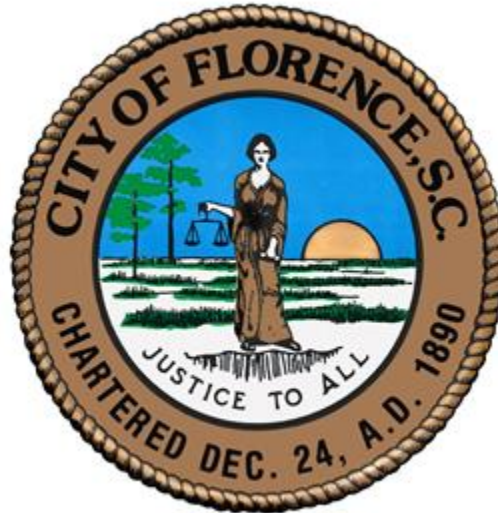


**REGULAR MEETING  
OF  
FLORENCE CITY COUNCIL**



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

**MONDAY  
October 10, 2022  
1:00 P.M.**



**REGULAR MEETING OF FLORENCE CITY COUNCIL  
MONDAY, OCTOBER 10, 2022 – 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 12, 2022 – Regular Meeting

**IV. APPEARANCES BEFORE COUNCIL**

*Note: Each person who gives notice to speak may be limited to a five (5) minute presentation at the discretion of the presiding officer, City of Florence Code of Ordinances, Section 2-24(h).*

**a. Ms. Martha Nance**

To speak to Council on problems in her neighborhood with yard waste collection.

**b. Mayor Teresa Myers Ervin**

Announcement of Mayor's Proclamation.

**V. ORDINANCES IN POSITION**

**a. Bill No. 2022-23 – Second Reading**

An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

**b. Bill No. 2022-24 – Second Reading**

An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

**c. Bill No. 2022-28 – Second Reading**

An Ordinance to annex and zone AC and OSR the parcel located at 2507 West Palmetto Street and identified as Florence County Tax Map Parcel and 00100-01-147.

**d. Bill No. 2022-30 – Second Reading**

An Ordinance authorizing the conveyance of the real estate known as Florence County Tax Map Parcel 90167-02-008, described more fully on Exhibit “A” to be attached to the Ordinance, said property to be utilized pursuant to the terms and conditions set out in the Conditional Grant and Development Agreement attached hereto as Exhibit “B” and approved hereby.

**e. Bill No. 2022-31 – Second Reading**

An Ordinance to amend Article I of Chapter 13 of the City of Florence Code of Ordinances to update the code provisions regarding business licensing.

**f. Bill No. 2022-33 – Second Reading**

An Ordinance to amend Article I and II of Chapter 12 of the City of Florence Code of Ordinances entitled “Municipal Utilities”.

**VI. INTRODUCTION OF ORDINANCES**

**a. Bill No. 2022-34 – First Reading**

An Ordinance to correct clerical errors made in the assignment of zoning designations during the adoption of the Unified Development Ordinance by correcting the City of Florence Zoning atlas to reflect the correct zoning designations on affected parcels.

**VII. INTRODUCTION OF RESOLUTIONS**

**a. Resolution No. 2022-30**

A Resolution to recognize the contributions of Grateful Dog.

**b. Resolution No. 2022-31**

A Resolution to reimburse the City from revenue bond proceeds.

**VIII. REPORTS TO COUNCIL**

**a. Appointments to Boards and Commissions**

**b. Appropriation of Accommodations Tax funds for FY2022/23**

**IX. COMMITTEE REPORTS**

**a. Business Development Committee**

**b. Community Development Committee**

**c. Marketing and Public Relations Committee**

**d. Finance, Audit and Budget Committee**

*(Note: Action may be taken during Committee Reports.)*

**X. ADJOURN**



**REGULAR MEETING OF FLORENCE CITY COUNCIL  
MONDAY, SEPTEMBER 12, 2022 – 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 Lethonia Barnes, Councilman Chaquez T. McCall, Councilman Bryan A. Braddock and Councilman C. William Schofield.

**MEMBERS ABSENT**

Councilwoman Pat Gibson-Hye Moore

**ALSO PRESENT**

Mr. Randall S. Osterman, City Manager; Mr. Scotty Davis, Deputy City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Casey Moore, Municipal Clerk; 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; Mrs. Jennifer Krawiec, Director of Human Resources; Mr. Jerry Dudley, Director of Planning; 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. Chris Day of the Florence Morning News was 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 12, 2022 regular meeting of Florence City Council to order at 1:02 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**



**FLORENCE CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 12, 2022**

Councilwoman Barnes made a motion to adopt the minutes of the August 8, 2022 regular meeting and the September 1, 2022 special meeting and Councilman Schofield seconded the motion. The minutes were unanimously adopted.

**APPEARANCES BEFORE COUNCIL**

**Ms. Jenny Boulware, Manager – Main Street South Carolina**

Ms. Jenny Boulware appeared before Council to present the Main Street South Carolina Outstanding Special Project award to the City of Florence, City Council and the Downtown Development office for the South Carolina Pecan Music and Food Festival rebranding. This award recognizes an innovative project that advances the downtown commercial district revitalization effort. Founded in 2003, the Festival has grown dramatically over the past 17 years. The Pecan Festival was canceled in 2020 allowing staff the opportunity to fully evaluate the event, which led to a complete rebrand. Ms. Boulware said the South Carolina Main Street awards program celebrates exceptional entrepreneurs, organizations and preservationists in main street communities across the state.

Mayor Ervin took the opportunity to acknowledge and thank Councilwoman Moore for her role in the Pecan Festival over the years as an original founder of the festival.

Pro tem Jebaily spoke and thanked the downtown development team for their efforts in the rebranding.

**Mr. Charlie Barrineau, Field Services Manager – Municipal Association of South Carolina**

Mr. Charlie Barrineau appeared before Council to present the City with the 2022 Joseph P. Riley Jr. Award in the economic development category for the Food, Artisan, and Warehouse District.

**Ms. Debra Runion**

Ms. Debra Runion appeared before Council to speak on violence in the community. She said gun violence is in Florence and Florence leaders are working to reduce the incidences of gun violence. She commended Councilwoman Barnes and Councilman McCall for the town hall hosted in February in which many workable solutions were brought forth and commended the task force between the City Police Department and the Florence County Sheriff's Office for their efforts to curb crime. She said the community expects leaders to provide safety in the community and to set the example of unity, kindness and harmony. Ms. Runion expressed her disappointment in a councilmember that agreed with comments that were made at the July Council meeting by a speaker. She said the community expects City Councilmembers to be proactive against community violence and lead the way with respect, cooperation and unity and not just agree upon things being said.

**Mr. Kermit Moore**

Mr. Kermit Moore appeared before Council to speak on a buyback program and dilapidated homes in the City. He spoke on the buyback program first, saying the program would buy back weapons in order to get them off the streets. He said one gun off the street is one gun you no longer have to worry about.

Mr. Moore also spoke of dilapidated homes and mentioned the obstacles the city has contacting out of town property owners regarding their lots. He suggested a tax be placed on these vacant and dilapidated properties in order to clean them up. The community shouldn't have to suffer because a few won't do what needs to be done.



**FLORENCE CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 12, 2022**

Mayor Ervin said the Rental Registry does address some of the issues Mr. Moore spoke of, particularly in rental homes.

Pro tem Jebaily said the buyback of guns is a program other cities throughout the country have had success with and asked Mr. Randy Osterman, City Manager, and Police Chief Allen Heidler if they would look at a program for Florence and report back to Council.

Councilwoman Barnes said a gun buyback program was discussed at one of their Town Hall meetings and they are currently looking into grants that may be able to provide some assistance. As far as dilapidated homes, staff has been working hard to clean up properties in the city but there are difficulties identifying heirs sometimes.

Chief Heidler approached the podium and spoke of the buyback program. The City has applied for a grant to assist with the buyback program. The City has also conducted research on buyback programs and the vast amount of studies indicate that gun buyback programs do not decrease crime or gun violence; however, it is a viable process if it gets guns off the streets.

Pro tem Jebaily asked Chief Heidler to provide a public service announcement to tell people about taking care of the guns they own due to the number of break-ins that have been occurring. Chief Heidler said guns should be secured in a fixed, locked container in the vehicle. Much of the theft is from unlocked and unsecured vehicles.

**Mr. Bob Skelton**

Mr. Bob Skelton appeared before Council to speak on Winning America and suicide awareness. Winning America is a nonprofit to create a pathway for changes in how we see, treat and value others by encouraging, building up, and uniting. More people are dying on purpose than by accident and raising awareness should be at the forefront. Mr. Skelton spoke of a program that he intends to take statewide that will raise awareness of suicide, provide training on how to see the signs, and provide solutions to individuals thinking about suicide.

**ORDINANCES IN POSITION**

**Bill No. 2022-27 – Second Reading**

**An Ordinance to annex and zone NC-6.1 the parcel located at 206 East Shenandoah Lane and identified as Florence County Tax Map Parcel 90113-01-050.**

Pro tem Jebaily made a motion to adopt Bill No. 2022-27 on second reading and Councilwoman Barnes seconded the motion.

Council voted 6-0 in favor of the motion. Bill No. 2022-27 was adopted on second reading.

**Bill No. 2022-29 – Second Reading**

**An Ordinance to annex and zone NC-6.1 the parcel located at 3350 Clark Branch Road and identified as Florence County Tax Map Parcel 00098-01-002.**

Councilman Schofield made a motion to adopt Bill No. 2022-29 on second reading and Councilman McCall seconded the motion.

Council voted 6-0 in favor of the motion. Bill No. 2022-29 was adopted on second reading.



**INTRODUCTION OF ORDINANCES**

**Bill No. 2022-23 – First Reading**

**An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2022 and ending June 30, 2023.**

Pro tem Jebaily made a motion to pass Bill No. 2022-23 on first reading and Councilman McCall seconded the motion.

Mr. Kevin Yokim, Assistant City Manager of Finance/Administration, reported the proposed ordinance will amend the budget to appropriate funding for “early purchases” that were requested from department directors in the FY 2022-2023 budget, but were removed in order to balance the budget. Savings from the previous fiscal year will fund these purchases in the current year budget.

This Bill was first before Council at the August meeting, at which time Council voted to refer the item to the Finance, Audit and Budget Committee for review. Councilman McCall said the Committee reviewed the proposal and the Committee recommends approval.

Councilwoman Barnes said there was a mix-up in the meeting in which the Committee was looking at the wrong ordinance when they recommended approval and she requested that the Committee take a look at it again.

Pro tem Jebaily asked Mr. Jim Peterson, City Attorney, if Councilwoman Barnes can address questions on the ordinance in the interim between first reading and second reading and Mr. Peterson replied yes.

Council voted 5-1 in favor of the motion, with Councilwoman Barnes voting against. Bill No. 2022-23 was passed on first reading.

**Bill No. 2022-24 – First Reading**

**An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2022 and ending June 30, 2023.**

Pro tem Jebaily made a motion to pass Bill No. 2022-24 on first reading and Councilman Schofield seconded the motion.

Mr. Yokim reported the proposed ordinance will appropriate funding for “carry overs” that were funded in last year’s budget but were unable to be purchased for various reasons. These items will be carried forward and included in the current year budget. Many of the purchase orders for these items have already been processed and, in some instances, some of the items have already been received. This Bill was also referred to the Finance, Audit and Budget Committee for review and the Committee recommended approval.

Councilman Braddock asked if staff could attend the next Finance, Audit and Budget Committee to make a report. Mr. Yokim replied staff could attend and the next meeting is September 28<sup>th</sup> which will allow time prior to second reading.

Council voted 6-0 in favor of the motion. Bill No. 2022-24 passed on first reading.

**Bill No. 2022-28 – First Reading**





FLORENCE CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 12, 2022

**An Ordinance to annex and zone AC and OSR the parcels located at 2507 West Palmetto Street and identified as Florence County Tax Map Parcels 00100-01-002 and 00100-01-147.**

Councilman Schofield made a motion to pass Bill No. 2022-28 on first reading and Councilman Braddock seconded the motion.

Mr. Jerry Dudley, Planning Director, reported this property is adjacent to Naturally Outdoors on West Palmetto Street. The Activity Center (AC) zoning is being requested for the developable portion and the Open Space and Recreation (OSR) zoning is being requested for the portion of the parcel in the floodplain. The original proposal was two separate parcels; however, the parcels were recently combined in order to comply with the water and sewer requirements. The zoning remained separated so that it is in agreeance with the future land use and also protect the floodplain associated with Jeffries Creek. Planning Commission held a public hearing on this matter and voted to recommend the zoning designations of AC and OSR.

Council voted 6-0 in favor of the motion. Bill No. 2022-28 was passed on first reading.

**Bill No. 2022-30 – First Reading**

**An Ordinance authorizing the conveyance of the real estate known as Florence County Tax Map Parcel 90167-02-008, described more fully on Exhibit “A” to be attached to the Ordinance, said property to be utilized pursuant to the terms and conditions set out in the Conditional Grant and Development Agreement attached hereto as Exhibit “B” and approved hereby.**

Mayor Ervin said this item will be discussed in Executive Session, which received no objection.

**Bill No. 2022-31 – First Reading**

**An Ordinance to amend Article I of Chapter 13 of the City of Florence Code of Ordinances to update the code provisions regarding business licensing.**

Mayor Ervin said this item will be discussed in Executive Session, which received no objection.

**Bill No. 2022-32 – First Reading**

**An Ordinance to amend Article I of Chapter 10 of the City of Florence Code of Ordinances to update the code provisions regarding noise within the City of Florence.**

Mayor Ervin said this item will be discussed in Executive Session, which received no objection.

**Bill No. 2022-33 – First Reading**

**An Ordinance to amend Article I and II of Chapter 12 of the City of Florence Code of Ordinances entitled “Municipal Utilities”.**

Councilman McCall made a motion to pass Bill No. 2022-33 on first reading and Councilwoman Barnes seconded the motion.

Mr. Michael Hemingway, Utilities Director, reported the proposed changes to code are required in order to be in compliance with state regulations. These changes are consistent with changes implemented by the United States Environmental Protection Agency (US EPA) and the South Carolina Department of Health and Environmental Control (SCDHEC).

**INTRODUCTION OF RESOLUTIONS**



**Resolution No. 2022-27**

**A Resolution to recognize the 2021 Dixie Youth World Series Champions.**

Pro tem Jebaily made a motion to adopt Resolution No. 2022-27 and Councilwoman Barnes seconded the motion.

Councilman Schofield read the Resolution and presented it to Mr. Brandon Collins, head coach. Coach Collins thanked Council for recognizing the team for this great accomplishment.

Council voted 6-0 in favor of the motion. Resolution No. 2022-27 was adopted.

**Resolution No. 2022-28**

**A Resolution to support Suicide Prevention Awareness Month and recognize The Jonathan Foundation for their efforts to raise awareness in youth suicide.**

Councilman Braddock made a motion to adopt Resolution No. 2022-28 and Councilman Schofield seconded the motion.

Councilman Braddock read the Resolution and presented it to Mrs. Lynn Bulloch, president of the Jonathan Foundation and mother. Mrs. Bulloch spoke of the Jonathan Foundation and their work within the community. She said she lost her son to suicide in 2011 and thanked Council for bringing suicide awareness to the forefront.

Council voted 6-0 in favor of the motion. Resolution No. 2022-28 was adopted.

**Resolution No. 2022-29**

**A Resolution to recognize Hispanic Heritage Month.**

Pro tem Jebaily made a motion to adopt Resolution No. 2022-29 and Councilman Schofield seconded the motion.

Councilman McCall read the Resolution and presented it to Ms. Annette Diaz, Director of International Ministries at Trinity EPC. Trinity has been an advocate for the Florence Hispanic community for the past 22 years and provides a place of worship to the Hispanic community in the City of Florence.

Council voted 6-0 in favor of the motion. Resolution No. 2022-29 was adopted.

**REPORTS TO COUNCIL**

**Appointments to Boards and Commissions**

Mr. Davis presented the packet of appointments to Boards and Commissions to Council.

**Construction and Maintenance Board of Adjustments and Appeals**

Mayor Ervin made a motion to appoint Harry Cook. Without objection, Harry Cook was appointed to the Construction and Maintenance Board of Adjustments and Appeals for a term to begin immediately and expire on June 30, 2025.

Being no additional applicants, Mayor Ervin deferred remaining nominations for this Board.



**Parks and Beautification Commission**

Being no applicants, Pro tem Jebaily deferred nominations for this Board.

**Public Safety Citizen's Review Board**

Pro tem Jebaily made a motion to appoint Wattie Snowden. Without objection, Wattie Snowden was appointed to the Public Safety Citizen's Review Board for a term to begin immediately and expire on June 30, 2023.

**COMMITTEE REPORTS**

**Business Development Committee, Chaired by Pro tem Jebaily**

Pro tem Jebaily said the Committee discussed potential state funding the City may qualify for in regard to stormwater. The Committee received updates on several projects. Project Urban Square demolition is underway, the developer for the Baroody Townhome project is waiting on pricing, and The Lost Cajun project is underway with hopes to be open by the Pecan Festival. The noise ordinance currently before Council was discussed, as well as 175 North Dargan Street and the Nofal building at 127 West Evans Street. The Committee also received a list of all residential properties annexed into the City since 2018 and discussed the asset management plan's timeline.

**Community Development Committee, Chaired by Councilwoman Barnes**

Councilwoman Barnes said there is nothing to report today.

**Marketing and Public Relations Committee, Chaired by Councilman Braddock**

Councilman Braddock said the Committee discussed the impact and success of the vaccination campaign. Conversation continued on the annexation plan and providing information to citizens that may be interested in annexing. The City is also considering making application to All American City and the Committee discussed potential areas of focus. The Committee also had discussion on the City's social media and highlighting things going on in the City.

**Finance, Audit and Budget Committee, Chaired by Councilman McCall**

Councilman McCall said the Committee received information on the budget amendments on the current agenda and they will be receiving additional information from staff at their next meeting, prior to second reading of the Ordinances.

Councilman Schofield announced his resignation to the Finance, Audit and Budget Committee. Councilman McCall made a motion to nominate Councilman Braddock as Councilman Schofield's replacement on the Committee and Pro tem Jebaily seconded the motion. Councilman Braddock was appointed to the Finance, Audit and Budget Committee by unanimous vote (6-0).

**EXECUTIVE SESSION**



FLORENCE CITY COUNCIL  
REGULAR MEETING – SEPTEMBER 12, 2022

Mayor Ervin said Council will be entering into Executive Session for a discussion of matters related to a proposed Economic Development Project located within the Historic Overlay District, the receipt of legal advice relating to the proposed business license ordinance and the receipt of legal advice relating to the proposed noise ordinance.

Without objection, Council entered into Executive Session at 2:30 p.m.

Council reconvened Open Session at 3:45 p.m. and took action on the following items:

**Bill No. 2022-30 – First Reading**

**An Ordinance authorizing the conveyance of the real estate known as Florence County Tax Map Parcel 90167-02-008, described more fully on Exhibit “A” to be attached to the Ordinance, said property to be utilized pursuant to the terms and conditions set out in the Conditional Grant and Development Agreement attached hereto as Exhibit “B” and approved hereby.**

Pro tem Jebaily made a motion to pass Bill No. 2022-30 on first reading and Councilman Braddock seconded the motion.

Council voted 6-0 in favor of the motion. Bill No. 2022-30 was passed on first reading.

**Bill No. 2022-31 – First Reading**

**An Ordinance to amend Article I of Chapter 13 of the City of Florence Code of Ordinances to update the code provisions regarding business licensing.**

Councilman Braddock made a motion to pass Bill No. 2022-31 on first reading and Councilman Schofield seconded the motion.

Pro tem Jebaily recused himself from the vote due to a conflict of interest (a copy of the recusal statement is attached and made part of the minutes).

Council voted 5-0 in favor of the motion, with Pro tem Jebaily having recused himself. Bill No. 2022-31 passed on first reading.

**Bill No. 2022-32 – First Reading**

**An Ordinance to amend Article I of Chapter 10 of the City of Florence Code of Ordinances to update the code provisions regarding noise within the City of Florence.**

Pro tem Jebaily requested that this item be withdrawn from the agenda. Without objection, Bill No. 2022-32 was withdrawn from the agenda.

**ADJOURN**

Without objection, the September 12, 2022 Regular meeting of City Council was adjourned at 3:48 p.m.

Dated this 10<sup>th</sup> day of October 2022.

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Casey C. Moore, Municipal Clerk

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Teresa Myers Ervin, Mayor

# RECUSAL STATEMENT

Member Name: George Jebaily

Meeting Date: 9.12.2022

Agenda Item: <sup>Bill No.</sup> Section 2022 Number: 31

Topic: Business Lic. ordinance amendment

*The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.*

## Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: Potential conflict of interest  
with the ~~the~~ proposed exemption

Date: 9/12/22 George Jebaily  
Member

Approved by Parliamentarian: [Signature]

FLORENCE CITY COUNCIL MEETING

**DATE:** October 10, 2022  
**AGENDA ITEM:** An ordinance amending the FY 2022-23 budget  
**DEPARTMENT/DIVISION:** Finance

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**I. ISSUE UNDER CONSIDERATION**

For City Council consideration is an ordinance to amend the FY 2022-23 City of Florence Budget.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

This will be the second reading of this proposed ordinance. This ordinance was referred to the Finance, Audit, and Budget Committee after first reading.

**III. POINTS TO CONSIDER**


1. The objective of the proposed ordinance is to amend the General Fund budget for FY 2022-23 to appropriate funding for the purchases designated by the City Manager in FY 2021-22 as early purchases to be funded in the FY 2022-23 budget from increases in the FY 2021-22 fund balance.

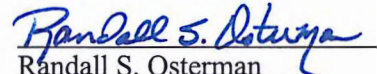
**IV. STAFF RECOMMENDATION**

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. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023**

**BE IT ORDAINED** by the City Council of the City of Florence, South Carolina, in a meeting duly assembled, that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2022 and ending June 30, 2023, is hereby amended as follows:

**Section 1.** That the budgeted revenues of the General Fund are hereby amended by the following additional appropriations:

100375-435010 From Unappropriated Reserve is increased in the amount of \$1,194,400 from unassigned fund balance for projects and purchases which are not currently included in FY 2022-23 budget.

**Section 2.** That the budgeted expenditures of the General Fund are hereby amended by the following additional appropriations:

10041600-580020 Office Furniture (Human Resources) is funded in the amount of \$8,500 for the purchase of two (2) fireproof file cabinets.

10041900-580040 Auto Equipment (Community Services) is funded in the amount of \$25,000 for the purchase of one (1) vehicle.

10041900-580060 Other Equipment (Community Services) is increased in the amount of \$11,000 for the purchase of a zero-turn mower for maintenance workers.

10042100-580020 Office Furniture (Police) is funded in the amount of \$1,200 for the purchase of four (4) office chairs in the Telecommunications Unit and one (1) office chair for the Police Chief's office.

10042100-580030 Office Equipment (Police) is increased in the amount of \$1,600 is for the purchase of filing cabinets for the Police Department main records storage area.

10042100-580040 Auto Equipment (Police) is funded in the amount of \$40,000 for the purchase of one (1) pickup trucks for the Property and Supply Unit.

10042100-580060 Other Equipment (Police) is increased in the amount of \$16,500 for the purchase of Bolawrap leg wrap device (\$5,500), 10 metal barricades (\$3,100), 150 traffic cones (\$2,900), and replacement radar speed measuring devices (\$5,000).

10042100-580070 Data Processing Equipment (Police) is funded in the amount of \$44,100 to purchase three (3) mobile data terminals and docking stations for patrol vehicles (\$15,000), internet improvements at the Training Range (\$2,100), replacement desktop computers for the Training Unit (\$12,300), security tokens for patrol officers' mobile data terminals (\$3,700), and replacement laptops for the Training Unit (3) and the Criminal Investigations Unit (6) (\$11,000).

**FY 2022-2023 Budget Amendment Ordinance (continued)**

- 10042200-580020 Office Furniture (Fire) is funded in the amount of \$5,000 for the replacement of furniture at various fire facilities.
- 10042200-580060 Other Equipment (Fire) is funded in the amount of \$90,500 for the replacement of three (3) thermal imaging cameras (\$10,500) and a replacement SCBA compressor and fill station (\$80,000).
- 10043020-580040 Auto Equipment (Beautification & Facilities) is funded in the amount of \$60,000 to purchase two (2) replacement pickup trucks.
- 10043020-580050 Facility Improvements (Beautification & Facilities) is funded in the amount of \$15,000 to refurbish gravels parking lots at the Rail Trail, the City Center Farmers Market, and the Jeffries Creek Nature Park.
- 10043020-580060 Other Equipment (Beautification & Facilities) is funded in the amount of \$33,000 to replace three (3) mowers (\$30,000) and one (1) trailer (\$3,000).
- 10043022-580040 Auto Equipment (Sanitation) is increased in the amount of \$600,000 to fund the purchase of a commercial sanitation truck, and residential sanitation truck, and a pickup truck.
- 10043022-580060 Other Equipment (Sanitation) is increased in the amount of \$4,500 to fund the purchase of two (2) commercial dumpsters.
- 10043023-580050 Facility Improvements (Equip. Maintenance) is funded in the amount of \$38,000 to purchase a replacement auto lift (\$30,000) and replace a portion of the back shop wall (\$8,000).
- 10043023-580060 Other Equipment (Equip. Maintenance) is funded in the amount of \$5,000 to purchase a replacement pressure washer.
- 10043025-580050 Facility Improvements (Athletics) is funded in the amount of \$93,000 to fund pond spraying (\$10,000), flooring replacement at the Tennis Center (\$13,000), fund the turf program (\$20,000) and fund the installation of batting cages at the Sports Complex (\$50,000).
- 10043025-580060 Other Equipment (Athletics) is funded in the amount of \$75,000 to purchase a ground master mower for the Sports Complex (\$40,000), a passenger golf cart for the Sports Complex (\$10,000), and a drag machine for the Sports Complex (\$25,000).
- 10046400-580040 Auto Equipment (Building Inspections & Permits) is funded in the amount of \$25,000 to purchase a pickup truck for the new inspector.



**FY 2022-2023 Budget Amendment Ordinance (continued)**

10046400-580060 Other Equipment (Building Inspections & Permits) is funded in the amount of \$2,500 to purchase an iPad and other inspection equipment for the new inspector.

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**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 10, 2022  
**AGENDA ITEM:** An ordinance amending the FY 2022-23 budget  
**DEPARTMENT/DIVISION:** Finance

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**I. ISSUE UNDER CONSIDERATION**

For City Council consideration is an ordinance to amend the FY 2022-23 City of Florence Budget.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

This will be second reading of this proposed ordinance. This ordinance was referred to the Finance, Audit, and Budget Committee after first reading.

**III. POINTS TO CONSIDER**


1. The objective of the proposed ordinance is to align budgeted amounts more closely with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories.
2. Funds are being re-appropriated from fiscal year 2021-22 to provide funding from Unappropriated Reserves for FY 2022-23 in the General Fund, the Water & Sewer Utilities Fund, the Water & Sewer Equipment Replacement Fund, Water & Sewer Construction Fund, and the Stormwater Equipment Replacement Fund to complete projects and purchases which were not finalized at the end of fiscal year 2021-22.

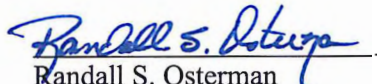
**IV. STAFF RECOMMENDATION**

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. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2023**

**BE IT ORDAINED** by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, is hereby amended as follows:

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

- 100120-790000      Miscellaneous Grants is increased in the amount of \$20,000 from Assigned Fund Balance to re-appropriate monies for the completion of projects and purchases which were not finalized at the end of FY 2021-22.
  
- 100325-415165      Farmers Market Community Garden Grant is increased in the amount of \$1,325 from Assigned Fund Balance to re-appropriate monies for the completion of projects and purchases which were not finalized at the end of FY 2021-22.
  
- 100325-415170      Farmers Market HopeHealth Market Sponsorship is increased in the amount of \$14,000 from Assigned Fund Balance to re-appropriate monies for the completion of projects and purchases which were not finalized at the end of FY 2021-22.
  
- 100375-435010      From Unappropriated Reserve is increased in the amount of \$2,530,429 from Assigned Fund Balance to re-appropriate monies for the completion of projects and purchases which were not finalized at the end of FY 2021-22.

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

- 10041000-561030      Travel and Lodging (City Council) is funded in the amount of \$4,000 to fund City Council travel expenditures.
  
- 10041300-560070      Marketing and Promotions (City Manager) is funded in the amount of \$22,025 to purchase two freezers for the commercial kitchen (\$6,700) and to account for marketing expenditures funded by two grants (\$15,325).
  
- 10041600-580020      Office Furniture (Human Resources) is funded in the amount of \$3,568 to purchase a fireproof locking file cabinet.
  
- 10042200-537000      Vehicle Repair and Maintenance (Fire) is funded in the amount of \$11,800 to purchase items associated with a pump repair that have extended delivery dates.
  
- 10042200-550280      Personal Protective Equipment (Fire) is funded in the amount of \$39,000 to purchase personal protective equipment due to delayed delivery.

**FY 2022-2023 Budget Amendment Ordinance (continued)**

- 10042200-550299 Other Supplies and Equipment (Fire) is increased in the amount of \$20,000 to purchase such things as an ice machine, a steam cleaning machine, and 5" supply hose due to delayed delivery.
- 10042200-561020 Conference and Training (Fire) is increased in the amount of \$13,000 to purchase audio/visual equipment due to delayed delivery and to fund training related to equipment purchased from the Duke Energy grant.
- 10042200-580010 Building and Fixed Equipment (Fire) is funded in the amount of \$16,000 for remaining upgrades at Station #1 and remaining upgrades to LED light fixtures at all fire stations.
- 10042200-580060 Other Equipment (Fire) is increased in the amount of \$11,361 to purchase equipment needed for the new command vehicle and to purchase equipment funded from the Duke Energy grant.
- 10043020-531000 Professional Services (Beautification & Facilities) is increased in the amount of \$35,000 to purchase equipment and services from ExecuTime Payroll/Munis Management (\$27,000) and for contract tree services (\$8,000).
- 10043020-580040 Auto Equipment (Beautification & Facilities) is funded in the amount of \$93,900 to provide for the replacement of two pickup trucks and one van which have been ordered but not yet received.
- 10043020-580050 Facility Improvements (Beautification & Facilities) is funded in the amount of \$50,000 to provide for a new Public Utilities shed.
- 10043022-531000 Professional Services (Sanitation) is increased in the amount of \$46,000 to purchase equipment and services from ExecuTime Payroll/Munis Management (\$8,000), to contract for yard debris assistance (\$30,000), and to purchase dumpsters for various city locations.
- 10043022-538900 Other Maintenance & Repairs (Sanitation) is increased in the amount of \$20,000 to provide funding for the repairs of a vehicle involved in an accident.
- 10043022-580040 Auto Equipment (Sanitation) is funded in the amount of \$85,000 to provide for the replacement of two recycling vans and one pickup truck.
- 10043022-580060 Other Equipment (Sanitation) is funded in the amount of \$12,900 to provide for recycling trailer repairs.
- 10043023-580040 Auto Equipment (Equipment Maintenance) is funded in the amount of \$30,900 to provide for the replacement of one pickup truck.

## FY 2022-2023 Budget Amendment Ordinance (continued)

- 10043023-580060 Other Equipment (Equipment Maintenance) is funded in the amount of \$5,500 to purchase a tire balancer.
- 10043024-580010 Building & Fixed Equipment (Recreation) is funded in the amount of \$46,500 to provide for improvements to the Barnes Street facility to include a storage building and signage.
- 10043024-580050 Facility Improvements (Recreation) is funded in the amount of \$50,000 to provide for facility improvements and Levy Park parking lot.
- 10043024-890000 Miscellaneous Grants (Recreation) is increased in the amount of \$37,000 to provide matching funds for a PARD grant.
- 10043025-560070 Marketing and Promotions (Athletic Programs) is increased in the amount of \$80,000 to provide for cable & WiFi service to the Sports Complex (\$15,000), top-dress and fertilize fields at the Sports Complex (\$15,000), and various amenities at the Sports Complex (\$50,000).
- 10043025-574010 Tree Beautification (Athletic Programs) is increased in the amount of \$5,000 to provide for tree plantings at the Sports Complex.
- 10043025-574030 Tournament Expenditures (Athletic Programs) is increased in the amount of \$9,000 to provide for tournament All Star teams travel expenses.
- 10043025-574080 Athletic Expenditures (Athletic Programs) is increased in the amount of \$4,800 to replace youth football helmets.
- 10043025-580010 Building & Fixed Equipment (Athletic Programs) is funded in the amount of \$10,000 to provide for the soccer cabin improvements.
- 10043025-580020 Office Furniture (Athletic Programs) is increased in the amount of \$2,500 to provide for furniture at the Sports Complex.
- 10043025-580040 Auto Equipment (Athletic Programs) is funded in the amount of \$29,000 to provide for the replacement of one pickup truck.
- 10043025-580050 Facility Improvements (Athletic Programs) is increased in the amount of \$845,000 to provide for the reconstruction of courts 5 & 6 at the Florence Tennis Center (FTC) (\$52,000), irrigation at the Pearl Moore Gym and inclusive playground (\$10,000), refurbish the gravel drive at Freedom Florence (\$10,000), a ball storage room at the FTC (\$5,000), Freedom Florence office and concessions renovations (\$20,000), improvements to four (4) fields at the Soccer Complex (\$500,000), amenities for the Sports Complex (\$228,000), and the Veterans Park World War II monument (\$20,000).

**FY 2022-2023 Budget Amendment Ordinance (continued)**

- 10043025-580060 Other Equipment (Athletic Programs) is funded in the amount of \$113,000 to provide for a Yamaha Umax utility vehicle (\$10,000), a replacement mower for Freedom Florence (\$14,000), and field equipment, Workman Utility equipment (2), turf mower (2), grounds mower, and a Sand Pro field drag for the Sports Complex (\$89,000).
- 10046300-531000 Professional Services (Planning) is increased in the amount of \$204,340 to provide for the continuation of developing the City's Comprehensive Plan, Neighborhood Plans, and a Downtown Master Plan.
- 10046400-580060 Other Equipment (Building Inspections and Permits) is increased in the amount of \$3,000 to provide for the replacement and upgrade of electronic equipment used in the filed by inspectors.
- 10049300-594020 Contingency Fund (Non-Departmental) is increased in the amount of \$100,000 to provide for contingency funding for unanticipated General Fund projects, programs and/or other requirements in FY 2021-22.
- 10049300-594070 IT Hardware/Software Support (Non-Departmental) is increased in the amount of \$87,970 for IT upgrades in the General Fund related to IT system equipment replacement and upgrades.
- 10049300-594100 Animal Shelter Improvements (Non-Departmental) is funded in the amount of \$10,000 to provide funding for improvements to the animal shelter. These funds were donated to the City for this purpose.
- 10049300-594101 Recreation Facilities (Non-Departmental) is funded in the amount of \$22,000 to provide for existing recreation facilities improvements and upgrades.
- 10049300-594165 Lawton Chase House (Non-Departmental) is funded in the amount of \$111,690 to provide for renovations to the old Florence Museum building.
- 10049300-594168 Children's Museum (Non-Departmental) is funded in the amount of \$275,000 to provide for a children's museum.

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

- 200375-435010 From Unappropriated Reserve is funded in the amount of \$743,340 from unrestricted net assets.

**FY 2022-2023 Budget Amendment Ordinance (continued)**

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

- 20044044-534070 Building Maintenance (Distribution Operations) is increased in the amount of \$22,000 to provide for Public Works building repairs.
- 20049300-594020 Contingency Fund (Non-Departmental) is increased in the amount of \$100,000 to provide for contingency funding for unanticipated water and sewer facilities maintenance and improvements required in FY 2021-22.
- 20049300-594070 IT Hardware/Software Support (Non-Departmental) is increased in the amount of \$71,340 to provide for the Water and Sewer Enterprise Fund portion of IT hardware and software upgrades.
- 20049300-598084 2016 Special Obligation Bonds (Non-Departmental) is increase in the amount of \$550,000 to provide additional funding, if needed, to service the TIF debt.

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

- 210375-435010 From Unappropriated Reserve is funded in the amount of \$439,500 from unrestricted net assets.

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

- 21044040-580040 Auto Equipment (Engineering Equipment Replacement) is increased in the amount of \$30,000 to provide funding for the replacement of utility truck # 4911.
- 21044040-580040 Auto Equipment (Engineering Equipment Replacement) is increased in the amount of \$30,000 to provide funding for the replacement of utility truck # 4904.
- 21044041-580040 Auto Equipment (Wastewater Equipment Replacement) is increased in the amount of \$155,000 to provide funding for the replacement of bucket truck # 3887.
- 21044041-580040 Auto Equipment (Wastewater Equipment Replacement) is increased in the amount of \$35,000 to provide funding for the replacement of utility truck # 4815.
- 21044041-580040 Auto Equipment (Wastewater Equipment Replacement) is increased in the amount of \$40,000 to provide funding for the replacement of utility truck # 3470.
- 21044041-580060 Other Equipment (Wastewater Equipment Replacement) is increased in the amount of \$25,000 to provide funding for the replacement of sweeper boom # 1733.

**FY 2022-2023 Budget Amendment Ordinance (continued)**

21044041-580060 Other Equipment (Wastewater Equipment Replacement) is increased in the amount of \$130,000 to provide funding for the replacement of an emergency generator.

21044044-580060 Other Equipment (Distribution Operations Equipment Replacement) is increased in the amount of \$4,500 to provide for the replacement of asphalt roller #696.

21044045-580060 Other Equipment (Collection Operations Equipment Replacement) is increased in the amount of \$20,000 to provide for the replacement of a tap machine.

**Section 7.** That the category of revenues of the Water and Sewer Construction Fund in said budget is hereby amended by the additional appropriations as follows:

220375-435010 From Unappropriated Reserve is funded in the amount of \$443,785 from unrestricted net assets.

**Section 8.** That the category of expenses of the Water and Sewer Construction Fund in said budget is hereby amended by the additional appropriations as follows:

22049900-586010 W0037 Water Line Extension Requests – Florence County (Water and Sewer Construction Fund) is increased in the amount of \$100,000 to provide for and improve utility service.

22049900-586010 WT008 McCown/Third Loop Elevated Water Tank Repair/Repaint (Water and Sewer Construction Fund) is increased in the amount of \$343,785 to provide for and improve utility service.

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

310375-435010 From Unappropriated Reserve is funded in the amount of \$100,000 from unrestricted net assets.

**Section 10.** That the category of expenses of the Stormwater Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

31044060-580040 Auto Equipment (Stormwater Operations Equipment Replacement) is funded in the amount of \$50,000 to provide for the replacement of utility truck # 2620.

31044060-580060 Auto Equipment (Stormwater Operations Equipment Replacement) is funded in the amount of \$50,000 to provide for the replacement of ditch excavator # 4822.

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



**FY 2022-2023 Budget Amendment Ordinance (continued)**

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**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:** September 12, 2022

**AGENDA ITEM:** Ordinance to Annex and Zone AC and OSR the Parcel at 2507 West Palmetto Street, TMN 00100-01-147.

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

---

**I. ISSUE UNDER CONSIDERATION:**

Request to annex the lot located at 2507 West Palmetto Street, Tax Map Number 00100-01-147, into the City of Florence and zone it to AC Activity Center and OSR Open Space and Recreation. The request is being made by the property owners.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

On July 12, 2022, Planning Commission held a public hearing on this matter, and voted unanimously, 8-0, to recommend the zoning requests of AC Activity Center and OSR Open Space and Recreation.

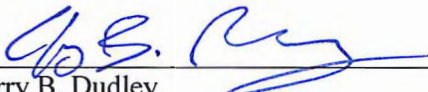
**III. POINTS TO CONSIDER:**

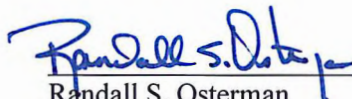
- (1) Request is being considered for first reading.
- (2) The AC Activity Center Zoning is being requested for the developable portion of the parcel and the OSR Open Space and Recreation zoning is being requested for the portion of the parcel in the floodplain.
- (3) City water and sewer services are currently available; there is no cost to extend utility services.
- (4) A Public Hearing for zoning was held at the July 12, 2022 Planning Commission meeting.
- (5) City staff recommends annexation and concurs with Planning Commission's recommendation to zone TMN 00100-01-147 to AC Activity Center and OSR Open Space and Recreation.

**IV. PERSONAL NOTES:**

**V. ATTACHMENTS:**

- (1) Ordinance
- (2) Location Map
- (3) Zoning Map
- (4) Plat dated April 19, 2007 (Florence County Plat Book 91, Page 303)
- (5) Annexation Petition

  
Jerry B. Dudley  
Planning Director

  
Randall S. Osterman  
City Manager

**ORDINANCE NO. 2022 - \_\_\_\_\_**

**AN ORDINANCE TO ANNEX AND ZONE AC AND OSR THE LOT LOCATED AT 2507 WEST PALMETTO STREET, TMN 00100-01-147.**

**WHEREAS,** the property requesting annexation is shown more specifically on Florence County Tax Map 00100, block 01, parcel 147 (3.65 acres);

**WHEREAS,** a Public Hearing was held in the Council Chambers on July 12, 2022 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 Naturally Outdoors Properties, owners of TMN 00100-01-147 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 classifications of **AC** to the portion identified as Parcel "A" containing 2.42 acres on a plat dated April 19, 2007 and recorded in Plat Book 91, page 303 in the office of the Clerk of Court for Florence County and **OSR** to the property identified as containing 1.23 acres and lying between Parcel "A" and the "Present Run of Jeffries Creek" on the above referenced plat;

**WHEREAS,** any portions of public rights-of-way abutting the property described above will be included in the annexation;

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

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

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

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

Approved as to form:

\_\_\_\_\_  
**James W. Peterson, Jr.**  
City Attorney

\_\_\_\_\_  
**Teresa Myers Ervin,**  
Mayor

**Attest:**

\_\_\_\_\_  
**Casey C. Moore**  
Municipal Clerk

# Location Map

## 2507 W. Palmetto St.

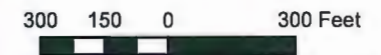


### Legend

- City Limits
- Parcels
- Proposed Parcel



**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: 9/7/2022

# Zoning Map

## 2507 W. Palmetto St.



### Legend

- Parcels
- Proposed Parcel

### Zoning District

#### Agricultural and Open Space Districts

- OSR

#### Business and Commercial Districts

- CA

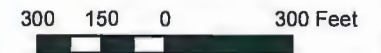
- CG

#### Mixed-Use Districts

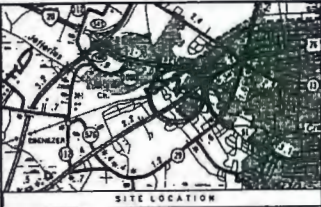
- AC



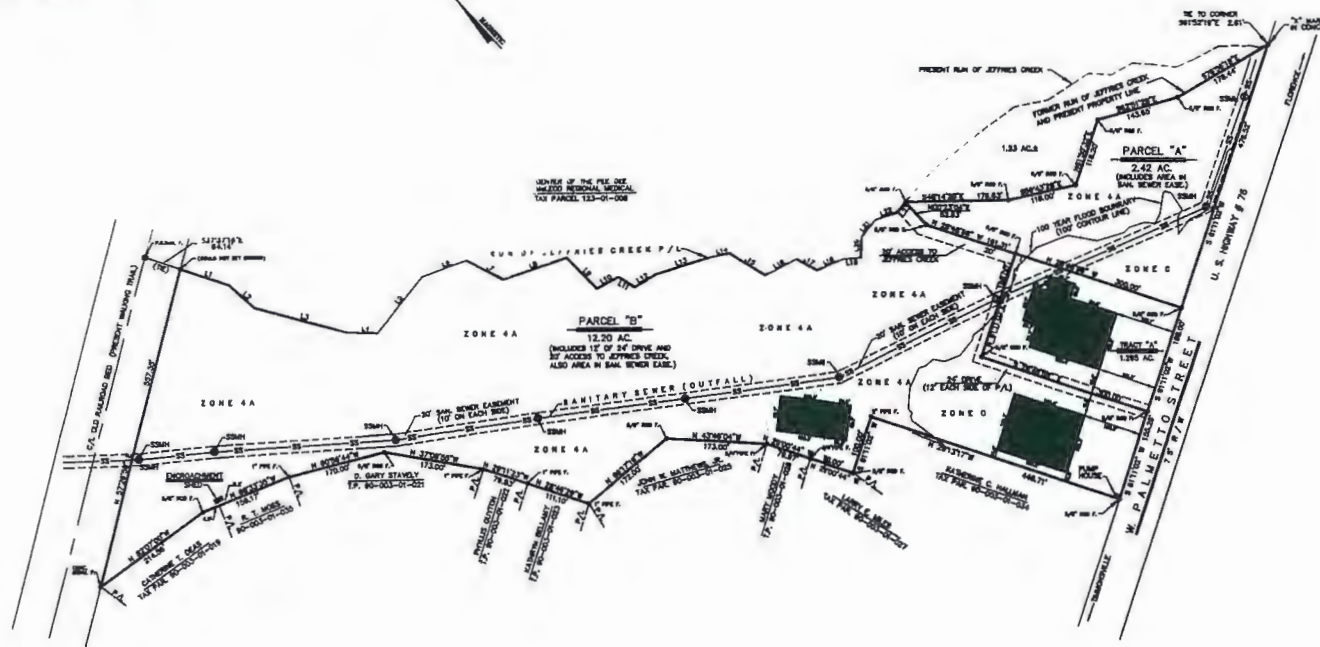
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Date: 9/7/2022



SECTION 16, T11N, R10E, S1E  
 FLORENCE COUNTY, SOUTH CAROLINA



LINE	LENGTH	BEARING
L1	87.05	S27°21'41\"
L2	38.54	S84°30'27\"
L3	14.51	S37°31'24\"
L4	53.48	N89°15'33\"
L5	12.73	S89°21'46\"
L6	40.73	S87°24'46\"
L7	72.85	N87°20'37\"
L8	114.51	N89°03'08\"
L9	75.88	N80°26'25\"
L10	45.38	N23°17'41\"
L11	53.15	N16°38'32\"
L12	41.72	N79°46'50\"
L13	109.62	N61°21'38\"
L14	30.01	N28°23'02\"
L15	78.37	N11°12'28\"
L16	61.17	N23°17'21\"
L17	41.27	N18°24'02\"
L18	31.61	N70°15'08\"
L19	31.00	N81°07'32\"
L20	38.50	S24°00'00\"
L21	38.11	S81°21'30\"
L22	48.18	N81°26'31\"
L23	25.70	S82°24'18\"

100' or more  
 100'-01'-00\"

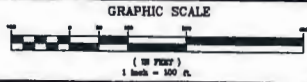
FLORENCE COUNTY MUNICIPAL PLANNING DEPARTMENT  
 hereby certifies that this plat is approved on the  
 date of APRIL 18, 2007  
 COUNTY PLANNER SHARIL RICHARDS

NOTE:  
 SURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT  
 OBTAINED OR CONSIDERED AS A PART OF THIS SURVEY.

