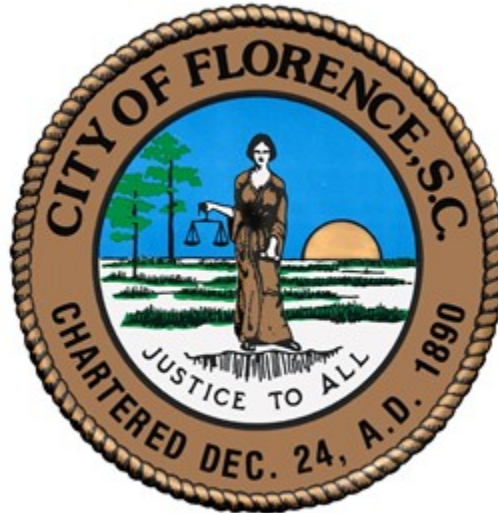


**REGULAR MEETING
OF
FLORENCE CITY COUNCIL**



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

**MONDAY
JANUARY 13, 2025
1:00 P.M.**



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, JANUARY 13, 2025 – 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

December 9, 2024 – Regular Meeting

IV. HONORS AND RECOGNITIONS

SERVICE RECOGNITIONS

David Weatherly – 10 years – Fire

Thomas Blackmon – 10 years – Fire

Steven Wallace – 10 years – Beautification and Facilities

V. ORDINANCES IN POSITION

a. Bill No. 2024-22 – Second Reading

An Ordinance to amend Article I Chapter 3 of the City of Florence Code of Ordinances to add provisions related to prohibiting ownership or keeping of livestock and wild animals and other matters related thereto.

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

b. Bill No. 2024-25 – Second Reading

An Ordinance to annex and zone RG-3 the property located at 2501 Alligator Road, identified as Florence County Tax Map Number 00125-01-004.

VI. INTRODUCTION OF ORDINANCES

a. Bill No. 2025-01 – First Reading

An Ordinance to annex and zone IL the property located at 1228 North Cashua Drive, identified as Florence County Tax Map Number 00122-01-040.

b. Bill No. 2025-02 – First Reading

An Ordinance to rezone from CG to IL a portion of Florence County Tax Map Number 00147-01-023.

c. Bill No. 2025-03 – First Reading

An Ordinance to amend Chapter 4 of the Code of Ordinances of the City of Florence entitled “Buildings, Construction and Related Activities”, to establish Article XV “Vacant and Abandoned Residential, Commercial and Industrial Building Registration.

d. Bill No. 2025-04 – First Reading

An Ordinance finding certain dwellings exist that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents, or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering such dwellings unsafe, unsanitary, or dangerous, and other matters relating thereto including, without limitation, the enforcement of proceedings pertaining dwellings deemed unfit.

VII. INTRODUCTION OF RESOLUTIONS

a. Resolution No. 2025-01

A Resolution to rename South Park to Jebaily Park.

b. Resolution No. 2025-02

A Resolution to rename Northwest Park to Mordecai C. Johnson Park.

c. Resolution No. 2025-03

A Resolution to approve a Conditional Grant and Development Agreement located within the Downtown Redevelopment District for a development located at 189 Warley Street.
(Note: This item may be discussed in Executive Session.)

VIII. REPORT TO COUNCIL

a. Appointments to Boards and Commissions

(Note: This item may be discussed in Executive Session.)

IX. CITY MANAGER’S REPORT

X. MAYORAL REPORT

XI. COMMITTEE REPORTS

a. Business Development Committee

b. Community Development Committee

c. Finance, Audit and Budget Committee

XII. EXECUTIVE SESSION

- a. For a discussion regarding an Economic Development Project [30-4-70(a)(5)].
- b. For a discussion regarding appointments to boards and commissions [30-4-70(a)(1)].
- c. For a discussion on a personnel matter regarding the City Manager's contract [30-4-70(a)(1)].

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

XIII. ADJOURN



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, DECEMBER 9, 2024 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT

Mayor Lethonia Barnes, Mayor Pro Tempore George Jebaily, Councilman Chaquez T. McCall, Councilman Bryan A. Braddock, Councilwoman LaShonda NeSmith-Jackson and Councilman J. Lawrence Smith, II

ALSO PRESENT

Mr. Scotty Davis, City Manager; Mr. Ronald Scott, City Attorney; Mrs. Casey Moore, Municipal Clerk; Mr. Clint Moore, Assistant City Manager of Development; Chief Allen Heidler, Florence Police Department; Chief Shannon Tanner, Florence Fire Department; Mr. Michael Hemingway, Director of Utility Planning and Economic Development; Mr. Jerry Dudley, Director of Planning; Mr. Adam Swindler, Director of Public Works; Mrs. Amanda Pope, Director of Marketing/Communications and Municipal Services; Mr. Joshua Whittington, Director of Utilities; Mrs. Victoria Nash, Director of Parks, Recreation, and Sports Tourism; Mr. Tim Wilson, Assistant Director of Parks, Recreation, and Sports Tourism; Mr. Glenn Bodenheimer, Interim Finance Director and Ms. Patrice Rankin, Administrative Coordinator

MEDIA PRESENT

Mr. Seth Taylor with the Post and Courier, Mr. Logan Schiciano with WMBF News, and Ms. Taylor Ford with the Morning News were present for the meeting.

