sumter Street, Florence, South Carolina 29504

Mailing Address
600 West Sumter Street, Florence, South Carolina 29501

Your Occupation - Title
Retired

Business Phone

Residence Phone
(843) 662-1605

Employer Name
N/A

Employer Address

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
50

Why would you like to serve?

I believe in order to best serve the people you need a variety of people from various backgrounds to represent the residents in the city. I definitely fit the description. I belong to a minority and I am female with children and I am versed with working with the public.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

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:

Are you involved in any Community Activities?
No

If so, please list:
Church outreach

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

My goal and objectives would be to bring a fair and objective rationale to the table regarding issues affecting the city of Florence and all of it's citizens.

I certify that the information above is true and correct.

Today's Date
7/27/2021



Information on this form will be considered public.

Today's Date
7/27/2021



Entry #: 35

Date Submitted: 7/23/2021 5:57 PM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Phillips, Michael T.(Tommy)

County
Florence

Council District
District 3

Email Address
mtommyp@att.net

Residential Address
1703 Pineland Ave. ,Apt A, Florence, South Carolina 29501

Mailing Address
Same as residence, Florence, South Carolina 29501

Your Occupation - Title
Semi retired

Business Phone
(843) 661-0995

Residence Phone
(843) 669-4432

Employer Name
A Bail Bonds, Notary Public, B and L Properties, LLC, Silver Haired Legislature

Employer Address
1703 Pineland Ave., Apt A

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
1958

Why would you like to serve?
I believe that my knowledge and experience with the city of Florence, will help me be of service to the City.

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

If so, please list:
Silver Haired Legislature

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

If so, please list:
Florence City Planning Com.
Florence Airport Com.

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:

Are you involved in any Community Activities?
Yes

If so, please list:
Past:
Completed the Citizen's Police Academy
Completed the "Leadership Florence " Program with the Chamber of Commerce.

Chairman for the Florence County Republican party (4 terms)

What are your goals and objectives if appointed to the Commission/Board?
Use my experience and knowledge to help make Florence a better place to live.

I certify that the information above is true and correct.

Today's Date
7/23/2021

M T P

Information on this form will be considered public.

Today's Date
7/23/2021

M T P

Entry #: 41

Date Submitted: 7/27/2021 8:52 AM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Roberts, Ron

County
Florence

Council District
District 3

Email Address
rcroberts39@yahoo.com

Residential Address
PO BOX 7551-3204 Spiral Lane, Florence, South Carolina 29502 ✓

Mailing Address
PO BOX 7551, Florence, South Carolina 29502

Your Occupation - Title
Counselor

Business Phone
(843) 453-3372

Residence Phone
(843) 453-3372

Employer Name
FDTC

Employer Address
HWY 52

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
15

Why would you like to serve?

To make a difference in someone life and impact youth involvement also help make Florence City and County a better place to stay, live and enjoy life and make Florence a all American city and best place to live and work.

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

If so, please list:
Florence Center

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

If so, please list:
Florence center-present
Parks and Recreation board

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:
NA

Are you involved in any Community Activities?
Yes

If so, please list:
Church and School

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

To improve the communication with citizens and community to help bridge the gap on relations and make this town a all American city is my goal and stop the violence and crime.

I certify that the information above is true and correct.

Today's Date
7/27/2021

Information on this form will be considered public.

Today's Date
7/27/2021

Entry #: 68

Date Submitted: 9/17/2021 12:05 PM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Howard R Simons

County
Florence

Council District
District 1

Email Address
hsimons2000@verizon.net

Residential Address
651 King Ave, Florence, South Carolina 29501

Mailing Address
651 King Ave, Florence, South Carolina 29501

Your Occupation - Title
Retired

Business Phone

Residence Phone
(410) 294-0971

Employer Name

Employer Address

City

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
4

Why would you like to serve?