WE HEREBY STATE THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF  
 THE ORDINANCES OF FLORENCE COUNTY, SOUTH CAROLINA, AND WEETS OR EXCEEDS THE REQUIRE-  
 MENTS FOR A CLASS OF SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACH-  
 MENTS OTHER THAN THOSE SHOWN. WE ALSO STATE THAT, TO THE BEST OF OUR KNOWLEDGE AND IN  
 OUR PROFESSIONAL OPINION, THE REFERENCE PROPERTY LIES PARTLY IN A 100 YEAR FLOOD ZONE  
 AS SHOWN ON FEMA MAP J8001, DATED 12-28-04.

**ERVIN ENGINEERING CO., INC.**

SOUTH CAROLINA FLORENCE COUNTY  
**SURVEY**  
 FOR  
**JEFFRIES CREEK PROPERTIES, LLC - PARCEL "A" - 2.42 AC.**  
**GOFORTH BROWN PROPERTIES, LLP - PARCEL "B" - 12.20 AC.**  
 PROPERTY SITUATE IN FLORENCE COUNTY, SOUTH CAROLINA.  
 THE SAME BEING TAX PARCEL 100-01-002 AS FOUND  
 IN THE OFFICE OF TAX ASSESSOR FOR FLORENCE COUNTY.



Surveyed by:  
**ERVIN ENGINEERING CO., INC.**  
 341 W. EVANS ST., P.O. BOX 3  
 FLORENCE, S.C. 29503

SCALE: 1" = 100'  
 DATE: APRIL 18, 2007



STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
2. That the petitioner(s) desires to annex the property more particularly described below:  
 Florence County Tax Map Number: 00100-01-002 and -147
3. Annexation is being sought for the following purposes: be in City vs. County
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>0</u>	Race	<u>0</u>
Total 18 and Over	<u>0</u>	Total Registered to Vote	<u>0</u>

**APPLICANT (S)** (Please print or type):

Name(s): Naturally Outdoors Properties F Hunter Moretz  
 Address: 2519 W. Palmetto St.  
 Telephone Numbers: 843-229-2886 [work] 843-665-1551 [home]  
 Email Address: hmredwing@gmail.com

**Signature** F Hunter Moretz Date 6-21-22

Certification as to ownership on the date of petition:	FOR OFFICAL USE ONLY:
Date <u>6-21-22</u>	<u>AB</u>



FLORENCE CITY COUNCIL MEETING

**DATE:** October 10, 2022  
**AGENDA ITEM:** Ordinance  
**DEPARTMENT/DIVISION:** City Council

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**I. ISSUE UNDER CONSIDERATION:**

An ordinance authorizing the conveyance of the property known as 127 West Evans Street, tax parcel 90167-02-008 (the Hursey-Nofal building) described more fully on Exhibit "A " attached to the ordinance, said property to be utilized pursuant to the terms and conditions set out in the Conditional Grant and Development Agreement attached hereto as Exhibit "B" and approved hereby.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**


1. This Ordinance is being considered for second reading.
2. City Council voted unanimously to approve the conveyance of property and conditional grant and development agreement on September 12, 2022.

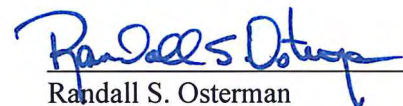
**III. POINTS TO CONSIDER:**

1. The City acquired this property for the purpose of the enhancement and redevelopment of Downtown Florence.
2. Conveyance of this property to the private developer will support goals established in the Comprehensive Plan and Downtown Masterplan.

**IV. ATTACHMENTS:**

1. Ordinance
2. Exhibit "A"
3. Exhibit "B"

  
Clint Moore  
Assistant City Manager

  
Randall S. Osterman  
City Manager

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THE PROPERTY KNOWN AS 127 WEST EVANS STREET, TAX PARCEL 90167-02-008 (THE HURSEY-NOFAL BUILDING) DESCRIBED MORE FULLY ON EXHIBIT "A " ATTACHED TO THE ORDINANCE, SAID PROPERTY TO BE UTILIZED PURSUANT TO THE TERMS AND CONDITIONS SET OUT IN THE CONDITIONAL GRANT AND DEVELOPMENT AGREEMENT ATTACHED HERETO AS EXHIBIT "B" AND APPROVED HEREBY.**

**WHEREAS**, after due consideration, the City has concluded that the land described on Exhibit "A" attached hereto and incorporated herein by reference is surplus property to the City since the City the City purchased the property in order to facilitate its redevelopment;

**WHEREAS**, the City Council has made certain Findings of Fact as set forth in detail in the Conditional Grant and Development Agreement attached hereto as Exhibit "B"; and

**WHEREAS**, based upon the above referenced Findings of Fact, it is has been determined by Council that the conveyance of said property to West Evans Historic, LLC under the terms and conditions of the Conditional Grant and Development Agreement attached hereto as Exhibit "B" and incorporated herein by reference is in the best interest and to the benefit of the citizens of the City of Florence;

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

1. That, in accordance with the findings of fact recited in the Conditional Grant and Development Agreement attached hereto as Exhibit "B", said Conditional Grant and Development Agreement is hereby approved and the City Manager is hereby authorized to execute said Agreement.

2. That, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the necessary deeds and other documentation in order to sell the property described on Exhibit "A" hereto to West Evans Historic, LLC under the terms and conditions of the Conditional Grant and Development Agreement attached hereto as Exhibit "B" and incorporated herein by reference.

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

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

Approved as to form:

\_\_\_\_\_  
JAMES W. PETERSON, JR.  
**City Attorney**

\_\_\_\_\_  
TERESA MYERS ERVIN  
**Mayor**

**Attest:**

\_\_\_\_\_  
CASEY C. MOORE  
**Municipal Clerk**

**EXHIBIT A**  
**Property Description**

All that certain piece, parcel and lot of land, together with improvements thereon, situate, lying and being in the City and County of Florence, State of South Carolina, measuring 27 ½ feet, more or less, on the North side of West Evans Street, between Dargan and Irby Streets, and in depth 150 feet, more or less. The said lot contains the (former) three story brick building formerly known as the “Hursey Building” and is bounded as follows, to wit: On the North by lands formerly of Gregg and Lynch (later the City of Florence); on the East by lot of Florence Evans Corporation (later of Isabel Weiss); on the South by West Evans Street; and on the West by a lot formerly belonging to the City of Florence on which the City Hall was located and now owned by the County of Florence.

Tax Map No. 900167-02-008.

**EXHIBIT B**

**Conditional Grant and Development Agreement Attached**

# Exhibit "B"

STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF FLORENCE        )        **CONDITIONAL GRANT  
  AND  
  DEVELOPMENT AGREEMENT**

This Agreement entered into this 22 day of August, 2022, between the City of Florence, South Carolina (hereinafter referred to as "City") and 127 West Evans Historic, LLC (hereinafter referred to as "Developer Team") in order to establish the terms and conditions of a Conditional Grant being granted to the Developer Team in order to provide incentive for the development of "the Hursey-Nofal Building" located at 127 West Evans Street in Florence (Florence County Tax Parcel 90167-02-008), the terms and conditions of the Grant as set out below.

### **Background Statement**

1. The City of Florence has determined in its Comprehensive Plan and in the Master Plan for Downtown Revitalization that the enhancement and redevelopment of the entrance corridors to the Downtown area are public needs and this can best be accomplished by encouraging private capital investment and reinvestment within the corridor areas of the City of Florence.

2. The Developer Team has established a plan to provide retail and residential space in the property known as 127 W. Evans Street, a vacant property presently owned by the City.

3. The Developer Team has replied to the Request for Proposals and was chosen by the City for the redevelopment of 127 W. Evans Street, and their response (bid) seeks a Conditional Grant to incentivize this project which would be an important furtherance of the redevelopment of downtown Florence.

4. City Council may, at its discretion, and on a case-by-case basis, enter into an agreement with an entity for the purpose of providing an economic development incentive. By Ordinance No. \_\_\_\_\_, City Council has carefully considered the Developer Team's proposed economic development and has concluded that it is in the best interest of the public and has therefore specifically authorized this agreement.

5. The Project meets all eligibility criteria and other factors of consideration regarding the provision of public incentives in the following particulars:

- a. 127 West Evans Historic, LLC is located in the downtown Historic District.
- b. The property desired for the development was acquired by the City through the previous purchase of an unused and vacant building which was in need of cleanup and redevelopment.
- c. The Developer Team anticipates a qualified rehabilitation expense of approximately \$2,000,000.00 plus a large sum in personal property (furniture, fixtures and technology).
- d. It is estimated that the proposed investment increases the taxable value of the real estate involved by a significant amount.
- e. The development will also generate significant governmental fees in the form of water and sewer taps and building permits.
- f. The development will generate a significant increase in the net property taxes paid on the property.

- g. It is anticipated that the development will create several well-paying service jobs.
- h. An analysis of the costs/benefits of the incentives shows that the public benefits outweigh the costs associated with the costs of the incentives.
- i. Recognition is given to the fact that members of the Developer Team have significant widespread experience in the development and operation of similar historic properties.
- j. The development is of great importance to the continued redevelopment of the Downtown Florence area in that it represents a large private investment in the area and involves the type project that should have a very significant impact on the value of and the redevelopment of surrounding properties in the corridor. There will be significant direct, indirect and induced economic impact resulting from the project as a whole and the construction activities associated with the project which will positively impact the costs/benefits analysis set out above.

#### **Statement of Agreement**

1. The City agrees to sell the property necessary for the completion of development to the Developer Team, said property being the property previously purchased by the City and being described in detail on Exhibit "A" hereto. The purchase price for the conveyance will be the sum of \$120,000.00. As an expressed condition to the conveyance, the Developer Team agrees that it will develop the property in accordance



with their detailed proposal submitted in response to the Request for Qualifications previously advertised by the City, a copy of said proposal being attached hereto as Exhibit B.

2. The Developer Team agrees to perform all required work (permitting, stabilization, construction, development services) associated with a project described in the application and discussions with a total qualified rehabilitation expenses exceeding \$2,000,000.00 within the time restrictions set out in Paragraph 4 herein.

4. The Developer Team agrees that it will develop the subject property as follows:

(a) The redevelopment of the property into residential and retail space as set forth in detail in Exhibit B shall be accomplished at the sole expense of the Developer Team, and the building permit for said redevelopment activities shall be obtained and significant construction activity begun by no later than July 1, 2023, with Certificate of Occupancy issued by no later than July 1, 2025.

(b) In the event the Developer Team fails to meet either the use restrictions or the time restrictions set out in subparagraph (a) above, then the City shall have the right to repurchase said property for the same purchase price as paid by Developer Team. This right to repurchase shall be available for One Hundred and Eighty (180) days after the recited deadline. Failure of the City to exercise the right to repurchase within said time frame shall constitute a waiver of the right to repurchase.

5. The City's obligations in this Agreement are hereby expressly conditioned upon the following terms:

(a) Agreement by the Developer Team and the prime contractor(s) retained by Developer Team to actively solicit and encourage minority business entities (MBE's) to participate in subcontracting and significant material supplier opportunities available related to the Project.

(b) The exterior facades of 127 West Evans Historic, LLC shall be constructed utilizing materials and architectural features similar to the architectural features shown on renderings attached hereto as Exhibit B, and shall be reviewed and approved by the City at the time of the obtaining of the Building Permit for the construction.

6. The parties to the Conditional Grant and Development Agreement hereby agree as follows regarding the tax valuation of the subject property:

(a) Upon completion of the above-described project and issuance/receipt of a Certificate of Occupancy, the property involved in this development which is designated in the Florence County Tax Records as Tax Parcel 90167-02-008 shall have a fair market value for tax purposes totaling \$1,400,000.00. The parties further agree that this agreed upon fair market value will be presented to the office of the Florence County Tax Assessor, and the Tax Assessor is specifically authorized to rely upon this Agreement in assessing taxes on said property. The Developer Team further agrees that neither it, nor its successors or assigns, will take any action to appeal the tax assessment or tax valuation of said property in which it asserts that the property should be valued less

than \$1,400,000.00 for the next twenty (20) years from the date the Certificate of Occupancy is issued.

(b) In recognition of the need for the Developer Team to have sufficient time to redevelop and transform the subject property from its current vacant status to an economically feasible property, it is agreed that beginning with the first tax year in which the improvements to the property are recognized for tax purposes the Developer Team will provide the City with a copy of the paid property tax receipt. The City, within 30 days of receiving said tax receipt will issue a reimbursement to the Developer Team as set forth in the following table:

<b>Years</b>	<b>Estimated Total Taxes Paid Per Year</b>	<b>Reimbursement By City</b>	<b>Estimated Net Taxes Paid by Developer</b>
1-3	30,920	28,000	2,920
4-5	30,920	21,000	9,920
6-10	30,920	7,000	23,920
11-20	30,920	0	30,920

7. The total incentive granted through this Agreement shall not be greater than the value received by the City and delivered from the capital investment during the term of the incentive. Nothing herein shall be deemed a pledge of the City's full faith, credit, and taxing power, and nothing herein shall be a general obligation pledge of the City within the meaning of Article X of the South Carolina Constitution.

8. This Conditional Grant Agreement expresses the entire agreement and all promises, covenants, and warranties between the parties hereto. It can be changed only by a subsequently written instrument signed by both parties. The benefits and obligations shall inure to and bind the parties hereto and their heirs, assigns, successors,

executors, or administrators. Whenever used, singular shall include plural, and use of any gender shall include all.

9. The provisions of this Conditional Grant Agreement are severable, and if any one or more of the provisions, sentences, clauses, sections or parts hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance.

This Agreement is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CITY OF FLORENCE**

By: \_\_\_\_\_  
Randall S. Osterman  
City Manager

**DEVELOPER TEAM**

127 West Evans Historic, LLC

By: Robert B. L...  
Its: Managing Member

**EXHIBIT A**  
**Property Description**

All that certain piece, parcel and lot of land, together with improvements thereon, situate, lying and being in the City and County of Florence, State of South Carolina, measuring 27 ½ feet, more or less, on the North side of West Evans Street, between Dargan and Irby Streets, and in depth 150 feet, more or less. The said lot contains the (former) three story brick building formerly known as the “Hursey Building” and is bounded as follows, to wit: On the North by lands formerly of Gregg and Lynch (later the City of Florence); on the East by lot of Florence Evans Corporation (later of Isabel Weiss); on the South by West Evans Street; and on the West by a lot formerly belonging to the City of Florence on which the City Hall was located and now owned by the County of Florence.

Tax Map No. 900167-02-008.

# **Exhibit B**

**Complete Copy of Response of Developer Team to RFQ**



# Hursey-Nofal Building

127 West Evans Historic, LLC

Robert Lewis, Chris Rogers, Will  
Brennan

1901 Main St. Suite 1200  
Columbia, SC 29201

Telephone: 803-978-2838

Fax: 803-252-3653

Email: [Rlewis@rogerslewis.com](mailto:Rlewis@rogerslewis.com)

Authorized Agent: Robert B.  
Lewis

May 2, 2022

**HURSEY-NOFAL BUILDING – RESPONSE TO REQUEST FOR QUALIFICATIONS**

**I. DEVELOPER AND PROJECT SUMMARY**

Chris Rogers, Will Brennan and Robert Lewis will be principals in 127 West Evans Historic LLC, a South Carolina Limited Liability Company to be formed. Chris, Will and Robert have been involved in real estate development for over 10 years focusing on historic rehabilitation and adaptive reuse of historic properties and other unique properties. Together they have over 40 years experience in the rehabilitation of unique historic properties. They have received numerous local, state and national awards for their projects.

Will Brennan is a member of the Columbia, South Carolina City Council and a principal in the Brennan Architecture and Brennan Design Works firms. Robert and Chris are partners in the Rogers, Lewis, Jackson, Mann & Quinn Law Firm, the preeminent tax credit syndication and historic consultation law firm in South Carolina. Over the past five years their law firm has the distinction of having more South Carolina properties listed on the National Register of Historic Places than any other law firm, owner, consultant or developer in the State of South Carolina. Their law firm currently represents over eighty (80) owners, investors and developers with various historic and other tax credit projects in the State of South Carolina and in the southeast. They have also consulted with and represented many cities and counties to help establish historic districts within their cities and to assist in establishing the Bailey Bill historic property tax incentive for those areas.

Some of the development partners' most recent representative projects include:

1. The Curtis-Wright Hanger in Columbia, South Carolina. The development partners purchased this property in 2016 from Richland County and utilized state and federal historic tax credits as well as state abandoned building tax credits to revitalize this vacant and important historic 1929 airplane hangar which now operates as the Hunter-Gatherer Brewery. For more information concerning this property see [www.HunterGathererBrewery.com](http://www.HunterGathererBrewery.com). The Curtis-Wright Hanger received a Historic Columbia Foundation Preservation Award as well as the Governor's Preservation Award from the State of South Carolina in recognition of their efforts in restoring this property.



Robert Lewis  
rlewis@rogerslewis.com

2. The Waikiki Village Motel in Myrtle Beach, South Carolina. This is a mid-century modern motel built in 1963. The development partners purchased this motel in 2017 and did a full historically correct rehabilitation of the property. They have received much recognition for this rehabilitation project as the project accentuated the need for saving the important historic mid-century hotel properties in the Myrtle beach area. The partners received the Horry County Historic Preservation Award for this project. For more information concerning this property see [www.WaikikiMyrtleBeach.com](http://www.WaikikiMyrtleBeach.com). This Hotel is presently being operated by their partnership.
3. The Holiday Shores Motel in Myrtle Beach, South Carolina. This motel was built in 1965 and expanded in 1967 but over the years had become rundown and dated. The development partners purchased this property in 2019 and placed this property on the National Register of Historic Places in 2020. The property underwent a full rehabilitation and opened in January of 2021. More information regarding this project may be seen by visiting the website [www.ChoiceHotels.com](http://www.ChoiceHotels.com) and entering the address 7501 N. Ocean Blvd., Myrtle Beach S.C. The Motel is presently being operated by their partnership.
4. The Hotel Trundle in Columbia, South Carolina. The development partners purchased these properties in 2016. This project consists of three separate buildings in downtown Columbia which were built from the early 1920s through the 1950s. The three buildings were combined and rehabilitated into a boutique hotel, the Hotel Trundle. The historic rehabilitation of this property has also received many state, local, and national awards including the Historic Columbia Foundation Preservation Award, the South Carolina Governor's Historic Preservation Award and the Globe Street Forum magazine national award for Notable Adaptive Reuse of an Historic Building. The Hotel was hand-picked by Southern Living Magazine to be included in their Southern Living Hotel Collection and was ranked as the fifth best small historic hotel in the nation by USATODAY. These properties were developed by this development partnership but are leased and are operated by Rita Patel and Marcus Munse who were responsible for many of the interior design elements and are responsible for the numerous national recognitions received by the Hotel. Information concerning this property may be accessed at [www.HotelTrundle.com](http://www.HotelTrundle.com).
5. Grand Strand Brewery and Apartments in Myrtle Beach, South Carolina. The development partners purchased from the City of Myrtle Beach this property in February 2019 and the property was placed on the National Register of Historic Places later that year. This property underwent a full historic rehabilitation in 2020 and opened in February 2021. The downstairs of this building, formally a

Robert Lewis  
rlewis@rogerslewis.com

Five & Dime discount store, was converted into the Grand Strand Brewery and the second floor of the structure was converted into the Grand Strand Brewery Apartments with 10 short-term rental apartments. Information concerning this project can be found at [www.GrandStrandBrewing.com](http://www.GrandStrandBrewing.com) and [www.Airbnb.com](http://www.Airbnb.com) with the addresses, Units 202 – 210, 819 N. Kings Highway, Myrtle Beach S.C.

6. The Spivey Building, 1028 Third Avenue, Conway S.C. The development partners just recently received approval of their Part 2 historic preservation application from the SC Department of Archives and History and the Department of Interior/National Park Service for the rehabilitation of the Spivey Building located in Conway S.C. Please see renderings and plans attached. **(Ex. A)** This project is included in this RFQ because the age, appearance and scope of The Spivey Building rehabilitation is very similar to the Hursey-Nofal building.
7. The C.B. Smith Whaley House, 1527 Gervais Street, Columbia S.C. The development partners received their historic preservation Part 2 approval from the National Park Service for the rehabilitation of this building earlier this year and just received their building permit in April 2022. This is a landmark building in downtown Columbia and for many years was the location of the Dunbar Funeral Home. Like the proposed plans for the Hursey-Nofal building, this property is being historically adapted to include a café on a portion of the first floor, two apartments on the first floor with a total of six apartments in this three-story building. Additional information about this project is attached as **Ex. B**.

**\* The principals have also been involved in many other historic and adaptive reuse projects and information concerning some of these projects is attached (Ex, C). Other information about these projects or other representative projects will be provided upon request.**

**\* Personal banking and business references will be provided upon request.**

**\* Personal financial statements of the principals are provided. (Ex. D)**

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Date: 04/11/2022  
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## II. THE REHABILITATION PLAN

As the development partners met and discussed this project and after visiting the building and walking the downtown area of Florence, it is clear that the City of Florence has experienced well planned growth, quality re-development and proper rehabilitation and historic preservation in their downtown area that certainly is the envy of similar sized cities and towns in South Carolina and in other areas. The partners are excited to have the opportunity to be involved in the historic rehabilitation and adaptive reuse of 127 West Evans Street in this already vibrant area.

One of the development partners was a developer over 10 years ago of the 701 Whaley complex, a historic rehabilitation of a 27,000-plus square foot textile mill building into an event, entertainment, apartment, and arts facility in the Mill Village of downtown Columbia, South Carolina. From that project and from being involved in similar projects, the development partners are keenly aware of the importance of including the city's arts, entertainment, hospitality and creative community in a project such as this. Also, based on recent projects completed by the partners and current projects that the partners now have in the design and pre-development phase, the partners are aware of the increased need for, and use of, short-term rentals (STR) units in the core downtown areas in cities and towns of South Carolina and in other areas.

With that in mind, the development partners are proposing a rehabilitation that will preserve the historic character and appearance of the building but will include a mix of eight (8) short-term rental units of varying sizes with two (2) retail units located on the first floor. *The plans may be adapted to include one larger retail or restaurant usage on the first floor if the need arises in which case there will be one less residential use.* Ideally, one of the retail units would be available for an arts installation or other arts-related usage. In addition, the development partners would like to develop the area between the pedestrian walkway and the west façade of the building for outdoor sculpture or other art exhibits with installations or artwork that could rotate over time as desired.

Please see attached the Partners' Proposed Unit Mix and Preliminary Development Plan (Ex. E). Again, this unit mix is subject to change as the project progresses based upon the needs that are presented in the future.

While we cannot know all the details about this historic rehabilitation yet as much is learned about a building during the rehabilitation process, all the development partners' historic projects strictly adhere to the *U.S. Department of Interior's Standards and Guidelines for Historic Preservation* (see *Department of Interior Standards and Guidelines Ex. F*). We do know that some of the specific historic rehabilitation details will include:

1. Rebuilding the first-floor exterior storefront façade to closely mimic the original storefront façade. More details will be provided once additional research is performed about the original appearance and some selective demolition in that area occurs.
2. Retaining all the historic windows and restoring these to the original use and appearance. Glass/glazing will be selected to have the historic accuracy of authentic antique window glass.

3. Cleaning the exterior masonry with a non-chemical natural solution and with non-abrasive methods and repointing the brick with a lime-based mortar mixture formulated to match the original mortar in color, shape, and particle size.

4. Preserving the original stairway on the second and third floors. The first-floor stairway will be replaced to match the historic stairway, as that section does not meet the current building codes.

5. Preserving the historic corridor and common areas on the second floor, along with the existing historic doors and door locations.

6. Preserving and reusing in their present locations or in some cases moving and reusing all historic flooring, doors, trim, baseboards, wainscoting, and beadboard ceilings located in the building, and,

7. While the footprint of the third floor will change somewhat from its original design, the flooring, doors and finishes and most of the original design will be preserved.

### **III. FINANCIAL CONSIDERATIONS AND PRELIMINARY PRO FORMA**

The partners propose paying \$120,000.00 for the purchase of the property. A payment of \$10,000.00 will be made as an earnest money deposit upon selection of our development partnership as the chosen developers for this project. An additional \$110,000.00 will be paid upon closing on the property. The parties expect the total cost of the rehabilitation to be between \$1,900,000.00 and \$2,100,000.00

The project will be financed through a combination of state and federal tax credit equity, owner equity, any grants provided by the City of Florence, and debt financing. The project will qualify for a twenty (20%) percent federal historic tax credit, a twenty-five (25%) percent state historic tax credit, and a twenty-five (25%) percent state abandoned building tax credit.

The project pro forma and our financial modeling is attached as **Ex. G**.

### **IV. PROJECT TEAM MEMBERS**

1. Rogers, Lewis, Jackson, Mann & Quinn LLC – The development partners Robert Lewis and Chris Rogers are partners in the Rogers, Lewis, Jackson, Mann & Quinn law firm. This law firm is recognized in the preservation and historic real estate development community as one of the few law firms in the state representing clients in tax credit and historic preservation matters. The firm offers full historic preservation consulting and works closely with the South Carolina Department of Archives and History and the U.S. Department of Interior/ National Park Service on the qualification of historic properties for inclusion on the National Register, a

prerequisite for obtaining the rehabilitation tax credits. The law firm has extensive experience in the syndication of historic and other state and federal tax credits.

2. Montgomery Construction Company. Montgomery Construction Company has experience in historic preservation and the rehabilitation of historic properties. This construction company is currently the general contractor on the development partners' projects located at 1028 Third Avenue, Conway, South Carolina, and 3 South Church Street, Manning, South Carolina. For more information about Montgomery Construction Company, you may consult their website at [www.montgomery-co.com](http://www.montgomery-co.com) or see **Ex. H**, attached.

3. Design Team: Brennan Works LLC and Dewey Ervin Architecture LLC

(a) Dewey Ervin Architecture, LLC. - Dewey Ervin, a native of Florence, South Carolina, is currently providing design services for the development partners' ongoing projects at 1527 Gervais Street, Columbia, South Carolina, and 3 South Church Street, Manning, South Carolina. His recent projects have focused on historic rehabilitations in Columbia, Charleston, Florence, and Hartsville, South Carolina. Mr. Ervin was a member of the design team for the Florence County Judicial Center. He has a passion for preserving historic properties. Mr. Ervin is adept at managing design teams and navigating the intricacies of rehabilitation projects and has great understanding about the need to adhere to the Department of Interior/National Park Service *Guidelines and Standards For The Rehabilitation of Historic Properties*. For more information concerning Dewey Ervin Architecture, LLC, see attached **Ex. I**.

(b) Brennan Associates Inc./Brennan Works LLC. Jim Brennan, AIA, and Will Brennan are partners in Brennan Works LLC and have provided architectural consulting for many of the partners' historic projects over the past 10 years. They are considered experts in the designing, planning and implementation of historic projects. More information is provided about this firm at [www.brennanworks.com](http://www.brennanworks.com).

## V. PROPOSED PROJECT TIMELINE

May 5, 2022 – Submit response to RFQ.

June 2022 – Selection committee review and interviews.

August-September 2022 – Acceptance of proposal.

October 2022 – Purchase agreement executed. Earnest money paid.

October-December 2022 – \*Architecture and engineering work finalized

\* Pro forma and budget finalized

January 2023 – Construction loan approval, final permitting concluded.

February 2023 – Closing, construction work begins.

February 2023-October 2023 – 9-month construction period.

November 2023 – Building placed in service.

## VI. CONCLUSION

Our development partnership and development team have the knowledge and experience to assure that the historic rehabilitation of the Hursey-Nofal building is successful. Historic rehabilitation and the preservation of historic properties is a time intensive and difficult task which must balance many competing interests and requirements such as national, state and local historic approvals, the work of adapting a 100-year-old building to the current building codes and standards, and the balancing act of adapting the building for present-day usage while maintaining the historic character of the property and, most importantly, doing all this with a budget that still assures profitability and a reasonable cashflow for the owners.

We have seen many projects such as this that simply linger for months and years and become financially troubled because the owner or developer was not fully cognizant of all the competing interests and requirements and did not fully balance all those requirements in their pre-construction planning. With our knowledge of leveraging tax credits and other incentives our development partnership has the skill and expertise to do make this project a success. We have included in our budgeting and in our proforma total construction and development costs of approximately Two Million (\$2,000,000.00) Dollars. Based on past projects we have completed we are comfortable that this budget is necessary and sufficient to make this project a success and to assure that the Nofal-Hursey Building becomes an exemplary downtown historic property for the City of Florence.

We appreciate the city's consideration of our proposal.

Sincerely,



Robert B. Lewis,  
Managing Member  
127 West Evans Historic, LLC



Robert Lewis  
rlewis@rogerslewis.com

May 2, 2022

**Contact Information**

**Company Name:** 127 West Evans Historic LLC, a South Carolina Limited Liability Company, to be formed

**Address:** c/o Robert B. Lewis  
Rogers, Lewis, Jackson, Mann & Quinn, LLC  
1901 Main Street, Suite 1200

**City, State, Zip:** Columbia, South Carolina, 29201

**Phone Number:** Office: (803) 256-1268, Direct Line: (803) 978-2838

**Fax Number:** (803) 252-3653

**E-Mail Address:** [Rlewis@rogerslewis.com](mailto:Rlewis@rogerslewis.com)

**Printed Name of Authorized Agent:** Robert B. Lewis

**Title:** Managing Member/Development Partner

**Date:** May 2, 2022

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Job Number: 20220502\_014358\_mao  
Custom Filename: Contact info sheet  
Date: 05/02/2022  
Billed Words: 100

Rogers Lewis Jackson Mann & Quinn, LLC  
PO Box 11803 (29211)  
1901 Main Street, Suite 1200  
Columbia, SC 29201

## Exhibit List

<u>Exhibit</u>	<u>Attachment</u>
A.	Spivey Building Renderings & Plans
B.	Whaley House Renderings & Plans
C.	Other Representative Projects & Awards
D.	Personal Financial Statements and Lender Interest Letter
E.	Architectural Plans, Unit Mix
F.	The Secretary of Interiors Standards For The Treatment of Historic Properties with Guidelines For Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings
G.	Project Proforma and Financial Modeling
H.	Montgomery Construction Company – Company Information and Representative Projects
I.	Dewey Ervin Architecture LLC – Company Information and Representative Projects

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# EXHIBIT A

THIRD & LAUREL  
CONWAY, SOUTH CAROLINA

STREET VIEW



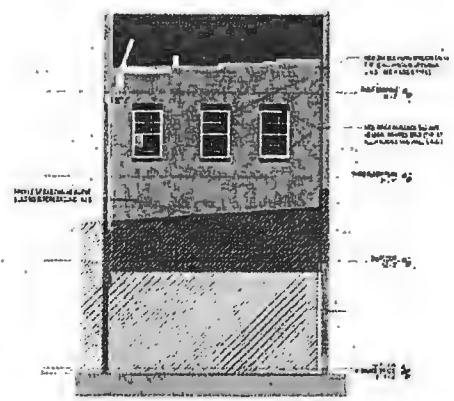
EXTERIOR BRICK COLOR  
SW#7067  
CITYSCAPE

# THIRD & LAUREL CONWAY, SOUTH CAROLINA

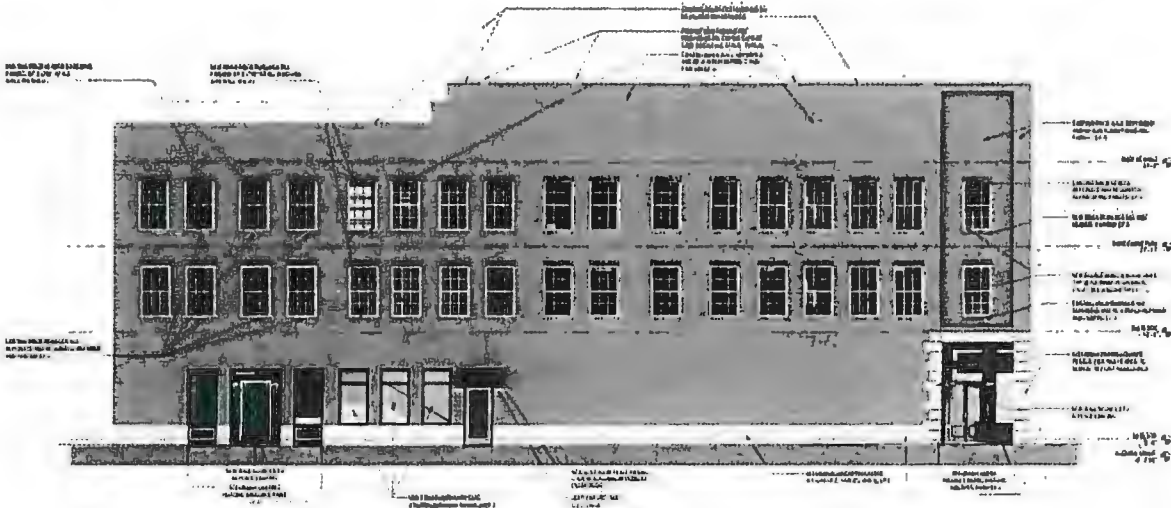
## BUILDING ELEVATIONS



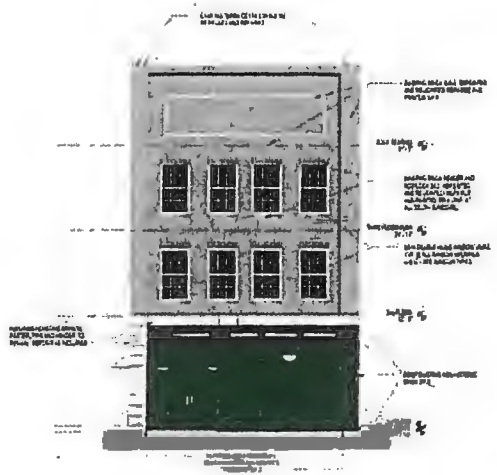
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION





**CODE INFORMATION**

1. Refer to the applicable code book for the applicable code.
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**TABLE 1. FLOOR HAZARD INFORMATION AND CONDITIONS**

Floor	Area	Hazard	Condition
1st	Office	None	None
1st	Warehouse	Flammable	None
1st	Warehouse	Corrosive	None
1st	Warehouse	Explosive	None
1st	Warehouse	Radioactive	None
1st	Warehouse	Toxic	None
1st	Warehouse	Other	None

**TABLE 2. SOIL SITE**

Soil Type	Depth	Moisture	Temperature
CLAY	0-10"	15%	60°F
CLAY	10-20"	15%	60°F
CLAY	20-30"	15%	60°F
CLAY	30-40"	15%	60°F
CLAY	40-50"	15%	60°F

**TABLE 3. BASEMENT FLOOR INFORMATION**

Room	Area	Height	Condition
Basement	1000 sq ft	8 ft	None
Basement	1000 sq ft	8 ft	None
Basement	1000 sq ft	8 ft	None

**TABLE 4. BASEMENT**

Room	Area	Height	Condition
Basement	1000 sq ft	8 ft	None
Basement	1000 sq ft	8 ft	None
Basement	1000 sq ft	8 ft	None

**TABLE 5. BASEMENT**

Room	Area	Height	Condition
Basement	1000 sq ft	8 ft	None
Basement	1000 sq ft	8 ft	None
Basement	1000 sq ft	8 ft	None

**TABLE 6. GENERAL DESIGN OCCUPANT LOAD**

Room	Area	Occupant Load
Office	1000 sq ft	100
Warehouse	1000 sq ft	100
Warehouse	1000 sq ft	100
Warehouse	1000 sq ft	100
Warehouse	1000 sq ft	100
Warehouse	1000 sq ft	100
Warehouse	1000 sq ft	100
Warehouse	1000 sq ft	100
Warehouse	1000 sq ft	100
Warehouse	1000 sq ft	100

**TABLE 7. GENERAL FIRE PROTECTION REQUIREMENTS**

Room	Area	Fire Protection
Office	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None

**TABLE 8. GENERAL REQUIREMENTS FOR BUILDING ELEMENTS**

Element	Material	Thickness	Notes
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None

**TABLE 9. GENERAL REQUIREMENTS FOR BUILDING ELEMENTS**

Element	Material	Thickness	Notes
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None
Floor	Concrete	4" thick	None

**TABLE 10. MECHANICAL INFORMATION**

Room	Area	Mechanical
Office	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None

**TABLE 11. ELECTRICAL INFORMATION**

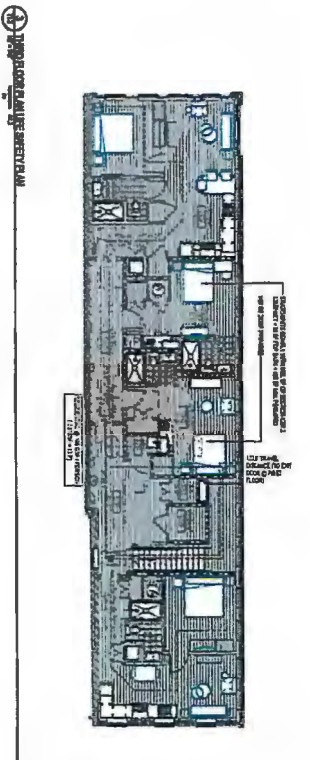
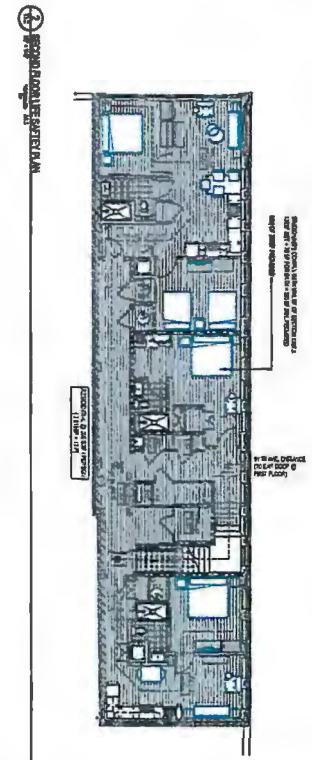
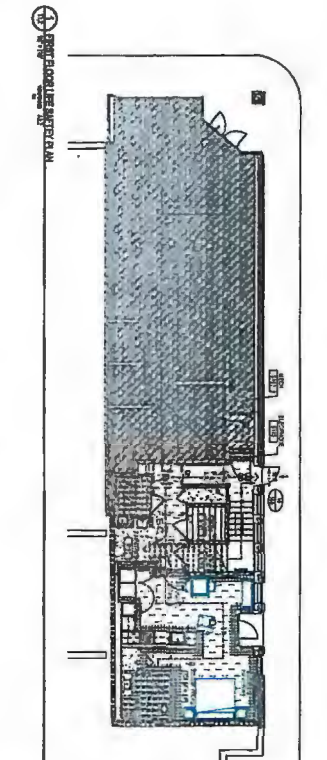
Room	Area	Electrical
Office	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None

**TABLE 12. ELECTRICAL INFORMATION**

Room	Area	Electrical
Office	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None

**TABLE 13. ELECTRICAL INFORMATION**

Room	Area	Electrical
Office	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None
Warehouse	1000 sq ft	None

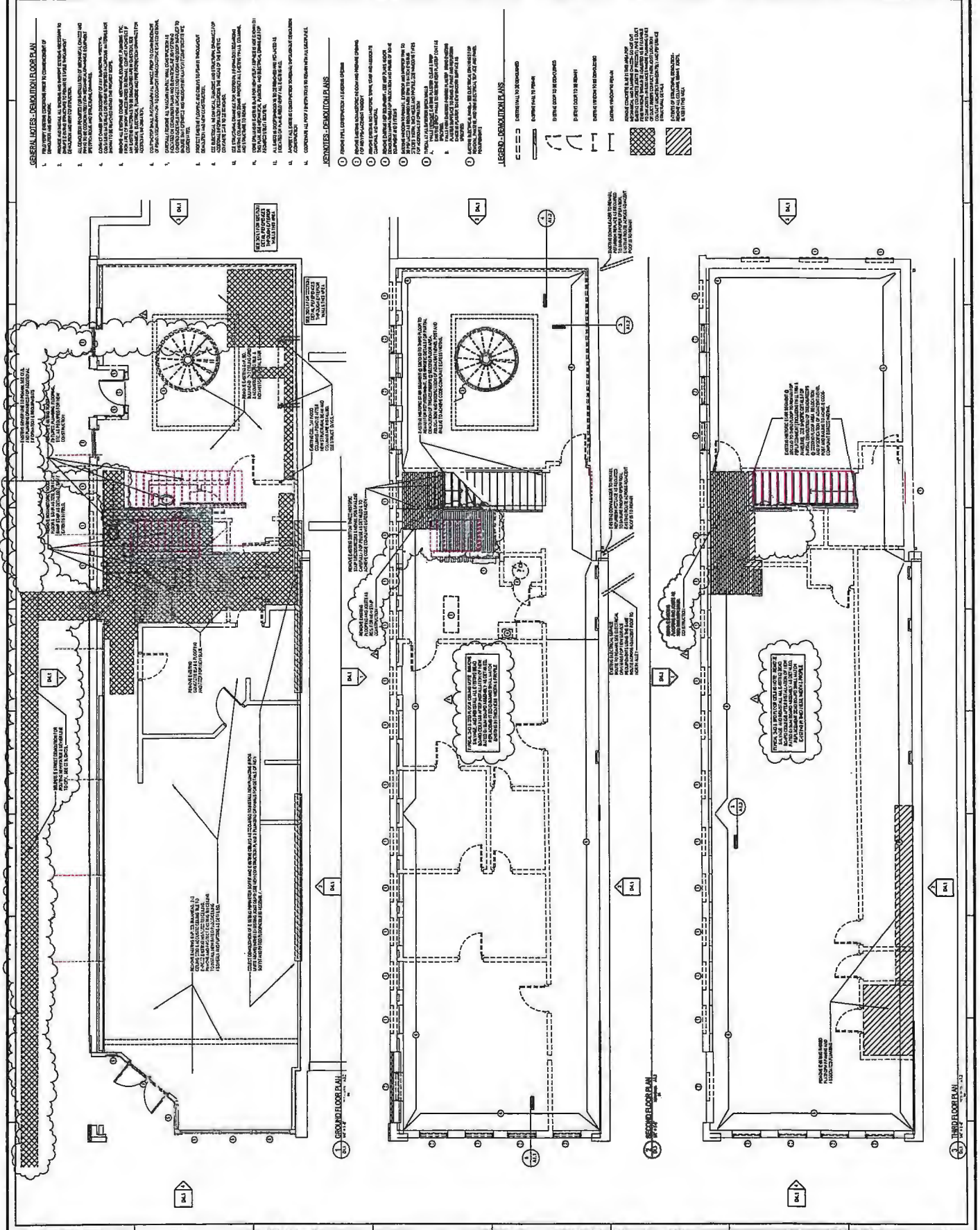


- GENERAL LIFE SAFETY**
- 1. Refer to the applicable code book for the applicable code.
- 2. Refer to the applicable code book for the applicable code.
- 3. Refer to the applicable code book for the applicable code.
- 4. Refer to the applicable code book for the applicable code.
- 5. Refer to the applicable code book for the applicable code.
- 6. Refer to the applicable code book for the applicable code.
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- 13. Refer to the applicable code book for the applicable code.
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- 15. Refer to the applicable code book for the applicable code.
- 16. Refer to the applicable code book for the applicable code.
- 17. Refer to the applicable code book for the applicable code.
- 18. Refer to the applicable code book for the applicable code.
- 19. Refer to the applicable code book for the applicable code.
- 20. Refer to the applicable code book for the applicable code.