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

CALL TO ORDER

Mayor Barnes called the December 9, 2024 Regular meeting of Florence City Council to order at 1:01pm.

INVOCATION

Pastor Ann Kovan gave the invocation for the meeting. The pledge of allegiance to the American Flag followed the invocation and was led by United States Attorney Matt Ellis.

APPROVAL OF MINUTES

Pro tem Jebaily made a motion to adopt the minutes of the November 12, 2024 Swearing-in Ceremony and the November 18, 2024 Regular Meeting and Councilman McCall seconded the motion. The minutes were unanimously (6-0) adopted.



SPECIAL RECOGNITION

Mrs. Victoria Nash, Director of Parks, Recreation, and Sports Tourism, recognized Mr. Rob Hill, Director of Tennis, as the USTA Tennis Professional of the Year.

Mayor Barnes also acknowledged that the Parks, Recreation, and Sports Tourism Department received the USTA Southern Outstanding Parks and Recreation Department Award in January 2024.

APPEARANCES BEFORE COUNCIL

Bryan and Jody Ransom

Bryan and Jody Ransom appeared before Council to speak on the second annual One Table Florence. This year's event featured collaboration and partnerships with various individuals, churches and organizations throughout the community. The success of this event has caused other cities to reach out to the Ransoms to see how to replicate the event in their communities.

Pro tem Jebaily thanked the Ransoms for bringing One Table Florence to the community. He asked if a video of the event was available that could be shared and promoted on the city's social media accounts. Mr. Ransom said the video is currently being edited but there are other videos available on their Facebook page that could be used to show the success of the event.

Councilman Braddock also thanked the Ransoms for their work with One Table Florence. He asked if there was anything in particular that would ensure success for the event next year. Mr. Ransom said there is great support from the community when it comes to materials for the event. They are in need of budgetary support due to some out-of-pocket expenses. Councilman Braddock asked for the financial estimate for the event. Mr. Ransom said he created a budget overview that he could share with Council.

Councilwoman NeSmith-Jackson commended the Ransoms for the success of One Table Florence. She asked them to share how the event has grown from last year to this year. Mrs. Ransom said last year they prepared 850 meals, with 100 meals being provided for first responders. This year, there were approximately 1000 meals prepared, with 50 meals being provided for first responders.

Mayor Barnes also thanked the Ransoms for hosting One Table Florence and commended them for the success and growth of this event.

ORDINANCES IN POSITION

Bill No. 2024-20 – Second Reading

An Ordinance to amend the budget for the City of Florence, South Carolina for the fiscal year beginning July 1, 2024 and ending June 30, 2025.

Councilman McCall made a motion to adopt Bill No. 2024-20 on second reading and Pro tem Jebaily seconded the motion.

Council voted unanimously (6-0) in favor of the motion. Bill No. 2024-20 was adopted.

Bill No. 2024-21 – Second Reading

An Ordinance to amend the due dates in Section 20 of the City of Florence Code of Ordinances to align with the city's Business License renewal dates.



Pro tem Jebaily made a motion to adopt Bill No. 2024-21 on second reading and Councilman Smith seconded the motion.

Council voted unanimously (6-0) in favor of the motion. Bill No. 2024-21 was adopted.

Bill No. 2024-22 - Second Reading

An Ordinance to amend Article I Chapter 3 of the City of Florence Code of Ordinances to add provisions related to prohibiting ownership or keeping of livestock and wild animals and other matters related thereto.

Pro tem Jebaily made a motion to adopt Bill No. 2024-22 on second reading and Councilman Smith seconded the motion.

Ms. Charlotte Ward appeared before Council to speak in opposition of Bill No. 2024-22. Ms. Ward said she lives in Florence County and has been a responsible monkey owner for many years. She said due to the actions of an irresponsible snake owner, this bill has been proposed to prohibit monkeys and other non-dangerous animals in the city limits. She said the city's current animal ordinance mentions state law prohibiting apes, large cats and bears. To the best of her knowledge, she is one of three monkey owners in the area and several owners have previously resided within the city limits. Ms. Ward raised the question if monkeys were to be prohibited, should all dogs be prohibited, regardless of breed, due to the fatal dog attack that occurred this past summer. She recommended instead to amend the existing ordinance by adding that the judge of the Municipal Court should order anyone who violates the ordinance to be prohibited from having any such animal. She also recommended adding a "grandfather clause" to the ordinance for current exotic animal owners and adding exemptions for 501c3 animal rescues and United States Department of Agriculture facilities. She also recommended removing monkeys and other exotic animals from the list of prohibited animals in the ordinance and adding a registration process for owners to register their exotic animals.

Ms. Nikki Zickafoose appeared before Council to speak in opposition of Bill No. 2024-22. Ms. Zickafoose said she is a native of Florence County and has owned many exotic animals that are on the proposed ban list. Although she is not a city resident, there are times where she must travel through the city with her animals for veterinary care. She also mentioned that there is a possibility that her property may be annexed into the city in the future. Ms. Zickafoose said this ordinance is not necessary and there are already laws in place that can be used in life threatening situations. She said bans rarely are effective and if this ordinance moves forward, dogs should be added to the prohibited list as well, due to fatal dog attacks that have occurred in the City of Florence.