I would like to see citizens of Florence and the Florence Police Department work together in a partnership to solve problems in our communities. Gain a trusting relationship with law enforcement with the communities to assist in decreasing the current crime problems in the city. We need to help Florence Police Department do the good job that they are currently doing. I did serve on the Police Chief Advisory Board.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:

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:

Are you involved in any Community Activities?
Yes

If so, please list:

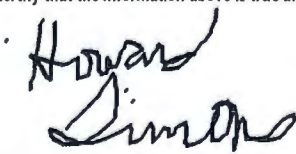
I am currently the President of Maple Park Neighborhood Association.

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

My main objective is to see the residents of Florence being able to sit down at a table to discuss the crime problems facing Florence. How the citizens can work together to discuss the mistrust with policing. The community and the Police Department has to work together to help Florence grow into a outstanding city t live in.

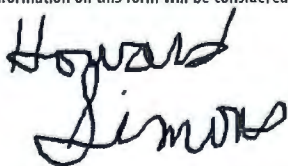
I certify that the information above is true and correct.

Todays Date
9/17/2021



Information on this form will be considered public.

Todays Date
9/17/2021



Entry #: 18

Date Submitted: 6/18/2021 9:52 AM

Board or Commission for which you are applying:
Public Safety Citizen's Review Board

Your Name
Snowden, Wattie Ervin III

County
Florence

Council District
District 3

Email Address
wattiesnowden@aol.com

Residential Address
1616 Hillside Avenue, Florence, South Carolina 29501

Mailing Address
1616 Hillside Avenue, Florence, South Carolina 29501

Your Occupation - Title
Retired

Business Phone
(843) 624-1524

Residence Phone
(843) 624-1524

Employer Name
N/A

Employer Address

City

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
20

Why would you like to serve?

I would like to give something back for all I have been afforded. I have served as a county, state, federal and international law enforcement officer during my career. I hold a Masters Degree in Criminal Justice from the University of South Carolina and a Bachelors degree in Political Science from Francis Marion. In addition I also served as an Ombudsman for The South Carolina Department of Corrections for over seven (7) years.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:
N/A

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
No

If so, please list:
N/A

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:

Are you involved in any Community Activities?
No

If so, please list:

I serve as a Major with the South Carlton State Guard.

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

To be able to serve the citizens as well as law enforcement of Florence by having an open mind to any issues that may be presented to this board.

I certify that the information above is true and correct.

Today's Date
6/18/2021

WES III

Information on this form will be considered public.

Today's Date
6/18/2021

WES III
I

IX. b.
Reports to Council
Accom. Tax Funds

FLORENCE CITY COUNCIL MEETING

DATE: October 11, 2021
AGENDA ITEM: Report to Council – Accommodations Tax
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Appropriation of Accommodations Tax funds for FY2021/22.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken by City Council for FY2021/22 Accommodations Tax funding requests.

III. POINTS TO CONSIDER

The recommendations of the Accommodations Tax Advisory Committee are attached.

IV. STAFF RECOMMENDATION

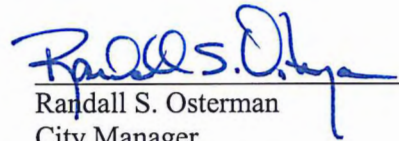
Approve the recommendation of the Advisory Committee.

V. ATTACHMENTS

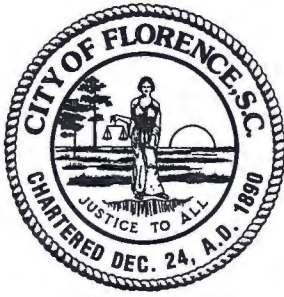
A memo and related information from the Accommodations Tax Advisory Committee is attached for City Council review.



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager



City of Florence, SC Memorandum

To: Teresa Myers Ervin and Members of City Council

From: City of Florence Accommodations Tax Advisory Committee

Subject: Accommodations Tax Funding Recommendations for FY 2021-22

Date: October 11, 2021

The Accommodations Tax Advisory Committee held meetings in August and September 2021 for the purpose of receiving and evaluating Accommodations Tax funding requests for fiscal year 2021-2022. Requests were received from twenty-five (25) organizations requesting "65% funds" and one (1) organization requesting "30% funding."