<p>PROJECT NO. <b>T1.2</b></p> <p>DATE <b>01/12/2011</b></p>	<p>DRAWING TITLE <b>CODE INFORMATION &amp; LIFE SAFETY PLANS</b></p>	<p>DRAWN BY: <b>[Signature]</b></p> <p>CHECKED BY: <b>[Signature]</b></p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION				<p>PROJECT TITLE <b>CONWAY THIRD &amp; LAUREL</b></p> <p>1026 3RD AVENUE CONWAY, SC 29525</p>	<p>SCALE</p> <p><b>1" = 10'-0"</b></p>	<p>SCALE</p> <p><b>1" = 10'-0"</b></p>	<p><b>GARVIN DESIGN GROUP</b></p> <p>1200 Louise Street Columbia, SC 29202</p>
NO.	DATE	DESCRIPTION											

CONWAY THIRD & LAUREL  
 1028 3RD AVENUE  
 CONWAY, SC 29526

NO.	REVISIONS	DATE
1	ISSUED FOR PERMITS	02/14/2012
2	ISSUED FOR PERMITS	02/14/2012
3	ISSUED FOR PERMITS	02/14/2012
4	ISSUED FOR PERMITS	02/14/2012
5	ISSUED FOR PERMITS	02/14/2012
6	ISSUED FOR PERMITS	02/14/2012
7	ISSUED FOR PERMITS	02/14/2012
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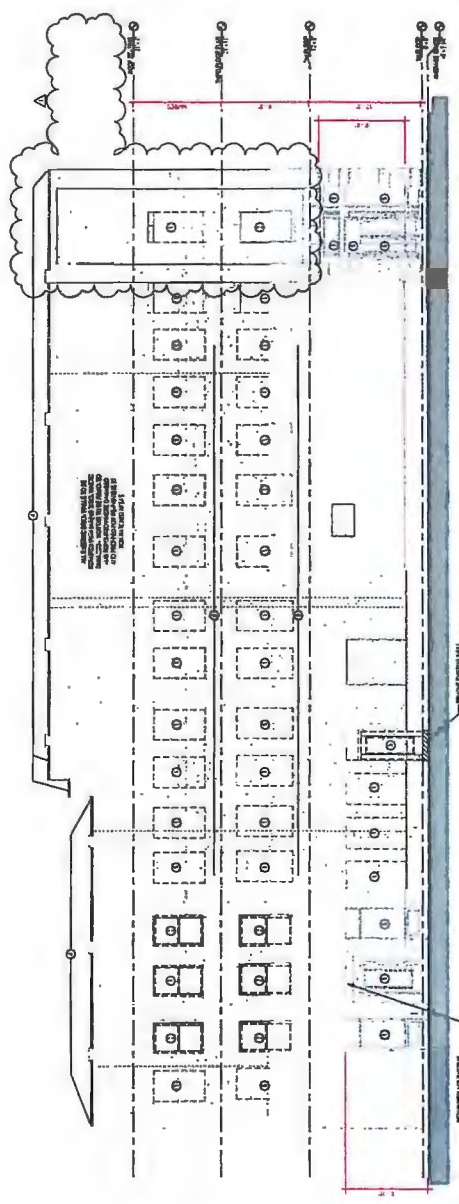
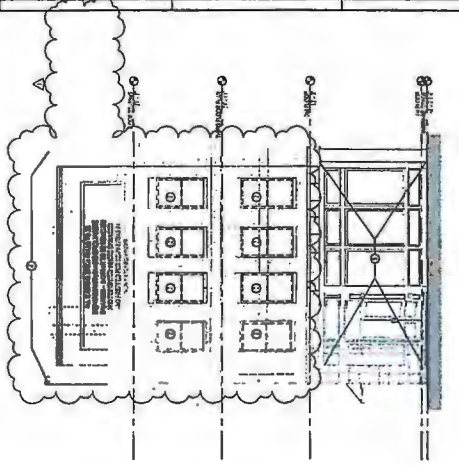
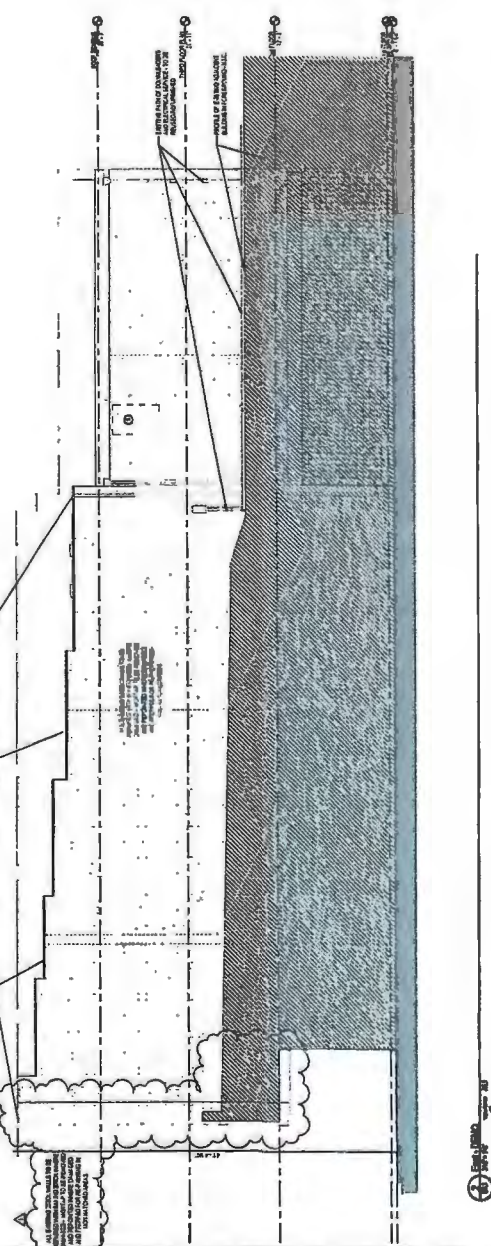
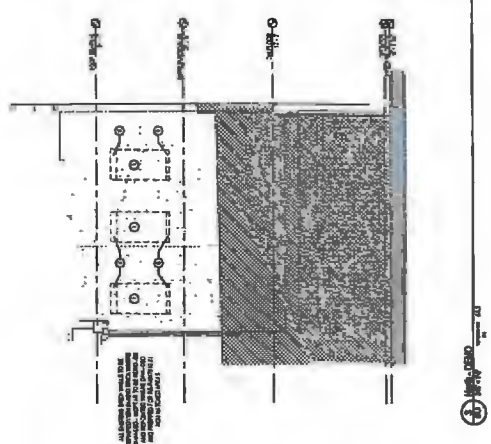


**BUILDING ELEVATIONS - DEMOLITION**

PROJECT TITLE: CONWAY THIRD & LAUREL  
 1028 3RD AVENUE  
 CONWAY, SC 29526



**GARVIN DESIGN GROUP**  
 1500 Landa Street  
 Charleston, SC 29405  
 P.O. Box 12  
 Charleston, SC 29405



- REMARKS - DEMOLITION CONDITIONS**
- 1. DEMOLITION OF EXISTING WALLS
  - 2. DEMOLITION OF EXISTING ROOF
  - 3. DEMOLITION OF EXISTING FLOOR
  - 4. DEMOLITION OF EXISTING CEILING
  - 5. DEMOLITION OF EXISTING MECHANICAL SYSTEMS
  - 6. DEMOLITION OF EXISTING ELECTRICAL SYSTEMS
  - 7. DEMOLITION OF EXISTING PLUMBING SYSTEMS
  - 8. DEMOLITION OF EXISTING PAINT
  - 9. DEMOLITION OF EXISTING GLASS
  - 10. DEMOLITION OF EXISTING METALS

# EXHIBIT B





# RENOVATIONS TO 1527 GERVAIS STREET

COLUMBIA, SOUTH CAROLINA

## PERMITTING DOCUMENTS

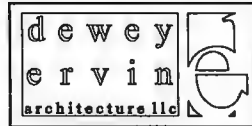
FEBRUARY 16, 2022  
 MARCH 29, 2022  
 MARCH 31, 2022  
 APRIL 5, 2022  
 APRIL 7, 2022  
 APRIL 15, 2022



**COLLINS CONSULTANTS INC:**

STRUCTURAL ENGINEERING  
 840 Shull Street  
 West Columbia, SC 29169  
 Phone: (803) 926-8000

**DESIGN CONSULTANT:**



**INDEX TO DRAWINGS:**

C1.1	CODE REVIEW	A3.1	EXISTING GERVAIS STREET ELEVATION
SP1.1	SITE PLAN	A3.2	EXISTING PICKENS STREET ELEVATION
D1.1	FIRST FLOOR DEMOLITION PLAN	A3.3	EXISTING REAR ELEVATION
D1.2	SECOND FLOOR DEMOLITION PLAN	A3.4	EXISTING LEFT SIDE ELEVATION
D1.3	THIRD FLOOR DEMOLITION PLAN	A3.5	EXISTING BUILDING SECTION
A1.1	FIRST FLOOR PLAN	A4.1	DEMOLITION/CONSTRUCTION NOTES
A1.2	SECOND FLOOR PLAN	A4.2	DOOR AND WINDOW SCHEDULES
A1.3	THIRD FLOOR PLAN	A5.1	SECTIONS AND DETAILS
A1.4	ROOF PLAN	A5.2	SECTIONS AND DETAILS
A2.1	ENLARGED KITCHEN PLANS AND ELEVATIONS	A5.3	SECTIONS AND DETAILS
A2.2	ENLARGED KITCHEN PLANS AND ELEVATIONS	A5.4	INTERIOR STAIR DETAILS
D3.1	EXISTING ELEVATIONS	A5.5	SECTIONS AND DETAILS

**BRENNAN DESIGN, LLC.**  
 Urban Design : Architecture : Interiors

# CODE SUMMARY

## DESIGNED ACCORDANCE WITH:

- INTERNATIONAL BUILDING CODE, 2018 EDITION
- INTERNATIONAL PLUMBING CODE, 2018 EDITION
- INTERNATIONAL MECHANICAL CODE, 2018 EDITION
- INTERNATIONAL FIRE CODE, 2018 EDITION
- INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION
- NATIONAL ELECTRICAL CODE, NFPA 70, 2017 EDITION
- ICC IANHS - A117.1 - 2017, ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES

CHAPTER 3: OCCUPANCY CLASSIFICATION RESIDENTIAL GROUP R-2 ASSEMBLY GROUP A-2

CHAPTER 4: SPECIAL REQUIREMENTS SECTION 420, GROUPS I-1, R-1, R-2, R-3 AND R-4

### 420.2 SEPARATION WALLS

PER SECTION 703.2.3 EXCEPTION (2) - DWELLING UNIT AND SLEEPING UNIT SEPARATIONS IN BUILDINGS OF TYPE R, R-1 AND R-2 CONSTRUCTION SHALL HAVE FIRE RESISTANCE RATINGS OF NOT LESS THAN 1 HOUR IF BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1.

### 420.3 HORIZONTAL SEPARATION

PER SECTION 711.2.2.3 EXCEPTION 1 - HORIZONTAL ASSEMBLIES SEPARATING DWELLING UNITS AND SLEEPING UNITS SHALL BE NOT LESS THAN 1/2-HOUR FIRE RESISTANCE-RATED CONSTRUCTION IN A BUILDING OF TYPE R, R-1 AND R-2 CONSTRUCTION WHERE THE BUILDING IS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION 903.3.1.1.

## CHAPTER 5: GENERAL BUILDING HEIGHTS AND AREAS

TABLES 504.2 & 504.4: ALLOWABLE HEIGHTS/STORIES ABOVE GRADE  
 HEIGHT ALLOWED: 3 STORIES / 60 FEET  
 HEIGHT ACTUAL: 3 STORIES / 57 FEET  
 2 STORIES / 60 FEET

TABLE 504.2: ALLOWABLE BUILDING AREA  
 AREA ALLOWED: 21,000 SF  
 AREA ACTUAL: 8,543 SF  
 18,000 SF

TABLE 504.4: REQUIRED SEPARATION OF OCCUPANCIES A & R = 1HR

FOR EXISTING FIRE PARTITION & HORIZONTAL ASSEMBLY RATINGS, REFER TO 2018 INTERNATIONAL EXISTING BUILDING CODE - RESOURCE A - "GUIDELINES ON FIRE RATINGS OF ARCHIVAL MATERIALS AND ASSEMBLIES"

EXISTING FIRE PARTITIONS BETWEEN PROPOSED A & R OCCUPANCIES MOST CLOSELY RESEMBLE 1/2-HR WITH A RATING OF 1HR - MINIMUM EXISTING CONDITION CONSISTS OF: 1" GYPSUM PLASTER OVER METAL LATH (BOTH SIDES) OVER WOOD 2x4 @ 5" SPACING

EXISTING HORIZONTAL ASSEMBLIES BETWEEN PROPOSED A & R OCCUPANCIES MOST CLOSELY RESEMBLE 1/2-HR WITH A RATING OF 1HR - MINIMUM EXISTING CONDITION CONSISTS OF: 1" GYPSUM PLASTER OVER 1" GYPSUM BOARD OVER ARSIBIOS PAPER WITH WIRE THREADED THROUGH AT 3" O.C. OVER FERROUS METAL CHANNELS AT 4" O.C. ATTACHED TO 2" RAILS ATTACHED TO 2" FLOORING AT 2X12 WOOD JOISTS 16" O.C. WITH 1" WOOD SUBFLOOR AND 1" WOOD TO FINISHED FLOORING ABOVE = >1" MEMBRANE IN AN OVERALL 14" ASSEMBLY

CHAPTER 6: TYPES OF CONSTRUCTION 5B, SPRINKLERED

TABLE 601: FIRE RESISTANCE RATING REQUIREMENTS FOR ALL BUILDING ELEMENTS (HOURS) 0

SECTION 703.2.1: UNIT SEPARATION EXCEPTION PER SECTION 903.3.1.1 NOT LESS THAN 1/2 HOUR IN BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM

SECTION 711.2.2.3: FLOOR & ROOF ASSEMBLIES, DWELLING UNITS AND SLEEPING UNITS EXCEPTION PER SECTION 903.3.1.1 NOT LESS THAN 1/2 HOUR IN BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM

SECTION 712: VERTICAL OPENINGS VERTICAL OPENINGS CONTAINING EXIT ACCESS STAIRWAYS OR RAMPS IN ACCORDANCE WITH SECTION 1019 SHALL BE PERMITTED.

## CHAPTER 8: FIRE PROTECTION SYSTEMS

SPRINKLERED

SECTION 903.3.1.1: NFPA 13 SPRINKLER SYSTEMS

SECTION 909: PORTABLE FIRE EXTINGUISHERS

SECTION 907: FIRE ALARM AND DETECTION SYSTEMS

PER THE 2018 IBC AND THE SOUTH CAROLINA FIRE CODE  
 PER THE 2018 IBC AND THE SOUTH CAROLINA FIRE CODE  
 PER THE 2018 IBC AND THE SOUTH CAROLINA FIRE CODE

## CHAPTER 10: MEANS OF EGRESS

SECTION 1004: OCCUPANT LOAD TOTAL DESIGN OCCUPANT LOAD 160 OCCUPANTS

RESIDENTIAL GROUP R-2: 65/4 SF / 200 (gross) = 34 OCCUPANTS  
 ASSEMBLY (A1M & A1M): 1879 SF / 15 SF (net) = 126 OCCUPANTS

TABLE 1004.2.1: SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY

GROUP R-2: 20 (MAX. OCCUPANT LOAD)  
 GROUP A-2: 40 (MAX. OCCUPANT LOAD)

1ST FLOOR:  
 R-2: 2687 SF / 200 (gross) = 14 OCCUPANTS (1 EXIT REQD.)  
 A-2: 1879 SF / 15 SF (net) = 126 OCCUPANTS (2 EXITS REQD.)

2ND FLOOR:  
 R-2: 2407 SF / 200 (gross) = 12 OCCUPANTS (1 EXIT REQD.)

3RD FLOOR:  
 R-2: 1570 SF / 200 (gross) = 8 OCCUPANTS (1 EXIT REQD.)

TABLE 1004.2.1: MAXIMUM COMMON PATH OF EGRESS TRAVEL

GROUP R-2: 125 FEET, SPRINKLERED  
 GROUP A-2: 75 FEET, SPRINKLERED

TABLE 1006.2.1(1): STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-3 OCCUPANCIES - 4 DWELLING UNITS MAX. 125 FEET MAX COMMON PATH OF EGRESS TRAVEL

SECTION 1011.2: STAIRWAYS WIDTH & CAPACITY PER 1005.3.1 - 44 INCHES MIN. REQUIRED - 54 INCHES PROVIDED

TABLE 1017.3: EXIT ACCESS TRAVEL DISTANCE 250 FT. MAX, SPRINKLERED

TABLE 1020.1: CORRIDOR FIRE RESISTANCE RATING REQUIREMENT REQUIRED AND PROVIDED. 1/2-HR WALL ASSEMBLY WITH 20 MIN DOORS PER NFPA 101, Section 8.3.3.2.2.

TABLE 1020.2: MINIMUM CORRIDOR WIDTH REQUIRED, 36" (OCCUPANT LOAD < 50)

SECTION 1104.4.1 and 1107.4.3 ACCESSIBLE ROUTE IN GROUP R-2 FACILITIES WITH TYPE A UNITS COMPLYING WITH SECTION 1107.4.2.1, AN ACCESSIBLE ROUTE IS NOT REQUIRED TO CONNECT STORIES OR MEZZANINES WHERE TYPE A UNITS, ALL COMMON USE AREAS SERVING TYPE A UNITS AND ALL PUBLIC USE AREAS ARE ON AN ACCESSIBLE ROUTE.

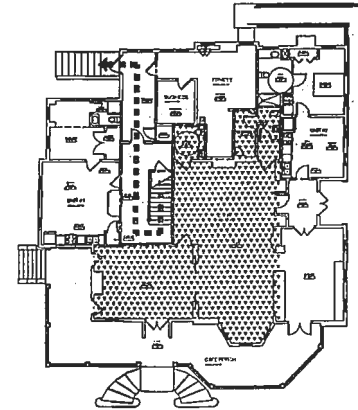
## CHAPTER 17: SPECIAL INSPECTIONS AND TESTS

N/A

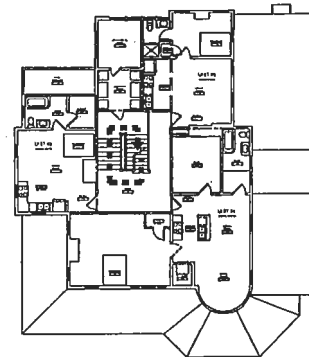
SECTION 3202.2: FIRE RETARDANT TREATED WOOD N/A

TABLE 3202.1: PLUMBING FIXTURE REQUIREMENTS

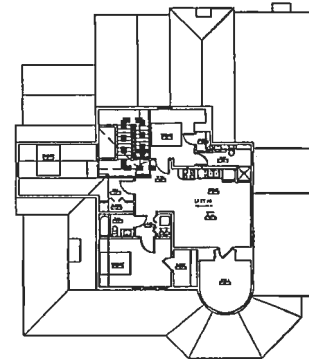
REQUIRED	WATER CLOSETS (ASSEMBLY 1/200)	LAVATORIES (ASSEMBLY 1/200)	URINALS	DRINKING FOUNTAINS (ASSEMBLY 1/200)	SERVICE SINK
MEN	1	1	0	2 (44.0)	1
WOMEN	1	1	0	2 (44.0)	1
PROVIDED	1	1	0	2 (44.0)	1
MEN	1	1	0	2 (44.0)	1
WOMEN	1	1	0	2 (44.0)	1



FIRST FLOOR FIRE SEPARATION PLAN



SECOND FLOOR FIRE SEPARATION PLAN



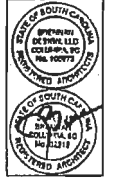
THIRD FLOOR FIRE SEPARATION PLAN



## DESIGN CONSULTANT



## COMPANY SEALS



## PROJECT TITLE

Renovations to  
1527 Gervais Street  
Columbia, SC

## PROJECT NUMBER

22-00

## REVISIONS

## DATE

April 7, 2022

## FURNISHING DOCUMENTS

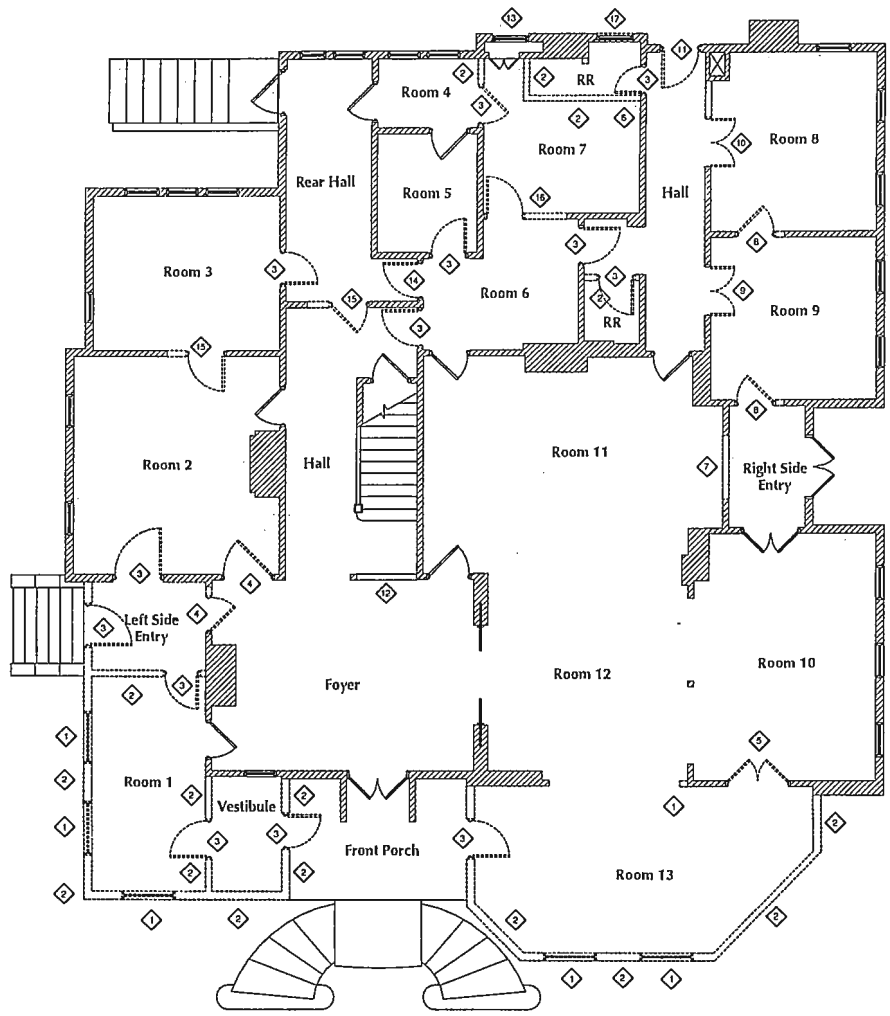
## SHEET TITLE

CODE REVIEW

## SHEET NUMBER

C1.1





NOTE: SEE DEMOLITION AND CONSTRUCTION SCHEDULE FOR ADDITIONS NOTES  
**FIRST FLOOR DEMO PLAN**  
 SCALE 1/4" = 1'-0"



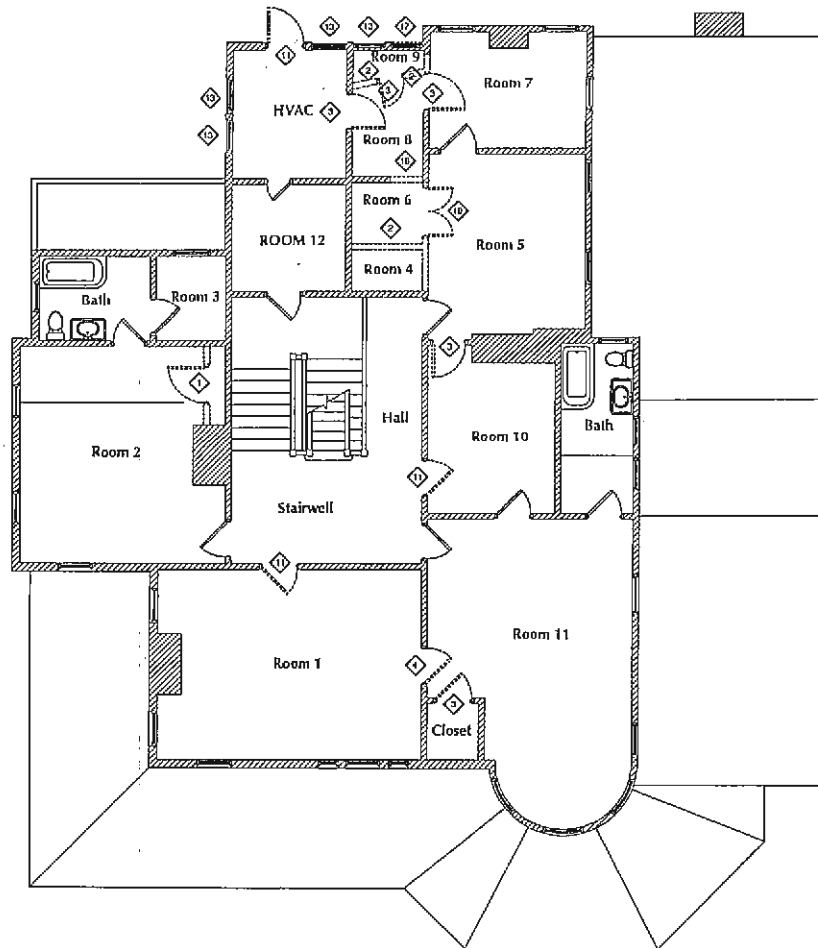
Renovations to  
 1527 Gervais Street  
 Columbia, SC

22-00

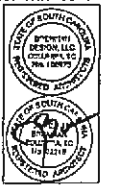
April 7, 2022

FIRST  
 FLOOR  
 DEMO PLAN

**D1.1**



NOTE: SEE DIMENSION AND CONSTRUCTION  
SCHEDULE FOR ADDITIONAL NOTES  
**SECOND FLOOR DEMO PLAN**  
SCALE 1/8" = 1'-0"



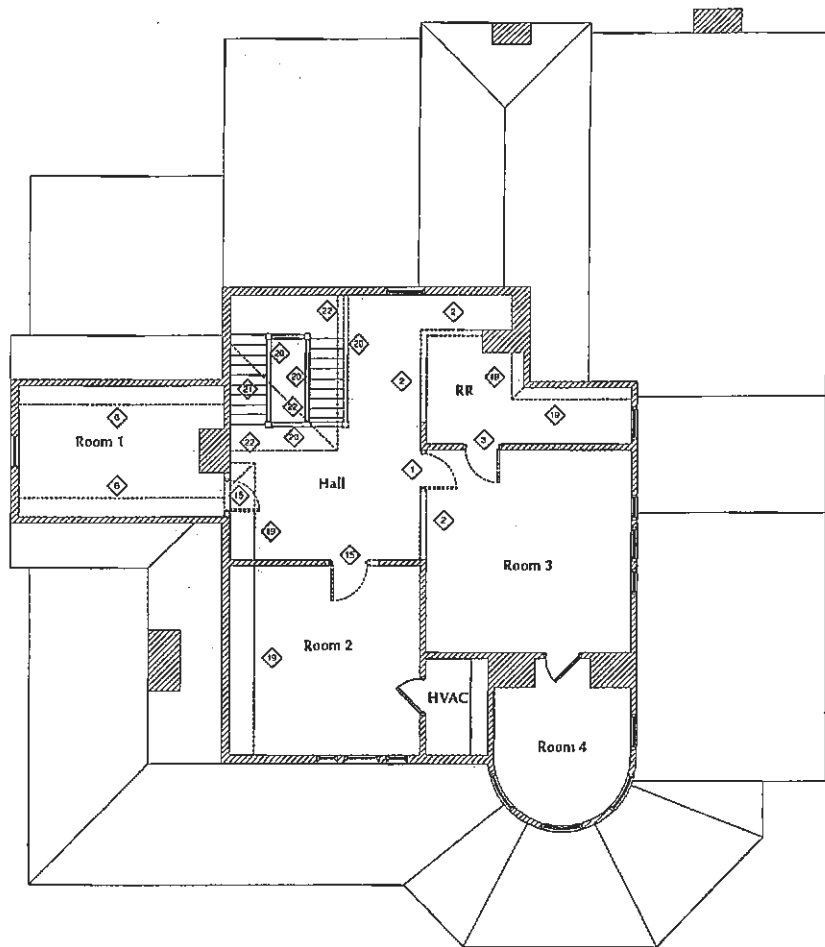
Renovations to  
1527 Gervais Street  
Columbia, SC

22-00

DATE  
April 7, 2022

SHEET TITLE  
SECOND  
FLOOR  
DEMO PLAN

SHEET NUMBER  
**D1.2**



NOTE: SEE DEMOLITION AND CONSTRUCTION  
 SCHEDULE FOR ADDITIONS-NOTS  
**THIRD FLOOR DEMO PLAN**  
 SCALE 1/8" = 1'-0"



BRENNAN DESIGN, LLC  
 1527 GERVAIS STREET, COLUMBIA, SC 29204  
 803.733.1111

ARCHITECT  
 1527 GERVAIS STREET, COLUMBIA, SC 29204  
 803.733.1111

DESIGN CONSULTANT



COMPANY SEALS



PROJECT TITLE

Renovations to  
 1527 Gervais Street  
 Columbia, SC

PROJECT NUMBER

22-00

REVISIONS

DATE

April 7, 2022

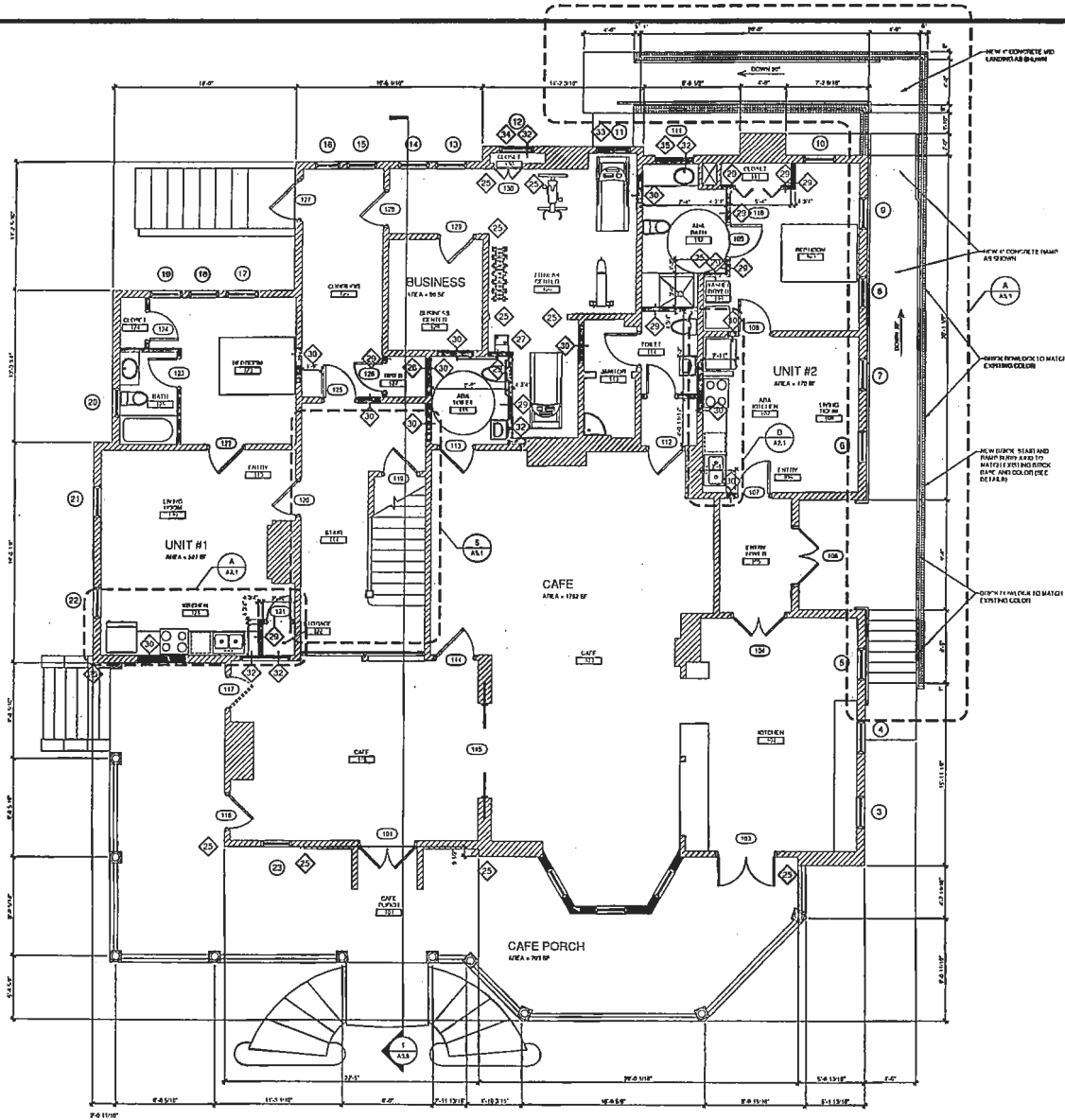
PERMITTING DOCUMENT

SHEET TITLE

THIRD  
 FLOOR  
 DEMO PLAN

SHEET NUMBER

D1.3



NOTE: SEE DEMOLITION AND CONSTRUCTION  
 SCHEDULE FOR ADDITIONAL NOTES  
**FIRST FLOOR PLAN**  
 SCALE 1/8" = 1'-0"



Renovations to  
 1527 Gervais Street  
 Columbia, SC

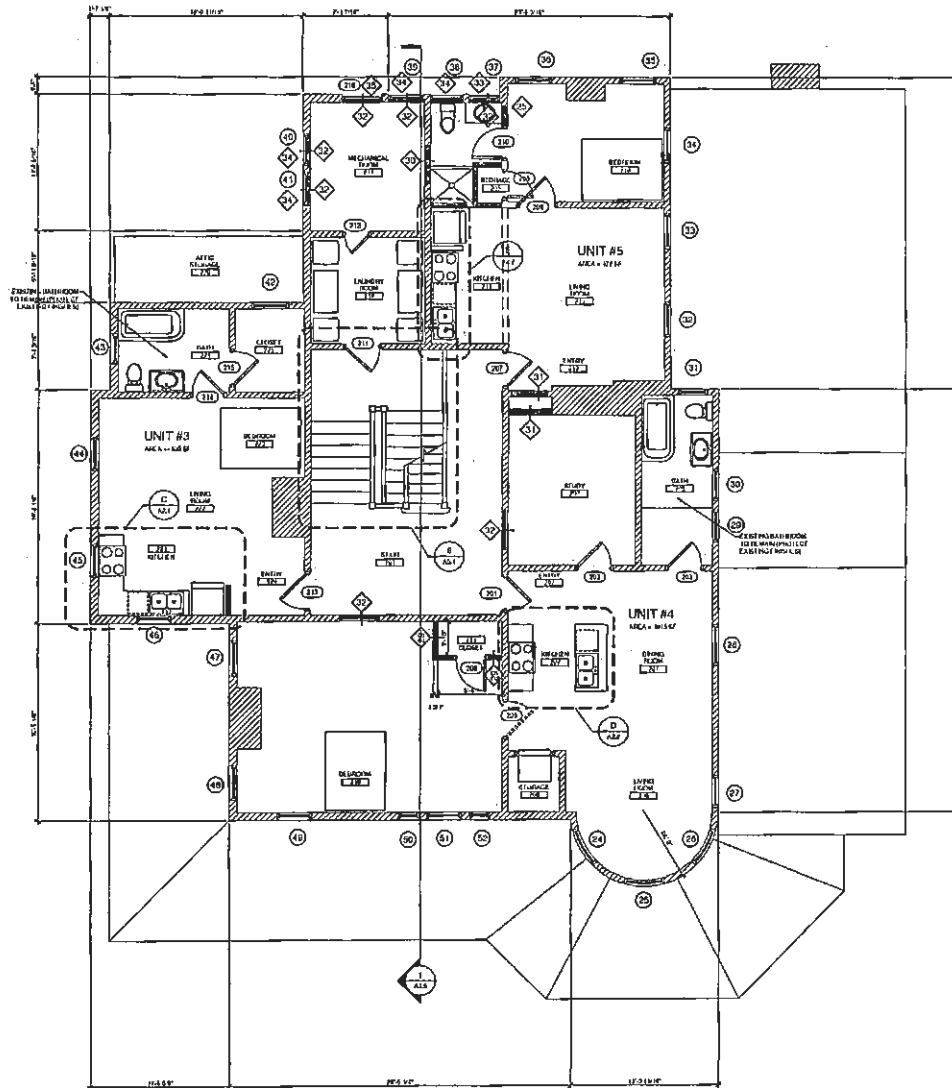
22-00

DATE  
 April 7, 2022

SHEET TITLE  
**FIRST  
 FLOOR  
 PLAN**

**A1.1**





NOTE: SEE DEMOLITION AND CONSTRUCTION SCHEDULE FOR ADDITIONAL NOTES  
**SECOND FLOOR PLAN**  
 SCALE 1/8" = 1'-0"



1527 Gervais Street  
 Columbia, SC 29204  
 Phone: 803.733.1111  
 Fax: 803.733.1112

◆ DESIGN CONSULTANT



◆ COMPANY SEALS



◆ PROJECT TITLE

**Renovations to  
 1527 Gervais Street  
 Columbia, SC**

◆ PROJECT NUMBER

**22-00**

◆ REVISIONS

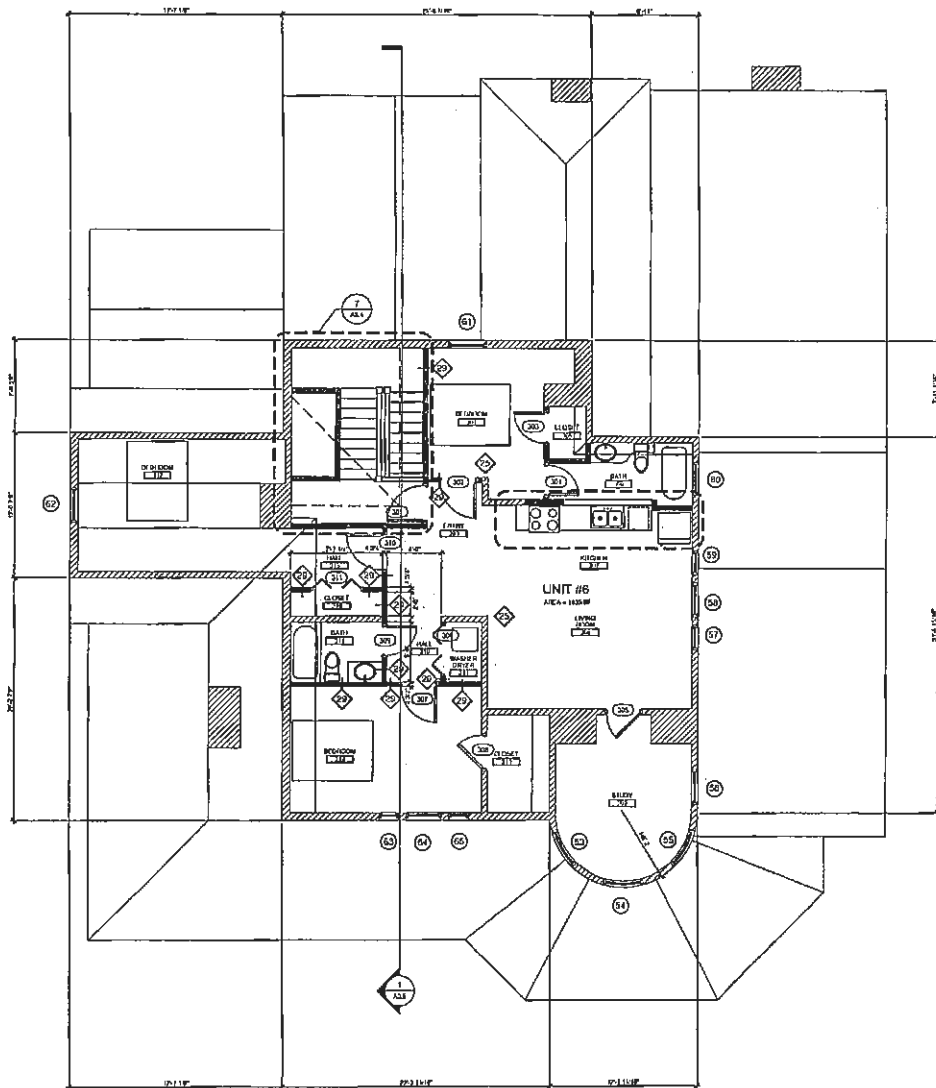
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**April 7, 2022**

◆ SHEET TITLE

**SECOND  
 FLOOR  
 PLAN**

◆ SHEET NUMBER

**A1.2**



NOTE: SEE DEMOLITION AND CONSTRUCTION  
 SCHEDULES FOR ADDITIONAL NOTES  
**THIRD FLOOR PLAN**  
 SCALE 1/8" = 1'-0"



◆ DESIGN CONSULTANT



◆ COMPANY SEALS



◆ PROJECT TITLE

Renovations to  
 1527 Gervais Street  
 Columbia, SC

◆ PROJECT NUMBER

22-00

◆ REVISIONS

◆ DATE

April 7, 2022

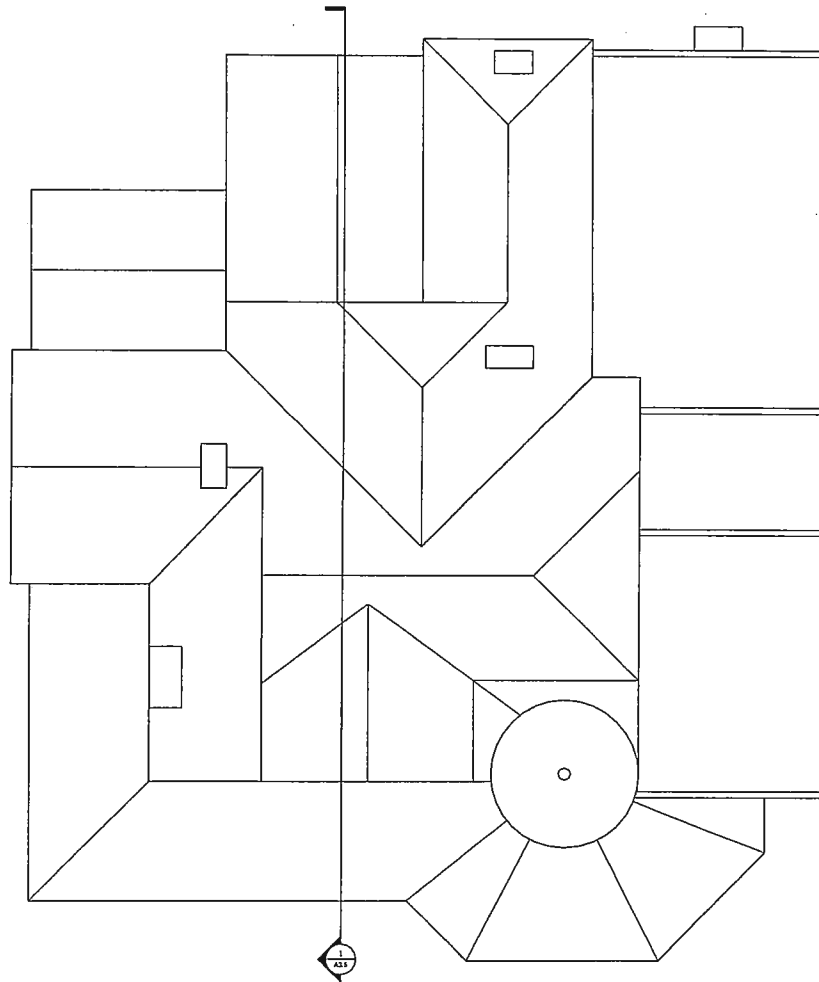
PERMITTING DOCUMENTS

◆ SHEET TITLE

THIRD  
 FLOOR  
 PLAN

◆ SHEET NUMBER

**A1.3**



NOTE: SEE DEMOLITION AND CONSTRUCTION  
SCHEDULE FOR ADDITIONS NOTES

**ROOF PLAN**  
SCALE 1/8" = 1'-0"



**BRENNAN DESIGN, LLC**  
ARCHITECTS & ENGINEERS

1527 Gervais Street  
Columbia, SC 29201  
803.733.1111

◆ DESIGN CONSULTANT



◆ COMPANY SEALS



◆ PROJECT TITLE

Renovations to  
1527 Gervais Street  
Columbia, SC

◆ PROJECT NUMBER

22-00

◆ REVISIONS

◆ DATE

April 7, 2022

PERMITTING DOCUMENT

◆ SHEET TITLE

ROOF  
PLAN

◆ SHEET NUMBER

**A1.4**



EXISTING GERVAIS STREET ELEVATION



EXISTING PICKENS STREET ELEVATION



EXISTING REAR ELEVATION



EXISTING LEFT SIDE ELEVATION



1500 Parkside Drive  
Columbia, SC 29204  
Phone: 803.733.1122

◆ DESIGN CONSULTANT



◆ COMPANY SEALS



◆ PROJECT TITLE

Renovations to  
1527 Gervais Street  
Columbia, SC

◆ PROJECT NUMBER

22-00

◆ REVISIONS

◆ DATE

February 16, 2022

◆ PERMITTING DOCUMENTS

◆ SHEET TITLE  
EXISTING  
ELEVATIONS

◆ SHEET NUMBER

**D3.1**



# EXHIBIT C

# Historic Columbia's 2018 Preservation Award Winners

Each year, Historic Columbia presents its Preservation Awards to celebrate accomplishments of local property owners; professionals in the fields of architecture, construction and design; and leaders who champion preservation as an opportunity to support the Midlands' economy and culture. These awards recognize local projects that have maintained or added to the historical, architectural and cultural richness of Columbia and Richland County in the categories of Adaptive Use, Preservation/Restoration and New Construction in an Historic Context. In addition, Historic Columbia presents the Preservation Leadership Award to those who contribute to the advancement of historic preservation in the region.