Phillip Goss, President of the United States Association of Reptile Keepers, appeared before Council to speak in opposition of Bill No. 2024-22. He said the incident involving the snake owner does not represent all snake and reptile owners. He spoke in agreeance with Ms. Ward and Ms. Zickafoose and said collective punishment should not occur because of the actions of one person. Mr. Goss said the South Carolina Department of Natural Resources can ban invasive species and have banned a reptile species a few years ago. He also spoke in agreeance with Ms. Ward regarding a "grandfather clause" and registration process. Mr. Goss said the ordinance could also require owners to have escape proof enclosures for exotic animals.

Pro tem Jebaily thanked Ms. Ward, Ms. Zickafoose and Mr. Goss for speaking on this matter. He said other communities have had similar legislation in place regarding prohibition of exotic animals, so this is not a new issue. Pro tem Jebaily asked Mr. Scotty Davis, City Manager, if it would be advisable to defer



**FLORENCE CITY COUNCIL
REGULAR MEETING – DECEMBER 9, 2024**

second reading of Bill No. 2024-22 to the next meeting so that city staff and the City Attorney could do more research and receive input from exotic animal owners in the community.

Mr. Davis said it is at Council's discretion to defer this bill. Some exceptions of animals are included in the city's Unified Development Ordinance. He asked Mr. Clint Moore, City Manager, to provide the exceptions listed in the Unified Development Ordinance.

Mr. Moore said the Unified Development Ordinance has a few exceptions of animals that are allowed outside of household pets and limits the number of dogs, chickens, et cetera that you can have within a residential area. The Unified Development Ordinance also outlines livestock uses but does not include any language in regard to reptiles or snakes.

Pro tem Jebaily asked Mr. Ron Scott, City Attorney, if there was an opportunity to take another look at this matter if it was deferred to next month's meeting. Mr. Scott said this matter has been discussed with city staff and other communities have been researched as well. It is Council's discretion to defer this ordinance if they would like for the city attorney and city staff to address any questions and concerns.

Councilman McCall asked for clarity on the "grandfather clause," and if the owner or the animal itself would be considered in the "grandfather clause." Mr. Davis said it is not staff's recommendation to do a "grandfather clause" as it will complicate matters and not address the issue that was brought before city staff. A "grandfather clause" would allow for the venomous snakes to remain in the city limits. City staff was asked to propose an ordinance that would prevent future incidents, like the venomous snake incident, from occurring.

Councilman Braddock asked Ms. Ward for clarity on the United States Department of Agriculture facilities reference. Ms. Ward said it is in regard to exotic animal owners who participate in educational programs and are licensed through the United States Department of Agriculture. Councilman Braddock asked if the local pet stores sell any of the exotic animals on the list. Ms. Ward said the only two pet stores currently in Florence are PetCo and PetSmart. Pet Lovers is no longer in business, but they did sell a few animals that would fall under the prohibited animals list.

Councilman Braddock asked if there was a specific reason why primates were added to the prohibited list in the ordinance. Mr. Davis said city staff looked at excerpts from Columbia, Spartanburg, Mount Pleasant, other states, and court cases when creating this ordinance. Various excerpts were pulled from resources and exclusions were made as allowed in the Unified Development Ordinance.

Councilman Smith asked if first responder response times would be affected when unknown exotic animals are present during a medical emergency. Mr. Allen Heidler, Police Chief, and Mr. Shannon Tanner, Fire Chief approached the podium to address the question. Chief Heidler said it would certainly affect response time and spoke of the impact on response time with the previous venomous snake incident. Chief Tanner said it would depend on the type of emergency and the nature of the call. If it is a snake bite, the snake would need to be quarantined away from the individual before first responders could make entry.

Councilwoman NeSmith-Jackson asked if any municipalities have experienced backlash, such as lawsuits, when passing a dangerous animal ordinance. Mr. Davis said there are a number of lawsuits that ruled in favor of the municipality that passed the ordinance. Councilwoman NeSmith-Jackson said seeing that city staff does not recommend the "grandfather clause" and has already looked at legislation with other municipalities, she does not see the purpose for deferring Bill No. 2024-22. Pro tem Jebaily said by



**FLORENCE CITY COUNCIL
REGULAR MEETING – DECEMBER 9, 2024**

deferring this matter, there is a chance for clarification on how the exotic animals are classified and to address the concerns that were presented today.

Councilman Braddock asked if Council could make a motion to amend if the motion to defer fails. Mr. Ron Scott, City Attorney, said if the motion to defer is properly seconded and fails due to lack of majority vote, a second motion could be made to amend the ordinance that is on the table for consideration. Councilman Braddock asked Mr. Scott if there is a need to make a motion to amend prior to the deferral motion. Mr. Scott said in reference to the motion, it is up to Council which order they would like to proceed with.

Mayor Barnes thanked Ms. Ward, Ms. Zickafoose, and Mr. Goss for sharing their concerns. She spoke in favor of deferring the ordinance but said Council has to do something to ensure dangerous animal incidents do not continue to occur.

Mayor Barnes and Pro tem Jebaily encouraged Ms. Ward, Ms. Zickafoose and Mr. Goss to communicate with Mr. Scotty Davis, City Manager, to address any additional concerns.

Pro tem Jebaily made a motion to defer Bill No. 2024-22 until the next meeting and Councilman Smith seconded the motion.

Council voted unanimously (6-0) to defer Bill No. 2024-22 until the next meeting. Bill No. 2024-22 was deferred.