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

Preliminary projections indicate that approximately \$622,000 of the "65% funds" will be available for allocation to requesting agencies and an additional \$273,000 for tourism promotion in the "30% funds."

The Accommodations Tax Advisory Committee is again recommending to City Council that the 2021-2022 appropriations to the various arts organizations be routed through the Florence Regional Arts Alliance to enable that organization to receive additional grant funding through the South Carolina Arts Commission. The Florence Regional Arts Alliance will then disburse the Accommodations Tax funds directly to the funded arts organizations in the amounts appropriated by City Council. This arrangement enables the Arts Alliance to substantially increase its level of grant funding from the South Carolina Arts Commission for its Small Grants Program which benefits a large number of arts organizations in the Florence area. The organizations/events which will be funded in this manner include: **The Masterworks Choir, Florence Little Theatre, Florence Symphony Orchestra, Arts International Festival, Sankofa Festival, SC Dance Theatre, Lucky Shamrock Festival, and the Kickin' Chicken Wing and Chili Cookoff** in addition to the funding allocated for the Florence Area Arts Alliance.

Attached you will find the Accommodations Tax Requests for FY 2021-2022 report listing all organizations requesting funds for this year; the amount of funding received by these organizations for FY 2020-21; the amount of funds requested by the organizations for FY 2021-22; and the recommendations of the Advisory Committee (**Attachment 1**). You will also find attached an Accommodations Tax Financial Report for fiscal year ending June 30, 2021 (**Attachment 2**). In addition, an Accommodations Tax Projection of Receipts for FY 2021-22 is included for your information (**Attachment 3**). Also enclosed is a copy of the public notice printed in the local newspaper providing information concerning application for Accommodations Tax Funding (**Attachment 4**).

**CITY OF FLORENCE, SC
ACCOMMODATIONS TAX REQUESTS, RECOMMENDATIONS AND APPROPRIATIONS REPORT
FISCAL YEAR 2021-22**

	ORGANIZATION	Appropriated 2020-21	Requested 2021-22	Committee Recommended ¹	Appropriated 2021-22
A. 30% Funds for Tourism Promotion					
1.	Florence Convention & Visitors Bureau	\$263,000	\$273,000	\$273,000	
B. 65% Funds					
1.	Florence Regional Arts Alliance & Pee Dee Arts	\$13,400	\$18,800	\$11,300	
2.	The Masterworks Choir, Inc.	\$4,300	\$7,700	\$3,600	
3.	Florence Little Theatre	\$16,600	\$20,000	\$12,100	
4.	Florence Symphony Orchestra	\$5,800	\$8,000	\$4,100	
5.	Arts International Festival	\$19,200	\$15,000	\$10,900	
6.	Sankofa Festival	\$4,300	\$25,000	\$4,000	
7.	SC Dance Theatre	\$8,000	\$10,000	\$5,400	
8.	Lucky Shamrock Festival	\$700	\$2,500	\$600	
9.	Kickin' Chicken Wing and Chili Cookoff	\$2,400	\$3,000	\$1,900	
10.	Florence Museum	\$30,600	\$45,000	\$27,800	
11.	Carolina Classic Basketball Tournament	\$6,400	\$15,400	\$7,200	
12.	Freedom Florence, FTC, Soccer Complex & Gym	\$56,200	\$65,000	\$58,500	
13.	Florence Convention & Visitors Bureau	\$189,000	\$250,000	\$191,500	
14.	Florence Tennis Association	\$8,400	\$20,000	\$16,200	
15.	South Carolina Pecan Festival	\$25,800	\$30,000	\$21,800	
16.	Florence Center	\$102,000	\$150,000	\$117,600	
17.	Florence International Basketball Tournament	\$10,000	\$30,000	\$12,000	
18.	Car Haulers Parade	\$0	\$10,000	\$7,100	
19.	Florence Area Sports Council	\$18,000	\$25,000	\$19,500	
20.	Pee Dee Tourism Commission	\$18,200	\$20,000	\$16,900	
21.	SC Senior Sports Classic	\$3,600	\$4,000	\$3,400	
22.	Hwy 52 Frontage Road Beautification	\$14,000	\$30,000	\$14,000	