Historic Columbia would like to thank this year's Preservation Awards committee Lydia Brandt, Esthu Maldonado, Adrienne Montare, Amy Moore, Doug Quacke ibush and Michael Ritchie.

Sponsored by:



## Adaptive Use

### 1402 Jim Hamilton Blvd Curtiss-Wright Hangar

Owners: Hangar Owner LLC  
(Will Brennan, Robert Lewis, Scott Linaberry and Chris Rogers)  
Architect: Brennan Design  
Contractor: Buchanan Construction

Constructed in 1929, the Curtiss-Wright Hangar remains one of the few extant and unmodified examples of a Curtiss-Wright designed hangar in the United States. During its early years, the building boasted not only entertainment air shows, but also visits from Amelia Earhart and President Franklin Delano Roosevelt. Developers retained the character-defining elements of the historic structure and integrated them into the building's new use, including the large sliding doors, exposed metal trusses and window frames. A new roof, which is a near match to the original, and new panes of glass are among the few things that were replaced during the process. The hangar is now home to Hunter-Gatherer Brewery.



The trusses and window frames were all cleaned by hand with wire brushes and sandpaper before being restored with a rust-converting compound.



The preservation of the interior's openness was pivotal to the rehabilitation. Dividing walls were kept low so that patrons can see directly into the brewing area. Images courtesy of Janie Campbell

### 2238 Sumter Street Indah Coffee/Circa Barber Shop

Owner: Cason Development Group  
Architect: Seed Architecture (John Powell)  
Contractor: Montgomery Construction Company

Built for Dunn Electric in the early 1940s, the structure at 2238 Sumt Street continues to serve the evolving Cottontown neighborhood. The building's façade was retained, bricked-up windows re-opened, and the Dunn Electric mural signage restored. The front-most retail space was redesigned for use by Indah Coffee as an open-concept coffee counter. Overhead, the original ceiling frames and bow truss roof structure was exposed to open the space and showcase the construction methods typical of the era. In addition to Indah Coffee's first brick and mortar establishment, 2238 Sumter also houses Circa Barber Shop.



At the rear of the building are the former Dunn Electric warehouse and part storage, which have been converted into Indah's roasting and storage facility.



Retention of the space's openness facilitates a warm, communal environment around Indah's coffee counter. As with Cason's other NoMa projects, the emphasis at 2238 Sumter is placed on the community atmosphere.

Images courtesy of Sandy Andrews

## Preservation/Restoration

### 1633-35 Main Street

*Seegers-Habenicht*

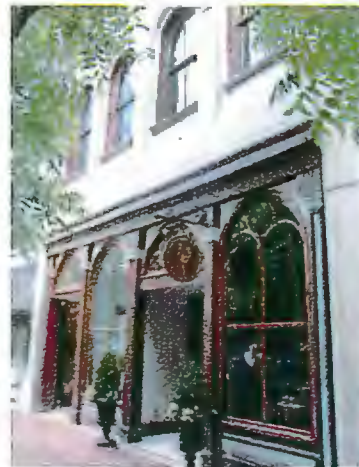
Owners: CLM Properties

(Martha Fowler, Robert Lewis, Katie Fowler Monoc, Jeff Prioreshi, Tom Prioreshi and Chris Rogers)

Architect: Charlie Baker

Contractor: Blackstone Construction (Don Blackstone)

Built in the aftermath of the Civil War, John C. Seegers' and Christopher C. Habenicht's saloon and brewery opened in late 1865. In 2015, CLM Properties bought the property, returning it to the family of its original owners. Based on a family photo, the owners working with the architect and the City of Columbia's Preservation office, carefully rehabilitated the façade to its original 19th century appearance. The second story windows, which were boarded up for decades, were reopened with custom Italianate windows installed on the first floor. During renovations, several sections of the original tile designs at the building's entrance were uncovered and since have been restored. Today, the narrow, Italianate style building houses Lula Drake Wine Parlour, Pilates Bodies By Victoria and the Pastor's Study.



*The careful, labor-intensive restoration of the second story windows was a key factor in returning the façade to its former glory.*



*Owners located a trunk belonging to Lula Drake—a hat saleswoman who operated a business onsite and based the décor around its eclectic contents.*

### 4017 Kilbourne Road

Owners: Andrew and Katie Gainey

Architect: Jackson Miller & Associates, Robert N. Jackson

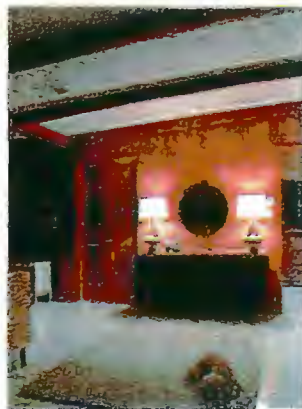
Contractor: Cosmetic Concrete (Jamie Poston)

Built in 1959 for Judge Lester Bates Jr. by Columbia architect Robert N. Jackson, this mid-century ranch house was a labor of love for homeowners Andy and Katie Gainey. The couple removed the existing carpets and refinished the floors by hand using period-appropriate material. The sunroom (a later addition) was opened to create a wide patio space, which opened into the backyard. The home's doors, previously painted, were stripped of layers of varnish to reveal beautiful birch wood underneath. The couple refurbished the home with mid-century furniture from Knoll, Eames, McCobb and others. The overall effect is that of stepping into a time capsule.



*The Gaineys researched their home extensively before undertaking renovations. With the help of Thomas Bates, the couple was able to piece together the story of 4017 Kilbourne and preserve it for future generations.*

*Images courtesy of Katie Gainey*



*In addition to the home's renovations, the Gaineys took great care to furnish their space with period pieces, which primarily came from estate sales and second-hand shops.*

### 301 South Saluda Avenue

Owners: Mira and John Howard

Architect: Seed Architecture (John Powell and Laura Burns)

Contractor: Palmetto Construction and Renovation (Jim Evatt)

Homeowners Mira and John Howard began renovations to their craftsman bungalow in May 2017. The home was remarkably well preserved, retaining the majority of its original lighting and plumbing fixtures, floors, windows, molding, fireplaces and countless architectural elements. Every effort was made to source period-appropriate material and finishes. In the kitchen, the island countertop was crafted from a century-old pecan tree taken from the home's backyard.



*The kitchen was relocated to a former bedroom. A custom pantry was designed using two antique glass doors.*



*The Howards made every effort to conserve as much of their home's original details and features as possible.*

*Images courtesy of Mira Howard*



## 2006 Preservation Awards



1913 Pendleton Street



1000-1001 Washington Street

### ROBERT LEWIS

A man of action, Robert Lewis has led the charge in preservation. Over the past five years, he has encouraged Columbians to reappraise the value of dozens of historic properties.

Lewis is a lawyer and a savvy businessman who invests in areas where properties are affordable and there is a potential to realize an increase in property values. A true visionary, Mr. Lewis was recently quoted as saying, "I see an old building, and I can just kind of envision the history it had and the people who live there and worked there."

It is common knowledge that Mr. Lewis' strategic, small ventures have impacts beyond the bounds of the immediate investment. In fact, they are commonly recognized as the catalysts for improvement of entire neighborhoods. In these, Mr. Lewis has been a champion for sites significant to the African-American history in Columbia.

Mr. Lewis has unquestionably raised the profile of historic properties in several overlooked and underappreciated areas of the community, showing great dedication and commitment to historic preservation as he leads by example.

### ROBERT LEWIS' RESTORATION PROJECTS INCLUDE:

1913 PENDLETON STREET – a Columbia Landmark, this residence is located in the recently-designated University Hill National Register Historic District.

1527 BLANDING STREET – house converted to offices, home to Mr. Lewis' law practice

1000-1001 WASHINGTON STREET – North Carolina Mutual Building, home to Kelly's Deli and Pub and the spur for increased investment on the periphery of the West Gervais Street Historic District.

1416 PARK STREET – Nathaniel J. Frederick House, converted to offices.

2027 TAYLOR STREET – Matilda Evans House, rehabbed for office space and a landmark property located at the edge of the historic African-American business area near Allen University and Benedict College on Harden Street.

401 HEYWARD STREET – Olympia Mill office, one of the "other buildings" owned and operated by the mill in the W. B. Smith Whaley planned village.

# 2005 Preservation Awards

Given annually Historic Columbia Foundation's preservation awards highlight recent preservation initiatives by individuals, businesses and neighborhoods that value the importance of preservation through restoration, adaptive reuse and sensitivity to historic districts. Recipients will be formally awarded at Historic Columbia Foundation's Annual Meeting on May 12 at the Robert Mills House and Park.

## MILLER HOUSE

Albion Road, Heathwood

Robert Lewis is no stranger to tackling major restorations of historic structures. His work with the North Carolina Mutual Building on the northeast corner of Park and Washington streets merited an historic preservation award from Historic Columbia Foundation in 2002. Lewis' latest endeavor has a residential and personal nature, however.

Having suffered a fire and threatened with demolition, Eau Claire's John Q. Miller House, formerly located at 3700 North Main Street, now rests in the 800 block of Albion Road in Columbia's Heathwood neighborhood. Severed into thirds, the circa-1898, period revival home underwent considerable surgery for its cross-town journey.

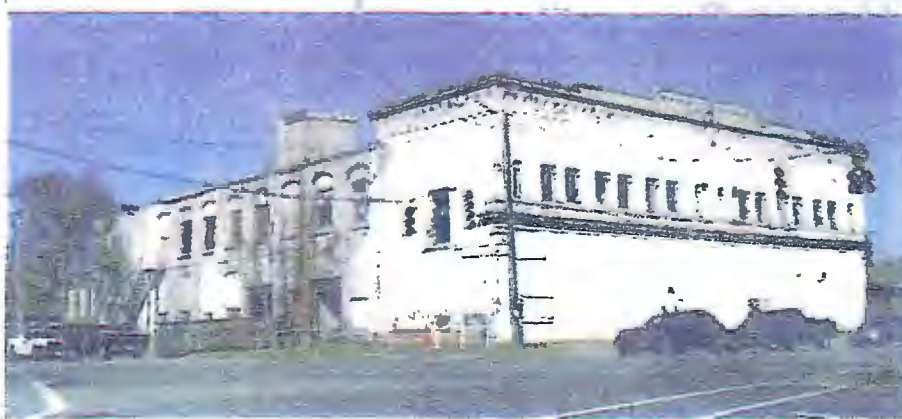
As general contractor, the Dream Builder has implemented the restoration of the local landmark following the directions of Architectural Concepts, Inc. This unique addition to one of Columbia's established, older neighborhoods, illustrates how creative restoration of historic structures can maintain a community's built heritage.



# Historically Speaking

A QUARTERLY NEWSLETTER OF HISTORIC FOLLY BURY

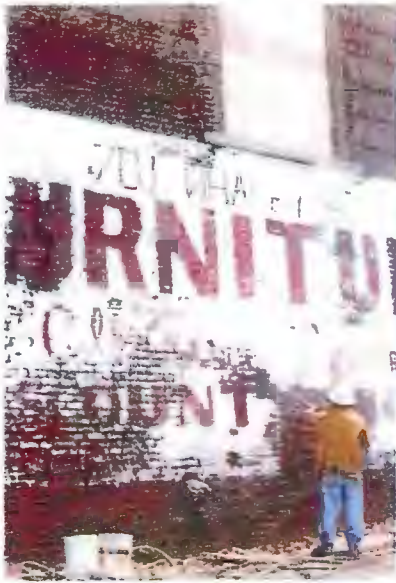
Spring 2014



## *New Life Resurrects Heart of Community*

THE REHABILITATION OF THE "HEALEY"

PAGES 4-5



All images courtesy of Lee Ann Kornegay unless otherwise noted

# New Life Resurrects Heart of Community

## THE REHABILITATION OF 701 WHALEY

by Steve Wells

The massive building at the corner of Whaley and Wayne streets, with its cream-colored monolithic facade and cement block infill, seems to garner little attention from the many people who pass by every day on their way to or from work. For several years, 701 Whaley had sat vacant, deteriorating from neglect to the point where plaster had crumbled, wood had rotted, and a major portion of the roof collapsed. Things have begun to change, however, thanks to a bold move by two local developers who are in the middle of an extensive renovation of the former center of the mill community.

Though the building appears to be crumbling and deteriorated, it sits on a solid foundation of historical events that make it one of the most important facilities for not only Columbia's mill villages, but also for

the entirety of the state capital. Between the years 1894 and 1903, architect and engineer William Borough Smith Whaley designed many buildings throughout Columbia and South Carolina, but among his most notable are the four large mills on the south side of the city. To support these mills and their workers, he planned several ancillary buildings. 701 Whaley was the largest. Whaley's buildings in Columbia and throughout South Carolina significantly altered the industrial makeup of the state for many years.

Constructed around 1903, the building at 701 Whaley Street served as the Mills Avenue Store supplying the needs of workers at the Olympia and Granby Mills. After the turn of the century, mill owners made an effort to improve living conditions for the workers. They enhanced

housing substantially, instituted a health care program, paved the roads, and created recreational areas which included turning part of the company store building into a YMCA in 1909.

The YMCA became the center for many community and athletic activities for the mill village including gymnastics, wrestling, volleyball, indoor baseball, calisthenics, and later swimming. There was an auditorium for group meetings, a medical office, and a room for sewing, but by far the most popular and successful activity that took place in the building was basketball.

Around 1918, a pool building was constructed to the rear of the main building for swimming lessons

The building at 701 Whaley was used for many activities, including meeting spaces as in this image from Spinner Magazine in 1922.



Girls enjoying the pool at 701 Whaley's community center as they pose for Spinner Magazine, 1922.



## Hard Hat Tour of 701

September 20, 2007  
5:30 p.m. – 7:00 p.m.  
701 Whaley Street

Historic Columbia Foundation is offering a special tour of the 701 Whaley Building as it undergoes restoration. For reservations, please call 803.252.1770, ext. 29 or email [reservations@historiccolumbia.org](mailto:reservations@historiccolumbia.org).

and recreational activities. About this same time, the name of the building changed from the YMCA to the Pacific Community Association to reflect a change in ownership of the mills. The pool was an instant success, and many children signed up for swimming lessons and attended open swimming sessions.

In 1923, another large addition was made to the rear of the building creating a full-size gym with room for 1,100 spectators. Basketball had previously been played on the second floor of the main building, but the new gym addition allowed the second floor space to be used for a movie theater, and various other activities such as a billiards hall and library. Many considered the gym one of the finest facilities in the South, comparable to any college court.

During the Depression the center remained open to serve the workers and their children despite many other cuts. However, the center's demise came when the Works Progress Administration decided to build several additions onto the neighboring Olympia High School, one of which was a new gym. Rendered obsolete by the high school's new facilities, the center closed in 1941.

Until the end of World War II, the Textile Workers Union #253 and #254 occupied the building. Dixie Stores Bakery occupied its rear portion. In 1961, the rear gym section, previously

used by the bakery, was parceled off as 214 Wayne Street and occupied by Neil Parts Re-builders Inc., which is currently still in operation at that location. Over the next 60 years the main portion of the building was used by several different businesses comprising of textile manufactures, warehouses, and specialty stores, but by 2001, the major portion of this significant building stood empty and deteriorating.

In 2006 local real estate developers, Robert Lewis and Richard Burts, partnered to buy the 38,000 square-foot building with plans to rehabilitate the building for use as a banquet hall, offices, and apartments. The plan was to spend about \$4-5 million on the project, which was made feasible by state and federal tax credits. The building is eligible for inclusion in the National Register by the State Historic Preservation Office and its nomination for that distinction is currently in process.

The restoration process is still in its early stages, but contractors have already stabilized the exterior, removed brick infill from the window sockets, and cleared the interior of rot and debris in preparation for reconstruction. Architectural firm Garvin Design Group and contractor Hood Construction are working diligently to achieve a planned completion of December 2007, several months ahead of the original date. "The

joy this restoration is bringing to the people in the neighborhood is so evident by seeing their faces. I know that we are doing something for the good of all the people in our town. Our little part of helping to preserve the past," said Burts.

Once finished, the building will stand along side Olympia and Granby Mills and the Olympia Administrative Office Building as an anchor and catalyst for future development and yet another example of the social and economic impact historic preservation can have in Columbia. For more information on the building, visit [www.701whaley.blogspot.com](http://www.701whaley.blogspot.com).



Architectural firm Garvin Design Group and contractor Hood Construction plan to have site completed by December.



PHOTO BY JEFF WILKINSON [jwilkinson@thestate.com](mailto:jwilkinson@thestate.com)

The former Western Auto and Rose-Talbert buildings on Sumter Street will be renovated.

## DOWNTOWN COLUMBIA DEVELOPMENT

# Three buildings set for renovation projects

Powell Furniture on Sumter Street new home to The Boudreaux Group

Rose-Talbert and Western Auto building to be Phase 2

BY JEFF WILKINSON  
[jwilkinson@thestate.com](mailto:jwilkinson@thestate.com)

Three historic buildings at the intersection of Sumter and Taylor streets downtown will receive a \$7.5-million facelift because of an expanded Main Street historic district that allows the developers to leverage tax credits and other incentives.

The site includes the Powell Furniture building at 1519 Sumter St. and the twin Western Auto and Rose Talbert buildings at 1222 and 1224 Taylor St.

of Main Street and the different retailers that have located there and all the students now on Main Street have had a huge impact" on the decision, said developer Robert Lewis, who leads a group of three partners. "But the main thing is the new historic district that has been expanded to the side streets that allow owners to come in and leverage federal and state tax credits and other incentives."

The \$7.5 million in renovations of the buildings, which were built between 1914 and 1920, should

dreaux Group architecture and planning firm, a partner in the project, will occupy the second floor, leaving 6,000 square feet on the first floor for retail.

"We are excited to participate in the continued growth and vitality of downtown and to create our new home in such a unique setting," Heather Mitchell of The Boudreaux Group said in a news release.

The space features 12-foot ceilings, exposed historic brick, detailed stone work, exposed spiral duct work, sky lights and large windows flooding the spaces with natural light.

The building, constructed in 1920, has been home to the Home Light and Power Co., Jenkins

the second story windows, and a stepped parapet. The distinctive yellow brick façade will be revealed when the gray paint is stripped, the release said.

The Taylor Street buildings will be the project's Phase 2, which will begin in the first quarter of 2017.

Lewis said those buildings will be renovated with just exterior and shell work until a tenant is located – probably office or retail, Lewis said.

"But residential is an option," he said. "But we think the office and retail market is very strong."

The partners in the project are: Lewis and Chris Rogers of Rogers, Lewis, Jackson, Mann and Quinn Attorneys at Law; Heather Mitchell and

FROM PAGE 3A

## WINE BAR

ural wines and an international-inspired food menu.

But there was one important thing missing from the Gardner brothers' business plan.

"We didn't have a name," Gardner said.

When Fowler, Lewis and Gardner began gutting the interior of the building, they came across a trap door that led into a portion of the basement that could not be accessed from the exterior.

"What we found in there was like a time capsule from the early 1900s to about 1970," Gardner said. "It was like something out of a Disney movie."

The items discovered included old newspapers and store signs. They also included an antique steamer trunk.

"When we saw the trunk we just stood there and looked at each other like, 'Oh my gosh, what is this?'" Gardner said.

Just inside the trunk was a drawer with receipts and bank statements dating to 1911 for a hat shop that once occupied the building. When Gardner and Lewis lifted the drawer out, underneath were newspaper clippings, photos, personal letters and a perfectly preserved ladies' stationary box.

"And at the bottom of that box we found the calling card of the trunk's owner - just a little white card with the name 'Lula Drake' on it in gold leaf," Gardner said. "It was gorgeous. I had chills looking at it."

He took the card to his wife. "I just looked at her and said, 'It's the name the building gave us.'"

Intrigued by the findings in the box, Gardner and Fowler researched she had married into the Seegers family line as the second wife of Alex McDougall. McDougall's first wife was a member of the Seegers family.

"Folks that knew of her described her as very eccentric," Gardner said. "She wanted to be

called 'Drake' instead of 'Lula' and she was her family's breadwinner during the 1930s before she got married, supporting her mother and siblings. Everything about her sounded like what we wanted to embody in our business."

Since that discovery, Gardner and his brothers have worked with Fowler, Lewis and Rogers on renovating the historic building and restoring it to what it looked like in the late 1800s.

"It is a labor of love for us to restore a property to where we intend to take this one," Fowler said. "We are thrilled that we had a photo from 1880 to use as

our guide and delighted to find so many treasures in the basement and the covered-up facade (on the front of the building). The 1600 block is a very special place and holds so many treasures and covered-up history."

In addition to Drake's items in the building's basement, Fowler and Gardner and the team unearthed several historic gems, including sections of the original tile design in the building's entrance, which they have since restored and rebuilt based on old photographs to include the numbers 1635. They also found three ornamental stars that once adorned the exterior



TRACY GLANTZ/STYLING

Tim Gardner and his brothers plan to open the Lula Drake wine bar in the building at 1635 Main St., left, in August.

### About the building

● The building was constructed in 1873 by German native and Columbia businessman John C. Seegers

● Seegers was among several leaders who rebuilt the 1600 block of Main Street after the Civil War

● The building was purchased in December by Columbia attorneys and investors Robert Lewis and Chris Rogers and Columbia native and Seegers family descendant Martha Fowler

● The building is listed on National Register of Historic Places

● Space is available for lease on the second floor above Lula Drake

● Square footage occupied by Lula Drake: 1,380

● Square footage of entire building: 5,450

● Gardner and his brothers plan to open Lula Drake in August

of the building.

The team has also removed stucco that had been added across the building's front in the early 1980s to reveal arched

windows that were original to the building.

John Sherrer, director of natural resources for the Historic Columbia Foundation, said he was "beyond excited" with the Fowler and her group are at 1635 Main St.

"I would say this is part of revitalization - a renaissance that the 1600 block of Main Street is enjoying but it's having a larger impact on the overall vitality of the downtown commercial district," he said.

While there are many historic buildings along Main Street stretching up into the 1800 block, the 1600 block has the highest concentration of historical buildings on the street, Sherrer said. Many to the immediate post-Civil War period. The 1635 building, in particular, he said, was like a time capsule from top to bottom with so much of its historical fabric intact.

"I love the fact that Martha Fowler has taken such an incredible stewardship position on this project," Sherrer said.

Sherrer even included Fowler's historic 1800s family in his "Reverberating Columbia" book, which was published last fall.

"That picture is a portal to the past," Sherrer said, "and these properties are portals to the future."



TIMMY GLANTZ tglantz@thestate.com

The entrance to 1635 Main St. has been built to match the original.

# Wine bar finds a home - and a name

Lula Drake site is in a building constructed in 1870s

BY JANET JONES KENDALL  
jjkendall@thestate.com

**T**im Gardner and his brothers need a name. They had finally found a building for the Columbia wine bar they had wanted to open for years. They had a concept for what the bar would look like, but they didn't know what to call it. "From the beginning, though, my wife told me not to worry about it. She said the name was in the building and that it would come to us." Turns out, she was right. The building, at 1635 Main St., is one of the city's oldest. It was built by German native and Columbia businessman John

C. Seegers after the fire of 1865. Seegers helped rebuild the entire 1600 block of Main after the fire, blamed by many on U.S. Gen. William Sherman and his troops.

The building was purchased in December by a group of investors that includes attorneys Robert Lewis and Chris Rogers and Columbia resident Martha Fowler. Fowler, who is a descendant of Seegers, said she "jumped" at the invitation to join the partnership.

Fowler already owned the building at 1631 Main, which houses Tim Gardner's Mad Monkey media production company.

"My great-great grandfather and his son-in-law, my great-grandfather, built four buildings on that side of the street and Mad Monkey is in the only one that has been in the family continuously."



Photo of Lula Drake found in basement of 1635 Main St.

Fowler said. When Gardner was introduced to the vacant building next to his media production company, everything fell into place for the wine bar. "When I saw the space at 1635 (Main), I immediately called my brothers and said 'You've got to come down and see this space,'" Gardner said. "When they did was pretty much an instant decision to go on board." So Gardner finally had the perfect space at what seemed to be the perfect time, with the perfect partners: his brothers Stan and Jeff. He also knew exactly the type of concept the business, expected to open in August, would embrace - a full, serious wine parlour with a focus on nat-



# Historic building saved

ELECTION  
2006



## Moore needs money

Sanford's campaign account  
dwarfs that of his Democratic  
opponent from Aiken

By AARON GOULD SHEININ  
ashetin@thestate.com

Tommy Moore must raise nearly \$37,000 a day until the Nov. 7 general election to match the fundraising prowess of the last Democratic challenger to knock off an incumbent Republican governor in South Carolina.

Moore, a state senator from Aiken, had almost \$150,000 in his campaign account at the end of June, according to the campaign finance report he filed Monday.

The man Moore wants to replace, Gov. Mark Sanford, had \$4.2 million and does not plan to stop gathering cash.

The money gulf amplifies the challenge ahead for Moore, who also might face competition for dollars and votes from Sen. Jake Knotts, the Lexington County Republican who is toying with an independent run.

Less money means fewer television



RICH GLICKSTEIN/RGLICKSTEIN@THESTATE.COM

urts, left, and Robert Lewis, the new owners of Gallery 701 in the Olympia neighborhood, stand amid the rubble of a partially collapsed roof inside the building.

# The State

Tuesday, December 27, 2005

114TH YEAR, NO. 359 | SOUTH CAROLINA'S LARGEST NEWSPAPER

thestate.com

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## Developer has soft spot for old buildings

**Businessman cultivates passion to save, restore historic places**

By DAWN HINSHAW  
Staff Writer

When Robert Lewis was a teenager, his childhood home was torn down.

For two generations, the white, two-story farmhouse with a wide front porch and green window shutters had offered rest from the tobacco field and warmth at family gatherings each holiday.

Then his parents decided to

sell the old house outside Conway and move into town. The buyer had it demolished.

"It was just gone," Lewis said, still sounding incredulous, "and it was gone forever."

That was the genesis of his passion for restoring old buildings.

For the past five years, this lawyer and businessman has been one of the most active developers of historic property in Columbia. He has rescued a dozen homes, a

few with condemnation notices on the doors.

"He's one of those quiet champions," said Robin Waltes, director of the Historic Columbia Foundation. "He has a good eye for unique buildings, and he really likes to see those taken care of."

Lewis said his first objective is to make money on real estate, and he dismisses the notion that

SEE LEWIS PAGE A6



JILL RICHARDS/THE STATE

## LEWIS

FROM PAGE A1

renovating an old structure is more expensive than building new.

While he approaches restoration work as a business, he's clearly enamored of architectural details and intrigued by the stories that inhabit old buildings.

Among his properties have been a rooming house in Shandon that he converted into a single-family home, a rundown shack on Millwood Avenue and a brick storefront once part of the city's vibrant but vanishing "black downtown."

"When I see a house that's in bad shape ... my first thought is, 'We can fix that.'" said Lewis. 47.



Columbia lawyer Robert Lewis tours the upstairs of his late restoration project, the Olym Mill office on Heyward Street.



Robert Lewis, right, and Charlie Baker talk about the Olympia Mill structure, which dates to 1897.

## PROJECTS

*A partial list of Lewis' restoration projects in Columbia:*

**1918 Pendleton St. in University Hill — McMeekin House, now on the city's landmark listing**

**1527 Blanding St. — A house, turned into offices where Lewis maintains his law office**

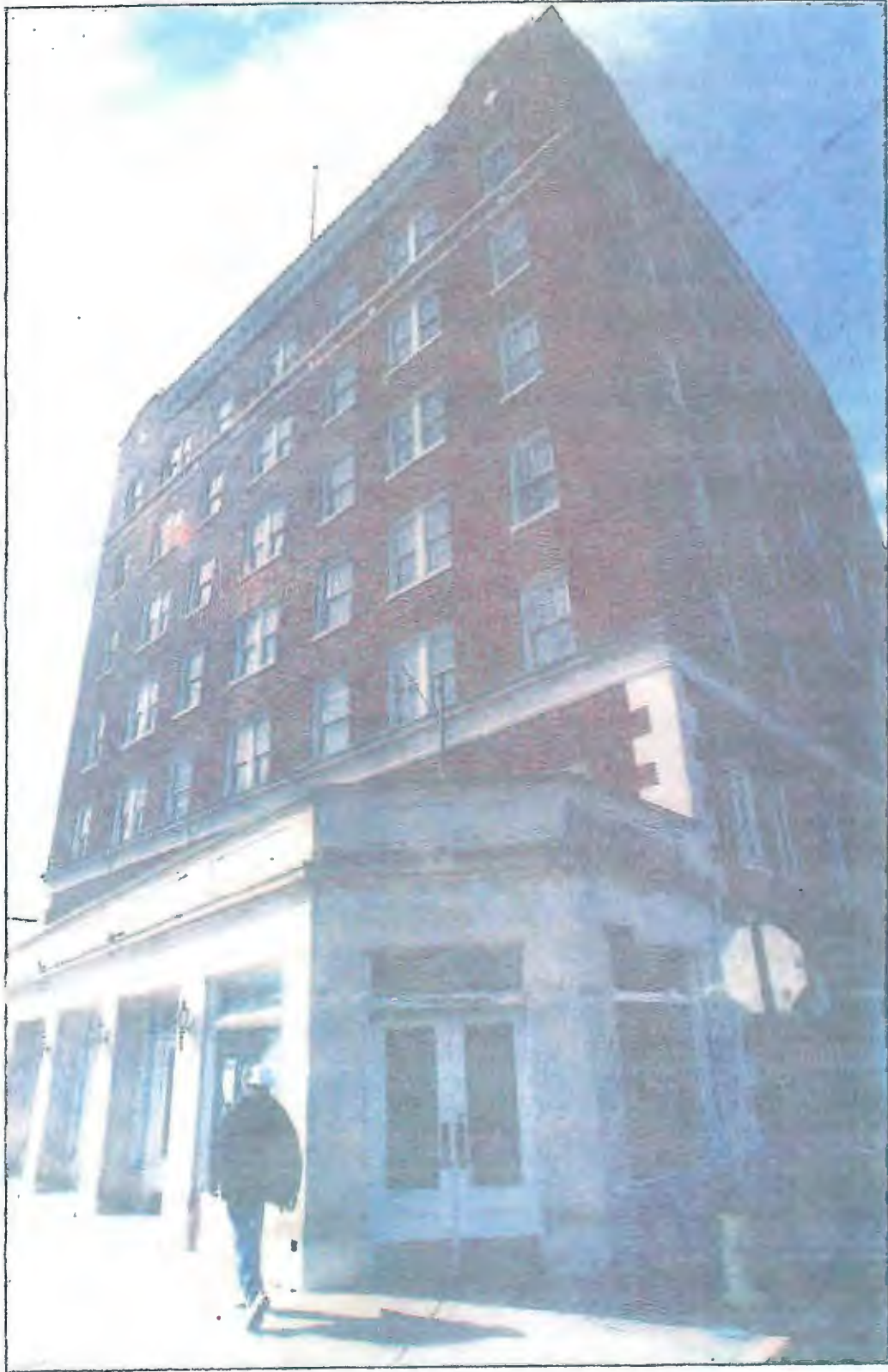
**1000-1001 Washington St. — N.C. Mutual Building, a National Register of Historic Places property. Demolition was threatened when he embarked on the project.**

**1416 Park St. — Nathaniel Jerome Frederick House, home of the first black lawyer in Richland County. Lewis has applied for city landmark status. Demolition had been ordered when he embarked on the project.**

**2027 Taylor St. — The Dr. Matilda Evans House, home of the first black woman licensed to practice medicine in South Carolina. Applying for city landmark status. Restoration under way.**

**401 Heyward St. — Offices for Olympia and Granby mills. A National Register property where renovations are expected to begin in January.**

# HOTEL EUTAW



CHRISTOPHER HUFF/T&D

The old Hotel Eutaw on Russell Street has been purchased by a developer who wants to use the space for a restaurant, stores and apartments. The 27,000-square-foot building

# A beacon to Myrtle Beach's past, 1960s-era motel gets new life



JASON LEE [jlee@thesunnews.com](mailto:jlee@thesunnews.com)

The Holiday Shores motel, built in 1965, has been listed on the National Register of Historic Places and has been remodeled to preserve the unique characteristics of a "populuxe" motel with modern amenities.

BY CHASE KARAGOSTAS  
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## MYRTLE BEACH, S.C.

Every weather-worn, time-battered motel and lodge along Myrtle Beach's Ocean Boulevard has its own story, a piece of the city's history, which often is lost when a new developer comes in, tearing

the building down for yet another high-rise.

For one motel, the story this time looks a little different. Holiday Shores, which reopened its doors on New Year's Eve, may become the gold standard for saving the Grand Strand's dying motels that have fallen into disrepair in the shadows of nearly 30-story oceanfront giants.

Holiday Shores now provides a splash of color and old-school vibrancy to the far northern tip of Myrtle Beach. Its bright orange walls, white-painted brick and thin spiral staircases scream 1960s fabulous. Seeing the motel feels like being pulled into a time machine, or a different universe.

It's the second motel that

the Rogers Lewis law firm has helped revitalize. The Hawaiian-themed Waikiki Village on Ocean Boulevard was the firm's first. It reopened in 2018 as a boutique "retro motel" focused on providing a unique Myrtle Beach lodging experience not normally found in the massive Hilton and Marriott

SEE HISTORY, 4A

Classifieds  
Comics  
Local

8B  
4B  
3A

Obituaries  
Sports  
Television

6B  
1B  
5B



Partly cloudy  
48°/30° See 2A



## WAIKIKI VILLAGE MOTEL MYRTLE BEACH, SC

As markets transform and desires change, the once-thriving, family-run Waikiki Village Motel saw a significant downturn as an unsustainable model in today's climate. The ownership team, refusing to let the motel become an irrelevant thing of the past, instead viewed the situation as an opportunity for growth and aimed to turn the motel into a vacation gem once again.

Responsible for dozens of historic renovations in South Carolina, the owners teamed up with GBX Group LLC as investors and Tim McLendon, a well-known designer in the Southeast, to repurpose the Myrtle Beach motel, while protecting its 1960s modern charm. With many nearby tear-downs and high-rise condominium replacements, GBX Group LLC was able to provide initial equity contributions to start the overdue project. Leveraging previous knowledge of historic properties, the firm was also able to obtain several tax-related incentives in renovating the property, such as tax abatement and tax credits.

Purchased in December 2017, the motel honored reservations throughout



April 2018, while constructing a redesign plan. Renovations were made to the 49 motel rooms, pool, cabana, lobby and courtyard over the next six months, with the hotel reopening in October of 2018. The team was able to implement mid-century modern designs, which was a new concept to the Myrtle Beach market.

Following the National Parks Service historic guidelines, the development team saw challenges in executing modernizations and restorations to the motel rooms since the property had not been renovated in more than 30 years. As the motel building was mainly comprised of cinderblock, the team creatively directed redesigns and carried-out plans while preserving historic elements.

Ratings on various travel sites exhibit the project's success and ensure a continued life for the motel. Engagement and bookings this past spring significantly surpassed expectations, increasing asset income three-times since the renovation. Upon completion, the teams received overwhelming response from the city, community and clients, obtaining various awards and recognitions including the Historic Renovation Award from the county. The transformation has even altered the mentality of the local government, as the city's mayor currently looks to implement a historic district in the area, aiming to preserve history and spur the continued growth.



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## Commercial Project (private, for-profit)

### HOTEL TRUNDLE/BOUDREAUX OFFICES AT THE HISTORIC POWELL FURNITURE BUILDING COLUMBIA, SC

GBX Group LLC, a firm specializing in acquiring and preserving historic real estate in urban markets, and the architectural firm BOUDREAUX partnered with investors on a renovation and investment opportunity in Columbia, SC. The proposed plan to create a space for BOUDREAUX's new offices and a boutique hotel, Hotel Trundle, centered around the Powell Furniture Building in the Columbia Commercial Historic District.

Through trusted business relationships and deals, the plan posed to expand the city's historic district by combining three dilapidated, vacant buildings; two of which were initially located in a different district. The lengthy process to combine the properties and receive historical approval for the additional Western Auto and Rose-Talber Paints buildings as tax credit eligible spaces, allowed GBX Group LLC and BOUDREAUX to team up with husband and wife team, Marcus Munse and Rita Patel as investment partners to create a bold vision.

The buildings, constructed in the early 1900s, span across 35,000 square feet and are located one block from Main Street. GBX Group LLC worked to preserve the property, utilizing archival photos of each building's façade to restore the structures back to their original terra cotta, wood and metal storefronts, with prism glass, plaster and metal panels. Design decisions and preservation efforts



went into each corner of every room to retain the character and define building elements. In doing so, the buildings were allowed to join the city's historic district, resulting in benefits from National and State Historic Tax Incentives.

As a historical landmark, the project presented a variety of interior challenges. The design team worked in unison with the project's contractor to ensure a cohesive design against different floor heights, outdated electrical systems, improper piping and limited space for common elements. The team worked closely with the State Historic Preservation office to meet occupancy requirements as they successfully designed a strategic layout that combined all three buildings with a

designated, communal entryway con to the buildings' conflicting original design. The firm also strived to overcome tax credit application hurdles. Originally denied by the National Park Service, to initial designs jeopardizing the historic integrity, the team was able to pose adaptations to resolve the issue obtain approval by altering hotel room extending historic ceilings and minimizing costs, all while working against a deadline.

The tenant search and design process for the project began in 2016, with construction underway in early 2017. BOUDREAUX moved into its new office space by July of 2017 while Hotel Trundle held its grand opening in April of 2018.

have  
real  
than



# ROBERT B. LEWIS, ESQ.

Preservation Tax Credit and  
Development Consultant



A man of action, Robert Lewis has led the charge in preservation. Over the past five years, he has encouraged South Carolinians to reappraise the value of dozens of historic properties. Robert is a lawyer and a savvy business man whose ventures in historic preservation have resulted in impacts beyond the bounds of the immediate project.

## Education

Bachelor of Science in Political Science, University of South Carolina. 1980

Juris Doctorate from University of South Carolina School of Law. 1984

## Membership

South Carolina Bar Association

American Bar Association

South Carolina Trial Lawyers Association

American Trial Lawyers Association

Board of Advocates for Historic Columbia Foundation

Bull Street Advisory Committee

Parish Council Member and Past President - Holy Trinity Greek Orthodox Church

One Columbia- Arts and Historic Preservation Transition Committee Member

## Historic Preservation Awards

Historic Columbia Foundation  
Historic Preservation Awards 2002, 2005, 2009.

Historic Columbia Foundation  
Leadership in Preservation Award  
2006

Paimetto Trust for Historic Preservation's Governors Award for Historic Preservation 2009

Archangel Michael Award from the Greek Orthodox Archdiocese of America 2002

For the past 20 years, Robert has owned Robert Lewis Attorney LLC, a law firm that focuses on representing real estate developers and business owners in property tax assessment matters; he also seeks tax credits, grants and other incentives for his clients. He has been involved in numerous historic tax credit projects both as an owner/developer and as a legal consultant. Robert is also President of Tax Credit Advisors, a tax credit consultation firm offering advise on Historic, New Market, Textile Mill, and Retail Facilities tax credits and various other real estate development incentives. As President, Robert helps clients determine which tax credits and incentives their project may be eligible for and he advises the developer throughout their project to insure that the incentive or tax credit requirements are properly adhered to. Robert is also President of Lewis Company LLC which specializes in owning and developing historic properties.