Bill No. 2024-23 - Second Reading

An Ordinance to annex and zone NC-15 2499 West Edgefield Road, identified as Florence County Tax Map Number 01221-01 -140.

Councilman McCall made a motion to adopt Bill No. 2024-23 on second reading and Councilman Smith seconded the motion.

Council voted unanimously (6-0) in favor of the motion. Bill No. 2024-23 was adopted.

Bill No. 2024-24 – Second Reading

An Ordinance to repeal Division 4 of Article 3, Chapter 2 of the City of Florence Code of Ordinances entitled “Aesthetics Advisory Committee.”

Pro tem Jebaily made a motion to adopt Bill No. 2024-24 on second reading and Councilman Braddock seconded the motion.

Council voted unanimously (6-0) in favor of the motion. Bill No. 2024-24 was adopted.

INTRODUCTION OF ORDINANCES

Bill No. 2024-25 - First Reading

An Ordinance to annex and zone RG-3 the property located at 2501 Alligator Road, identified as Florence County Tax Map Number 00125-01-004.

Councilman Smith made a motion to pass Bill No. 2024-25 on first reading and Councilman McCall seconded the motion.



**FLORENCE CITY COUNCIL
REGULAR MEETING – DECEMBER 9, 2024**

Mr. Jerry Dudley, Planning Director, said this is a 101-acre parcel located off of Alligator Road. The proposed zoning is Residential General-3 and the property is intended to be developed as a single-family residential subdivision with approximately 330 lots. Planning Commission voted unanimously (5-0) to recommend the zoning request.

Pro tem Jebaily asked if the adjacent properties are zoned Residential General-3 as well. Mr. Dudley said some of the properties are zoned Neighborhood Conservation because they were established prior to the city's Unified Development Ordinance. The predominant zoning in the area is Residential General-3.

Councilman McCall asked if city water and sewer is available to the property. Mr. Dudley said city water is available to the property; however, sewer is currently not available and the developer will be responsible for extending the sewer line. Councilman McCall asked if the developer is aware that he will be responsible for extending the sewer line and Mr. Dudley responded yes.

Councilman Smith asked if only single-family residential homes are allowed in Residential General-3. Mr. Dudley said Residential General-3 zoning allows some higher density development as well, but a large area of land would have to be set aside to accomplish this. The proposed sketch plan only proposes single-family detached housing.

Councilman Braddock asked for clarification on if this proposal has gone before Planning Commission. Mr. Dudley said the proposal has gone before Planning Commission for the zoning recommendation and the sketch plan is scheduled to be reviewed at Planning Commission's January meeting.

Council voted unanimously (6-0) in favor of the motion. Bill No. 2024-25 was passed on first reading.

INTRODUCTION OF RESOLUTIONS

Resolution No. 2024-43

A Resolution encouraging staff to implement the 5-point crime plan.

Pro tem Jebaily made a motion to pass Resolution No. 2024-43 and Councilman McCall seconded the motion.

Mayor Barnes said crime has been a challenge for the community and hinders progress in the city. Addressing crime is not just about enforcement but about prevention, intervention and collective action. She said implementing this plan will assist staff in the first step to reducing crime.

Mayor Barnes made a motion to amend the Resolution with the following two amendments: replacing "Community Action Team (CAT) with Community Policing Team in the first point of the crime plan and replacing the "gun buy-back program initiative" with "utilizing advanced technology to assist in crime prevention" for the third point of the crime plan. Councilman McCall seconded the motion to amend.

Pro tem Jebaily asked for clarification on the amendments to the Resolution. Mayor Barnes reviewed the amendments.

Mayor Barnes asked Mr. Allen Heidler, Police Chief, to address ways that the Police Department could benefit from additional technology resources and how they are currently utilizing technology. Chief Heidler said there are several "tech savvy" officers in the department that seek ways to utilize technology. Currently, the Police Department is utilizing a FLOCK camera system throughout the city and Chief Heidler provided statistics showing the success of the system. Mayor Barnes asked how technology could



**FLORENCE CITY COUNCIL
REGULAR MEETING – DECEMBER 9, 2024**

be utilized to assist with the safety of law enforcement officers. Chief Heidler said utilizing drones has been beneficial to the safety of the officers.

Councilwoman NeSmith-Jackson asked Chief Heidler if additional FLOCK cameras will be installed. Chief Heidler said the cameras are very expensive, and the department is working with legislative delegation to obtain funding for the cameras. Councilwoman NeSmith-Jackson asked if the Police Department is utilizing other technology resources, in addition to FLOCK cameras and drones. Chief Heidler said the department's other technology resources include body cameras, police vehicles equipped with cameras, and an updated records management system.

Councilman McCall spoke in favor of the resolution. While he supports the resolution, he does not want the crime plan to cause strain on the relationship between law enforcement and the community. He said he's spoken with the Mayor, City Manager, and Police Chief and they have assured him that they will work diligently to address any potential concerns and issues. While he's in support of the crime plan, if the strain between law enforcement and the community becomes too great, he will be opposed to the plan. He said we can build a safer city without sacrificing the trust or unity in the community. This resolution has the potential to make a real difference in addressing crime and improving the safety of the community.