**CITY OF FLORENCE, SC
ACCOMMODATIONS TAX REQUESTS, RECOMMENDATIONS AND APPROPRIATIONS REPORT
FISCAL YEAR 2021-22**

ORGANIZATION	Appropriated 2020-21	Requested 2021-22	Committee Recommended ¹	Appropriated 2021-22
23. Wilson High Alumni Assn Homecoming Event	\$26,600	\$110,000	\$51,100	
24. Eastern South Carolina Mustang Club	\$3,600	\$5,000	\$3,500	
25. South Florence High School Softball Tournament		\$7,500	\$0	
Total - 65% Funds	\$587,100	\$7,500	\$622,000	\$0

Note 1: Including carryover funds from FY 2019-20, it is anticipated that the amount available for distribution to the requesting agencies of "65% funds" will be approximately \$622,000. The "30% funds" for tourism promotion is estimated to be approximately \$273,000.

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

**City of Florence, SC
Accommodations Tax Financial Report
Fiscal Year Ending June 30, 2021**

Total Accommodations Funds Received	\$837,166.07 *
Plus Carryover Funds from Prior Year	\$1,673.21
Plus Interest Earned	\$31.36
Less General Fund Standard Allocation	<u>-\$25,000.00</u>
Balance	\$813,870.64
Less 5% Funds Paid to General Fund	-\$40,608.29
Less 30% Funds Paid for Advertising/Promotion	-\$243,649.82
Balance = 65% Funds Available for Tourism	\$529,612.53
Less Appropriations Paid to Tourism Agencies	<u>-\$529,612.53</u>
TOTAL Year End Balance	\$0.00

*FY 2020-21 Accommodation Tax Funds Received from SC State Treasurer:

Quarter 1 Ending 09/30/2020:	\$192,598.35
Quarter 2 Ending 12/31/2020:	\$189,606.45
Quarter 3 Ending 03/31/2021:	\$149,206.44
Quarter 4 Ending 06/30/2021:	<u>\$305,754.83</u>
FY 2020-21 Accommodations Tax Total	\$837,166.07

FY 2012-13 Accommodations Tax Total	\$562,319.58	2.95%
FY 2013-14 Accommodations Tax Total	\$646,886.86	15.04%
FY 2014-15 Accommodations Tax Total	\$621,595.34	-3.91%
FY 2015-16 Accommodations Tax Total	\$701,155.09	12.80%
FY 2016-17 Accommodations Tax Total	\$807,888.48	15.22%
FY 2017-18 Accommodations Tax Total	\$833,598.51	3.18%
FY 2018-19 Accommodations Tax Total	\$983,219.03	17.95%
FY 2019-20 Accommodations Tax Total	\$886,246.20	-9.86%
FY 2020-21 Accommodations Tax Total	\$837,166.04	-5.54%

**City of Florence, SC
Accommodations Tax
Projections for FY 2021-22**

Accommodations Tax Funds Projected	\$937,626.00
Less \$25,000 to General Fund	-\$25,000.00
Subtotal	\$912,626.00
Less 5% of Balance to General Fund	-\$45,631.30
Less 30% of balance to Advertising/Promotion	-\$273,787.80
Balance for 65% Funds Distribution	\$593,206.90
Plus Carryover from Prior Year	<u>\$28,905.01</u>
Total Available for Tourism Expenditures	\$622,111.91

**City of Florence, SC
PUBLIC NOTICE**

The City of Florence has fiscal year 2021-2022 Accommodations Tax application packets available for distribution to agencies with a not-for-profit designation interested in applying for funding to be used for the purpose of tourism promotion, specifically to attract and provide for tourists in the Florence area. Requests for application packets should be addressed to Finance Department Manager/Controller, City of Florence, Finance Department, 3rd Floor, 324 West Evans Street, Florence, South Carolina 29501-3430, Telephone 665-3162. **Applications must be received by the City of Florence no later than Friday, July 16, 2021 to be eligible for funding consideration.**

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

Morning News: Sunday, June 27, 2021
 Wednesday, July 7, 2021