## RELATED PROJECT EXPERIENCE

- 1913 Pendleton St., Columbia, SC  
A Columbia landmark, this residence is located in the recently-designed University Hill National Register Historic District.
- 1000-1001 Washington St., Columbia, SC  
North Carolina Mutual Building, home to Kelly's Deli and Pub and the spur for increased investment on the periphery of the West Gervais Street Historic District.
- 1416 Park St., Columbia, SC  
Nathaniel J. Frederick House converted to offices
- 2027 Taylor St., Columbia, SC  
Matilda Evans House, rehabbed for office space and a landmark property located at the edge of the historic African-American business area near Allen University and Benedict College on Harden St.
- 401 Heyward St., Columbia, SC  
Olympia Mill office, on other "other buildings" owned and operated by the mill in the W.B. Smith Whaley planned village
- 701 Whaley St., Columbia, SC  
This former community center was literally caving in on itself. Today this renovated building is one of the most sought after event venues in Columbia.
- Hotel Euraw, Orangeburg, SC  
A historic Orangeburg landmark, this long-vacant building was renovated into student housing and retail space.



## TAX CREDIT PROJECTS

### Experience of Robert Lewis

The expertise of Robert Lewis has been sought by many clients to help them navigate the complexities of historic tax benefits. Robert's expertise has been built on firsthand experience as developer on his own unique historic renovation projects. Therefore, he is uniquely sensitive to how important tax benefits, whether in the form of historic tax credits, the Bailey Bill property tax assessment or New Market tax credits are to an owner's financial pro forma and how they can bring viability to an otherwise unaffordable restoration. Robert has strong relationships with and is well respected by South Carolina Archives and History personnel. He is able to help his clients sort out the restoration strategies best suited to taking advantage of the various tax programs. With his legal training, he is then able to track the requirements and paperwork associated with the process.

All of the projects listed below have either received historic or new market tax credits or the bailey bill property tax assessment or are in the process of obtaining them. Additionally, 701 Whaley received Textile Mill, and Retail building tax credits as well.

#### **701 Whaley Street, Columbia SC**

A former community center for the Olympia and Granby Mill village restored as community event space and home of the Center for Contemporary Art.

- 2009 Historic Columbia Preservation Award
- 2011 AIA South Carolina Design Award
- 2010 AIA Columbia Excellence Award

#### **Hotel Eutaw, Orangeburg SC**

A historic hotel transformed in to a retail, restaurant and studio apartments.

#### **1000-1001 Washington Street, Columbia SC**

North Carolina Mutual Building renovated to house a pub and upstairs office suites Robert's law firm has its home in this building.

- Historic Columbia Preservation Award 2002

#### **1913 Pendleton Street, Columbia SC**

Restored residence located in the University Hill National Register Historic District.

#### **1416 Park Street, Columbia SC**

Nathaniel J. Frederick House converted to offices.

#### **2027 Taylor Street, Columbia SC**

Matilda Evans House rehabilitated for office space located at the edge of the historic African-American business district.

#### **401 Heyward Street, Columbia SC**

Restored Olympia Mill office - one of the "other buildings" owned and operated by the mill in the W. B. Smith Whaley planned village.

#### **1631 Main Street, Columbia SC**

Still owned by the same family for which the building was built as a bicycle repair shop in 1866 - a façade rehabilitation designed by The Boudreaux Group is in planning stages with long term goals to renovate the entire building.

#### **Historic Bethel AME Church, Columbia SC**

National Register Historic Church in process of implementing preservation plan developed by The Boudreaux Group.

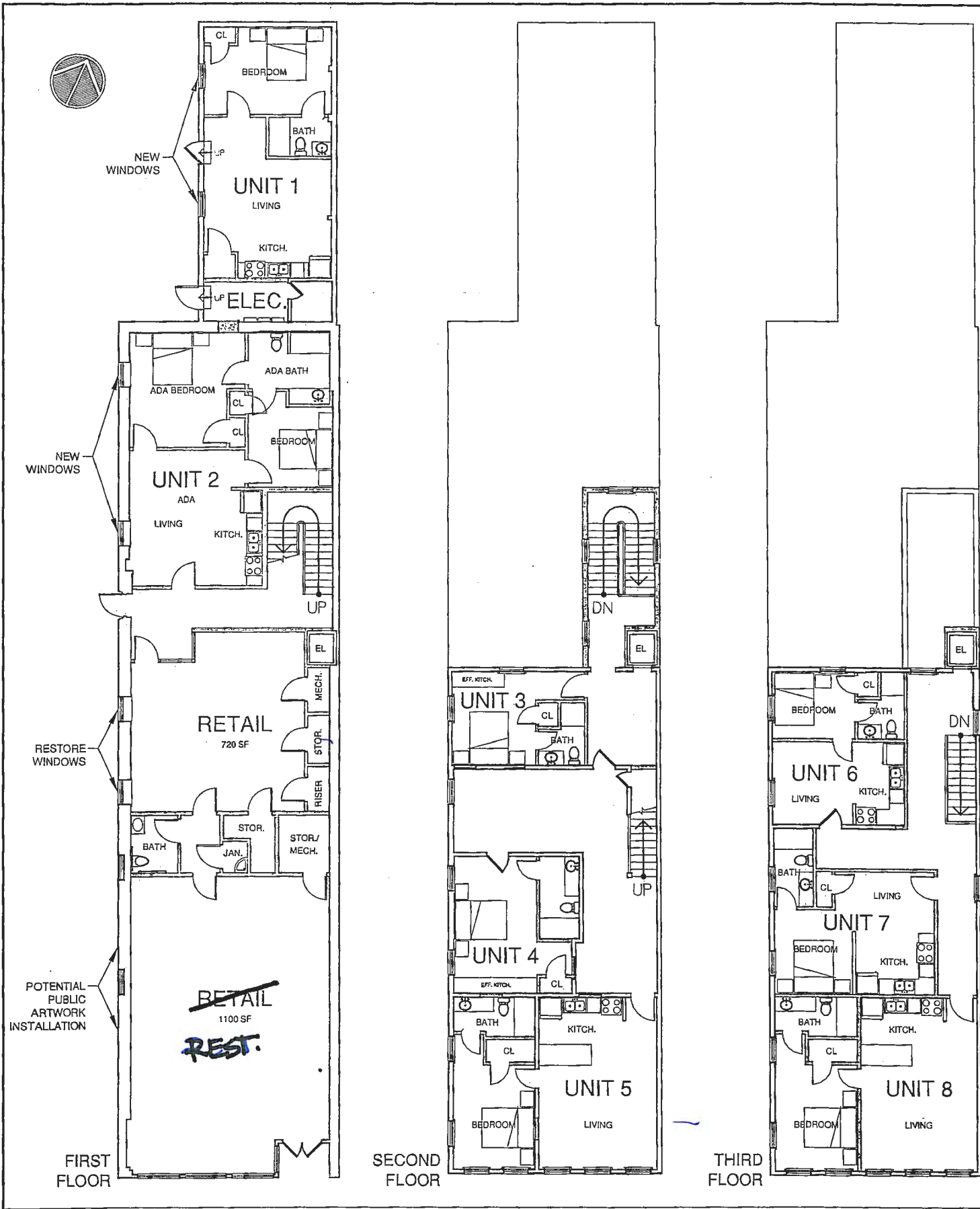
#### **Palmetto Compress Warehouse, Columbia SC**

Landmark cotton warehouse under consideration for redevelopment.

#### **Adluh Flour Building, Columbia SC**

Warehouse portion of landmark flour mill in the historic Vista under consideration for redevelopment.

# EXHIBIT E



DATE: 04/29/2022  
 FLOOR PLANS  
 1/16" = 1'-0"  
 NOT FOR CONSTRUCTION

127 W. EVANS ST.  
 RENOVATION  
 FLORENCE, SOUTH CAROLINA

BRENNAN DESIGN, LLC  
 Urban Design Architecture Interiors

dewey  
 ervin  
 architecture llc

# EXHIBIT F



THE SECRETARY  
OF THE INTERIOR'S  
STANDARDS FOR  
THE TREATMENT  
OF HISTORIC  
PROPERTIES

WITH

GUIDELINES FOR  
PRESERVING,  
REHABILITATING,  
RESTORING &  
RECONSTRUCTING  
HISTORIC  
BUILDINGS



U.S. Department of the Interior  
National Park Service  
Technical Preservation Services

STANDARDS FOR REHABILITATION & GUIDELINES  
FOR REHABILITATING HISTORIC BUILDINGS

# Rehabilitation

*Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.*



## Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

# GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

## INTRODUCTION

In Rehabilitation, historic building materials and character-defining features are protected and maintained as they are in the treatment Preservation. However, greater latitude is given in the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings to replace extensively deteriorated, damaged, or missing features using either the same material or compatible substitute materials. Of the four treatments, only Rehabilitation allows alterations and the construction of a new addition, if necessary for a continuing or new use for the historic building.

### Identify, Retain, and Preserve Historic Materials and Features

The guidance for the treatment Rehabilitation begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained to preserve that character. Therefore, guidance on *identifying, retaining, and preserving* character-defining features is always given first.

### Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of Rehabilitation work, then *protecting and maintaining* them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. Protection includes the maintenance of historic materials and features as well as ensuring that the property is protected before and

during rehabilitation work. A historic building undergoing rehabilitation will often require more extensive work. Thus, an overall evaluation of its physical condition should always begin at this level.

### Repair Historic Materials and Features

Next, when the physical condition of character-defining materials and features warrants additional work, *repairing* is recommended. Rehabilitation guidance for the repair of historic materials, such as masonry, again begins with the least degree of intervention possible. In rehabilitation, repairing also includes the limited replacement in kind or with a compatible substitute material of extensively deteriorated or missing components of features when there are surviving prototypes features that can be substantiated by documentary and physical evidence. Although using the same kind of material is always the preferred option, a substitute material may be an acceptable alternative if the form, design, and scale, as well as the substitute material itself, can effectively replicate the appearance of the remaining features.

### Replace Deteriorated Historic Materials and Features

Following repair in the hierarchy, Rehabilitation guidance is provided for *replacing* an entire character-defining feature with new material because the level of deterioration or damage of materials precludes repair. If the missing feature is character defining or if it is critical to the survival of the building (e.g., a roof), it should be replaced to match the historic feature based on physical or his-



toric documentation of its form and detailing. As with repair, the preferred option is always replacement of the entire feature in kind (i.e., with the same material, such as wood for wood). However, when this is not feasible, a compatible substitute material that can reproduce the overall appearance of the historic material may be considered.

It should be noted that, while the National Park Service guidelines recommend the replacement of an entire character-defining feature that is extensively deteriorated, the guidelines never recommend removal and replacement with new material of a feature that could reasonably be repaired and, thus, preserved.

### Design for the Replacement of Missing Historic Features

When an entire interior or exterior feature is missing, such as a porch, it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historic appearance. If the feature is not critical to the survival of the building, allowing the building to remain without the feature is one option. But if the missing feature is important to the historic character of the building, its replacement is always recommended in the Rehabilitation guidelines as the first, or preferred, course of action. If adequate documentary and physical evidence exists, the feature may be accurately reproduced. A second option in a rehabilitation treatment for replacing a missing feature, particularly when the available information about the feature is inadequate to permit an accurate reconstruction, is to *design* a new feature that is compatible with the overall historic character of the building. The new design should always take into account the size, scale, and material of the building itself and should be clearly differentiated from the authentic historic features. For properties that have changed over time, and where those changes have acquired

significance, reestablishing missing historic features generally should not be undertaken if the missing features did not coexist with the features currently on the building. Juxtaposing historic features that did not exist concurrently will result in a false sense of the building's history.

### Alterations

Some exterior and interior alterations to a historic building are generally needed as part of a Rehabilitation project to ensure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include changes to the site or setting, such as the selective removal of buildings or other features of the building site or setting that are intrusive, not character defining, or outside the building's period of significance.

### Code-Required Work: Accessibility and Life Safety

Sensitive solutions to meeting code requirements in a Rehabilitation project are an important part of protecting the historic character of the building. Work that must be done to meet accessibility and life-safety requirements must also be assessed for its potential impact on the historic building, its site, and setting.

### Resilience to Natural Hazards

Resilience to natural hazards should be addressed as part of a Rehabilitation project. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. These should always be used to best advantage when considering new adaptive treatments so as to have the least impact on the historic character of the building, its site, and setting.

## Sustainability

Sustainability should be addressed as part of a Rehabilitation project. Good preservation practice is often synonymous with sustainability. Existing energy-efficient features should be retained and repaired. Only sustainability treatments should be considered that will have the least impact on the historic character of the building.

The topic of sustainability is addressed in detail in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*.

## New Exterior Additions and Related New Construction

Rehabilitation is the only treatment that allows expanding a historic building by enlarging it with an addition. However, the Rehabilitation guidelines emphasize that new additions should be considered only after it is determined that meeting specific new needs cannot be achieved by altering non-character-defining interior spaces. If the use cannot be accommodated in this way, then an attached exterior addition may be considered. New additions should be designed and constructed so that the character-defining features of the historic building, its site, and setting are not negatively impacted. Generally, a new addition should be subordinate to the historic building. A new addition should be compatible, but differentiated enough so that it is not confused as historic or original to the building. The same guidance applies to new construction so that it does not negatively impact the historic character of the building or its site.

*Rehabilitation as a Treatment. When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.*

# EXHIBIT G



## 10 YEAR CASH FLOW MODEL

PROJECT NAME: **HURSEY-NOFAL BUILDING**

ADDRESS: **127 West Evans**  
CITY: **Florence**  
ST: **SC**

COUNTY: **Florence County**

PROPERTY TYPE: **Retail down, STR up**

SCENARIO #: **1 - BASE CASE**

DESCRIPTION: **Historic rehab retail/short term rentals**

**HURSEY-NOFAL BUILDING**  
**Florence , SC**  
**SCENARIO #: 1 - BASE CASE**

**Residential Rent Assumptions**

	Type	# of Units	% of Complex	Size	Current			Proforma Rents			Initial % Increase
					Monthly Rent/Unit	Annual Rent	p.s.f.	Monthly Rent/Unit	Annual Rent	p.s.f.	
1	Unit 1-Studio	4	50.0%	400	\$ 2,126	\$ 102,048	\$ 5.32	\$ 2,126	\$ 102,048	\$ 5.32	0.0%
2	HC Unit 2-1 Bedroom	1	12.5%	500	\$ 2,126	\$ 25,512	\$ 4.25	\$ 2,126	\$ 25,512	\$ 4.25	0.0%
3	Unit 3-1 Bedroom	3	37.5%	650	\$ 2,126	\$ 76,536	\$ 3.27	\$ 2,126	\$ 76,536	\$ 3.27	0.0%
4	Unit 4-2 Bedroom	-	0.0%	578	\$ 2,257	\$ -	\$ 3.90	\$ 2,257	\$ -	\$ 3.90	0.0%
5	Common Areas	-	0.0%	-	\$ -	\$ -	#DIV/0!	\$ -	\$ -	#DIV/0!	0.0%
6		-	0.0%	-	\$ -	\$ -	#DIV/0!	\$ -	\$ -	#DIV/0!	0.0%
7	Totals	8	100.0%	506	\$ 2,126	\$ 204,096	\$ 4.20	\$ 2,126	\$ 204,096	\$ 4.20	0.0%

Other Assumptions:

8	Vacancy Factor	0.0%
9	Annual Rent Growth	2.0%
10	Inflation	2.0%

NOTES

**HURSEY-NOFAL BUILDING**  
 Florence, SC  
 SCENARIO #: 1 - BASE CASE

**RESIDENTIAL PROFORMA**

	Last Year Actual		Seller's Projections (if any)		Proforma		Notes
	\$	\$/unit	\$	\$/unit	\$	\$/unit	
<b>Income</b>							
1 Total Projected Market Rents	\$ -	\$ -	\$ -	\$ -	\$ 204,096	\$ 25,512	
2 Below Market Rent Leases	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
3 Total Rents	\$ -	\$ -	\$ -	\$ -	\$ 204,096	\$ 25,512	
4 Vacancy/Bad Debt	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
5 Model/Office Units	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	convert 2 units to models. convert 1 unit for manager.
6 Employee Units	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
7 Rent Concessions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
8 Effective Net Rental Income	\$ -	\$ -	\$ -	\$ -	\$ 204,096	\$ 25,512	
9 Late, Legal, Security Forfeit	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
10 Laundry	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
11 Water and Sewer Chargebacks	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
12 Telephone & Cable Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
13 Interest Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	interest on reserves.
14 Other Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
15 Total Other Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
16 <b>Total Income</b>	\$ -	\$ -	\$ -	\$ -	\$ 204,096	\$ 25,512	
<b>Operating Expenses</b>							
17 Contract Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
18 Repairs & Maintenance	\$ -	\$ -	\$ -	\$ -	\$ 8,000	\$ 1,000	
19 Supplies & Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
20 Payroll & Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
21 Utilities	\$ -	\$ -	\$ -	\$ -	\$ 12,000	\$ 1,500	
22 Advertising/Leasing Commissions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1 month's rent as commission per year. 5% for residential portion.
23 Management	\$ -	\$ -	\$ -	\$ -	\$ 46,942	\$ 5,868	
24 Real Estate Taxes	\$ -	\$ -	\$ -	\$ -	\$ 1,510	\$ 189	
25 Insurance	\$ -	\$ -	\$ -	\$ -	\$ 9,142	\$ 1,143	
26 Other Administrative	\$ -	\$ -	\$ -	\$ -	\$ 3,500	\$ 438	
27 Total Administrative	\$ -	\$ -	\$ -	\$ -	\$ 61,094	\$ 7,637	
28 <b>Total Operating Expenses</b>	\$ -	\$ -	\$ -	\$ -	\$ 81,094	\$ 10,137	
29 <b>Net Operating Income</b>	\$ -	\$ -	\$ -	\$ -	\$ 123,002	\$ 15,375	
30 Replacement Reserves	\$ -	\$ -	\$ -	\$ -	\$ 3,166	\$ 396	
31 <b>Cash Flow</b>	\$ -	\$ -	\$ -	\$ -	\$ 119,836	\$ 14,980	

**Reserve Calculations**

Item	Quantity	Unit of Measure	Est Cost/Unit of Measure	Total Cost	Remaining Life	\$/yr	\$/yr/apt
32 Hot Water Heater/Boilers	8	ea	\$ 300	\$ 2,400	10	\$ 240	\$ 30
33 Roof	1	ea	\$ 6,500	\$ 6,500	40	\$ 163	\$ 20
34 Windows	16	ea	\$ 700	\$ 11,200	25	\$ 448	\$ 56
35 HVAC (window units)	8	ea	\$ 650	\$ 5,200	10	\$ 520	\$ 65
36 Washers/Dryers	8	ea	\$ 500	\$ 4,000	10	\$ 400	\$ 50
37 Ranges	8	ea	\$ 400	\$ 3,200	10	\$ 320	\$ 40
38 Refrigerators	8	ea	\$ 600	\$ 4,800	10	\$ 480	\$ 60
39 Dishwashers	8	ea	\$ 400	\$ 3,200	10	\$ 320	\$ 40
40 Carpet/Floors	8	ea	\$ 500	\$ 4,000	20	\$ 200	\$ 25
41 Hallways	3	ea	\$ 500	\$ 1,500	20	\$ 75	\$ 9
42 Miscellaneous	-	ea	\$ -	\$ -	0	\$ -	\$ -
43 Totals				\$ 46,000		\$ 3,166	\$ 396

**NOTES**

24  
42

**HURSEY-NOFAL BUILDING**  
**Florence, SC**  
**SCENARIO #: 1 - BASE CASE**

**COMMERCIAL-TENANT PROFORMA**

Tenant	sf	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
1 Retail Space	2,100	\$ 12,600	\$ 23,360	\$ 24,061	\$ 24,783	\$ 25,527	\$ 26,803	\$ 26,803	\$ 26,803	\$ 26,803	\$ 26,803
2 Event Space	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3 Tenant C	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4 Tenant D	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5 Tenant E	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6 Tenant F	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7 Tenant G	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8 Tenant H	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9 Tenant I	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10 Tenant J	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11 Tenant K	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12 Tenant L	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13 Tenant M	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14 Total Rent (Incl Vacancy Factor)	2,100 7886	\$ 12,600	\$ 23,360	\$ 24,061	\$ 24,783	\$ 25,527	\$ 26,803	\$ 26,803	\$ 26,803	\$ 26,803	\$ 26,803
<b>Recoveries</b>											
15 CAM		\$ 1,838	\$ 3,374	\$ 3,441	\$ 3,510	\$ 3,580	\$ 3,652	\$ 3,725	\$ 3,799	\$ 3,875	\$ 3,953
16 Real Estate Taxes		\$ 81	\$ 148	\$ 151	\$ 154	\$ 158	\$ 161	\$ 164	\$ 167	\$ 170	\$ 174
17 Management Fees		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18 Total Recoveries		\$ 1,918	\$ 3,522	\$ 3,593	\$ 3,664	\$ 3,738	\$ 3,812	\$ 3,889	\$ 3,966	\$ 4,046	\$ 4,127
<b>Other Income</b>											
19 Net Parking Income		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20 Miscellaneous		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
21 Total Other Income		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
22 Total Income		\$ 14,518	\$ 26,882	\$ 27,654	\$ 28,447	\$ 29,264	\$ 30,615	\$ 30,692	\$ 30,769	\$ 30,849	\$ 30,930
<b>Operating Expenses</b>											
23 CAM		\$ 3,675	\$ 3,749	\$ 3,823	\$ 3,900	\$ 3,978	\$ 4,057	\$ 4,139	\$ 4,221	\$ 4,306	\$ 4,392
24 Real Estate Taxes		\$ 607	\$ 619	\$ 632	\$ 644	\$ 657	\$ 670	\$ 684	\$ 697	\$ 711	\$ 726
25 Management Expenses		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26 Marketing Fund		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27 Non-CAM Expenses		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28 Miscellaneous		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
29 Total Operating Expenses		\$ 4,282	\$ 4,368	\$ 4,455	\$ 4,544	\$ 4,635	\$ 4,728	\$ 4,822	\$ 4,919	\$ 5,017	\$ 5,118
30 Net Operating Income		\$ 10,236	\$ 22,515	\$ 23,199	\$ 23,903	\$ 24,629	\$ 25,887	\$ 25,869	\$ 25,850	\$ 25,831	\$ 25,812
<b>Reserves</b>											
31 Repair/Replacement Reserves		\$ 1,050	\$ 1,071	\$ 1,092	\$ 1,114	\$ 1,137	\$ 1,159	\$ 1,182	\$ 1,206	\$ 1,230	\$ 1,255
32 Future Leasing Commissions/TA/TI		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
33 Total Reserves		\$ 1,050	\$ 1,071	\$ 1,092	\$ 1,114	\$ 1,137	\$ 1,159	\$ 1,182	\$ 1,206	\$ 1,230	\$ 1,255
34 Pretax Cash Flow Before Financing		\$ 9,186	\$ 21,444	\$ 22,106	\$ 22,789	\$ 23,492	\$ 24,728	\$ 24,687	\$ 24,644	\$ 24,601	\$ 24,557

127 West Evans Street  
 Florence S.C.  
 SCENARIO #: 1 - BASE CASE

**ACQUISITION & DEVELOPMENT COSTS**

	Item	Unit of Measure	Unit Cost	Total Cost	PSF Cost
<b>Acquisition</b>					
1	Purchase Price	N/A	N/A	\$ 120,000	\$ 27.77
2	Transfer Tax	% of purchase price	0.00%	\$ -	\$ -
3	Recordation Tax	\$/1000 of purchase price	\$ 3.70	\$ 444	\$ 0.07
4	Legal Fees	N/A	N/A	\$ 5,500	
5	Due Diligence	N/A	N/A	\$ -	\$ -
6	Title Insurance	N/A	N/A	\$ 400	
7	Brokers Commission	% of purchase price	0.0%	\$ -	\$ -
8	Total Acquisition Costs			\$ 126,344	\$ 28.88
<b>Hard Costs (Construction)</b>					
9	Building Costs	\$/sf	\$ -	\$ 1,648,570	\$ 228.97
	Lighting			\$ 25,000	
	Tap Fees			\$ 10,000	
	Apartment Furniture and Essentials			\$ 80,000	
10	Contingency	% of Hard Costs	10.0%	\$ 164,857	
11	Total Hard Costs			\$ 1,928,427	\$ 267.84
<b>Soft Costs (Construction)</b>					
12	Tenant Allowance	from Rent Schedule	N/A	\$ -	\$ -
13	Architectural/MEP Fees	N/A	N/A	\$ 90,000	
14	Environmental Site Assessment	N/A	N/A	\$ 2,100	
15	Legal-Historic Rehab/Syndication	N/A	N/A	\$ 50,000	
16	Historic Application Fees	N/A	N/A	\$ 25,880	
17	Project Management Fee	N/A	N/A	\$ 32,971	
18	Legal - Tax Credit Investor	N/A	N/A	\$ 10,000	
19	Accounting	N/A	N/A	\$ 12,000	
20	Insurance (during construction)	N/A	N/A	\$ 3,000	
21	Property Taxes During Construction	N/A	N/A	\$ 1,600	
22	Contingency	% of Soft Costs	10.0%	\$ 22,755	
23	Total Soft Costs			\$ 250,307	\$ 27.81
<b>Site Costs (Hard/Soft)</b>					
24	Hardscape	N/A	N/A	\$ 9,865	
25	Site Utilities	N/A	N/A	\$ 35,140	
26	Concrete	N/A	N/A	\$ 11,425	
27		N/A	N/A	\$ -	
28		N/A	N/A	\$ -	
29	Contingency	% of Site Costs		\$ 5,000	
30	Total Site Costs			\$ 61,430	\$ 8.53
<b>Financing Costs</b>					
31	Appraisal	N/A	N/A	\$ 5,000	
32	Legal - Loan	N/A	N/A	\$ 25,000	
33	Interest on Construction Loan	from Financing Schedule	N/A	\$ 25,812	
34	Points (construction loan)	from Financing Schedule	N/A	\$ 12,500	
35	Interest on Bridge Financing	Plug number (Timed S&U)	N/A	\$ 18,602	
36	Contingency	% of Financing Costs		\$ 10,000	
37	Total Financing Costs			\$ 96,914	\$ 11.36
38	Development Fee	% of Development Costs (excl Acquisition Costs)	15.0%	\$ 350,562	\$ 57.00
39	<b>**Total Acquisition &amp; Development Costs**</b>			\$ 2,813,983	\$ 457.56
40	Development Costs Qualified for Historic Tax Credits			\$ 2,484,738	
41	Effective Historic Tax Credit Rate			48.2%	
42	Historic Tax Credits			\$ 1,196,901	

**NOTES**

41 20% fed credit \* 98.99% \* \$0.72 credit price; plus, 50% state credits (ab and hist) \* 100% \* \$0.67 credit price  
 42 net effect of both federal and state tax programs.

**TAX CREDITS SUMMARY:**

	Credits	Pricing
Fed Historic Tax Credits	\$ 491,978	\$ 0.72
State HTC	\$ 621,185	\$ 0.67
State ABTC	\$ 636,542	\$ 0.67
Total TC	\$ 1,749,705	
Syndicated Percentage		



**ACQUISITION & DEVELOPMENT COSTS**

Item	Const Period Amount	CONSTRUCTION PERIOD FOR LOAN												TOTALS
		Closing 2021	Octob Nov	Dec	50% complete 2022		March		Completion April		Part III Appr K-1 2023			
		2021	Nov		Jan	Feb	March	April	May	June	July	March	Sept	
<b>SOURCES</b>														
Carryover from previous month			\$ 343	\$ 186	\$ 29	\$ 497	\$ 323	\$ 246	\$ 4	\$ 60	\$ (0)	\$ 0	\$ 0	\$ 1
Tax Credit Equity	\$ 596,885	\$ 26,138			\$ 70,845			\$ 141,690			\$ 358,213	\$ 35,422	\$ 564,593	\$ 1,196,901
Sponsor Equity	\$ 50,000	\$ 50,000											\$ (50,000)	\$ -
Construction Loan	\$ 1,528,546				\$ 312,500	\$ 354,500	\$ 356,000	\$ 465,000	\$ 23,500	\$ 7,478	\$ 7,568		\$ (187,763)	\$ 1,338,783
Bridge Loan	\$ 287,253	\$ 268,000	\$ 295,000	\$ 295,000	\$ (70,845)			\$ (141,690)			\$ (358,213)	\$ (35,422)	\$ (251,830)	\$ 0
Deferred Developer Fee	\$ 350,562								\$ 350,562				\$ (75,000)	\$ 275,562
<b>TOTAL SOURCES</b>	<b>\$ 2,811,246</b>	<b>\$ 344,138</b>	<b>\$ 295,000</b>	<b>\$ 295,000</b>	<b>\$ 312,500</b>	<b>\$ 354,500</b>	<b>\$ 356,000</b>	<b>\$ 465,000</b>	<b>\$ 374,062</b>	<b>\$ 7,478</b>	<b>\$ 7,568</b>	<b>\$ -</b>	<b>\$ 0</b>	<b>\$ 2,811,246</b>
<b>USES</b>														
<b>Acquisition</b>														
1 Purchase Price	\$ 120,000	\$ 120,000												\$ 120,000
2 Transfer Tax	\$ -	\$ -												\$ -
3 Recordation Tax	\$ 444	\$ 444												\$ 444
4 Legal Fees	\$ 5,500	\$ 5,500												\$ 5,500
5 Due Diligence	\$ -	\$ -												\$ -
6 Title Insurance	\$ 400	\$ 400												\$ 400
7 Brokers Commission	\$ -	\$ -												\$ -
8 <b>Total Acquisition Costs</b>	<b>\$ 126,344</b>	<b>\$ 126,344</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 126,344</b>
<b>Hard Costs (Construction)</b>														
9 Building Costs	\$ 1,648,570		\$ 274,762	\$ 274,762	\$ 274,762	\$ 274,762	\$ 274,762	\$ 274,762	\$ -					\$ 1,648,570
Construction Mgmt/Oversight	\$ 25,000		\$ 4,167	\$ 4,167	\$ 4,167	\$ 4,167	\$ 4,167	\$ 4,167	\$ -					\$ 25,000
Equipment Cost Qualified	\$ 10,000					\$ 3,333	\$ 3,333	\$ 3,333						\$ 10,000
Apartment Furniture and Essentials	\$ 80,000							\$ 80,000						\$ 80,000
10 Contingency	\$ 164,857					\$ 54,952	\$ 54,952	\$ 54,952						\$ 164,857
11 <b>Total Hard Costs</b>	<b>\$ 1,928,427</b>	<b>\$ -</b>	<b>\$ 278,928</b>	<b>\$ 278,928</b>	<b>\$ 278,928</b>	<b>\$ 337,214</b>	<b>\$ 337,214</b>	<b>\$ 417,214</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,928,427</b>
<b>Soft Costs (Construction)</b>														
12 Tenant Allowance	\$ -													\$ -
13 Architectural/MEP Fees	\$ 90,000	\$ 45,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ -								\$ 90,000
14 Environmental Site Assessment	\$ 2,100	\$ 2,100												\$ 2,100
15 Legal-Historic Rehab/Syndication	\$ 50,000	\$ 42,500							\$ 7,500					\$ 50,000
16 Historic Application Fees	\$ 25,880	\$ 25,880												\$ 25,880
17 Project Management Fee	\$ 32,971	\$ 32,971												\$ 32,971
18 Legal - Tax Credit Investor	\$ 10,000	\$ 10,000												\$ 10,000
19 Accounting	\$ 12,000	\$ 3,500							\$ 8,500					\$ 12,000
20 Insurance (during construction)	\$ 3,000	\$ 3,000												\$ 3,000
21 Property Taxes During Construction	\$ 1,600				\$ 1,600									\$ 1,600
22 Contingency	\$ 22,755							\$ 22,755						\$ 22,755
23 <b>Total Soft Costs</b>	<b>\$ 250,307</b>	<b>\$ 164,951</b>	<b>\$ 15,000</b>	<b>\$ 15,000</b>	<b>\$ 16,600</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 22,755</b>	<b>\$ 16,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 250,307</b>
<b>Site Costs (Hard/Soft)</b>														
24 Hardscape	\$ 9,865				\$ 2,466	\$ 2,466	\$ 2,466	\$ 2,466	\$ -					\$ 9,865
25 Site Utilities	\$ 35,140				\$ 8,785	\$ 8,785	\$ 8,785	\$ 8,785						\$ 35,140
26 Concrete	\$ 11,425				\$ 2,856	\$ 2,856	\$ 2,856	\$ 2,856						\$ 11,425
27	\$ -													\$ -
28	\$ -													\$ -
29 Contingency	\$ 5,000							\$ 5,000						\$ 5,000
30 <b>Total Site Costs</b>	<b>\$ 61,430</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 14,108</b>	<b>\$ 14,108</b>	<b>\$ 14,108</b>	<b>\$ 19,108</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 61,430</b>
<b>Financing Costs</b>														
31 Appraisal	\$ 5,000	\$ 5,000												\$ 5,000
32 Legal - Loan	\$ 25,000	\$ 25,000												\$ 25,000
33 Interest on Construction Loan	\$ 25,812		\$ -	\$ -	\$ -	\$ 1,237	\$ 2,640	\$ 4,049	\$ 5,890	\$ 5,983	\$ 6,013			\$ 25,812
34 Points (construction loan)	\$ 12,500	\$ 12,500												\$ 12,500
35 Interest on Bridge Loan	\$ 15,864		\$ 1,228	\$ 1,228	\$ 2,396	\$ 2,116	\$ 2,116	\$ 2,116	\$ 1,555	\$ 1,555	\$ 1,555			\$ 15,864
36 Contingency	\$ 10,000	\$ 10,000												\$ 10,000
37 <b>Total Financing Costs</b>	<b>\$ 94,176</b>	<b>\$ 52,500</b>	<b>\$ 1,228</b>	<b>\$ 1,228</b>	<b>\$ 2,396</b>	<b>\$ 3,353</b>	<b>\$ 4,756</b>	<b>\$ 6,165</b>	<b>\$ 7,445</b>	<b>\$ 7,538</b>	<b>\$ 7,567</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 94,176</b>
38 Development Fee	\$ 350,562								\$ 350,562					\$ 350,562
39 <b>**Total Acquisition &amp; Development Costs**</b>	<b>\$ 2,811,245</b>	<b>\$ 343,795</b>	<b>\$ 295,157</b>	<b>\$ 295,157</b>	<b>\$ 312,032</b>	<b>\$ 354,674</b>	<b>\$ 356,077</b>	<b>\$ 465,242</b>	<b>\$ 374,006</b>	<b>\$ 7,538</b>	<b>\$ 7,567</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,811,245</b>

**HURSEY-NOFAL BUILDING**  
**Florence, SC**  
**SCENARIO #: 1 - BASE CASE**

**FINANCING ASSUMPTIONS**

Construction Loan	
Rate	5.00%
Points (%)	0.69%
Term (mo)	6
Equity (%)	61.7%
Loan Amount	\$ 1,813,799
Points (\$)	\$ 12,500
Total Interest	\$ 27,959
*Includes Bridge Loan	
Seller Financing	
Rate	0.00%
Points (%)	0.00%
Term (yr)	-
Monthly Payment	\$ -
Points (\$)	\$ -
Permanent Loan	
Rate	3.95%
Points (%)	0.00%
Term (yr)	20
Equity (%)	50.1%
Monthly Payment	\$ 8,840
Points (\$)	\$ -

**Amount of Seller Financing**

Amount of Seller Financing	\$ -
----------------------------	------

Year	Principal	Interest	Payment	Balance
1	\$ -	\$ -	\$ -	\$ -
2	\$ -	\$ -	\$ -	\$ -
3	\$ -	\$ -	\$ -	\$ -
4	\$ -	\$ -	\$ -	\$ -
5	\$ -	\$ -	\$ -	\$ -
6	\$ -	\$ -	\$ -	\$ -
7	\$ -	\$ -	\$ -	\$ -
8	\$ -	\$ -	\$ -	\$ -
9	\$ -	\$ -	\$ -	\$ -
10	\$ -	\$ -	\$ -	\$ -

**Amortization Schedule of Permanent Loan**

Acquisition Costs	\$ 126,344
Development Costs	\$ 2,811,245
Total Project Costs	\$ 2,937,589
Less: Equity	\$ (1,472,463)
Less: Seller Financing	\$ -
Loan Amount	\$ 1,465,126

Year	Principal	Interest	Payment	Balance
1	\$ 49,088	\$ 56,990	\$ 106,078	\$ 1,416,038
2	\$ 51,062	\$ 55,016	\$ 106,078	\$ 1,364,976
3	\$ 53,116	\$ 52,962	\$ 106,078	\$ 1,311,860
4	\$ 55,253	\$ 50,825	\$ 106,078	\$ 1,256,608
5	\$ 57,475	\$ 48,603	\$ 106,078	\$ 1,199,133
6	\$ 59,787	\$ 46,291	\$ 106,078	\$ 1,139,346
7	\$ 62,192	\$ 43,886	\$ 106,078	\$ 1,077,154
8	\$ 64,693	\$ 41,385	\$ 106,078	\$ 1,012,461
9	\$ 67,295	\$ 38,783	\$ 106,078	\$ 945,166
10	\$ 70,002	\$ 36,076	\$ 106,078	\$ 875,163

**MISC OTHER ASSUMPTIONS**

Investors/Manager Distributions	
Cumulative Preferred Return Rate	2.0%
Split over Preferred Return:	
All Equity Members	0.0%
Manager	100.0%
Equity Split (above initial investment)	
All Equity Members	0.0%
Manager	100.0%

Assumption on Sale of Property in Year 10	
Cap Rate of Year 11 Pretax Cash Flow	7.0%
Transaction Costs (as a % of Sales Price)	4.0%

**HURSEY-NOFAL BUILDING**  
**Florence, SC**  
**SCENARIO #: 1 - BASE CASE**

**CASH-FLOW ANALYSIS:**

	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
<b>Transaction Costs</b>											
1 Acquisition Costs	\$ (126,344)										
2 Hard/Soft Costs	\$ (2,011,245)										
3 Sales Price in Yr 10											\$ 2,444,682
4 Less: Transaction costs in Yr 10											\$ (97,787)
5 Historic Tax Credits	\$ 1,196,901										
6 Total Transaction Costs	\$ (1,740,688)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,346,895
<b>Gross Rental Income</b>											
7 Apartments	\$ 204,096	\$ 208,178	\$ 212,341	\$ 216,588	\$ 220,920	\$ 225,338	\$ 229,845	\$ 234,442	\$ 239,131	\$ 243,914	
8 Retail/Office	\$ 25,200	\$ 25,956	\$ 26,735	\$ 27,537	\$ 28,363	\$ 29,781	\$ 29,781	\$ 29,781	\$ 29,781	\$ 29,781	
9 Total Gross Rental Income	\$ 229,296	\$ 234,134	\$ 239,076	\$ 244,125	\$ 249,283	\$ 255,119	\$ 259,626	\$ 264,223	\$ 268,912	\$ 273,695	
<b>Less: Adjustments to GRI</b>											
10 Apartment - Vacancy/Bad Debt	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11 Apt - Model and Employee Units/Rent Concessions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12 Retail/Office - Vacancy	\$ (12,600)	\$ (2,596)	\$ (2,673)	\$ (2,754)	\$ (2,836)	\$ (2,978)	\$ (2,978)	\$ (2,978)	\$ (2,978)	\$ (2,978)	\$ (2,978)
13 Total Adjustments to GRI	\$ (12,600)	\$ (2,596)	\$ (2,673)	\$ (2,754)	\$ (2,836)	\$ (2,978)	\$ (2,978)	\$ (2,978)	\$ (2,978)	\$ (2,978)	\$ (2,978)
14 Net Rental Income	\$ 216,696	\$ 231,538	\$ 236,403	\$ 241,371	\$ 246,447	\$ 252,141	\$ 256,648	\$ 261,245	\$ 265,934	\$ 270,716	
15 Apartment Other Income	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Retail/Office Other Income:</b>											
16 Recoveries (CAM, RE Taxes, Mgmt Fee)	\$ 1,918	\$ 3,522	\$ 3,593	\$ 3,664	\$ 3,738	\$ 3,812	\$ 3,889	\$ 3,966	\$ 4,046	\$ 4,127	
17 Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18 Total Retail/Office Other Income:	\$ 1,918	\$ 3,522	\$ 3,593	\$ 3,664	\$ 3,738	\$ 3,812	\$ 3,889	\$ 3,966	\$ 4,046	\$ 4,127	
19 Total Income	\$ 218,614	\$ 235,060	\$ 239,995	\$ 245,036	\$ 250,184	\$ 255,954	\$ 260,537	\$ 265,211	\$ 269,980	\$ 274,843	
<b>Operating Expenses</b>											
20 Apartment Operating Expenses	\$ 81,094	\$ 82,716	\$ 84,371	\$ 86,058	\$ 87,779	\$ 89,535	\$ 91,326	\$ 93,152	\$ 95,015	\$ 96,915	
21 Retail/Office Operating Expenses	\$ 4,282	\$ 4,368	\$ 4,455	\$ 4,544	\$ 4,635	\$ 4,728	\$ 4,822	\$ 4,919	\$ 5,017	\$ 5,118	
22 Total Operating Expenses	\$ 85,377	\$ 87,084	\$ 88,826	\$ 90,602	\$ 92,414	\$ 94,263	\$ 96,148	\$ 98,071	\$ 100,032	\$ 102,033	
23 Net Operating Income	\$ 133,238	\$ 147,976	\$ 151,169	\$ 154,433	\$ 157,770	\$ 161,691	\$ 164,389	\$ 167,141	\$ 169,947	\$ 172,810	
<b>Reserves</b>											
24 Apartment Reserves	\$ 3,166	\$ 3,229	\$ 3,293	\$ 3,359	\$ 3,426	\$ 3,495	\$ 3,565	\$ 3,636	\$ 3,709	\$ 3,783	
25 Retail/Office Reserves	\$ 1,050	\$ 1,071	\$ 1,092	\$ 1,114	\$ 1,137	\$ 1,159	\$ 1,182	\$ 1,206	\$ 1,230	\$ 1,255	
26 Total Reserves	\$ 4,216	\$ 4,300	\$ 4,386	\$ 4,474	\$ 4,563	\$ 4,654	\$ 4,747	\$ 4,842	\$ 4,939	\$ 5,038	
27 Pretax Cash Flow Before Financing	\$ (1,740,688)	\$ 129,022	\$ 143,676	\$ 146,784	\$ 149,960	\$ 153,207	\$ 157,037	\$ 159,642	\$ 162,298	\$ 165,008	\$ 2,514,667
28 Return on Investment	Cap Rate -->	7.4%	8.3%	8.4%	8.6%	8.8%	9.0%	9.2%	9.3%	9.5%	144.5%
29 Internal Rate of Return (IRR)		10.7%									
<b>NPV Calculations</b>											
30 @ Following Rates -->	6.0%	7.0%	8.0%								
31 Net Present Value	\$ 647,133	\$ 481,721	\$ 333,416								
<b>Financing</b>											
32 Proceeds from Seller Financing	\$ -										
33 Proceeds from Permanent Loan	\$ 1,465,126										
34 Seller Financing Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
35 Permanent Loan Debt Service	\$ -	\$ (106,078)	\$ (106,078)	\$ (106,078)	\$ (106,078)	\$ (106,078)	\$ (106,078)	\$ (106,078)	\$ (106,078)	\$ (106,078)	\$ (106,078)
36 Loan Balance In Yr 10											\$ (875,163)
37 Pretax Cash Flow After Financing	\$ (275,562)	\$ 22,944	\$ 37,599	\$ 40,706	\$ 43,882	\$ 47,129	\$ 50,959	\$ 53,564	\$ 56,220	\$ 58,930	\$ 1,533,426
38 Return on Equity		8.3%	13.6%	14.8%	15.9%	17.1%	18.5%	19.4%	20.4%	21.4%	556.5%
39 Leveraged IRR	26.7%										
40 Loan-to-Value Ratio (LTV; permanent loan only)		49.9%									
41 Loan-to-Value Ratio (LTV; all loans)		49.9%									
42 Debt Coverage Ratio (DCR)		1.22	1.35	1.38	1.41	1.44	1.48	1.50	1.53	1.56	23.71

**SOURCES AND USES  
DURING CONSTRUCTION**

<b>SOURCES</b>			<b>Notes</b>
Tax Credit Equity	\$	26,138	\$ 26,138
Sponsor Equity	\$	50,000	
Construction Loan	\$	1,526,546	
Bridge Loan	\$	858,000	\$ 268,000
Deferred Developer Fee	\$	350,562	
<b>TOTAL SOURCES</b>	<b>\$</b>	<b>2,811,246</b>	

<b>USES</b>		
Acquisition	\$	126,344
Hard Costs	\$	1,928,427
Soft Costs	\$	250,307
Site Costs	\$	61,430
Financing Costs	\$	94,176
Development Fee	\$	350,562
<b>TOTAL USES</b>	<b>\$</b>	<b>2,811,245</b>

At Closing

At Closing

**SOURCES AND USES  
PERMANENT**

**SOURCES**

Tax Credit Equity	\$	1,196,901
Sponsor Equity	\$	-
Seller Financing	\$	-
Permanent Loan	\$	1,338,783
Bridge Loan	\$	0
Deferred Developer Fee	\$	275,562
<b>TOTAL SOURCES</b>	<b>\$</b>	<b>2,811,246</b>

**USES**

Acquisition	\$	126,344
Hard Costs	\$	1,928,427
Soft Costs	\$	250,307
Site Costs	\$	61,430
Financing Costs	\$	94,176
Development Fee	\$	350,562
<b>TOTAL USES</b>	<b>\$</b>	<b>2,811,245</b>

# EXHIBIT H



# PROPOSAL PACKAGE

Hursey-Nofal Building,  
Downtown Florence, SC

**PROPOSED BY**

Montgomery Construction  
1919 Augusta Highway  
Lexington, SC 29072







# PROPOSAL CONTENTS

## A. COMPANY AND GENERAL INFORMATION

Cover Letter	03
Building a Better Experience	04
At Our Core	05

## B. PROPOSED PROJECT TEAM

Your Project Team	06
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# COVER LETTER

Tuesday, April 12, 2022

RE: Hursey-Nofal Building – Downtown Florence, SC

To Whom It May Concern,

Thank you for this opportunity to provide a proposal for the renovation of the Hursey-Nofal Building in Downtown Florence, SC.