Councilwoman NeSmith-Jackson asked Councilman McCall if his concerns are in reference to the Community Policing Team. Councilman McCall said he grew up in a community where there was an emphasis on crime. He said he wants to make sure we are conscious when implementing this plan, so that the relationship between law enforcement and the community is not affected. He commended law enforcement for all their work and efforts in the community and said he wants to continue doing the work the right way. He also thanked Mayor Barnes for addressing crime and making it a priority for the city. Councilwoman NeSmith-Jackson asked Councilman McCall if he will be working on the crime plan to make sure his concerns are being addressed. Councilman McCall responded yes and said as long as there continues to be dialogue between the community and law enforcement, this plan should not cause any issues.

Mayor Barnes said this is a working document and is not set in stone. If something is not effective, then it will not be done. Work will continue to be done to make sure the City of Florence is safe.

Mayor Barnes acknowledged Mrs. Allison Carraway, widow of Sergeant Terrence Carraway. Mayor Barnes said renaming Camp F.E.V.E.R. to Camp Carraway is appropriate for his service and dedication to the community. Mrs. Carraway thanked Council for reintroducing Camp F.E.V.E.R. and spoke of Sergeant Carraway's love for the youth in the community.

Council voted unanimously (6-0) in favor of the motion to amend Resolution No. 2024-43.

Council voted unanimously (6-0) to pass Resolution No. 2024-43, as amended. Resolution No. 2024-43 was passed, as amended.

Resolution No. 2024-44

A Resolution to amend a Conditional Grant and Development Agreement for a property located in an overlay district.

Mayor Barnes said this item may be discussed in Executive Session. Without objection, this item will be discussed in Executive Session.



REPORT TO COUNCIL

Appointments to Boards and Commissions

Mayor Barnes said this item may be discussed in Executive Session. Without objection, this item will be discussed in Executive Session.

CITY MANAGER'S REPORT

Mr. Scotty Davis, City Manager, said the Public Engagement Workshop for the Downtown Design Guidelines will be held on Wednesday, December 11th at 5:30pm in Council Chambers. City staff is soliciting public input for the update of downtown design guidelines for the overlay district. A draft will be provided of the updated downtown design guidelines. City staff will be traveling to the Town of Spruce Pine, North Carolina on December 10th to deliver gifts and supplies to employees in the aftermath of Hurricane Helene. The City of Florence adopted the Town of Spruce Pine as a Sister City at the November 18th council meeting. Mr. Davis thanked Pro tem Jebaily for supplying local chocolates and city employees for their support and efforts. The Florence Fire Department will be receiving two engines and one ladder truck. Mr. Davis acknowledged that Councilwoman NeSmith-Jackson has been appointed to serve as the Regional Director for South Carolina for the National Black Caucus of Local Elected Officials.

MAYORAL REPORT

Mayor Barnes spoke of the success of the City-County Christmas Tree Lighting on December 6th. She thanked city staff for all their efforts with coordinating this event.

COMMITTEE REPORTS

Business Development Committee, Chaired by Pro tem Jebaily

Pro tem Jebaily said the committee received an update on the water treatment plant expansion project. The committee discussed the capabilities of the city's chatbot "Cy" and also received updates on stormwater projects, road improvement projects and various other city projects.

Pro tem Jebaily asked Mr. Scotty Davis, City Manager, if the appointments of committee members should take place now. Mr. Davis said it would be best to finish the committee reports and then appoint committee members. Mr. Davis acknowledged that Mayor Barnes has additional committee appointments to include the City-County Conference Committee and the FLATS Committee.

Community Development Committee, Chaired by Councilwoman Barnes

Mayor Barnes said the committee did not meet last month and will not meet this month due to the holiday season. Committee meetings will resume in January.

Finance, Audit and Budget Committee, Chaired by Councilman McCall

Councilman McCall said the committee had a full agenda but was only able to address one agenda item, which was addressed in Executive Session.



**FLORENCE CITY COUNCIL
REGULAR MEETING – DECEMBER 9, 2024**

Councilwoman NeSmith-Jackson asked Council to reconsider the dissolving of the Marketing and Public Relations Committee. She said the committee bridges the gap of communication, trust and transparency between the city and the community and thinks it is in the best interest to keep this committee. Mayor Barnes said this item is not on the agenda and, therefore, cannot be discussed.

Appointments to Council Committees

Pro tem Jebaily made a motion to appoint Mayor Barnes and Councilman Braddock to the Business Development Committee and Mayor Barnes seconded the motion.

Council voted unanimously (6-0) in favor of the motion. The motion was passed.

Mayor Barnes made a motion to appoint Councilman McCall and Councilman Smith to the Community Development Committee and Pro tem Jebaily seconded the motion.

Council voted unanimously (6-0) in favor of the motion. The motion was passed.

Councilman McCall made a motion to appoint Councilman Braddock and Councilman Smith to the Finance, Audit and Budget Committee and Pro tem Jebaily seconded the motion.

Council voted unanimously (6-0) in favor of the motion. The motion was passed.

EXECUTIVE SESSION

Mayor Barnes said Council will be entering into Executive Session for a discussion of matters related to an Economic Development Project, a discussion regarding appointments to Boards and Commissions, and for a personnel matter.

Councilman Smith made a motion to enter into Executive Session and Councilwoman NeSmith-Jackson seconded the motion. Council voted unanimously (6-0) to enter into Executive Session at 2:34pm.

Council resumed open session at 3:07pm and took action on the following items:

Resolution No. 2024-44

A Resolution to amend a Conditional Grant and Development Agreement for a property located in an overlay district.

Councilman McCall made a motion to pass Resolution No. 2024-44 and Pro tem Jebaily seconded the motion.

Council voted unanimously (6-0) in favor of the motion. Resolution No. 2024-44 was passed.

Appointments to Boards and Commissions

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



Accommodations Tax Advisory Committee

Councilwoman NeSmith-Jackson made a motion to appoint Valarie Paul to the Accommodations Tax Advisory Committee and the motion carried unanimously. Valarie Paul was appointed to the Accommodations Tax Advisory Committee for a term to begin immediately and expire on June 30, 2027.

Councilman Smith deferred his nomination to the Board.

Planning Commission

The two nominations to the Board were deferred.

Civic Center Commission

Mayor Barnes made a motion to appoint Victor Webster to the Civic Center Committee and the motion carried unanimously. Victor Webster was appointed to the Civic Center Committee for a term to begin immediately and expire on June 30, 2028.

Councilwoman NeSmith-Jackson deferred her nomination to the Board.

Councilman Smith made a motion to appoint Clara Brockington to the Civic Center Committee and the motion carried unanimously. Clara Brockington was appointed to the Civic Center Committee for a term to begin immediately and expire on June 30, 2028.

Design Review Board

Pro tem Jebaily made a motion to reappoint David Lowe to the Design Review Board and the motion carried unanimously. David Lowe was reappointed to the Design Review Board for a term to begin immediately and expire on June 30, 2028.

Councilman McCall deferred his nomination to the Board.

Construction & Maintenance Board of Adjustments and Appeals

Mayor Barnes deferred all nominations to the Board.

Parks and Beautification Commission

Councilman Smith deferred both of his nominations to the Board.

Veterans Park Committee

Councilman McCall made a motion to appoint Jarvis Eaddy to the Veterans Park Committee and the motion carried unanimously. Jarvis Eaddy was reappointed to the Veterans Park Committee for a term to begin immediately and expire on June 30, 2029.

Mayor Barnes deferred her nomination to the Board.

Council agreed unanimously (6-0) to defer an appointment to Barry Wingard's expired seat.



Resilience & Sustainability Advisory Committee

The two nominations to the Board were deferred.

Public Safety Citizen's Review Board

Councilman McCall made a motion to reappoint Riley Propps to the Public Safety Citizen's Review Board and the motion carried unanimously. Riley Propps was reappointed to the Public Safety Citizen's Review Board for a term to begin immediately and expire on June 30, 2028.

Mayor Barnes made a motion to reappoint David Jones, Jr. to the Public Safety Citizen's Review Board and the motion carried unanimously. David Jones, Jr. was reappointed to the Public Safety Citizen's Review Board for a term to begin immediately and expire on June 30, 2028.

City/County Conference Committee

Mayor Barnes appointed Councilman Braddock, Councilman Smith, and herself to serve on the City-County Conference Committee.

Florence Area Transportation Study (FLATS) Committee

Mayor Barnes appointed Pro tem Jebaily to serve on the FLATS Committee.

Civic Center Commission

Mayor Barnes appointed herself to serve on the Civic Center Commission.

ADJOURN

Without objection, the December 9, 2024 Regular meeting of City Council was adjourned at 3:18pm.

Dated this 13th day of January 2025.

Casey C. Moore, Municipal Clerk

Lethonia Barnes, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: December 9, 2024
AGENDA ITEM: Ordinance
DEPARTMENT/DIVISION: Police Department

I. ISSUE UNDER CONSIDERATION:

Amending Ordinance No. 2024-22 which was presented at the City Council meeting on November 18, 2024. Ordinance No. 2024-22 added provisions to the City Code related to prohibiting ownership or keeping of livestock, wild, or feral animals in Section 3-7.1 and deleted the current definition of “Wild animal” in Section 3-2.

The proposed amendments include: 1) addition of a definition of “Wild animal” in Exhibit B, 2) removal of the word “Feral” in the Ordinance, 3) provision of Unified Development Ordinance exceptions and 4) alteration of the impoundment and euthanization processes by the addition of a reasonableness standard to be applied on a case-by case basis in order to provide law enforcement better direction on how to handle certain situations.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

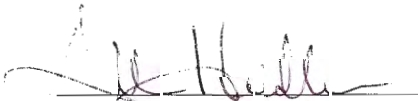
1. Ordinance No. 2024-22 deleted the definition of “Wild animals”.
2. Ordinance No. 2024-22 prohibits a broad range of potentially dangerous animals and provides an all-encompassing definition of “Wild animal”.
3. Ordinance No. 2024-22 provides law enforcement the ability to seize, impound, or humanely euthanize animals while the trial is pending and the proposed amendments will provide better clarity on the proper action law enforcement should take.

III. POINTS TO CONSIDER:

1. City staff had an issue with using the word “Feral” in the ordinance and felt that “Wild animal” was sufficient. The new definition of “Wild animal” is extensive enough to encompass all of the animals that Ordinance No. 2024-22 does not specifically list but is intended to prohibit.
2. Applying a reasonableness standard on a case-by-case basis will allow law enforcement to take into consideration a number of factors when determining if impoundment or euthanization is the proper avenue to take under the circumstances. Such factors include: 1) the degree of aggression such animal exhibits, 2) the level of threat the animal poses to the community, 3) the ability of law enforcement to transport such animal to another location safely, and 4) the animal owner’s willingness to relocate with such animal outside the City limits.
3. This Ordinance does not apply to dogs or cats.