At Montgomery Construction, we specialize in delivering cost effective construction solutions that meet and exceed our client's expectations, as we strive to always *Build A Better Experience!*

We appreciate the opportunity to submit this proposal and look forward to helping make this project a great success!

Sincerely,



**MATTHEW S. MONTGOMERY**  
President  
mattm@montgomery-co.com  
803.490.2243



# MONTGOMERY CONSTRUCTION

BUILDING A BETTER EXPERIENCE

Partner with us to build your next project  
Call us at 803.490.2343



## AREAS OF EXPERTISE

Retail, Historic,  
Healthcare,  
Hospitality, Industrial,  
Office, Religious,  
Student Housing



## COMPETITIVE COST

Being a Carolina-based  
small business with  
large project  
backgrounds,  
we are able to deliver  
complex construction  
services and results at



## CUSTOMIZED SERVICES

We create enduring  
client relationships by  
delivering customized  
construction expertise  
with superior outcomes

## AT OUR CORE...

### WE ARE RESPONSIVE

We will always respond in a timely manner and with a "get-it-done" attitude!

### WE ARE CUSTOMER FOCUSED

We value our customers, their wants, and their needs, and want to make the construction process a personable and enjoyable experience for everyone!

### WE ARE FAMILY ORIENTED

We strive to make our team feel like a family unit and value everyone's individual families!

### WE BELIEVE IN OPEN COMMUNICATION

Our doors are always open to discuss issues, concerns, thoughts, etc. We want everyone to get along and talk with each other to make things right!

### WE STRIVE TO BE THE BEST

We deliver the best product, the best experience, and the best customer service. We will always make it right, no matter what!



*Considering my 45 years overseeing various building construction projects, Montgomery Construction has been outstanding, both in the quality of their work, as well as their overall reliability. I have been particularly impressed with their attention to details with excellent results. I therefore would give them my highest recommendation.*

# SIMILAR PROJECTS

## THE PARTRIDGE INN- CORIO COLLECTION AUGUSTA, GA



**OWNER:** NORTH POINTE  
**PROJECT DESCRIPTION:**

Historical hotel renovation of a 144-room hotel to transform it into a semi-4 diamond hotel to include upgrading all the hotel rooms, common spaces, conference rooms, two restaurant and bars (one rooftop), on an extremely compressed schedule.

## THE MILLS APARTMENTS COLUMBIA, SC



**OWNER:** PMC PROPERTIES, LLC  
**PROJECT DESCRIPTION:**

New construction and renovation of over 100 high-end student housing apartments, totaling over 115,000sf completed in an 8-month time period within a functioning student housing campus in a historical setting.

## 101 WEST MAIN UNION, SC



**OWNER:** 101 WEST MAIN, LLC  
**PROJECT DESCRIPTION:**

Historic renovation and addition of a 110-year-old building in a downtown, main street setting. The building had been vacant for over 10 years and was renovated into a modern 16- bed student housing facility housing student-athletes.

## MAIN STREET JUNCTION COLUMBIA, SC



**OWNER:** CITY OF UNION  
**PROJECT DESCRIPTION:**

Historical renovation of a 115-year-old 10,000sf building on Main Street in Union, SC. The project transformed a vacant building into a modern event venue and included a 2-acre park, a 2,000sf all accessible alleyway with restrooms and a terrace.



## YOUR PROJECT TEAM



### MATT MONTGOMERY | PRESIDENT

Matt founded Montgomery Construction in 2014 after having over 14 years of industry experience. His portfolio spans across the nation, having led projects on both the east and west coasts. He has managed projects as both an owner representative and contractor in excess of \$250 million and over 5 million square feet. Matt prides himself on being a true extension of a building owner and creating enduring client relationships by delivering cost effective project management with superior project outcomes.



### KEN MCCARTHY | DIRECTOR OF OPERATIONS

Ken McCarthy, hailing from Australia, has over 40 years of experience that includes an unconventional career path starting with global sailboat delivery. After numerous ocean crossings, Ken settled in Fort Lauderdale, FL where he became the yacht captain for Dave Thomas (the founder of Wendy's). Dave's entrepreneurial proclivity led Ken towards ventures in real estate and construction, and golf course acquisition/management in Columbia, SC. Ken prides himself on being able to successfully deliver all Montgomery Construction's client's projects in a professional manner, creating an enjoyable experience.



### DAVID CARVER | FINANCE DIRECTOR

David is an accomplished construction accountant with over 30+ years of experience in the industry. He has served as both the controller and accounting manager for electrical and general contractors with specialties in highway/road building, site work, hotels, wastewater treatment, and home building. He brings a vast array of knowledge in accounting software, bank reconciliation, general ledger accounting and reconciliation, and construction management software.



### BOB BARTHOLOMEW | SENIOR ESTIMATOR

Bob brings over 40 years of extensive knowledge in engineering, construction, estimating, design/build, site project management from start to finish, construction management, and construction management at risk. Bob's experience includes small buildings to multi-million-dollar projects in various fields including commercial, industrial, manufacturing, financial institutions, healthcare, food institutions, churches, education, government, condominiums/townhouses, expansion, up-fits, and complete design/build projects. Bob has a Bachelor of Science degree in Building Design & Construction from Pittsburg State University, an Associate of Science degree in Civil Engineering Technology and Pre-Architecture from Miami-Dade Jr. College in Miami, FL.

## YOUR PROJECT TEAM



### SPENCE LITTLE | PROJECT MANAGER

Spence has over 25 years of experience in the commercial construction industry with projects ranging throughout South Carolina. He has completed over \$500 million dollars worth of projects over the years that includes small remodels, office upfits, historical renovations, high-end law firms and extensive ground-up construction. Spence truly believes in building trust with his clients and commends himself for having over 80% of repeat business with his clients throughout the years. Spence holds a Bachelor of Science degree in Civil Engineering from Clemson University and is OSHA 30-certified.



### BRADIN SANDERS | ASSISTANT PROJECT MANAGER

Bradin Sanders has over 10 years of experience in construction, with emphasis on woodworking and casework. He developed a passion for woodworking at 14 when he started building fences and decks. Most recently he has worked in commercial woodworking as a Designer and Project Manager for small to medium sized companies. Bradin attended The Citadel in Charleston, SC, with a focus in Business Administration-Accounting and served 9 years in the South Carolina Army National Guard.



### GENE DAWKINS | SUPERINTENDENT

Gene has over 45 years of experience in all types of construction processes. He is especially skilled in floor covering, tile work, and plumbing repairs. He has built and managed thousands of projects throughout his career. Gene takes pride in managing job sites and keeping them "straight and going". He has a strong background in production, home building and management. Having built and managed the construction of over 1,000 homes in his career, his skills and knowledge make him an exceptional asset to Montgomery Construction.



### JASON FIELDS | DIRECTOR OF MARKETING

Jason has over 15 years of experience in photography, videography, audio engineering, and social media content creation. He has created captivating visual content for commercial & residential real estate agencies, corporations, and small businesses throughout his career while successfully running his own photography & videography businesses in St. Simons Island, GA. Jason takes pride in his attention to detail, and his ability to capture moments that leave lasting impressions with our clients.

# EXHIBIT I



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## Dewey Ervin Architecture LLC



After working for several firms around South Carolina, Dewey established his own firm in 2017. He is experienced in managing a design team of architects and engineers to ensure a comprehensive and thoughtful design approach. He has led design teams in commercial, educational, health care, and judicial projects.

Dewey received his Bachelor of Science in Biology from Davidson College in 1999 and his Master of Architecture from Rice University in 2007. He has served on the Columbia chapter board of the AIA and is a member of the AIA Political Action Committee. He has served on several committees of the National Council of Architectural Registration Boards, including the ARE test writing committee.



## THORNWELL APARTMENTS

Client: PRIVATE DEVELOPMENT

Location: HARTSVILLE, SC

Project Architect

Retrofit of 52 apartment units into a former elementary school listed on the National Register of Historic Places. The design team worked with the State Historic Preservation Office and the National Park Service to pursue historic tax credits for the Owner.





## 1527 GERVAIS STREET

Client: PRIVATE DEVELOPMENT

Location: Columbia, SC

### Project Architect

Renovation of a historic dwelling into residential apartments and cafe. The design team worked with the State Historic Preservation Office and the National Park Service to pursue historic tax credits for the Owner.





## No. 8 VANDERHORST STREET CARRIAGE HOUSE RENOVATION

Client: Private Residence

Location: Charleston, SC

Associate architect with Robert S. Morris III & Associates LLC.

Design role included Schematic Design, Design Development, Construction Documents, presentation to Board of Architectural Review for approval, and Construction Administration.

This nineteenth century structure presented many design challenges to making it an exceptional residence. In addition to the use of stunning materials, the efficient floorplan creates gracious spaces in a formerly utilitarian building.



\*Project photographs from Robert S. Morris III & Associates



## No. 8 VANDERHORST STREET HOUSE RENOVATION

Client: Private Residence

Location: Charleston, SC

Associate architect while employed by Robert S. Morris III & Associates LLC. Design role included Schematic Design, Design Development, Construction Documents, presentation to Board of Architectural Review for approval, and Construction Administration.



Built in 1855 by a Charleston hat merchant, this elegant mansion had been cut up into small apartments after World War II. On an angled lot, few right angles exist in the interior rooms. The renovation restored much of the original fine detailing. Modern elements were sympathetically inserted to accommodate modern living. A wine cellar was created in a water cistern discovered under the house. An elevator communicates the subterranean cellar with the condominium units above, one per floor.



\*Project photographs from Robert S. Morris III & Associates

**DEWEY ERVIN ARCHITECTURE LLC**



## SUMTER ECONOMIC DEVELOPMENT HEADQUARTERS

Client: Sumter Economic Development Board (SEDB)

Location: Sumter, SC

Project Architect with Stevens & Wilkinson. Helped secure commission through multiple client meetings. Involved in early programming and Schematic Design. Managed early pricing of Design Development Documents. Produced and oversaw production of Construction Documents.

6,000 sf new construction headquarters for the Sumter Economic Development Board and temporary office space for businesses relocating to the area.



\*Project photographs from [stevens-wilkinson.com](http://stevens-wilkinson.com)



## **MOUNT HOLLY FREE-STANDING EMERGENCY DEPARTMENT**

**Client:** Caromont Regional Medical Center

**Location:** Mount Holly, NC

**Architect on design team with Stevens & Wilkinson. Involved in schematic and general floor plan design as well as exterior appearance.**



**A free-standing emergency department that utilizes an innovative floor plan to increase efficient healthcare delivery.**



**\*Project photographs from [stevens-wilkinson.com](http://stevens-wilkinson.com)**



## FLORENCE COUNTY JUDICIAL CENTER

Client: Florence County

Location: Florence, SC

Project Architect with Stevens & Wilkinson. Helped secure commission through multiple client meetings. Involved in early programming and Schematic Design. Managed early pricing of Design Development Documents. Oversaw production of Construction Documents. Managed Construction Administration including pay application approval.



A 120,000 sf judicial center with six court rooms and the capability to expand to eight courtrooms within the built envelope.

\*Project photographs from [stevens-wilkinson.com](http://stevens-wilkinson.com)

DEWEY ERVIN ARCHITECTURE LLC



FLORENCE CITY COUNCIL MEETING

**DATE:** September 12, 2022

**AGENDA ITEM:** Ordinance

**DEPARTMENT/DIVISION:** City Council

---

**I. ISSUE UNDER CONSIDERATION:**

An Ordinance to amend the portion of Appendix A entitled "Rental Property" in the business license ordinance found in Chapter 13 of the Code of Ordinances of the City of Florence.

**II. PREVIOUS ACTION TAKEN**

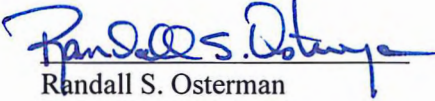
1. The Model Business License Ordinance (Ordinance No. 2021-04) was adopted on March 8, 2021 in accordance with the business license bill (H4431) passed by the South Carolina legislature in September 2020.

**III. POINTS TO CONSIDER:**

1. The intent of the proposed Ordinance is to clear up an unintended circumstance discovered since the adoption of the Model Business License Ordinance.
2. The Proposed Ordinance shall become effective on May 1, 2023, pending adoption.

**IV. ATTACHMENTS:**

1. Ordinance
2. Exhibit A

  
Randall S. Osterman  
City Manager

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE PORTION OF APPENDIX A ENTITLED “RENTAL PROPERTY” IN THE BUSINESS LICENSE ORDINANCE FOUND IN CHAPTER 13 OF THE CODE OF ORDINANCES OF THE CITY OF FLORENCE.**

**WHEREAS**, the City of Florence has discovered an unintended circumstance caused by the recent adoption of the Model Business License Ordinance;

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

1. That an Ordinance is hereby adopted to amend the portion of Appendix A of Chapter 13 in the Code of Ordinances of the City of Florence entitled “Rental Property,” to read in its entirety as set forth on Exhibit A hereto which is incorporated herein by reference;
2. That, upon its approval and adoption on second reading by the City Council of the City of Florence, this Ordinance shall become effective on May 1, 2023.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Teresa Myers Ervin  
Mayor

**Attest:**

\_\_\_\_\_  
Casey C. Moore  
Municipal Clerk

# EXHIBIT A

## RENTAL PROPERTY

### NAICS 531110 and 531120 – Lessors of Residential and Non-Residential Buildings

- (a) Individuals engaging in rental of more than four (4) residential units will be required to obtain a business license. Individuals engaging in rental of one (1) or more commercial properties will be required to obtain a business license unless it is a commercial property exempted by (c) below.
- (b) Businesses, corporations, limited liability corporations or partnerships, or other like entities engaging in rental of residential or commercial property will be required to obtain a business license unless it is a commercial property exempted by (c) below.
- (c) One (1) commercial property being leased by an individual or a business, corporation, limited liability corporations or partnerships, or other like entity is exempt from the business license requirement set out above if it is rented to a legal entity wholly owned by Lessor or to a legal entity owned by the identical principals that own the Lessor entity.

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

FLORENCE CITY COUNCIL MEETING

**DATE:** September 12, 2022

**AGENDA ITEM:** Ordinance

**DEPARTMENT/DIVISION:** Utilities/Wastewater

---

**I. ISSUE UNDER CONSIDERATION:**

Request to amend Chapter 12 Article I and II of the Municipal Utilities Code of Ordinances of the City of Florence regarding Regulation 61-9 403 (Pretreatment). This modification is at the direction of South Carolina Department of Health and Environmental Control (SCDHEC).

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

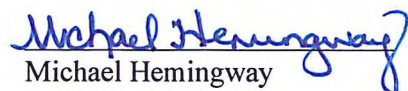
1. Current Municipal Utilities code was adopted by City Council on November 10, 1997 by Ordinance No. 97-36.
2. A United States Environmental Protection Agency (US EPA) inspection was conducted June 22, 2022.

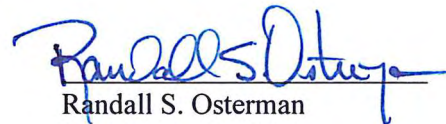
**III. POINTS TO CONSIDER:**

1. Request is being considered for first reading.
2. Tracked changes are highlighted in red as prepared by staff and the city's consulting engineer team.
3. The proposed amendments will modify the current City of Florence Code of Ordinances to be consistent with changes implemented by US EPA and SCDHEC.

**IV. ATTACHMENTS:**

1. Proposed Ordinance
2. Exhibit A

  
Michael Hemingway  
Utilities Director

  
Randall S. Osterman  
City Manager

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 12, ARTILCLE I AND II OF THE CODE OF ORDINANCE OF THE CITY OF FLORENCE ENTITLED “MUNICIPAL UTILITIES”.**

**WHEREAS**, Chapter 12, Article I and II of the City of Florence, South Carolina Code of Ordinances (“the Code”) regulates industrial pretreatment users to the Public Owned Treatment Works (POTW); and

**WHEREAS**, it has been deemed in the State of South Carolina, South Carolina Department of Health and Environmental Control (SCDHEC) is the regulating entity through implementation of Regulation 61-9 Section 403 (Pretreatment Regulations); and

**WHEREAS**, certain minor amendments to the Ordinance adopted in 1997 to amend certain aspects of the Ordinance to be consistent with state law promogulated to SCDHEC the City proposes to revise its municipal utilities ordinance to amend the ordinance where appropriate with actions already taken by the City pursuant to its administration of the Ordinance.

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

1. That an Ordinance is hereby adopted to amend Chapter 12, Municipal Utilities, Article I and II of the Code of Ordinances of the City of Florence as shown in in the “tracked” version of said Articles attached hereto as Exhibit A and incorporated herein by reference;
2. This this Ordinance shall become effective upon its approval and adoption by the City of Council of the City of Florence and posting of this amendment.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
**City Attorney**

\_\_\_\_\_  
Teresa Myers Ervin,  
**Mayor**

**Attest:**

\_\_\_\_\_  
Casey C. Moore  
**Municipal Clerk**

# Exhibit "A"

## Chapter 12 MUNICIPAL UTILITIES

- Art. I. In General, §§ 12-1-12-4.1
- Art. II. Sewers and Sewage Disposal, §§ 12-5-12-119
  - Div. 1. Generally, §§ 12-5-12-16
  - Div. 2. Prohibited Use of Public Sewage System, §§ 12-17-12-27
  - Div. 3. Permitted Use of Public Sewage System, §§ 12-28-12-37
  - Div. 4. Operation and Control of Waste Water System, §§ 12-38-12-51
  - Div. 5. Enforcement, §§ 12-52-12-59
  - Div. 6. Sewer Connections, §§ 12-60-12-79
  - Div. 7. User Charges and Surcharges, §§ 12-80-12-99
  - Div. 8. Sewer System Extensions, §§ 12-100-12-119

### ARTICLE I. IN GENERAL

#### Sec. 12-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

*Act or "the Act ":*

- (1) The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) The South Carolina Stormwater Management and Sediment Reduction Act, as set forth in § 48-14-10, et seq. of the Code of Laws of South Carolina, 1976, as amended.

*Adverse impact:* Significant negative impact to land, water and associated resources resulting from a land disturbing activity. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife and other resources; and threatened public health.

*Aesthetic water use:* Water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls.

*Alley:* A minor way used for service access to the back or side of properties abutting on a street.

*Appeals and hearing board:* The stormwater management appeals board, as appointed by the City Council, City of Florence, to hear appeals and conduct administrative hearings associated with the provisions and requirements of article IV of this chapter.

*Applicant:* A person, firm, governmental agency, partnership, or any other entity who seeks to obtain approval or a permit under the requirements of this chapter and who will be responsible for the land disturbing activity and related maintenance thereof.

*Approval authority:* South Carolina Department of Health and Environmental Control.

*Approved:* Accepted by the department director or his designated as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

*As-built plans or record documents:* Set of engineering or site drawings that delineate the specific permitted stormwater management facility as actually constructed.

*Authorized representative of the industrial user:*

- (a) If the industrial user is a corporation, authorized representative shall mean:
  - (1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (2) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding \$25 million (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents or having gross annual sales or expenditures exceeding \$25 million (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
- (c) If the industrial user is a federal, state or local government, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

*Auxiliary water supply:* Any water supply, on or available, to the premises other than the city's approved public potable water supply.

*Backflow:* The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

*Backflow preventer:* A device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, residential dual check, double check with intermediate atmospheric vent and barometric loop. (See Appendix I for an approved list).

*Back-siphonage:* The flow of water or other liquids, mixtures or substances into the

distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

*Best management practices (BMPs):* A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Biochemical oxygen demand (BOD):* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade expressed as a concentration (mg/l).

*Building:* Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or parts thereof."

*Certificate of annual inspection:* A form supplied by the city which shall be used to certify that an annual inspection has occurred and such backflow preventer meets the minimum qualifications of these regulations, to be completed by a certified tester.

*Certificate of installation:* A form supplied by the city which shall be used to certify that an approved backflow preventer has been installed. Certification shall be made by a qualified person.

*City:* The city or any duly authorized official acting on its behalf.

*Clean Water Act:* The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

*COD (chemical oxygen demand):* Used to measure the content of organic matter that is susceptible to oxidation by a strong chemical oxidant.

*Combined sewer:* A sewer receiving both surface runoff and sewage.

*Commercial and industrial water use:* Water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

*Commercial business:* Any occupant's use of a building or structure for any retail trade, service, professional, office, amusement, entertainment, or similar purpose as defined by the city zoning ordinance and as specifically permitted within any business or commercial district under the zoning ordinance.

*Condominium:* One (1) dwelling unit in a series or in a multiunit type structure which may be owned or leased by a person who may have common use of all related activities associated with



the structure and having one (1) sewer connection for each unit.

*Conservation:* A reduction in water use to prevent depletion or waste of the resource.

*Construction activity:* Activities subject to NPDES construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Containment:* A method of backflow prevention which requires a backflow preventer at the water service entrance.

*Contaminant:* A substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

*Cross-connection control authority:* The City of Florence.

*Credit:* A conditional reduction in the amount of a stormwater service charge or other fees, rates, rentals, charges, fines, and penalties to an individual property based on: the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility; and/or continuing provision of a service or activity that reduces the stormwater utility's cost of providing stormwater management services and stormwater management systems and facilities; and/or on the direct discharge of runoff to a receiving water that is not operated, maintained, improved, and regulated, now or in the future, by the city.

*Cross-connection:* Any physical link or route that makes it possible for contamination to flow into the potable water system.

*Customer:* Any person, company, or organization using water supplied by the City of Florence.

*Customers of the stormwater utility:* Customers of the stormwater utility shall include those persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater systems and facilities and regulation of public and private stormwater, stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

*Designated watershed:* A watershed designated by the City of Florence and identified as having an existing or potential stormwater, sediment control, or nonpoint source pollution problem.

*Detached single-family dwelling unit:* A developed land containing one (1) structure which is not attached to another dwelling and which contains one (1) or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one (1) family. Detached single family dwelling units may include houses, manufactured homes, and mobile homes located on one (1) or more individual lots or parcels of land. Developed land may be classified as a detached single-family

dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings, or the presence of a commercial use within the dwelling unit so long as such use does not result in additional areas of impervious surfaces such as parking spaces, playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar nonresidential uses. Detached single-family dwelling units shall not include developed land containing: structures used primarily for nonresidential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple dwelling unit residential properties.

*Detention structure:* A permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

*Develop land:* The change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

*Developed land:* Property altered from its natural state by construction or installation of more than two hundred (200) contiguous square feet of impervious surfaces as defined in this division.

*Developer:* A person undertaking, or for whose benefit, activities covered by these regulations are commenced and/or carried out.

*Development:* Any physical improvement of real estate under the guidelines and requirements of the codes and ordinances of the city; Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

- (1) A minor development is any development involving five (5) or fewer lots and involving a land area of less than five (5) acres and not requiring the construction or extension of any streets or other municipal utilities.
- (2) A major development is any development larger than a minor development.

*DHEC:* The South Carolina Department of Health and Environmental Control.

*Department director (or his delegated representative):* The person in charge of the division, which is invested with the authority and responsibility for the implementation of a cross - connection control program and for the enforcement of the provisions of this division.

*Domestic sewage:* Liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

*Domestic water use:* Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

*Drainage:* Surface water runoff; the removal of surface water or groundwater from lands by

drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving water supply and the prevention or alleviation of flooding.

*Drainage area:* Area contributing runoff to a single point; that area in which all of the surface water runoff resulting from precipitation is concentrated into a particular stream.

*Drainage system:* Any previously existing or newly constructed drainage facility that conveys stormwater or surface runoff such as drainage ways, watercourses, storm drainage pipe, culverts, catch basins, sewers, specifically designed for stormwater, open ditches, swales with or without inverts, and all appurtenances thereto.

*Drought alert phases* are as follows:

- (1) Moderate drought occurs when the Palmer Index reaches the --1.50 to -2.99 range and moderate drought conditions have been verified by the best available information, and conditions indicate this situation is expected to persist.
- (2) Severe drought occurs when the Palmer Index reaches the -3.00 to -3.99 range and severe drought conditions have been verified by the best available information.
- (3) Extreme drought occurs when the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by the best available information.

*Drought response committee:* A committee composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for action to the South Carolina Water Resources Commission and/or the governor.

*Duplexes and triplexes:* Developed land containing two (2) (duplex) or three (3) (triplex) attached residential dwelling units located on one (1) or more parcels of land.

*Easement:* Grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

*Environmental protection agency, or EPA:* The U.S. Environmental Protection Agency, or where appropriate, the term duly authorized official of said agency.

*EPA pretreatment regulation:* EPA regulation 40 CFR Part 403 titled, "General Pretreatment Regulations for Existing and New Sources of Pollution".

*Equivalent residential unit:* Two thousand five hundred (2,500) square feet of impervious surfaces. The equivalent residential unit shall be used as the basis for determining stormwater service charges to detached single-family dwelling unit properties or classes of detached single-family dwelling unit properties and other properties.

*Erosion:* The wearing away of land surface by the action of wind, water, gravity, ice, or any

combination of those forces.

*Erosion and sediment control:* The control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.

*Essential water use:* Water used specifically for firefighting and to satisfy federal, state, or local public health and safety requirements.

*Even-numbered address:* Street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A through M; and locations without addresses.

*Exemption:* Land disturbing activities that are not subject to the sediment and stormwater requirements contained in these regulations.

*Federal categorical pretreatment standard:* Any regulation containing pollutant discharge limits promulgated by the environmental protection agency in accordance with section 307(b) and (c) of the Federal Clean Water Act which applies to a specific category of industry.

*Fixture isolation:* A method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

*Fixture outlet protection:* An approved backflow preventer.

*Flood:* The temporary overflowing of water onto land which is usually devoid of surface water.

*Garbage:* Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.

*Grading:* Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

*Group dwelling unit:* A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities and sewer connections are not provided for such residents, persons or families. The term "group dwelling" includes the terms rooming house, institutional house, fraternity house, or sorority house. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined. For computation of charges, three (3) beds shall be computed as one unit.

*Hazardous materials:* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Holding tank waste:* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Hotel (including motel, tourist home, motor lodge, and tourist lodging):* A building or buildings containing ten (10) or more rooms intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes by transient and/or permanent guests, and where only a general kitchen and dining room are provided within the principal building or in an accessory building. ("Efficiencies" are considered to be dwelling units). For determination of rates, each room or series of rooms made available to the general public as a separate entity for overnight accommodation shall be classified as a rental unit.

*Hydrologic response:* The hydrologic response of a property is the manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area, the size, shape, topographic, vegetative, and geologic conditions of a property, antecedent moisture conditions, and groundwater conditions on a property.

*Illegal or illicit discharge:* An illicit discharge is defined as any discharge to a municipal or county separate storm sewer system (stormwater drainage system) that is not composed entirely of stormwater runoff (except for nonpolluting discharges that may be allowed under a permit or by exemption).

*Illicit connections:* An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system. This also includes any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

*Impervious surfaces:* Impervious surfaces are those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

*Indirect discharge or discharge:* The discharge or the introduction of pollutants from any nondomestic source into the POTW (including holding tank waste discharged into the system).

*Industrial:* Any occupant's use of a building or structure for any industrial or manufacturing purpose as defined and permitted in any industrial district within the city zoning ordinance.

*Industrial waste:* The liquid waste from commercial and industrial processes and operations as distinct from domestic sewage.

*Infiltration:* The passage or movement of water through the soil profile.

*Instantaneous Limit:* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Institutional water use:* water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

*Interference:* The inhibition, or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or non-discharge permit or prevents sewage sludge use or disposal in compliance with applicable state and federal statutes, regulations, or permits.

*Land disturbing activity:* Any use of the land by any person such as clearing, grading, transporting, filling or any other activity that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff.

*Landscape water use:* water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

*Land subdivision regulations:* The land subdivision regulations of the city, including the definitions utilized within the land subdivision regulations, set out in chapter 18 of this Code.

*Lot:* A piece, parcel, tract, or plot of land intended as a unit for transfer of ownership or for development, the size of which shall be regulated by the city zoning ordinance.

*Major drainage channels:* All channels which drain an accumulation of primary and/or secondary drainage channels. These channels shall be the natural drainage channels of the watershed or manmade channels draining an area of one square mile or more.

*Medical waste:* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*Mobile home dwelling unit:* Any mobile home unit as defined in the city's mobile home regulations set out in chapter 11 of this Code and for the purposes of this chapter shall be considered as a one-family dwelling unit.

*Mobile home park:* A premises where one (1) or more mobile homes are parked for living or sleeping purposes of [or] where spaces are set aside or offered for sale or rent for use by mobile homes for living or sleeping purposes, including any land, building, structure or facility used by occupants of mobile homes on such premises.

*Multiple-dwelling unit:* Residential properties shall mean developed land whereon more than one (1) residential dwelling unit is located, and shall include, but not be limited to duplexes, triplexes, apartment houses, condominiums, townhomes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which more than one (1) family group commonly and normally reside or could reside, In the application of stormwater service charges, multiple-dwelling unit properties shall be treated as other developed lands as defined in this division.

*Multiunit structures:* All structures having more than one (1) living unit, rented, leased or purchased, and not specifically covered in the other definitions in this section. For computation of charges, five (5) hospital beds shall be computed as one unit and three (3) nursing home beds shall be computed as one unit.

*Natural outlet:* Any outlet in a water course, pond, ditch, lake or other body of surface water or groundwater.

*Natural waterways:* Waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.

*New source:*

- (a) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards which will be applicable to such source if such standards are thereafter promulgated provided that:
  - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (2) The building, structure, facility, or installation replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) For purposes of this definition, construction of a new source has commenced if their owner or operator has:

- (1) Begun, or caused to begin as part of a continuous on-site construction program.
  1. Any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

*Noncontact cooling water:* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Nondomestic user:* Any person who discharges, causes, or permits the discharge of wastewater from any facility other than a residential unit.

*Nonerodible:* A material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.

*Nonpoint source pollution:* Pollution contained in stormwater runoff from ill-defined, diffuse sources.

*Nonstormwater discharge:* Any discharge to the storm drain system that is not composed entirely of stormwater.

*NPDES permit:* National pollution discharge elimination system permit issued to the city pursuant to section 402 of the Federal Clean Water Act.

*One family dwelling unit:* A detached dwelling designated for or occupied exclusively by one family and owned or leased by the occupants on a continuing basis for thirty (30) days or more per year.

*One hundred-year frequency storm:* A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in one hundred (100) years. It also may be expressed as an exceedence probability with a one (1) percent chance of being equaled or exceeded in any given year.

*Operator:* For the purpose of this article and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

- (1) The party has operational control over construction plans and specifications. Note: A party has "operational control over construction plans and specifications" if they have the authority to prepare or modify stormwater pollution prevention plans



- (SWPPPS); or
- (2) The party has "operational control over day-to-day activities" at a project that are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of [EPASCDHEC](#)'s interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity.

*Other developed lands:* Shall mean, but not be limited to, multiple-dwelling residential unit properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, churches, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, and water and wastewater treatment plants.

*Outdoor uses:* Aesthetic water use and water-based recreational uses such as swimming pools, water slides and other water related activities. Irrigation restricted to Wednesday and Saturday for odd-numbered addresses, Thursday and Sunday for even-numbered addresses.

*Owner:* Any person who has legal title to, or license to operate or occupies, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

*Palmer index:* A measure of the severity of a drought or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

*Pass through:* A discharge which exits the POTW into water of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's, NPDES permit (including an increase in the magnitude or duration of a violation).

*Person:* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, joint venture, institution, commission, board, utility, cooperative, trust, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local government entities.

*Person responsible for the land disturbing activity:*

- (1) The person who has or represents having financial or operational control over the land disturbing activity; and/or
- (2) The landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of the act, these regulations, or any order or local ordinance adopted pursuant to this act as imposes a duty upon him.

*pH:* The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution and indicates the strength of acidity or alkalinity of a substance. A pH value of seven (7.0) is considered neutral. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the wastes are subjected to aeration. pH below seven point zero (7.0) is acid, above seven point zero (7.0) is alkaline.

*Pollutant:* Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; medical waste; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial waste; and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor). A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

*Post-development:* The conditions that exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

*POTW director:* The City of Florence Wastewater Plant Manager.

*PPM:* Parts per million by weight expressed in pounds. One million (1,000,000) pounds of water and sewage equals approximately one hundred twenty thousand (120,000) gallons.

*Pretreatment:* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*Pre-development:* The conditions that existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

*Pretreatment program:* The program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the city in compliance with [EPA-SCDHEC](#) pretreatment regulation and approved by the approval authority.

*Pretreatment requirements:* Any substantive or procedural requirement related to pretreatment other than a pretreatment standard.

*Pretreatment standard:* Prohibited discharge standards, categorical standards, and local limits.

*Primary drainage channels:* All drainage channels which drain an area of two hundred (200) acres or more.

*Process wastewater:* Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product. Excluded are sanitary noncontact cooling water, and boiler blow down wastewaters.

*Publicly owned treatment works (POTW):* Treatment works which are owned by the City of Florence. This includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant.

*Public sewer:* A sewer in which all owners of abutting properties shall have equal rights and which is controlled by public authority.

*Receiving stream:* That body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

*Redevelopment:* A land disturbance activity that alters the current use of the land but does not necessarily alter the pre-development runoff characteristics.

*Registered landscape architect:* A landscape architect properly registered and licensed in South Carolina or permitted by the licensing board.

*Registered professional engineer (engineer):* A person who is registered by the State of South Carolina pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

*Registered Tier B Land Surveyor:* A person who is registered by the State of South Carolina pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

*Responsible personnel:* Any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities.

*Retention structure:* A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation.

*Runoff:* Portion of the precipitation on the land which reaches the drainage system.

*Sanitary sewer:* A sewer which carries sewage or polluted industrial waste and to which stormwater, surface water and groundwater or unpolluted industrial wastes are not intentionally admitted.

*Secondary drainage channels:* All drainage channels which drain an area of less than two hundred (200) acres and the primary benefit is to the development.

*Sediment:* Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.

*Septic tank:* A private domestic sewage treatment system consisting of an underground tank, distribution box and drain field designed and constructed in accordance with any or all existing local and state requirements.

*Sewage:* A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

*Sewage system:* All facilities for collecting, conveying, pumping, treating and disposing of sewage. *Sewage treatment plant:* Any arrangement or device and structure for treating sewage.

*Sewer:* A pipe or conduit for carrying sewage.

*Significant industrial user:*

- (a) Any user subject to categorical pretreatment standards; or
- (b) A user that:
  - (1) Discharges an average twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
  - (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity on the POTW treatment plant; or
  - (3) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (c) Upon a finding that a user meeting the criteria above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time on its own initiative or in response to a petition received from a user, and in accordance with the procedures in SC R.61-9.403, determine that such user shall not be considered a significant industrial user.

*Significant noncompliance:* Significant noncompliance shall be applicable to all Significant Industrial Users (or any other industrial user that violates paragraphs (c), (d), or (h) and shall mean:

- (a) Chronic violations: Sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) parameter numeric pretreatment standard or requirement including instantaneous limits.

- (b) Technical review criteria (TRC) violations: Thirty-three (33) percent or more of all the measurements taken during a six-month period for the same parameter equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable TRC.
- (1) For conventional pollutants
- (BOD, TSS, and fats, oil and grease)
  - TRC = 1.4 ~~or 40% over the limit~~
- (2) For all other pollutants except pH TRC = 1.2 ~~or 2% over the limit~~
- (c) Any other violation of a pretreatment standard or requirement (daily maximum, monthly average, long term average, instantaneous limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the treatment system personnel or the general public).
- (d) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge.
- (e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
- (f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (g) Failure to accurately report noncompliance.
- (h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

*Single-family residence-separately built:* A noncommercial dwelling that is occupied exclusively by one family and not part of a residential and subdivision development; also referred to as detached single family.

*Slug load:* Any discharge to the POTW at a flow rate or concentration which would cause a violation of the prohibited discharge standards of this chapter.

*Stabilization:* The installation of vegetative or structural measures to establish a soil cover to reduce soil erosion by stormwater runoff, wind, ice and gravity.

*Stop work order:* An order directing the person responsible for the land disturbing activity to cease and desist all or any portion of the work that violates the provisions of this chapter.

*Storm drain:* A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted wastes.

*Storm drainage system:* Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins,

natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

*Storm drainage plan/site plan:* The development plan for one or more lots which shows the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood-plains, waterways, easements, streets and any other information pertaining to the proposed development of the storm drainage system. This site plan can be a part of the site plan required by the city zoning ordinance for a zoning certificate and building permit.

*Stormwater:* Any surface flow, runoff, and drainage resulting from any form of natural precipitation.

*Stormwater management:* (a) Quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land; (b) qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.

*Stormwater management and sediment control plan:* A set of drawings, other documents, and supporting calculations submitted by a person as a prerequisite to obtaining a permit to undertake a land disturbing activity, which contains all of the information and specification required by City of Florence.

*Stormwater management services:* Activities and functions conducted by the city that together result in the collection, conveyance, and disposal of stormwater runoff, including support activities and functions necessary to accomplish the mission of the stormwater management program, and shall include but not be limited to the administration, engineering, operation and maintenance, regulation and enforcement, and improvement of systems and facilities, review of development proposals and of the installation and maintenance of stormwater systems on private properties, provision of stormwater quality management programs to eliminate or mitigate the impact of pollutants contained in stormwater runoff, and flood emergency response and recovery measures.

*Stormwater management systems and facilities:* Include, but are not limited to, rivers, streams, creeks, lakes, ponds, channels, ditches, swales, other drainage ways, storm sewers, culverts, inlets, catch basins, headwalls, dams, reservoirs and other impoundments, flumes, stormwater detention and retention storage areas, filters, riparian areas, plants, works, instrumentalities, properties, and other structural and nonstructural components that control, capture, collect, convey, route, restrict, store, detain, retain, infiltrate, cleanse, or otherwise affect or influence the flow of stormwater within the city and the quality of stormwater discharged from the city.

*Stormwater pollution prevention plan (SWPPP):* A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. A stormwater pollution prevention plan means the same as a stormwater management and sediment control plan.

*Stormwater utility:* Administrative organization that has been created for the purposes of planning, designing, construct and maintaining stormwater management, sediment control and flood control programs and projects.

*Stormwater service charges:* The periodic service charge imposed pursuant to this division by the city for the purpose of funding costs related to stormwater management services and stormwater management systems and facilities. The use of the area of impervious surface on each property as a stormwater service charge rate parameter shall not preclude the use of other parameters, or of grouping of properties having similar characteristics into classes or categories, grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one (1) or more classes of similarly-situated properties whose impact on city's cost of providing stormwater management services and stormwater management systems and facilities is relatively consistent. Stormwater service charges may also include special charges to individual properties or persons for services, systems, or facilities related to stormwater management, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced levels of stormwater service above and beyond the levels normally provided by the city.

*Subdivider:* Any person who divides or develops any land deemed to be a subdivision as herein defined.

*Subdivision:* Any division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes any division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, related to the process of subdividing, or to the land or area subdivided.

*Suspended solids:* Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

*Swale:* A structural measure with a lining of grass, riprap or other materials, which can function as a detention structure and convey stormwater runoff without causing erosion.

*Ten-year frequency storm:* A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten (10) years. It may also be expressed as an exceedence probability with a ten (10) percent chance of being equaled or exceeded in any given year.

*Townhouse:* One (1) or more buildings containing three (3) or more single-family units with common wells; and having one (1) sewer connection for each unit.

*Twenty-five year frequency storm:* A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in twenty-five (25) years. It also may be expressed as an exceedence probability with a four (4) percent chance of being equaled or exceeded in any given year.

*Two-family dwelling unit:* A detached or semidetached dwelling designed for or occupied exclusively by two (2) families living independently of each other and owned or leased by the occupant on a continuing basis for thirty (30) days or more per year.

*Two-year frequency storm:* A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two (2) years. It may also be expressed as an exceedence probability with a fifty (50) percent chance of being equaled or exceeded in any given year.

*Undeveloped land:* Land in an unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

*Upset:* An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, maintenance, or careless or improper operation.

*User:* Any person who contributes, causes or permits the contribution of wastewater into the city's POTW including persons who contribute such wastes from mobile sources.

*Variance:* The modification of the minimum sediment and stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of these regulations.

*Waiver:* The relinquishment from sediment and stormwater management requirements by the appropriate plan approval authority for a specific land disturbing activity on a case-by-case review basis.

*Water quality:* Characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

*Water quantity:* Characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.

*Water service entrance:* That point in the owner's system beyond the sanitary control of the district, generally considered to be the outlet end of the water meter and always before any unprotected branch.

*Watershed:* The drainage area contributing stormwater runoff to a single point.

*Water shortage:* lack of adequate available water to meet normal demands due to lower than



normal precipitation, reduced stream flows or soil moisture, and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

*Wastewater:*

- (1) The liquid and water-carried industrial or domestic wastewater from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which are contributed or permitted to enter the POTW.
- (2) Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

*Wastewater contribution permit:* A permit issued to significant industrial users specifying term and conditions for discharge of industrial wastewater to the POTW.

*Zoning ordinance:* The officially adopted zoning ordinance of the city.

## **Sec. 12-2. Abbreviations.**

The following abbreviations when used in this chapter shall have the designated meanings:

BMP – Best Management Practices  
BOD – Biochemical oxygen demand.  
CFR – Code of Federal Regulations.  
COD – Chemical oxygen demand.  
EPA – Environmental Protection Agency.  
gpd – gallons per day.  
l – liter.  
mg – Milligrams.  
mg/l – Milligrams per liter.  
NPDES – National pollution discharge elimination system.  
O & M – Operation and maintenance.  
POTW – Publicly owned treatment works.  
ppm – Parts per million.  
RCRA – Resource Conservation and Recovery Act.  
SIC – Standard Industrial Classification.  
SWDA – Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.  
TKN – Total Kjeldahl Nitrogen.  
USC – United States Code.

## **Sec. 12-3. Finding of fact.**

The city council finds and declares that the matters set forth in the recitals hereof are in all respects correct.

**Sec. 12-4. Fiscal year of systems; operation by city.**

The water production and waste water treatment systems shall be operated on a fiscal year basis, commencing on the first day of July in each year and ending on the thirtieth day of June of the succeeding year. They shall continue to be operated by the city.

**Sec. 12-4.1. Emergencies not covered.**

The city through its duly qualified officers reserves the right to take such immediate action for emergencies not specifically covered herein, as it may deem necessary in the interest of the public health and safety and further reserves the right to amend this chapter in part or whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including but not limited to public notice ninety (90) days prior to final action.

**ARTICLE II. SEWERS AND SEWAGE DISPOSAL**  
**DIVISION 1. GENERALLY**

**Sec. 12-5. Scope.**

This article regulates, restricts and limits, in the interest of the public health and safety, the discharge or deposit of certain substances into any sanitary sewer now maintained and/or owned by or which may become the property of the city, and provides penalties for violation thereof.

**Sec. 12-6. Applicability.**

This article shall apply to the city and to persons outside the city, who are, by permit or agreement with the city, users of the Florence POTW. By discharging wastewater into the municipal wastewater system, users located beyond the city limits agree to comply with the terms and conditions established in this article, as well as any permits or orders issued hereunder.

**Sec. 12-7. Facilities prerequisite to occupation of premises.**

Before any place of human habitation or public assembly or place intended to be used therefore hereafter constructed within the city is occupied the owner or occupant thereof shall have installed therein facilities for the disposal of liquid wastes and human excreta of a type in compliance with the provisions of this chapter and other ordinances of the city. No person shall occupy any such place of human habitation or public assembly until the provisions of this section have been complied with.

**Sec. 12-8. Where separate facilities required.**

Separate facilities for the disposal of liquid wastes and human excreta, of a type in compliance with the provisions of this chapter and other ordinances of the city, shall be provided for each suite of family apartments, each store or office building, in every place of human habitation or public assembly within the city unless otherwise approved by the city.

**Sec. 12-9. Duty of occupants to maintain facilities.**

It shall be the duty of the occupants or tenants of all places of human habitation or public assembly to maintain all facilities for the disposal of liquid wastes and human excreta in a clean and sanitary condition at all times. All persons in charge of all places of human habitation or public assembly having water carriage facilities for the disposal of liquid wastes and human excreta shall maintain water under pressure on such facilities at all times. Occupants or tenants shall not abuse, misuse or destroy such facilities and shall not place in plumbing fixtures any material or thing which shall cause such plumbing fixtures to become inoperable.

**Sec. 12-10. Duty of agent when owner resides beyond police jurisdiction.**

Should the owner of any place of human habitation or public assembly located within the city have residence beyond the police jurisdiction of the city, the agent or person in charge of any such place shall comply with the provisions of sections 12-7 and 12-9.

**Sec. 12-11. Unsanitary deposit or disposal.**

No liquid wastes or human excreta shall be deposited upon the surface of the ground or where it is exposed to flies, fowl or animals.

**Sec. 12-12. Septic tank-Permit.**

Where no public sewer exists within limitations of section 12-60 or where connection is technically impractical, the owner of such property may then apply to the city and the health authorities for a permit to construct and operate a septic tank system. (Code 1973, App. H, Art. II, § 3.8)

**Sec. 12-13. Same-Construction and maintenance.**

Septic tanks, where permitted within the city shall be constructed and maintained as required by laws, rules and regulations of the state department of health and environmental control and of the city.

**Sec. 12-14. Same-Discontinuance of use.**

When public sewer lines are constructed, sewer tanks which have been in use less than five (5) years may continue to be used for a total of five (5) years from the date the tank was constructed. At the end of the five-year period such tanks are to be abandoned and the premises connected to the sewer system once a sewer system becomes available. Sewer charges shall be added to monthly billing at this time regardless of connection status.

**Sec. 12-15. Prohibited use of public sewers-Prohibited method.**

It shall be unlawful for any person to put any substance either solid or liquid into the public sewer of the city at manholes or in any way other than through a connection made as provided by

this article. (Code 1973, App. H, Art. II, § 1.1)

**Sec. 12-16. Same-Unlawful damage.**

It shall be unlawful and a violation of this chapter for any person to damage, deface, alter, change or tamper with any part of the sewage system; and upon conviction, said person shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor and shall be liable for full cost incurred. (Code 1973, App. H, Art. II, ~ 1.5; Ord. No. 97-36, § 1(Attach.), 11-10-97)

DIVISION 2. PROHIBITED USE OF PUBLIC SEWAGE SYSTEM

**Sec. 12-17. General.**

These general prohibitions apply to all users of the POTW whether or not the user is a significant industrial user or subject to any federal, state, or local pretreatment standard or requirement.

**Sec. 12-18. Interference and pass through.**

No user shall contribute or cause to be contributed to the POTW, directly or indirectly, any pollutant or wastewater, which causes interference or pass through.

**Sec. 12-19. Stormwater.**

- (a) No person shall discharge or cause to be discharged into any sanitary sewers any stormwater, surface water, uncontaminated ground water, roof run-off, or subsurface drainage.
- (b) Stormwater and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may be discharged to storm sewers or storm drains; in their absence, authority may be granted for discharge into the sanitary sewer system upon written application.

**Sec. 12-20. Prohibited discharges.**

Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste into any POTW:

- (1) Any clothing, rags, textile, remnants or wastes, cloth, scraps, etc., which will not pass through a quarter-inch (1/4) mesh screen or its equivalent in screening ability.
- (2) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60°C) using the test methods specified in 40 CFR 261.21.
- (3) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.

- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- (6) Any materials which forms excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.
- (7) Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.
- (8) Any wastewater having a pH less than five (5.0) or more than eleven (11.0) or wastewater having any other corrosive property capable of causing damage or hazard to the POTW or equipment.
- (9) Any wastewater containing pollutants, including oxygen demanding pollutants, in sufficient quantity, (flow or concentration) either singly or by interacting with other pollutants, to cause interference with the POTW
- (10) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repairs.
- (11) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the act: the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (12) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health, secondary recreation, or aquatic life and wildlife; to adversely affect the palatability of fish or aesthetic quality; to impair the receiving waters for any designated uses; or interfere with any wastewater treatment process.
- (13) Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (65°C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed one hundred four (104) degrees Fahrenheit (40°C).
- (14) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW director in compliance with applicable state or federal regulations.
- (15) Any trucked or hauled pollutants, except at discharge points designated by the POTW director.
- (16) Stormwater, surface water, uncontaminated ground water, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water,

cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW director.

- (17) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (18) Fats, oils, greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
- (19) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- (20) Any medical wastes, except as specifically authorized by the POTW director.
- (21) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- (22) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW director.
- (23) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances or NPDES permit limitations.
- (24) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- (25) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (26) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (27) Recognizable portions of the human or animal anatomy.
- (28) At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
- (29) Any solid or viscous pollutants which will cause obstruction to the flow in the treatment facility resulting in interference.

#### **Sec. 12-21. Waste storage and floor drains.**

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must be discharged to the industrial user's pretreatment facility before connecting with the system.

#### **Sec. 12-22. Waste of unusual strength.**

The city, without limitation by other sections of this article, may authorize any person to discharge industrial waste of unusual strength or character into *the* sewers of the city under approved conditions. The city may prohibit entry of particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

#### **Sec. 12-23. Federal (national) categorical pretreatment standards.**

- (a) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR chapter 1, subchapter N, parts 405 through 471.
  - (1) Where a categorical pretreatment standard is expressed in terms of either mass or concentration of a pollutant in wastewater, the POTW director may impose equivalent concentration or mass limits.
  - (2) When wastewater subject to a categorical pretreatment standard is mixed with a wastewater not regulated by the same standard, the POTW director may impose an alternate limit using the combined waste stream formula in the ~~EPA~~-general pretreatment regulations.
  - (3) A user may obtain a variance from categorical pretreatment standards in accordance with the ~~EPA~~-general pretreatment regulations.
  - (4) A user may obtain a net gross adjustment to a categorical pretreatment standards in accordance with the ~~EPA~~-general pretreatment regulations.
- (b) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.
- (c) The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
  - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
  - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
  - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - (4) The request for a monitoring waiver must be signed in accordance with Section 12-1, and include the certification statement in Section 12-42.
  - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest

minimum detection level for that pollutant was used in the analysis.

- (6) Any grant of the monitoring waiver by the City must be included as a condition in the User’s permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the City for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the User’s permit by the City, the Industrial User must certify on each report with the statement in Section 12-42, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User’s operations, the User must immediately: Comply with the monitoring requirements of Section 12-41, or other more frequent monitoring requirements imposed by the City, and notify the City.
- (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

**Sec. 12-24. Specific pollutant discharge (local) limitations.**

To implement the general and specific discharge prohibitions provided by this article, the following specific discharge limits shall apply to all POTW users ~~unless otherwise specified~~ by a wastewater contribution permit issued by the city:

Local Limits. The City has the authority to establish local limits. Currently, the City has not developed any local limits, but in the event the City develops local limits, the City may impose mass limitations in addition to concentration-based limits. The City may develop BMPs by ordinance or in individual wastewater discharge permits to implement any local limits. If the City develops local limits, they will be included in the City’s Industrial Pretreatment Program.

<i>Pollutant or Characteristic</i>	<i>Maximum Concentration (24-hr. flow proportional composite sample)</i>	<i>Maximum Instantaneous Concentration (grab sample)</i>
BOD	250 mg/l	--
TSS	250 mg/l	--
TKN	40 mg/l	--
Oil and grease	100 mg/l	--
Temperature	--	150°F



pH, (min.-max.)	6.0 – <del>8.5</del> <u>11</u>	6.0 – <del>8.5</del> <u>11</u>
<del>COD</del>	<del>350-mg/l</del>	–

**Sec. 12-25. State and federal requirements.**

- (a) State requirements and limitations on discharges shall apply *in* any case where they are more stringent than federal requirements and limitations or those in this article.
- (b) Federal requirements and limitations on discharges as contained in the ~~EPA~~-general pretreatment regulations shall apply in any case where they are more stringent than state requirements and limitations or those in this article. (Ord. No. 97-36, &l(Attach.), 11-10-97)

**Sec. 12-26. Right of revision.**

The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives of this article. (Ord. No. 97-36, § l(Attach.), 11-10-97)

**Sec. 12-27. Dilution.**

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards. The City may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate. (Ord. No. 97-36, § l(Attach.), 11-10-97)

DIVISION 3. PERMITTED USE OF PUBLIC SEWERAGE SYSTEM

**Sec. 12-28. Use of holding tanks.**

Where it is deemed necessary in the opinion of the city, persons may be required, at no expense to the city, to construct holding or storage tanks in order to equalize the discharge. Such tanks shall be so equipped as to thoroughly mix the sewage so that its equality will be uniform when discharged to public sewers. Control of volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller or other approved device, the operation and setting of which shall be directed by the city. (Code 1973, App. H, Art. II, § 2.2; Ord. No. 97-36, § l(Attach.), 11-10-97)

**Sec. 12-29. Pretreatment-May be required.**

Whenever the waste characteristics of sewage being discharged by any person exceed those requirements of section 12-20 or where necessary in the opinion of the city, the person discharging sewage shall construct or cause to be constructed, at no expense to the city,

preliminary handling or treatment as deemed necessary. (Code 1973, App. H, Art. II, § 2.3; Ord. No. 97-36, § I(Attach.), 11-10-97)

**Sec. 12-30. Same-Approval of plans.**

- (a) The pretreatment facilities shall be constructed in accordance with a compliance schedule specified by the city ~~or, the state SCDHEC, or EPA~~ whichever is more stringent.
- (b) Plans, specifications, and other pertinent information relating to proposed wastewater pretreatment facilities shall be submitted for the approval of the city and no construction of such facilities shall be commenced until such approval is obtained in writing. The review of such plans shall in no way relieve the user from the responsibility of complying with the provisions of this article and all other local, county, state, and other authorities having jurisdiction. Any changes in pretreatment facilities shall be approved by the city prior to initiation of the changes. (Code 1973, App. H, Art. II, § 2.4; Ord. No. 97-36, § I(Attach.), 11-10-97)

**Sec. 12-31. Same-Maintenance of facility.**

When preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the city. (Code 1973, App. H, Art. II, § 2.5; Ord. No. 97-36, § I(Attach.), 11-10-97)

**Sec. 12-32. Submitting analysis of discharge.**

Any person who is now discharging any sewage into the city public sewers may be required to submit a complete composite analysis by an independent laboratory to the city as to the nature and characteristic of the sewage. (Code 1973, App. H, Art. II, § 2.6; Ord. No. 97-36, § I(Attach.), 11-10-97)

**Sec. 12-33. Change in discharge characteristics.**

Any person having been granted authority by the city to discharge sewage into the city's public sewers and who shall significantly change or cause to be changed the nature or quantity of such sewage shall before making such change shall furnish the city a complete analysis of a composite sample of the sewage as determined by an independent laboratory. (Code 1973, App. H, Art. II, § 2.7; Ord. No. 97-36, § I(Attach.), 11-10-97)

**Sec. 12-34. Application for unusual discharge.**

Any person who wishes to make a connection and discharge sewage as described in section 12-33 shall make written application to the city and will be required to furnish the city a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other sections of this chapter. (Code 1973, App. H, Art. II, § 28; Ord. No. 97-36, § I(Attach.), 11-10-97)

**Sec. 12-35. Grease, oil and sand traps.**

Grease, oil and sand separators or traps shall be provided when in the opinion of the city they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private dwelling units, but may be required for industrial or commercial establishments and institutions. Such separators shall be readily accessible for inspection by *the* city and shall be maintained and cleaned by the person at no expense to the city and in continuously efficient operation at all times. (Code 1973, App. H, Art. II, § 2.9; Ord. No. 97-36, \*1(Attach.), 11-10-97)

#### **Sec. 12-36. Inspection manhole.**

Any person discharging industrial wastes into the public sewers will be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage, or other approved works, or if pretreatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the city so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of wastes discharged. (Code 1973, App. H, Art. II, § 2.9; Ord. No. 97-36, § 1(Attach.), 11-10-97)

#### **Sec. 12-37. Hauled wastewater.**

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW director, and at such times as are established by the POTW director. Such waste shall not violate division 2 of this article or any other requirements established by the city. The city may require septic tank haulers to obtain wastewater contribution permits.
- (b) *The* POTW shall require haulers of industrial waste to obtain wastewater contribution permits. The POTW director may require generators of hauled industrial waste to obtain wastewater contribution permits. The POTW director may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- (c) Industrial waste haulers may discharge loads only at location designated by the POTW director. No loads may be discharged without prior consent of the POTW director who may collect samples of each hauled load to ensure compliance with applicable standards. The POTW director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- (e) Waste haulers shall comply with all requirements of the approving authority.

### **DIVISION 4. OPERATION AND CONTROL OF WASTE WATER SYSTEM**

#### **Sec. 12-38. Inspections-General.**

The city shall have the right to inspect the facilities of any user to ascertain whether requirements of this article are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city, approval authority, and EPA-SCDHEC or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or observation in the performance of any of their duties. The city, approval authority, and EPA-SCDHEC shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority, and EPA-SCDHEC will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Code 1973, App. n, Art. II, \*3.1; Ord. No. 97-32, § 1(Attach.), 11-10-97)

#### **Sec. 12-39. Same-Industrial discharger subject thereto.**

The waste water of each industrial discharger into the city's sewer system shall be subject to periodic inspection for a determination of character and concentration not less than semi-annually or more often as may be deemed necessary by the city. Such inspection and tests may also be immediately after any approved process change which might affect the quantity or quality of the waste discharged. (Code 1973, App. n, Art. II, § 8.1; Ord. No. 97-32, § 1(Attach.), 11-10-97)

#### **Sec. 12-40. Performance of tests and analyses.**

All tests and analyses of the characteristics of sewage to which reference is made in this chapter shall be made in accordance with the procedures given in the Federal Register 40 CFR, Part 136.

The results of all tests and analyses performed by significant industrial users shall be reported to the control authority. (Code 1973, App. n, Art. II, § 3.3; Ord. No. 91-7, 2-4-91; Ord. No. 97-32, § 1(Attach.), 11-10-97)

#### **Sec. 12-41. Collection of samples and analysis.**

Sewage samples shall be collected in such manner as to be representative of actual volume and quality of the waste. The collection of samples shall be at the control manhole provided for in section 12-36 or as specified in the industry's wastewater contribution permit. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. Procedures used in all sample collection, measurement, test, and analysis shall be in accordance with Federal Regulation 40 CFR part 136. The determination of the flow, character, and concentration of industrial wastes as provided herein shall be used as a basis for charges, surcharges, and compliance with division 2 of this article.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (a) Except as indicated in Section (b) and (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved [EPA-SCDHEC](#) methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the city may authorize a lower minimum. For periodical compliance reports, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(Code 1973, App. H, Art. II, § 8.2; Ord. No. 91-7, 2-4-91; Ord. No. 97-32, § 1(Attach.), 11-10-971

#### **Sec. 12-42. Categorical reports.**

All significant industrial users shall submit to the control authority self-monitoring reports indicating the nature and concentration of pollutants discharged to the sewer system. The frequency of the monitoring and report requirements shall be as specified in the industry's wastewater contribution permit.

In the event self-monitoring indicates a violation of any discharge limits as specified in the industry's wastewater contribution permit, the industry must notify the control authority within twenty-four (24) hours, resample, and submit the results of both analyses within thirty (30) days. (Code 1973, App. H, Art. II, § 8.4; Ord. No. 91-7, 2-4-91; Ord. No. 97-32, § 1(Attach.), 11-10-971

- (a) Certification of Pollutants Not Present

Users that have an approved monitoring waiver based must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due

to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report.

**Sec. 12-43. Emergency action.**

In the interest of the public health and safety, any duly authorized representatives of the city shall be permitted to take such emergency actions as may be deemed necessary in the operation of the sewage system including, but not limited to, the right to close down any sewer or portion of the sewage system for the purpose of making connections, alterations or repairs. (Code 1973, App. H, Art. II, § 3.2; Ord. No. 97-32, § 1(Attach.), 11-10-97)

**Sec. 12-44. System abuse.**

Any person using the public sewer shall be responsible for any stoppage or damage caused by abuse of the sewerage system through the sewer connection of that person and shall be held accountable for all expenses incurred by the city or other property owners as a result of the abuse. (Ord. No. 97-36, § 1(Attach.), 11-10-97)

**Sec. 12-45. Unlawful discharge.**

In no event shall any person be allowed to discharge or cause to be discharged any domestic or industrial wastewater to the ground surface, stream, watercourse, ditch, lake, other body of surface water, *storm* sewers, or storm drains. (Ord. No. 97-36, \*1(Attach.), 11-10-97)

**Sec. 12-46. Legal action.**

If any person discharges sewage, industrial wastes or other wastes into the city's sewage system contrary to the provision of this article, federal or state pretreatment requirement, or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the court of proper jurisdiction. (Ord. No. 97-36, § 1(Attach.), 11-10-97)

**Sec. 12-47. Protection from damage.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment or materials belonging to the City of Florence. This protection shall also apply to any part of the system whether city owned or not if it is such as to adversely affect the proper operating and maintenance of the city system. Any person violating this

provision shall be subject to penalties outlined in division 5 of this article as well as prosecution if deemed appropriate. (Ord. No. 97-36, § 1(Attach.), 11-10-97)

**Sec. 12-48. Wastewater contribution permits.**

- (a) All significant industrial users shall obtain a wastewater contribution permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW director to be significant industrial users shall obtain a wastewater contribution permit within one hundred eighty (180) days of receiving notification of the POTW director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW director be required to obtain a wastewater contribution permit.
- (b) All person proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic wastewater shall request from the POTW director a significant industrial user determination. If the POTW director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a wastewater contribution permit application be filed.
- (c) Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the POTW director. Significant industrial users shall apply for a permit within ninety (90) days after notification of the POTW director's determination in subsection (b) above. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge must be included in the application.
- (d) Upon receipt of a complete permit application including any and all request supporting documentation and data, the application will be evaluated by the POTW director. A determination will be made to issue or deny the permit within ninety (90) days thereafter. The POTW director is authorized to:
  - (1) Issue a wastewater contribution permit containing such conditions as are necessary to effect the purposes of this article.
  - (2) Issue a wastewater contribution permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements.
  - (3) Modify any permit upon not less than sixty (60) days notice and pursuant to provisions of this article.
  - (4) Revoke or suspend any permit pursuant to provisions of this article.
  - (5) Deny a permit application when in the opinion of the POTW director such discharge may cause or contribute to pass-through or interference of the POTW.
- (e) Permit modification.
  - (1) Modification of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:
    - a. Changes in the ownership of the discharge when no other change in the permit is indicated.
    - b. A single modification of any compliance schedule not in excess of four (4) months.
    - c. Modification of construction compliance schedule in permits for new sources.

- (2) Within nine (9) months of the promulgation for a federal categorical pretreatment standard, the wastewater contribution permit of users subject to such standard shall be revised to require compliance.
- (f) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- (g) Industrial users shall retain, and make available for inspection and copying, all records and information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with BMPs. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples, the dates analyses were performed, who performed the analyses, the analytical techniques or methods used, and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this article, or where the industrial user has been specifically notified of a longer retention period by the POTW director.
- (h) Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, a new user, different premises, or a new or changed operation.
- (i) A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this section a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.
- (j) Wastewater contribution permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges, and fees established by the city. Permits may contain discharge limitations, including BMPs, and conditions as deemed appropriate by the city to ensure compliance with this article including requirements to control slug discharges if determined to be necessary. Discharge limitations and conditions may be more stringent than federal or state limitations and conditions if determined necessary to ensure compliance with all applicable federal, state and local regulations. (Code 1973, App. H, Art. II, § 3.10; Ord. No. 91-7, 2-4-91; Ord. No. 97-36, \*1(Attach), 11-10-97)

#### **Sec. 12-49. Pretreatment program administration charge.**

All significant industrial users shall be charged an annual permit administration fee of three hundred dollars (\$300.00) to defray the cost of administration of the pretreatment program in accordance with federal and state requirements. The amount of this charge may be revised periodically based upon the following:

- (1) Reimbursement of costs of operating the pretreatment program;
- (2) Monitoring, inspections and surveillance procedures;
- (3) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- (4) Permitting;
- (5) Other fees as the city may deem necessary to carry out the requirements of the pretreatment program.



Industrial users are subject to the following reporting requirements as required by the ~~EPA~~ general pretreatment regulations, their wastewater contribution permit, and this article.

- (1) *Base line monitoring reports:* Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination, whichever is later, existing categorical user shall submit to the POTW director a base line monitoring report as required by ~~EPA~~ general pretreatment regulations. At least ninety (90) days prior to commencement of their discharge, new users, and users that become categorical users shall submit to the POTW director a base line monitoring report as required by the ~~EPA~~ general pretreatment regulations.
- (2) *Compliance schedule progress reports:* All users subject to compliance schedules shall submit a progress report to the POTW director as specified by the ~~EPA~~ general pretreatment regulations or the compliance order.
- (3) *Report of compliance with categorical standard deadline:* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, users subject to such standards shall submit a report of compliance as required by the ~~EPA~~ general pretreatment regulations.
- (4) *Periodic compliance reports:* All significant industrial users shall be required to submit a report no less than twice per year indicating the nature, concentration of pollutants in their discharge which are limited by pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance status of the user. Said reports shall be as specified by the users wastewater contribution permit.
- (5) *Reports of changed conditions:* All users must notify the POTW director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. Significant Industrial Users are required to notify the city immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (6) *Reports of potential problems:* In the case of any discharge that may cause potential problems for the POTW, the user shall immediately notify the POTW director. Within five (5) days following such discharge, the user shall submit a written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
- (7) *Nitrification of discharge of hazardous wastes:* The industrial user shall notify in writing, the POTW director, ~~the state, and EPA~~ of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste in accordance with ~~EPA~~ general pretreatment regulations.
- (8) *Accidental discharge / slug control plans:* The city shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control

Slug Discharges within one (1) year of being identified as an SIU. As required, the POTW may require other POTW users to develop, submit for approval, and implement said plan. Accidental discharge/slugg control plans shall be in accordance with the ~~EPA~~-general pretreatment regulations.

**Sec. 12-51. Confidential information.**

- (a) Information and data on a person obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restrictions unless the person specifically requests and is able to demonstrate to the satisfaction of the POTW director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.
- (b) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority ~~and EPA~~ upon request. (Code 1973, App. H, Art. II, § 3.11; Ord. No. 97-36, § HAttach.), 11-10-97)

DIVISION 5. ENFORCEMENT

**Sec. 12-52. Administrative remedies.**

- (a) *Notification of violation.* Whenever the city finds that any user has violated or is violating this article, wastewater contribution permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the city may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the POTW director by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of notice of violation.
- (b) *Consent orders.* The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, of other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (d) below.
- (c) *Show cause hearing.* The city may order any user who causes or is responsible for an unauthorized discharge, has violated this article or is in noncompliance with a wastewater contribution permit to show cause why a proposed enforcement action should not be taken. In the event the city determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The city shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty nor is any action or inaction taken by the city under this section subject to an administrative appeal.

- (d) *Administrative orders.* When the city finds that an user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:
  - (1) Immediately comply with all requirements;
  - (2) Comply in accordance with a compliance time schedule set forth in the order;
  - (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
  - (4) Disconnect.
- (e) *Emergency suspensions.* The city may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES *or* non-discharge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the city prior to the date of the above-described hearing.

- (f) *Termination of permit.* Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having its wastewater contribution permit terminated:
  - (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
  - (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
  - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
  - (4) Violation of conditions of the permit.

Noncompliant industrial users will be notified of the proposed termination of their wastewater

permit and will be offered an opportunity to show cause under section 701 of this article why the proposed action should not be taken. (Ord. No. 97-36, § 1(Attach. 1, 11-10-97)

#### **Sec. 12-53. Civil penalties.**

Any user who *is* found to have failed to comply with any provisions of this article, or the orders, rules, regulations and permits issued hereunder, may be fined up to two thousand dollars (\$2,000.00) per day per violation. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, Rules, regulations, and permits issued hereunder. (Ord. No. 97-36, § 1(Attach.), 11-10-97)

#### **Sec. 12-54. Other available remedies.**

Remedies, in addition to those previously identified in this article, are available to the city which may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (1) *Criminal violation.* The district attorney for the judicial district may, at the request of the city, prosecute noncompliant users who violate the provisions of this article.
- (2) *Injunctive relief.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, the city may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
- (3) *Water supply severance.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after *it* has satisfactorily demonstrated ability to comply.
- (4) *Public nuisance.* Any violation of the provisions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the city. Any person(s) creating a public nuisance shall be subject to the provisions of the Florence City Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

#### **Sec. 12-55. Reconnection.**

It shall be unlawful for any person to reconnect a sewer when the same has been cut off for noncompliance with provisions of this article, or any other reason, until specifically approved in writing by the city. Said approval shall be contingent upon satisfaction of all provisions of this article including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto. (Ord. No. 97-36, § 1(Attach.), 11-10-97)

#### **Sec. 12-56. Hearings.**

- (a) *Initial adjudicatory hearing.* An applicant whose wastewater contribution permit is

denied, or is granted subject to conditions the applicant deems unacceptable, a user assessed a civil penalty, or a user issued an administrative order shall have the right to an adjudicatory hearing before a hearing officer designated by the city upon making such written demand, identifying the specific issues to be contested within thirty (30) days following receipt of the wastewater contribution permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision of the contested action within sixty (60) days of the receipt of the demand for a hearing.

- (1) New permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of the judicial review or until the parties reach a mutual resolution.
  - (2) Renewed permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach mutual resolution.
- (b) *Final appeal hearings.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under subsection (u) above may be repealed, to the city council upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subsection shall be conducted in accordance with City Code. Failure to make written demand within the time specified herein shall bar further appeal. The city council shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed.
- (c) *Official record.* When a final decision is issued under subsection (b) above the city council shall prepare an official record of the case that shall include all notices, motions, and other like pleadings; a copy of all documentary evidence introduced; a certified transcript or narrative summary of any testimony taken; and a copy of the final decision of the city council.
- (d) *Judicial review.* Any person against whom a final order or decision of the city council is entered, pursuant to the hearing conducted under subsection (b) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice, but not thereafter, with the superior court of Florence County along with a copy to the city. Within thirty (30) days after receipt of the copy of the petition of judicial review, the city council shall transmit to the reviewing court the official record. (Ord. No. 97-36, § 1(Attach.), 11-10-97)

#### **Sec. 12-57. Annual publication of significant noncompliance.**

At least annually, the POTW director shall publish, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of those industrial users which were found to be in significant noncompliance with applicable pretreatment standards and requirements during the previous twelve (12) months. (Ord. No. 97-36, § 1(Attach.), 11-10-97)

#### **Sec. 12-58. Affirmative defenses to discharge violations.**

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards in accordance with the ~~EPA~~-general pretreatment regulations.
- (b) A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in sections 17.309 and 17.312 in accordance with R.61-9.403.5.
- (c) Bypass is prohibited except in accordance with R.61-9.403.17. (Ord. No. 97-36, § 1(Attach.), 11-10-97)

**Sec. 12-59. Reserved.**

DIVISION 6. SEWER CONNECTIONS\*

**Sec. 12-60. Mandatory connection.**

Every building which is located in the city within two hundred fifty (250) feet of any sewer main operated and maintained by the city shall be connected thereto and shall utilize the same for waste water disposal. Said connection shall be made prior to occupancy of any new building. This section shall not apply in cases where such connections cannot be made due to inadequate grade or the presence of obstructions. (Code 1973, App. H, Art. II, § 3.6)

**Sec. 12-61. Date of connection.**

Existing buildings which are provided with access as described in section 12-60 shall connect to the sewer main within a period of sixty (60) days from the date of completion of the sewer main; or at such time of failure or malfunction of existing waste disposal means; or at such time as directed by the codes enforcement officer upon notice that existing means of waste disposal is a community health hazard and violation of federal, state or city laws. (Code 1973, App. H, Art. II, § 3.7)

**Sec. 12-62. Permission to connect.**

The city shall reserve the right to inspect and grant permission for all connections to the sanitary sewer system and require the payment of a tap fee before permission to connect can be granted to any person. (Code 1973, App. H, Art. II, § 2.1)

**Sec. 12-63. Application for connection.**

Any person desiring connection to be made with the sewer system shall make application on an appropriate form to the city and shall pay the appropriate connection fee at that time. (Code 1973, App. H, Art. II, § 4.1)

**Sec. 12-64. Inability to serve applicant.**

The receipt of an application for service, regardless of whether or not accompanied by the

payment of fees or deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied, the liability of the city shall be limited to the refund of any such payments received. (Code 1973, App. H, Art. II, § 4.2)

**Sec. 12-65. Sewer tap specifications.**

All sewer taps shall conform to the requirements of the utility department on location, size, type, materials and methods used and shall be accomplished only by a licensed plumber authorized by the city or by representatives of the city. The minimum size for any sewer tap shall be four (4) inches. (Code 1973, App. H, Art. II, § 4.3)

**Sec. 12-66. Periodic establishment of tap fees.**

Tap fees, cutting of pavement, if required, and other such expenses concerning sewer connections may be periodically established by the city council. (Code 1973, App. H, Art. II, § 5.7)

**Sec. 12-67. Charges for connections generally.**

- (a) The cost of service connections for multiunit structures shall be governed by the number of individual units to be served by the same connection. Individual units added where no additional main tap is required shall be subject to the applicable unit charges.
- (b) All multiunit structures except duplexes shall be limited to a minimum size connection of six (6) inches unless otherwise approved by the city.
- (c) All connections over four (4) inches will need to be connected to a manhole unless otherwise approved by the city.
- (d) Unit contributory loadings to waste water treatment facilities. The following are guidelines for the design loadings to the waste treatment facilities. These guidelines along with the cost to make the tap will be used by the city in determining the sewer connection fee.
- (e) For a sewer connection inside the city, the connection fee will be sixty cents (\$0.60) per gallon per day based on the unit contributory loading chart of estimated daily flows plus the following if the tap is to be done by the city:

(1) For a 4-inch tap.....	\$550.00
(2) For a 6-inch tap with manhole.....	5,000.00
(3) For a 6-inch tap without a manhole.....	2,000.00
(4) For a 8-inch tap with manhole.....	6,000.00
(5) For a 8-inch tap without a manhole.....	3,000.00

Tap sizes to be approved by the city.

If the owner has a state licensed contractor make the tap under the supervision of the city, then the connection fee will be based solely on sixty cents (\$0.60) per gallon per day as obtained from the unit contributory loading chart. The city is to be notified at least two (2) working days before the tap is to be made.

- (f) For a sewer connection outside the city, the connection fee will be three dollars (\$3.00)

per gallon per day based on the unit contributory loading chart of estimated daily flows plus the following if the tap is to be done by the city:

(1)	For a 4-inch tap.....	\$825.00
(2)	For a 6-inch tap with manhole.....	7,500.00
(3)	For a 6-inch tap without a manhole.....	3,000.00
(4)	For a 8-inch tap with manhole.....	9,000.00
(5)	For a 8-inch tap without a manhole.....	4,500.00

Tap sizes to be approved by the city.

If the owner has a state licensed contractor make the tap under the supervision of the city, then the connection fee will be based solely on the three dollars (\$3.00) per gallon per day as obtained from the unit contributory loading chart. The city is to be notified at least two (2) working days before the tap is to be made.

(g) Unit contributory loading chart.

<i>Type of Establishment</i>	<i>Gallons Per Day</i>
Airport	
Each employee	10
Each passenger	5
Apartments	
3-bedroom	300
2-bedroom	200
1-bedroom	100
Bars	
Each employee	10
Each seat (excluding restaurant)	40
Boardinghouse, resident	50
Bowling alley	
Per lane (no restaurant)	125
Additional for bars and cocktail lounges	3
Camps	
Resort (luxury)	100
Summer	50
Day (with central bathhouse)	35
Per travel trailer site	175
Churches	
Per seat	3
Clinics	
Per staff	15
Per Patient	5
Country club, each member	50
Factories	



Each employee (no showers)	25
Each employee (with showers)	35
Each employee (with kitchen facilities)	40
Fairgrounds, average attendance	5
Food service operations	
Ordinary restaurant (not 24 hours), per seat	70
24-hour restaurant (per seat)	100
Curb service (drive-in), per car space	70
Vending machine restaurant <sup>35</sup>	70
Hospitals	
Per bed	200
Per resident staff	100
Hotels, per bedroom (no restaurant)	100
Institutions, per resident	100
Laundries, self service, per machine	400
Mobile homes	300
Motels, per unit (no restaurant)	100
Nursing homes	
Per bed (no laundry)	100
Offices, per person (no restaurant)	25
Picnic parks, average attendance	10
Residences	300
Rest homes	
Per bed (no laundry)	100
Per bed (with laundry)	150
Schools	
Per person (no showers, gym, cafeteria)	10
Per person with cafeteria (no gym, showers)	20
Per person with cafeteria, gym and showers	20
Service stations	
Each car served	10
Each car washed	75
First bay (per day)	1,000
Each additional bay (per day)	500
Shopping centers, per 1,000 sq. ft. space (no restaurant)	200
Stadiums, per seat (no restaurant)	2
Swimming pools, per person (with sanitary facilities and showers)	10
Theaters	
Drive-in, stall	5
Indoor, seat	5

- (h) Any deviation from the above guidelines must be so noted and substantiated by the owners engineer in a written report to the city. The deviation must then be approved by the city. Any type establishment not listed in this chart will require city determination of

the unit contributory loading.

- (i) City council finds that a reduction in initial wastewater connection fees may be appropriate for public educational institutions which are positioned to deliver services or activities which mitigate the city's cost of providing wastewater collection, treatment and management services, including public information and education. Public educational institutions which are located outside the corporate limits may apply for a reduction, not to exceed fifty (50) percent, in connection fees prior to payment. Nothing in this section shall constitute any grounds for refund of previously paid connection fees or for reduction of any other charges or rate schedules specified in the code. The following guidelines apply to such reduction requests.
  - (1) Connection fee reductions are available only to bona fide, publicly funded and operated educational institutions located outside the corporate limits for new, on-campus facilities. The reductions are available only to those facilities that are owned by the institution, are not-for-profit operations and are a legitimate part of the school's educational mission.
  - (2) Applications for connection fee reductions must document the services and activities to be provided by the school. The services must provide long-term benefits to the city system.
  - (3) The level of reduction granted will be approved by the city manager.
- (j) City council finds that a reduction in the initial wastewater connection fee is appropriate for residential new construction, either multi-family or single family, when located within the city's designated community development block grant (CDBG) area. This area is determined by the use of U.S. Census Tract demographic information and is recognized by the U.S. Department of Housing and Urban Development as a special needs area qualifying for grants and other federally provided assistance. The reduction in the initial wastewater connection fee is solely designed to provide an incentive to developers and builders to construct and make available affordable housing within the CDBG area. The following guidelines shall apply:
  - (1) Connection fee reductions shall be made available to the developer, builder, or owner of any new residential construction, either multi-family or single-family, which IS located within the boundary of the CDBG area.
  - (2) The connection fee reduction shall be fifty (50) percent of the calculated rate.
  - (3) For demolition projects. new residential construction shall be defined as new if the extent of the demolition and subsequent redevelopment is in excess of fifty (50) percent of the fair market value immediately prior to obtaining a residential building permit.
  - (4) For mixed use developments within the CDBG area only the residential portion of the contributory demand charge will be used in determining the connection fee reduction for residential wastewater services.
- (k) For areas outside the corporate limits, the City of Florence evaluates requests for extension of service on the basis of physical and economic feasibility, as well as overall compatibility with its plans for addressing the needs of its service area. Decisions regarding the extension of service to any new area are solely those of the city. However, when the city determines that an extension of service is feasible, city council finds that a reduction in the initial wastewater connection fee may be appropriate for new industrial

manufacturing facilities which are being constructed outside the city limits. In order to be considered for the reduction, a manufacturing facility must be listed in Sectors 31 through 33 of the most current edition of the North American Industry Classification System and must exceed an average annual wastewater discharge to the system of seven hundred fifty thousand (750,000) gallons per month.

- (1) For those cases in which the new industry can be served by existing sewer lines and infrastructure, i.e. there is no requirement for construction of line extensions or upgrades to the existing wastewater collection system, the connection fee will be based on inside rates as outlined in subsection (e). above.
- (2) For those cases in which line extensions and/or upgrades to the wastewater collection system are required in order to serve the industry, the city will estimate the project cost. The estimate will include all appropriate project costs for professional services (design, inspection and legal), construction, and acquisition of necessary interests in real property. Project costs will not include administrative costs or efforts by city staff. The project cost will be reduced by any available grants or contributions from city or non-city sources to determine the out-of-pocket costs to the city. This out-of-pocket cost to the city will be used in the calculation of connection fees under this section. Up to the value of the city's calculated out-of-pocket costs, the connection fee will be calculated at outside rates as outlined in subsection (f), above. The calculation of the balance of any remaining estimated wastewater connection fees will revert to the inside rate as outlined in subsection (e), above.

**Sec. 12-68. Charges for connections-Installment payment option.**

Sewer connection and tap fees for four-inch residential sewer service, both inside and outside the city, as described in section 12-67(e) and (f), may be paid in monthly installments over a period of up to thirty-six (36) months. The installment payment for connection and tap fees shall be assessed each month with a five (5) percent flat interest fee. The option for installment payment of connection and tap fees shall apply only to domestic, residential connections for owner-occupied dwellings constructed and inhabitable on or before January 1, 2008. Business, commercial, and industrial connection and tap fees, regardless of tap size, are not eligible for installment payment. If sewer service is terminated before the connection and tap fees paid on an installment basis are fully satisfied at any given location, the balance due on the connection and tap fees shall be paid by successive applicants for sewer service at that location until paid in full. The balance due for connection and tap fees may also be paid in monthly installments as provided herein. At the option of the customer, tap and connection fees may be paid in full in a lump sum at any time during the term of an established installment payment period. (Ord. No. 2008-28, 7-14-2008)

**Secs. 12-69, 12-70. Reserved.**

**Sec. 12-71. Liability for tap fee increased.**

In case a sewer connection is not made within twelve (12) months from the date a permit therefor was first obtained, any tap fee increases during the previous twelve (12) months will be

paid by the user before making such tap. (Code 1973, App. H, Art. II, § 5.8)

**Sec. 12-72. Taps coordinated with building permits.**

All sewer taps shall be applied for concurrently with the applicable building permits. No monthly user charges shall be given until services are put in use. (Code 1973, App. H, Art. II, § 4.5)

**Sec. 12-73. Discontinued sewer taps.**

Sewer taps discontinued may be placed back in service at no charge to the user provided such tap is in serviceable condition. The property owner shall be responsible for protecting the structure and locating any taps to be placed back in service after demolition operations. Any taps damaged or lost during such operations shall be replaced at the current tap fee rate. (Code 1973, App. H, Art. II, § 4.6)

**Sec. 12-74. Service line stoppage.**

When a service line or tap becomes stopped, the property owner shall engage a qualified plumber to clear the service line on private property and open the service at the property line/right-of-way and shall under no circumstances, other than checking flow in mains, perform any work on private property. Regardless of the location of the stoppage, the city shall not be liable for any charges incurred by a plumber engaged by the property owner and shall not be responsible for any damages resulting therefrom. (Code 1973, App. H, Art. II, § 4.7)

**Sec. 12-75. Right to disconnect.**

Except as herein provided, the city reserves the right to prevent or discontinue sewer connection by any person until such time as the requirements of this chapter have been fulfilled to the satisfaction of the city. (Code 1973, App. H, Art. II, § 3.9)

**Sec. 12-76. Unlawful charges.**

It shall be unlawful when giving a bid, quotation or estimate to others for such work, for any person to charge more for a sewer connection than the price quoted by the city for such connection, both inside and outside the city. (Code 1973, App. H, Art. II, § 4.9)

**Secs. 12-77-12-79. Reserved.**

DIVISION 7. USER CHARGES AND SURCHARGES

**Sec. 12-80. Purposes of charges.**

The city shall adopt by ordinance an adequate schedule of user charges and surcharges to defray the cost of operating and maintaining the sanitary sewer system of the city. The cost to be used as a basis of determining charges shall include) but not necessarily be limited to, operation

and maintenance) administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements, and depreciation. The charges adopted shall be such that each user pays at least such users proportionate share of all cost herein noted. (Code 1973, App. H, Art. II, § 5.1)

**Sec. 12-81. Industrial waste metering devices - Providing.**

Where the person discharging industrial wastes into the sanitary sewers of the city procures any part or all of such person's water supply from sources other than the city water system, all or part of which is discharged into the sanitary sewer, the person discharging said wastes shall install and maintain at such person's expense meters or other approved measuring devices for the purpose of determining the proper volume of flow to be charged. This meter or other device shall be tested at the expense of the person discharging and by an authorized testing agency each year to insure that accuracy is maintained.

**Sec. 12-82. Same – Measuring flow used for water user charges.**

The volume of flow used in computing waste user charges and surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the utilities division.

**Sec. 12-83. Basis of monthly ordinary user charges; payment and delinquency dates; billing error.**

- (a) The city shall levy monthly sewer user charges based upon actual water consumption recorded by the water meters. Such charges shall be due and payable upon notice and shall be considered delinquent for failure to pay within fifteen (15) days. Service may be discontinued following a delinquent notice giving ten (10) calendar days from the date notice was mailed. Failure to receive a statement will not release the customer from payment obligation, nor entitle the customer to any delay in paying the amount due.
- (b) In the event a customer feels there has been an error in the billing of the account the customer must notify the city at least two (2) working days before disconnection date state on delinquent notice. In the event that an error has been made, a correction will be made to insure that the customer service is not disconnected.

**Sec, 12-84. Surcharge for unusual wastes.**

Any user discharging wastewater into the collection system which exceeds domestic wastewater concentrations shall be subject to surcharges for additional treatment requiremetns. ~~The city may at its discretion allow industrial wastes which exceed the limitation of section 12-30 to be discharged into the sanitary sewer system provided that eth person discharging such waste shall agree to the payment of a surcharge to offset any cost to treat that BOD or suspended solids in excess of allowable limits.~~ This surcharge shall be imposed in addition to any other charges made for sewer service.