IV. ATTACHMENTS:

1. Ordinance


Allen Heidler
Chief of Police


Scotty Davis
City Manager

ORDINANCE NO. 2024 - _____

AN ORDINANCE TO AMEND ARTICLE I CHAPTER 3 OF THE CITY CODE OF THE CITY OF FLORENCE TO ADD PROVISIONS RELATED TO PROHIBITING OWNERSHIP OR KEEPING OF LIVESTOCK AND WILD ANIMALS AND OTHER MATTERS RELATED THERETO.

WITNESSETH:

WHEREAS, the City of Florence; South Carolina (the “City”) seeks to protect its residents from the harmful ramifications associated with the ownership and keeping of livestock, wild, and dangerous animals;

WHEREAS, the ownership and keeping of livestock, wild, and dangerous animals present foreseeable risks and potential safety hazards within the City; and

WHEREAS, the City Council of the City (“the City Council”) desires to regulate ownership or keeping of livestock, wild, and dangerous animals within the City by adding to the Code of Ordinances within the City (“the Code”) provisions related thereto;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City in meeting duly assembled that:

- a. There is added to Article I Chapter 3 of the Code a Section 3-7.1 entitled “Prohibited Ownership or Keeping of Livestock and Wild Animals,” such section being set forth in the attached Exhibit A.
- b. The definitions of “Feral animal” and “Wild animals” in Section 3-2 of the Code are deleted.
- c. A new definition of “Wild animal” is added to Section 3-2 of the Code, such provision being set forth in the attached Exhibit B.
- c. This Ordinance shall become effective upon its approval and adoption by the City Council of the City.

ADOPTED this __ day of _____, 2024

Approved as to form:

BENJAMIN T. ZEIGLER
CITY ATTORNEY

LETHONIA BARNES
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

EXHIBIT A

Section 3- 7.1 Prohibited Ownership or Keeping of Livestock and Wild Animals

1) The purpose of this ordinance is to ensure the safety, health, and welfare of the citizens of Florence by regulating and prohibiting the ownership and keeping of livestock and wild animals within the City.

Except as allowed in Article 2, Division I-2.8 of the Unified Development Ordinance

2) It shall be unlawful for any person to keep, maintain, or possess within the City any live livestock, including but not limited to the following:

- a) Any Porcine animal, including without limitation swine, pigs, and hogs;
- b) Any Equine animal, including without limitation horses, ponies, mules, and donkeys;
- c) Any Bovine animal, including without limitation cows, buffalo, bulls, calves, sheep, goats, rams, and lambs;
- d) Any Camelid animal, including without limitation camels, llamas, and alpacas.

3) It shall be unlawful for any person to have, keep, maintain, or possess within the City any wild animal, including but not limited to:

- a) Baboons, chimpanzees, gorillas, orangutans, or other non-human primates;
- b) Bears, cheetahs, leopards, lions, tigers, jaguars, pumas, or other large cats (including without limitation Servals);
- c) Wolves, coyotes, foxes, or any hybrids of these species with domestic dogs where the proportion of wild animals exceeds one-eighth;
- d) Crocodylians twelve (12) inches or larger;
- e) Constricting snakes greater than 3 feet, including, but not limited to, reticulated pythons, python reticulatus; Burmese/Indian rock pythons, python molurus; rock pythons, python sebae, and anacondas, eunectes murinus (green anacondas);
- f) Venomous/poisonous reptiles, amphibians, or serpents;
- g) Raccoons, hyenas, badgers, wolverines, skunks, weasels (not to include ferrets);
- h) Porcupines;
- i) Piranhas or other dangerous aquatic species;
- j) Nondomestic members of the family Felidae (cats);
- k) Bats;
- l) Rodents greater than 5 pounds;
- m) Members of the Cervidae family (deer).

Except as allowed in Article 2, Division I-2.8 of the Unified Development Ordinance

4) It shall be unlawful for any person to keep, maintain, or possess within the City any large birds or waterfowl, including but not limited to the following:

- a) Ostriches;
- b) Emus;
- c) Rheas;
- d) Cassowaries;
- e) Peafowl (peacocks and peahens);
- f) Swans;
- g) Geese;
- h) Ducks;
- i) Herons;
- j) Cranes;
- k) Roosters;
- l) Penguins.

5) The following persons and entities may be exempt from the prohibitions outlined in subsections 2, 3, and 4, provided such entities are licensed by the City and all other applicable governmental or regulatory bodies, and provide to the satisfaction of the City evidence of appropriate containment and supervision:

- a) Zoos;
- b) Circuses or traveling attractions;
- c) Wildlife rehabilitation centers, including without limitation veterinarian, animal medical centers, and humane societies;
- d) Educational institutions;
- e) Licensed research facilities;
- f) Pet stores and agricultural supply stores, provided that the keeping and sale of any wild animals listed in subsection (3) above must be expressly approved by the City.

6) Any person found in violation of this ordinance shall be subject to fines, penalties, or both, as prescribed in Section 1-7 of the Code. Each day of violation constitutes a separate offense.