**Sec. 12-85. Determination of surcharge.**

The surcharge covering the cost of treatment of said industrial wastes shall be determined in the following manner:

- (1) The city shall fix the rate to be charged during the new fiscal year at the beginning of said fiscal year for the excess BOD of suspended solids from actual cost per one thousand, 1.0001 pounds removed from the combined domestic and industrial wastes as experienced at the sewage treatment plant of the city during the preceding fiscal year.
- (2) The rate shall be applied to the amount of excessive BOD, and suspended solids as determined by averaging at least three (3) waste discharge samples taken in accordance with provisions of section 12-52.

(Code 197:3, App. H, Art. II, § 5.5)

#### **Sec. 12-86. Determination of industrial waste charge basis.**

The determination of the flow, character, and concentration of industrial wastes as provided herein shall be used as a basis for charges, cost recovery, surcharges, and compliance with section 12-30.

(Code 1973, App. H, Art. II, § 83)

#### **Sec. 12-87. Additional charge for discharges outside city.**

Any user of the sanitary sewer system whose discharges originate outside the city limits may be required by the utilities division to pay an additional charge to offset use of existing sanitary sewage facilities and/or use of the city's bonding capacity for future expansion or upgrading of the sanitary sewer system. (Code 1973, App. H, Art. II, ~ 5.6)

#### **Sec. 12-87.01. Policies re treatment of sewage from outside city's service area.**

- (a) All costs for line extensions, pumping facilities, etc., to the point of connection with the city system shall be borne by private or public entities; provided, the City of Florence will assume no cost for such service extension.
- (b) The city will accept lines for operation and maintenance only inside of its service area boundary. Facilities located outside the city service area shall be operated and maintained by others. A copy of the service area shall remain on file in the city engineer's office.
- (c) Metering of flow for billing purposes shall occur at the service area boundary. A suitable meter approved by the city engineering and utility finance divisions shall be constructed, operated and maintained by the entity desiring sewer service. Operation and maintenance shall include annual recalibration and certification of the flow meter. The meter will be read by the city utility finance personnel for billing purposes.
- (d) All sewage delivered to the city through the meter for treatment shall have been derived from customers who have directly or indirectly purchased water from the City of Florence. No extraneous or makeup water shall be delivered to the city for treatment.
- (e) Usage fees shall be paid in accordance with the ordinances of the City of Florence.
- (f) Billings will be based upon current rates for customers outside the city limits.

- (g) Maximum flow rates to be delivered to the city for treatment shall be established at the time of contract negotiation. In no instance shall these rates be exceeded prior to renegotiation of the contract limit. The city's willingness to accept sewage for treatment shall be conditioned upon the capability of its sewer system to handle the proposed wastewater flow. This shall be determined exclusively by the city. Improvements to the city's system for the convenience of another entity shall be at the expense of the other entity. The City of Florence will assume no costs for such improvements.
- (h) Wastewater flow shall be normal domestic strength sewage as outlined in the ordinances of the city; provided industrial or other high strength waste may be considered by the city on a case by case basis.  
(Ord No. 88-40, §§ 1-8, 7-11-88)

**Editor's note**-Ord. No. 88-40, §§ 1-8, adopted July 11, 1988, did not specifically amend the Code; hence codification herein as § 12-87.01 has been at the editor's discretion.

**Sec. 12-87.1. Monthly rates for ordinary -service.**

- (a) On all sanitary sewer users being served by connections to the sanitary sewer system there is hereby imposed a monthly service charge, as specified in this section. The monthly service charge shall be comprised of an availability charge (based on the customer's water meter size), a customer (account maintenance charge, and a volume charge based on the monthly water meter reading or estimated water meter reading as specified in section 12-167 of the Code. The water reading shall be as determined by the officially installed water meter as required in this chapter. The exemption from minimum charges for commercial and industrial business sewer taps made prior to December 17, 1979. as fanner}:\-' provided for in subsection 12-87.1(dl of the Code, is herewith specifically repealed.
- (b) Residential users of the city's sanitary sewer system that are not connected to the city's water supply system shall be billed as outlined hereafter.
  - (1) Single-family units with one account shall be billed based upon an availability charge for a three-quarter inch meter, a customer charge and a volume charge for eight thousand (8,000) gallons of usage.
  - (2) Multi-unit complexes or trailer parks which are served by one account shall be billed a single customer charge, availability charges for three-quarter inch meters for each unit and volume charges for eight thousand (8,000) gallons of usage per unit.
  - (3) That all residential customers with a water tap which occurred prior to December 16, 1991, shall be considered for the purpose of billing sewer availability charges, to be equivalent to a three-quarter-inch meter.
  - (4) That all commercial customers with a water tap which occurred prior to December 16, 1991. shall be considered for the purpose of billing sewer availability charges to be equivalent to a three-quarter-inch meter, if the average actual metered water usage, for the most recently completed fiscal year, is less than or equal to the unit contributory loadings for residences as specified in section 12-67 of the Code.  
If the actual metered water usage for the customer is greater than the unit contributory loading for residences then the customer shall be billed for the availability charge as specified in the Code.

- (c) Each institutional, commercial or industrial user of the city's sanitary sewer system that is not connected to the city's water supply system shall operate and maintain a suitable meter, approved by the utility finance division, for billing purposes. Operation and maintenance shall include annual recalibration and certification of the meter's accuracy. at the user's expense, to the satisfaction of the utility finance division. The availability charge in such cases will be based upon a meter size as determined by the city.
- (d) Institutional, commercial or industrial users of the city's sanitary sewer system that are not connected to the city's water supply system shall be billed based upon an availability charge, customer charge and volume charge as determined by the city. The proposed sewer user must demonstrate to the satisfaction of the city manager that it is impractical to maintain a suitable meter, that flow from the user's facility will be predictable and reasonably constant and that it is in the interest of the city to accept the discharge.
- (e) All other users of the city's sanitary sewer system shall be billed as described in subsection (a J).
- (f) All users of the city's sanitary sewer system must connect to the city water system as soon as water service becomes available. Sewer bills will then be calculated as described in subsection (a).
- (g) The schedule for sanitary sewer rates inside the city limits based on subsections (a) through (f), shall be set for a period of ten (10) years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended.

#### MONTHLY CHARGES

Availability charge ~per account):

<i>Water Meter Size (inches)</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>
3/4"	\$17.50	\$18.00	\$18.55	\$19.10	\$19.65
1"	43.75	45.00	46.38	47.75	49.13
1 1/4"	65.63	67.50	69.56	71.63	73.69
1 1/2"	87.50	90.00	92.5	95.50	98.25
2"	140.00	144.00	148.50	152.80	157.20

#### MUNICIPAL UTILITIES

<i>Water Meter Size (inches)</i>	<i>FY 2011</i>	<i>FY 2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY 2015</i>
3"	280.00	288.00	296.80	305.60	314.40
4"	437.50	450.00	463.75	477.50	491.25
6"	875.00	900.00	927.50	955.00	982.50
8"	1,400.00	1,440.00	1,484.00	1,528.00	1,572.00

Customer charge (per account)



	3.10	3.20	3.30	3.40	3.50
Volume charge (per 1,000 gallons)	2.48	2.55	2.63	2.71	2.79

Availability charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY 2016</i>	<i>FY 2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>
3/4"	\$20.25	\$20.85	\$21.50	\$22.15	\$22.80
1"	50.63	52.13	53.75	55.38	57.00
1 1/4"	75.94	78.19	80.63	83.06	85.50
1 1/2"	101.25	104.25	107.50	110.75	114.00
2"	162.00	166.80	172.00	177.20	182.40
3"	324.00	333.60	344.00	354.40	364.80
4"	506.25	521.25	537.50	553.75	570.00
6"	1,012.50	1,042.50	1,075.00	1,107.50	1,140.00
8"	1,620.00	1,668.00	1,720.00	1,772.00	1,824.00

Customer charge (per account)

	3.60	3.70	3.80	3.90	4.00
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Volume charge (per 1,000 gallons)

	2.87	2.96	3.05	3.41	3.23
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- (h) The schedule for sanitary sewer rates outside the city limits based on subsections (a) through (e) shall be set for a period of ten (10) years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015., FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended.

### MONTHLY CHARGES

Availability charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY2011</i>	<i>FY2012</i>	<i>FY 2013</i>	<i>FY 2014</i>	<i>FY2015</i>
3/4"	\$28.00	\$28.80	\$29.68	\$30.56	\$31.44
1"	70.00	72.00	74.21	76.40	78.61
1 1/4"	105.01	108.00	111.30	114.61	117.90
1 1/2"	140.00	144.00	148.40	152.80	157.20
2"	224.00	230.40	237.44	244.48	251.52
3"	448.00	460.80	474.88	488.96	503.04
4"	700.00	720.00	742.00	764.00	786.00
6"	1,400.00	1,440.00	1,484.00	1,528.00	1,572.00
8"	2,240.00	2,304.00	2,374.40	2,444.00	2,515.20

Customer charge (per account)

	3.10	3.20	3.30	3.40	3.50
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Volume charge (per 1,000 gallons)

	3.97	4.08	4.21	4.34	4.46
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Availability charge (per amount):					
<i>Water Meter Size (inches)</i>	<i>FY2016</i>	<i>FY2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY2020</i>
3/4"	\$32.40	\$33.36	\$34.40	\$35.44	\$36.48
1"	81.01	83.41	86.00	88.61	91.20
1 1/4"	121.50	125.10	129.01	132.90	136.80
1 1/2"	162.00	166.80	172.00	177.20	182.40
2"	259.20	266.88	275.20	283.52	291.84
3"	518.40	533.76	550.40	567.04	583.68
4"	810.00	834.00	860.00	886.00	912.00
6"	1,620.00	1,668.00	1,720.00	1,772.00	1,824.00
8"	2,592.00	2,668.80	2,752.00	2,835.20	2,918.40
Customer charge (per account)					
	3.60	3.70	3.80	3.90	4.00
Volume charge (per 1,000 gallons)					
	4.59	4.74	4.88	5.02	5.17

(i) Reserved.

(j) There shall be a septage disposal fee for each hauler recognized by the city who disposes of septage at the city's wastewater treatment plant. This fee shall be amended effective July 1, 2007 for the following fiscal years: FY 2008, FY 2009, and FY 2010, and thereafter. The fiscal year 2008 fee in the amount of eighty-three cents (\$0.83) per one hundred (100) pounds of septage will be effective from July 1, 2007 through June 30, 2008. The fiscal year 2009 fee in the amount of ninety cents (\$0.90) per one hundred (100) pounds of septage will be effective from July 1, 2008 through June 30, 2009. The fiscal year 2010 fee in the amount of ninety-eight cents (\$0.98) per one hundred (100) pounds of septage will be effective from July 1, 2009 through June 30, 2010. The fiscal year 2010 fee shall remain in effect for subsequent years unless amended.

(Code 1973, App. H, Art. II, § 6.1; Ord. No. 87-11, 4-6-87; Ord. No. 88-27, 5-25-88; Ord. No. 89-90, § 1, 12-22-89; Ord. No. 91-27, 6-24-91; Ord. No. 91-54, § 1, 12-16-91; Ord. No. 92-01, 1-13-92; Ord. No. 92-04, 2-10-92; Ord. No. 95-06, 2-13-95; Ord. No. 95-49, § 1, 11-13-95; Ord. No. 2000-14, 4-10-2000; Ord. No. 2007-28, 6-11-2007; Ord. No. 2010-07, 3-8-2010)

**Editor's note**-Ord. No. 95-06, adopted Feb. 13, 1995, deleted § 12-87.1(i), effective after June 30, 1995. Prior to deletion, subsection (i) pertained to sludge disposal fee.

### **Sec. 12-87.2. Schedule of rates for outside industrial sewer customers.**

(a) The schedule for outside industrial sanitary sewer rates shall be set for a period of ten (10) years consecutive fiscal years and thereafter, unless amended, as follows: FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018, FY 2019, and FY 2020. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2020 rates shall remain in effect for subsequent years unless amended. The industrial rates are applicable only for qualified customers that are shown in Sectors 31 through 33 of the most current edition of the North American Industry Classification System and exceed an average annual water usage of seven hundred fifty thousand (750,000) gallons

per month.

- (1) Availability charges (per account) and customer charges (per account! shall be as shown in section 12-87.1\gl.
- (2) Volume charges (per 1.000 gallons! shall be as follows:

Monthly Volume Charges (Sewer)

Use (Gallons)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
0-750,000	\$3.97	\$4.08	\$4.21	\$4.34	\$4.46
750,000-3,000,000	2.52	2.57	2.64	2.69	2.75
3,000,001-6,000,000	2.10	2.15	2.20	2.24	2.30
6,000,001-9,000,000	2.46	2.55	2.66	2.79	2.89
9,000,001 and above	2.48	2.55	2.63	2.71	2.79

Monthly Volume Charges (Sewer)

Use (Gallons)	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
0-750,000	\$4.59	\$4.74	\$4.88	\$5.02	\$5.17
750,000-3,000,000	2.81	2.86	2.93	2.98	3.04
3,000,001-6,000,000	2.34	2.39	2.44	2.48	2.54
6,000,001-9,000,000	3.01	3.16	3.29	3.45	3.58
9,000,001 and above	2.87	2.96	3.05	3.14	3.23

(Ord. No. 2008-03, 1-23-2008; Ord. No. 2010-07, 3-8-2010)

**Sec. 12-88. Public notices.**

Annual notification of user charges and surcharges shall be given to all users of the city sanitary sewer system. This notification shall include identification of the base account charge, the charge (per thousand gallons) for operation, maintenance and replacement and the charge (per thousand gallons) for capital cost and debt service.

(Code 1973, APP. H, Art. II, & 5.2; Ord. No. 90-62, & 1, 11-19-90)

**Sec. 12-89. Scope of provisions for payment and collection of sewer service charges.**

All provisions of this chapter and other ordinances of the city and all rules and regulations govern the payment and collection of the sewer service charges provided for in this article.

**Secs. 12-90 – 12.99. Reserved.**

## DIVISION 8. SEWER SYSTEM EXTENSIONS

### **Sec. 12-100. Right-of-way and access of new developments.**

Ownership of sewer lines constructed "Within new developments shall be conveyed to the city provided all such lines are located within public rights-of-way or upon approval of easements of adequate unobstructed widths to provide maintenance vehicle access.

(Code 1973, App. H, Art. II, § 7.2)

### **Sec. 12-101. Responsibility of developer.**

Construction of sewer lines in any new development shall be the responsibility of the person responsible for such development as outlined in the land subdivision regulations.

(Code 1973, App. H, Art. II, § 7.1)

**Cross reference**-For such regulations, see Ch. 18.

### **Sec. 12-102. Development plan requirements.**

Any new development proposing to construct sewer collection lines or extensions to existing interceptor mains to connect directly into the city's sewer system shall conform its plans and specifications to the requirements of the utilities division. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by all local and state authorities having jurisdiction. (Code 1973, App. H, Art. II, § 7.3)

### **Sec. 12-103. Administrative procedure.**

The administrative procedures shall be as outlined in the city land subdivision regulations where applicable, and in all other cases as follows:

- (1) Prepare detail construction drawings and documents for the city's approval.
- (2) Upon receipt of approval, proceed with construction, notifying the city of construction schedules.
- (3) Provide the city with permission for on-site inspection during construction.
- (4) Furnish the city with a certificate of completion, instrument of conveyance, and warranty, together with such other legal documents as may be required for annexation and similar special provisions.
- (5) Information required on plans:
  - (A) Name and type of building or project.
  - (B) Owner's name and address.
  - (C) Location by:
    - (i) Highway or streets.
    - (ii) North point.
    - (iii) Vicinity map.
  - (D) Name of registered professional engineer or responsible for plans.
  - (E) Date plans prepared and revised.
  - (F) Scale or scales to which plans are drawn.

(G) Plans must consist of the following drawings:

(i) Site plan showing:

(a) Immediate area concerned indicating contours or elevations, property lines and drainage courses.

(b) Outline of existing and proposed buildings and designation by distance or outline of buildings on adjacent property.

(c) Water lines and sewers including manholes with elevations, sizes, material, and gradients, location of all hydrants and valves.

(ii) Construction details, including:

(a) Sewer profiles, manhole details, normal stream elevation and flood level finished grade elevations.

(b) Water mains by size and material by national accepted standards designation.

Plans should be clearly drawn and be complete. Submit only those drawings pertaining to the water supply or sewage treatment. It is suggested that details pertaining to these items be included on the plans of these items. The more complete and comprehensive are the plans, the more rapidly they can be reviewed and approved. (Code 1973, App. H, Art. II, ~ 7.41)

#### **Sec. 12-104. Construction by licensed contractor.**

Construction of the proposed sewer system shall be accomplished by a registered licensed contractor under the laws of the state who shall have paid all business licenses required by the city. (Code 1973, App. H, Art. II, § 7.5)

#### **Sec. 12-105. Certificate of completion and "as-constructed" drawings by development engineer.**

Upon completion of construction, the engineer employed by the development shall inspect and furnish the city at no cost his certificate of completion indicating that the subject sewer system has been constructed in accordance with the approved plans and specifications and shall provide four (4) copies of "as-constructed" drawings. (Code 1973, App. H, Art. II, § 7.6)

#### **Sec. 12-106. Owner guarantee requirement.**

The owner or the owner's authorized agent shall submit a guarantee in which the owner warrants the materials, equipment and construction of the system for twelve (12) months. The owner shall further warrant to the city that all fees have been paid by such owner such that there is no outstanding indebtedness remaining, and holding the city harmless in each instance. (Code 1973, App. H, Art. II, § 7.7)

#### **Sec. 12-107. Sewer tap construction.**

All sewer taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the as-constructed drawings. (Code 1973, App. H, Art. II, § 7.8)

**Sec. 12-108. Compatibility.**

All sewer system extensions must be compatible with present and future plans and needs of the city. (Code 1973, App. H, Art. II, § 7.9)

**Sec. 12-109. Conveyance requirement.**

When all other requirements of this division have been met and approved, the owner shall prepare and submit to the utilities division an instrument of conveyance, conveying the constructed system to the city at no cost to the city and the system shall thereafter be owned, operated and maintained by the city as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority. (Code 1973, App. H, Art. II, ~ 7.10)

**Sec. 12-110. Annexation.**

In those instances where subdivisions, apartments and other individual parcels of property are proposed for development or existing requiring city utilities, temporarily or permanently, and such property is contiguous to the city limits, annexation of the property shall be initiated prior to receiving such services from the city. All permits and licenses for proposed developments shall be obtained before construction can begin and all rules and regulations of the city shall apply as if all such property had already been annexed. (Code 1973, App. H, Art. II, § 7.11; Ord. No. 85-33, 7-8-85)

**Sec. 12-111. Systems outside city tying into city system, specific compliance required.**

All wastewater systems installed outside the city's MSA (municipal service area) which tie to the city's wastewater system shall comply with the Code of Ordinances of the city. This section is applicable to any system conveying wastewater, which ultimately enters the city's wastewater collection, transportation and treatment system. Compliance is specifically required with, but not limited to, the following sections of the City Code:

**FLORENCE CITY COUNCIL MEETING**

**DATE:** October 10, 2022

**AGENDA ITEM:** An ordinance to correct clerical errors made in the assignment of zoning designations during the adoption of the Unified Development Ordinance by correcting the City of Florence Zoning atlas to reflect the zoning designations on the following parcels:

- (a) tax parcel 00125-01-008 corrected from RS to NC-6.3
- (b) tax parcel 00126-01-040 corrected from RG-3 and CR to NC-6.3 and CG
- (c) tax parcel 00126-01-001 corrected from RS and CR to NC-6.3 and CG
- (d) tax parcel 00126-01-002 corrected from RS and CR to NC-6.3 and CG
- (e) tax parcel 00126-01-003 corrected from CR to CG
- (f) tax parcel 00126-01-151 corrected from CR to CG
- (g) tax parcel 00126-01-009 corrected from RS to NC-15
- (h) tax parcel 00126-01-398 corrected from CR to CG
- (i) tax parcel 00152-01-018 corrected from AR to NC-6.3
- (j) tax parcel 00152-01-115 corrected from AR to NC-6.3

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

---

**I. ISSUE UNDER CONSIDERATION:**

An ordinance to correct clerical errors made in the assignment of zoning designations during the adoption of the Unified Development Ordinance by correcting the City of Florence Zoning atlas to reflect the correct zoning designations on affected parcels.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

- (1) The City of Florence Unified Development Ordinance was adopted on January 15, 2018 in conjunction with an updated City of Florence Zoning Atlas, reflecting the corresponding zoning designations of the Unified Development Ordinance.

**III. POINTS TO CONSIDER:**

- (1) During the adoption of the City of Florence Unified Development Ordinance, a clerical error resulted in the application of the incorrect zoning designation for several parcels located along Alligator Road and Howe Springs Road.
- (2) The owners of the parcels involved with the errors desire that the corrections be made.
- (3) The table below provides the affected parcels, parcel owners, misapplied zoning designations, and correct zoning designations and the map attached as Exhibit A hereto shows the location of the zoning designations in detail:

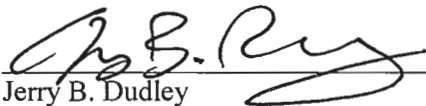
<b>Florence County Tax Map Number</b>	<b>Owner</b>	<b>Misapplied Zoning Designation(s)</b>	<b>Correct Zoning Designation(s)</b>
00125-01-008	Antioch Fellowship Church	Suburban Residential (RS)	Neighborhood Conservation 6.3 (NC-6.3)
00126-01-040	Phillip H. Greenberg	General Residential (RG-3) Commercial Reuse (CR)	Neighborhood Conservation 6.3 (NC-6.3) Commercial General (CG)
00126-01-001	Onaman Real Estate Development Company	Suburban Residential (RS) Commercial Reuse (CR)	Neighborhood Conservation 6.3 (NC-6.3) Commercial General (CG)
00126-01-002	William S. and Ronald B. Poston	Suburban Residential (RS) Commercial Reuse (CR)	Neighborhood Conservation 6.3 (NC-6.3) Commercial General (CG)
00126-01-003	Point South Developers, LLC	Commercial Reuse (CR)	Commercial General (CG)
00126-01-009	Troy Anthony Severance	Suburban Residential (RS)	Neighborhood Conservation 15 (NC-15)
00126-01-151 (portion)	William S. and Ronald B. Poston	Commercial Reuse (CR)	General Commercial (CG)
00126-01-398	ACE Construction Company	Commercial Reuse (CR)	Commercial General (CG)
00152-01-018	Tri-Zenith Company, Inc.	Agricultural/Rural (AR)	Neighborhood Conservation 6.3 (NC-6.3)
00152-01-115	Hugh Wilcox, Jr., ETAL	Agricultural/Rural (AR)	Neighborhood Conservation 6.3 (NC-6.3);

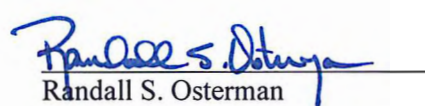


**IV. PERSONAL NOTES**

**V. ATTACHMENTS:**

- A. Ordinance
- B. Exhibit A – Map of Corrected Zoning Designations

  
Jerry B. Dudley  
Planning Director

  
Randall S. Osterman  
City Manager

**ORDINANCE NO. 2022-\_\_\_\_\_**

**AN ORDINANCE TO CORRECT CLERICAL ERRORS MADE IN THE ASSIGNMENT OF ZONING DESIGNATIONS DURING THE ADOPTION OF THE UNIFIED DEVELOPMENT ORDINANCE BY CORRECTING THE CITY OF FLORENCE ZONING ATLAS TO REFLECT THE ZONING DESIGNATIONS ON THE FOLLOWING PARCELS:**

- (A) TAX PARCEL 00125-01-008 CORRECTED FROM RS TO NC-6.3**
- (B) TAX PARCEL 00126-01-040 CORRECTED FROM RG-3 TO NC-6.3 AND CG**
- (C) TAX PARCEL 00126-01-001 CORRECTED FROM RS AND CR TO NC-6.3 AND CG**
- (D) TAX PARCEL 00126-01-002 CORRECTED FROM RS AND CR TO NC-6.3 AND CG**
- (E) TAX PARCEL 00126-01-003 CORRECTED FROM CR TO CG**
- (F) TAX PARCEL 00126-01-151 CORRECTED FROM CR TO CG**
- (G) TAX PARCEL 00126-01-009 CORRECTED FROM RS TO NC-15**
- (H) TAX PARCEL 00126-01-398 CORRECTED FROM CR TO CG**
- (I) TAX PARCEL 00152-01-018 CORRECTED FROM AR TO NC-6.3**
- (J) TAX PARCEL 00152-01-115 CORRECTED FROM AR TO NC-6.3**

**WHEREAS**, the City of Florence Unified Development Ordinance was adopted on January 15, 2018 in conjunction with an updated City of Florence Zoning Atlas, reflecting the corresponding zoning designations of the Unified Development Ordinance;

**WHEREAS**, during this process, a clerical error resulted in the application of the incorrect zoning designation for several parcels located along Alligator Road and Howe Springs Road;

**WHEREAS**, the owners of the parcels involved with the errors desire that the corrections noted herein be made;

**WHEREAS**, the table below provides the affected parcels, parcel owners, misapplied zoning designations, and correct zoning designations and the map attached as Exhibit A hereto shows the location of the zoning designations in detail:

<b>Florence County Tax Map Number</b>	<b>Owner</b>	<b>Misapplied Zoning Designation(s)</b>	<b>Correct Zoning Designation(s)</b>
00125-01-008	Antioch Fellowship Church	Suburban Residential (RS)	Neighborhood Conservation 6.3 (NC-6.3)

Florence County Tax Map Number	Owner	Misapplied Zoning Designation(s)	Correct Zoning Designation(s)
00126-01-040	Phillip H. Greenberg	General Residential (RG-3) Commercial Reuse (CR)	Neighborhood Conservation 6.3 (NC-6.3) Commercial General (CG)
00126-01-001	Onaman Real Estate Development Company	Suburban Residential (RS) Commercial Reuse (CR)	Neighborhood Conservation 6.3 (NC-6.3) Commercial General (CG)
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00126-01-009	Troy Anthony Severance	Suburban Residential (RS)	Neighborhood Conservation 15 (NC-15)
00126-01-398	ACE Construction Company	Commercial Reuse (CR)	Commercial General (CG)
00152-01-018	Tri-Zenith Company, Inc.	Agricultural/Rural (AR)	Neighborhood Conservation 6.3 (NC-6.3)
00152-01-115	Hugh Wilcox, Jr., ETAL	Agricultural/Rural (AR)	Neighborhood Conservation 6.3 (NC-6.3);

WHEREAS, Florence City Council concurs in the aforesaid findings and conclusions.

**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 correcting the Zoning Atlas of the City of Florence for the aforesaid properties to reflect the correct zoning designations as identified in the table above and as shown on the map attached hereto as Exhibit A and incorporated herein by reference.
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

Approved as to form:

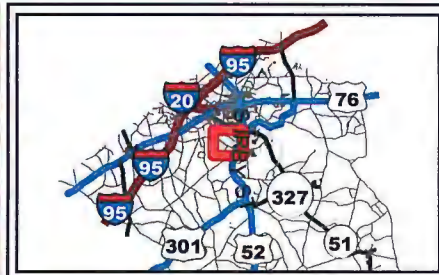
\_\_\_\_\_  
 James W. Peterson, Jr.  
 City Attorney

\_\_\_\_\_  
 Teresa Myers Ervin  
 Mayor

Attest:

\_\_\_\_\_  
 Casey C. Moore  
 Municipal Clerk

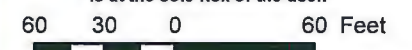
# Exhibit A: Current Zoning Map - with corrections identified (affected parcels outlined in red)



- Legend**
- Affected Parcels (Red outline)
  - Parcels (Black outline)
  - Zoning District
  - Agricultural and Open Space Districts
    - AR (Light Green)
    - OSR (Light Yellow)
  - Residential Districts
    - RS (Yellow)
    - RG (Orange)
    - RG-3 (Light Orange)
    - PD (Light Blue)
  - Neighborhood Conservation Sub-Districts
    - NC-15 (Light Yellow)
    - NC-10 (Light Green)
    - NC-6.1 (Light Yellow)
    - NC-6.3 (Light Green)
  - Business and Commercial Districts
    - CR (Light Purple)
    - CA (Light Blue)
    - CG (Light Purple)
  - Mixed-Use Districts
    - AC (Light Blue)
  - Industrial Zoning Districts
    - IL (Light Blue)

FULL LIFE. FULL FORWARD.  
**FLORENCE**  
 SOUTH CAROLINA

**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.



VII. a.  
Resolution  
2022-30

FLORENCE CITY COUNCIL MEETING

**DATE:** October 10, 2022  
**AGENDA ITEM:** Resolution  
**DEPARTMENT/DIVISION:** City Council  
Sponsored by Councilman Bryan Braddock

---

**I. ISSUE UNDER CONSIDERATION:**

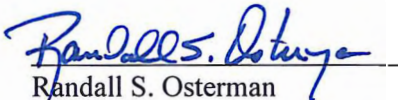
A Resolution by the City of Florence recognizing the contributions of Grateful Dog.

**II. POINTS TO CONSIDER:**

1. The Grateful Dog Festival began in 2011 as a one-day event to raise money for the Florence Area Humane Society.
2. After the first year, the festival expanded its scope to also provide aid to the Darlington and Marlboro Area Humane Societies.
3. The Grateful Dog Festival has raised over \$100,000 for the three Humane Societies since its inception.

**III. ATTACHMENTS:**

1. Proposed Resolution

  
Randall S. Osterman  
City Manager

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

**Resolution No. 2022-30**

**A Resolution to recognize the contributions of Grateful Dog.**

- WHEREAS,** the Grateful Dog Festival began in 2011 as a one-day, family-fun event to celebrate the music of Jerry Garcia and the Grateful Dead while raising money for the Florence Area Humane Society; and
- WHEREAS,** a successful first year led to expanding the scope of the event to also provide aid to Darlington and Marlboro County Humane Societies; and
- WHEREAS,** fundraising success led to the creation of the Grateful Dog Group, a non-profit organization aimed at helping with the rising costs of animal care in the three counties; and
- WHEREAS,** recognizing an opportunity to increase fundraising efforts, the Grateful Dog festival relocated to Sugar Magnolia Ranch in 2021. The new location allowed the event to expand to three days and even includes a campsite for festival goers; and
- WHEREAS,** the festival features a silent auction, food and merchandise vendors, as well as bands from up and down the east coast volunteering their time and talents all for the cause; and
- WHEREAS,** the Grateful Dog Festival has raised well over \$100,000 for the three Area Humane Societies over the past 11 years, greatly impacting the lives of local animals in need.

**NOW, THEREFORE BE IT RESOLVED,** the City Council of the City of Florence, does hereby commend the outstanding work and volunteerism of the Grateful Dog Group and the Grateful Dog Festival for their efforts in assisting local Area Humane Societies in Florence and the Pee Dee Region and touching the lives of animals in our communities.

**RESOLVED THIS 10<sup>th</sup> DAY OF OCTOBER 2022.**

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 10, 2022

**AGENDA ITEM:** A resolution to reimburse the City from revenue bond proceeds

**DEPARTMENT/DIVISION:** Finance

---

**I. ISSUE UNDER CONSIDERATION**

The City of Florence is currently planning to issue in excess of \$100,000,000 in Water and Sewer Utility System Revenue Bonds in late 2022 or early 2023 to expand the water and sewer systems to accommodate future growth in the City's service area.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

1. The City intends to expend funds on the systems' expansion for such things as engineering services before the bonds are issued.
2. In order for the City to reimburse itself for these expenditures from bond proceeds, IRS regulations require the adoption of a reimbursement resolution.

**III. POINTS TO CONSIDER**

1. Without the adoption of this resolution, the City could not reimburse itself from bond proceeds. Therefore, any costs incurred prior to the issuance of these bonds would have to be funded from the Utility System Fund.

**IV. STAFF RECOMMENDATION**

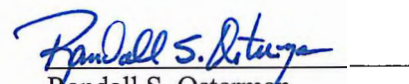
Approve and adopt the proposed resolution.

**V. ATTACHMENTS**

A copy of the proposed resolution is attached.



Kevin V. Yokim  
Assistant City Manager



Randall S. Osterman  
City Manager



**RESOLUTION 2022-\_\_\_\_\_**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, DECLARING ITS INTENT PURSUANT TO UNITED STATES TREASURY DEPARTMENT, INTERNAL REVENUE SERVICE, REGULATION 1.150-2 TO REIMBURSE CERTAIN FUNDS OR ACCOUNTS OF THE CITY FROM PROCEEDS OF A TAX-EXEMPT BORROWING FOR CERTAIN PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS**

**WHEREAS**, the City Council of the City of Florence, South Carolina ("**City Council**") is the governing body of the City of Florence, South Carolina (the "**City**"); and

**WHEREAS**, City Council is charged with the operation of the City's Combined Waterworks and Sewerage System (the "**System**"); and

**WHEREAS**, City Council intends to issue tax-exempt indebtedness to defray the cost of public infrastructure related to expansion of the System (the "**Project**"); and

**WHEREAS**, City Council intends to issue revenue bonds to defray the cost of such improvements to the System ("**Revenue Bonds**"); and

**WHEREAS**, prior to the financing, the City intends to temporarily advance amounts from certain funds and accounts of the System for the payment of the Project with the expectation that sufficient proceeds of the Revenue Bonds will be deposited to such funds or accounts to replenish amounts advanced; and

**WHEREAS**, no funds from any sources other than the Revenue Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis or otherwise set aside by the City pursuant to the budget or financial policies of the City for the financing of the costs of acquisition of the Project or any part thereof; and

**WHEREAS**, City Council is mindful that, in order for the use of federally tax-exempt debt proceeds to be considered "expended" for purposes of United States Treasury Department Internal Revenue Service Regulation 1.150-2 ("**Reg. 1.150-2**") when used to reimburse those certain funds and accounts of the System for expenditures made prior to the issuance of the Revenue Bonds, certain conditions including the making of a declaration of intent to reimburse such expenditures must be met; and

**WHEREAS**, with the intent of supplementing, but not superseding, any prior declarations of intent of City Council with respect to the Project, City Council desires to make this declaration of intent;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:**

Section 1. It is hereby declared that the facts set forth in the preambles to this Resolution are in all respects true and correct.

Section 2. It is hereby declared that the City intends and reasonably expects to reimburse itself with the proceeds of debt to be incurred by the City through the issuance of the Revenue Bonds for all expenditures related to the Project prior to the issuance of the Revenue Bonds.

Section 3. This Resolution shall constitute a declaration of official intent under United States Department of the Treasury Regulation Section 1.150-2.

Section 4. The anticipated principal amount of debt expected to be issued for the purpose of the costs of the Project and the costs of issuance of the Revenue Bonds is not exceeding \$115,000,000.

**DONE IN A MEETING DULY ASSEMBLED ON THE 10<sup>th</sup> day of October, 2022.**

**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 10, 2022  
**AGENDA ITEM:** Report to Council  
**DEPARTMENT/DIVISION:** City Council

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**I. ISSUE UNDER CONSIDERATION:**

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

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

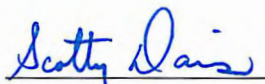
There are two (2) Boards or Commissions that have either vacancies and/or expired terms.


**III. POINTS TO CONSIDER:**

1. Each member of a City of Florence Board or Commission shall be either a resident of the city, a representative of a business or other organization located or operating within the city, or a non-resident having professional qualifications which are required for a position, and, in the council's opinion, there are no acceptable and qualified residents to fill the vacancy.
2. Members of the boards and commissions shall be appointed in consideration of their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens.

**IV. 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 2022**

	District 1	District 2	District 3	At-Large 1	At-Large 2	At-Large-3	Mayor
	Schofield	Moore	Braddock	Jebaily	Barnes	McCall	Ervin
<b>Construction &amp; Maintenance Board</b>							x
<b>Parks &amp; Beautification Commission</b>				x			

## **CONSTRUCTION AND MAINTENANCE BOARD OF ADJUSTMENTS AND APPEALS**

### **I. NOMINATIONS:**

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

- 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 – Mechanical Contractor

### **III. COUNCILMEMBER(S) TO MAKE NOMINATION:**

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

### **IV. NEW APPLICANT(S):**

- Benjamin Blanks

### **V. ATTACHMENTS**

- Applications received



## PARKS AND BEAUTIFICATION COMMISSION

### **I. NOMINATIONS:**

There is one (1) vacancy\* on the Parks and Beautification Commission.

\*Ms. Alexis Fleming indicated she would not like to be considered for reappointment.

### **II. MEMBERSHIP REQUIREMENTS**

All commission members are required to be qualified voters and residents of the city.

### **III. COUNCILMEMBER(S) TO MAKE NOMINATION:**

- Pro tem Jebaily

### **IV. NEW APPLICANT(S):**

There are currently no applicants for this Board.

### **V. ATTACHMENTS:**

Letters of interest from current serving members



FULL LIFE. FULL FORWARD.  
**FLORENCE**  
SOUTH CAROLINA

OFFICE OF THE CITY MANAGER

TEL: (843) 665-3113

FAX: (843) 665-3110

May 5, 2022

Ms. Alexis Fleming  
1216 Madison Avenue  
Florence, SC 29501

Dear Ms. Fleming,

Our records indicate that your term on the Parks and Beautification Commission will expire on June 30, 2022. City Council will begin reviewing the vacancies on the Boards and Commissions at their July meeting.

If you wish to be considered for reappointment to the Parks and Beautification Commission 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 **no later than June 20, 2022** 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 Parks and Beautification Commission.

I do not want to be considered for reappointment to the Parks and Beautification Commission.

  
Signature



FLORENCE CITY COUNCIL MEETING A-tax Appropriations

**DATE:** October 10, 2022

**AGENDA ITEM:** Report to Council – Accommodations Tax

**DEPARTMENT/DIVISION:** Finance

---

**I. ISSUE UNDER CONSIDERATION**

Appropriation of Accommodations Tax funds for FY2022/23.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

No previous action has been taken by City Council for FY2022/23 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

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**To:** Teresa Myers Ervin and Members of City Council  
**From:** City of Florence Accommodations Tax Advisory Committee  
**Subject:** **Accommodations Tax Funding Recommendations for FY 2022-23**  
**Date:** October 10, 2022

The Accommodations Tax Advisory Committee held meetings in August and September 2022 for the purpose of receiving and evaluating Accommodations Tax funding requests for fiscal year 2022-2023. Requests were received from twenty (20) 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 \$800,000 of the “65% funds” will be available for allocation to requesting agencies and an additional \$300,000 for tourism promotion in the “30% funds.”

The Accommodations Tax Advisory Committee is again recommending to City Council that the 2022-2023 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: **Florence Symphony Orchestra, Sankofa 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 2022-2023 report listing all organizations requesting funds for this year; the amount of funding received by these organizations for FY 2021-22; the amount of funds requested by the organizations for FY 2022-23; 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, 2022 (**Attachment 2**). In addition, an Accommodations Tax Projection of Receipts for FY 2022-23 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 2022-23**

ORGANIZATION	Appropriated 2021-22	Requested 2022-23	Committee Recommended <sup>1</sup>	Appropriated 2022-23
<b>A. 30% Funds for Tourism Promotion</b>				
1. Florence Convention & Visitors Bureau	<u>\$273,000</u>	<u>\$300,000</u>	<u>\$300,000</u>	
<b>B. 65% Funds</b>				
1. Florence Regional Arts Alliance & Pee Dee Arts	\$11,300	\$18,000	\$16,600	
2. The Masterworks Choir, Inc.	\$3,600	\$0	\$0	
3. Florence Little Theatre	\$12,100	\$0	\$0	
4. Florence Symphony Orchestra	\$4,100	\$10,000	\$8,400	
5. Arts International Festival	\$10,900	\$0	\$0	
6. Sankofa Festival	\$4,000	\$10,000	\$7,400	
7. SC Dance Theatre	\$5,400	\$0	\$0	
8. Lucky Shamrock Festival	\$600	\$0	\$0	
9. Kickin' Chicken Wing and Chili Cookoff	\$1,900	\$5,000	\$4,300	
10. Florence Museum	\$27,800	\$45,000	\$42,200	
11. Carolina Classic Basketball Tournament	\$7,200	\$15,400	\$13,500	
12. Freedom Florence, FTC, Soccer Complex & Gym	\$58,500	\$65,000	\$62,200	
13. Florence Convention & Visitors Bureau	\$191,500	\$250,000	\$242,000	
14. Florence Tennis Association	\$16,200	\$20,000	\$19,200	
15. South Carolina Pecan Festival	\$21,800	\$30,000	\$27,000	
16. Florence Center	\$117,600	\$150,000	\$148,700	
17. Florence International Basketball Tournament	\$12,000	\$30,000	\$24,400	
18. Car Haulers Parade	\$7,100	\$10,000	\$8,600	
19. Florence Area Sports Council	\$19,500	\$25,000	\$23,600	
20. Pee Dee Tourism Commission	\$16,900	\$20,000	\$19,200	
21. SC Senior Sports Classic	\$3,400	\$4,000	\$4,100	
22. Hwy 52 Frontage Road Beautification	\$14,000	\$60,000	\$43,600	

**CITY OF FLORENCE, SC  
ACCOMMODATIONS TAX REQUESTS, RECOMMENDATIONS AND APPROPRIATIONS REPORT  
FISCAL YEAR 2022-23**

ORGANIZATION	Appropriated 2021-22	Requested 2022-23	Committee Recommended <sup>1</sup>	Appropriated 2022-23
23. Wilson High Alumni Assn Homecoming Event	\$51,100	\$120,000	\$66,600	
24. Eastern South Carolina Mustang Club	\$3,500	\$5,000	\$4,800	
25. Florence County Parks & Recreation	\$0	\$15,000	\$13,600	
<b>Total - 65% Funds</b>	<b><u>\$622,000</u></b>	<b><u>\$907,400</u></b>	<b><u>\$800,000</u></b>	<b><u>\$0</u></b>

**Note 1:** Including carryover funds from FY 2021-22, it is anticipated that the amount available for distribution to the requesting agencies of "65% funds" will be approximately \$800,000. The "30% funds" for tourism promotion is estimated to be approximately \$300,000.00.

**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, 2022**

Total Accommodations Funds Received	\$1,169,401.10 *
Plus Carryover Funds from Prior Year	\$0.00
Plus Interest Earned	\$11.79
Less General Fund Standard Allocation	<u>-\$25,000.00</u>
Balance	\$1,144,412.89
Less 5% Funds Paid to General Fund	-\$57,220.05
Less 30% Funds Paid for Advertising/Promotion	-\$343,320.33
Balance = 65% Funds Available for Tourism	\$743,872.51
Less Appropriations Paid to Tourism Agencies	<u>-\$622,000.00</u>
<b>TOTAL Year End Balance</b>	<b>\$121,872.51</b>

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

Quarter 1 Ending 09/30/2021:	\$308,785.33
Quarter 2 Ending 12/31/2021:	\$225,102.26
Quarter 3 Ending 03/31/2022:	\$219,321.65
Quarter 4 Ending 06/30/2022:	<u>\$416,191.84</u>
<b>FY 2020-21 Accommodations Tax Total</b>	<b>\$1,169,401.08</b>

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	\$837,166.07	-5.54%
FY 2021-22 Accommodations Tax Total	\$1,169,401.08	39.69%

**City of Florence, SC  
Accommodations Tax  
Projections for FY 2022-23**

Accommodations Tax Funds Projected	\$1,169,401.10
Less \$25,000 to General Fund	-\$25,000.00
Subtotal	\$1,144,401.10
Less 5% of Balance to General Fund	-\$57,220.06
Less 30% of balance to Advertising/Promotion	-\$343,320.33
Balance for 65% Funds Distribution	\$743,860.72
Plus Carryover from Prior Year	<u>\$121,872.51</u>
<b>Total Available for Tourism Expenditures</b>	<b>\$865,733.23</b>

**City of Florence, SC  
PUBLIC NOTICE**

The City of Florence has fiscal year 2022-2023 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, Assistant City Manager, City of Florence, Finance Department, 3<sup>rd</sup> 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, August 1, 2022 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:**            Wednesday, July 13, 2022  
   Sunday, July 17, 2022