7) If a law enforcement agent or animal control officer has probable cause to believe that any of the aforementioned animals are being harbored or housed in violation of this section, the agent or officer may seize, impound, or humanely euthanize the animal while the trial is pending. A reasonableness standard shall be applied on a case-by-case basis by such agent or officer in determining if impoundment or euthanization is appropriate under the circumstances. Factors to take into account include, but are not limited to, the level of aggression such animal exhibits, the level of threat to the community, the ability of an agent or officer to transport such animal to another location safely, and such animal owner's willingness to relocate and establish new residence with such animal outside the City limits. If an agent or officer determines that euthanization is appropriate under the circumstances, any such euthanization may only be by order of the municipal court after not less than 5 days written notice to the owner of the animal in question, if any, to appear and contest such proposed euthanization. If said owner does not appear to contest such proposed euthanization, or if the owner appears and the municipal court orders such euthanization, such euthanization may proceed subject to the owner's right of appeal pursuant to Section 6-11 of this Code.

8) The provisions of this Section 3-7.1 shall be in addition to and not in lieu of Section 3-11 of this Code.

EXHIBIT B

Wild animal:

- 1) Any animal of wild nature or exotic disposition;
- 2) Any animal which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having a known propensity as a species to do so;
- 2) This definition shall not apply to dogs (*Canis lupus familiaris*) and cats (*Felis catus*).

FLORENCE CITY COUNCIL MEETING

DATE: December 9, 2024

AGENDA ITEM: Ordinance to Annex and Zone 2501 Alligator Road, TMN 00125-01-004.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request to annex Tax Map Number 00125-01-004 into the City of Florence and assign it the zoning designation of RG-3 (Residential General-3). The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On November 12, 2024, the Planning Commission held a public hearing regarding the annexation of this 101 acre parcel and voted unanimously, 5-0, to recommend the zoning designation of RG-3.

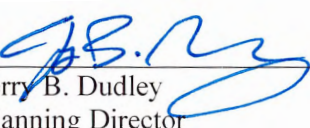
III. POINTS TO CONSIDER:

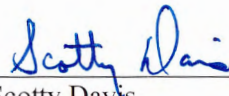
- (1) The property is intended to be developed as a single-family residential subdivision.
- (2) City water service is available. Sewer service is not available. The developer is required to extend sewer service to the property for development.
- (3) A Public Hearing for zoning was held at the November 12, 2024 Planning Commission meeting.
- (4) City staff recommends annexation and concurs with Planning Commission's recommendation to zone the property Residential General – 3 (RG-3).

IV. PERSONAL NOTES:

V. ATTACHMENTS:

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


Jerry B. Dudley
Planning Director


Scotty Davis
City Manager

ORDINANCE NO. 2024-_____

AN ORDINANCE TO ANNEX AND ZONE RG-3 THE PARCEL LOCATED AT 2501 ALLIGATOR ROAD, TMN 00125-01-004.

WHEREAS, a Public Hearing was held in the Council Chambers November 12, 2024 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by C.R. Jackson Inc., owner of TMN 00125-01-004, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated into the City limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and given the zoning district classification of **RG-3**:

The property requesting annexation is shown more specifically on Florence County Tax Map 00125, block 01, parcel 004 (101.721343 acres).

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

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

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

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

ADOPTED THIS _____ DAY OF _____, 2024

Approved as to form:

Benjamin T. Zeigler,
City Attorney

Lethonia Barnes,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

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: 00125-01-004
3. Annexation is being sought for the following purposes: Residential Subdivision
4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

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

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

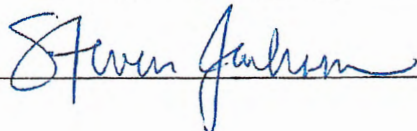
APPLICANT (S) (Please print or type):

Name(s): Steven Jackson

Address: 100 Independence Blvd. Columbia, SC 29210

Telephone Numbers: 803-750-6070 [work] _____ [home]

Email Address: sjackson@crjackson.com

Signature  Date 10/17/2024

| | |
|--|----------------------|
| Certification as to ownership on the date of petition: | FOR OFFICAL USE ONLY |
| Date <u>10/21/24</u> | <u>A3</u> |

FLORENCE CITY COUNCIL MEETING

DATE: January 13, 2025

AGENDA ITEM: An Ordinance to annex and zone Light Industrial (IL) 1228 North Cashua Drive, TMN 00122-01-040.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at 1228 North Cashua Drive, Tax Map Number 00122-01-040, into the City of Florence and assign it the zoning designation of Light Industrial (IL). The request is being made by the property owners.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On December 10, 2024, the City of Florence Planning Commission held a public hearing on this matter and voted unanimously, 9-0, to recommend the zoning designation of Light Industrial.

III. POINTS TO CONSIDER:

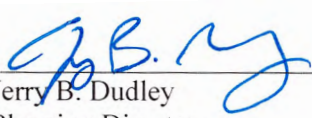
- (1) City water and sewer services are currently available; there is no cost to extend utilities.
- (2) A Public Hearing for zoning was held at the December 10, 2024 Planning Commission meeting.
- (3) The owner requests the zoning designation of Light Industrial. Light Industry is defined in the *Unified Development Ordinance* to mean uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside. For illustrative purposes, light industry uses include:
 - a. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
 - b. Offices of general contractors, specialty subcontractors, or tradesmen which include:
 - i. Bay door access to indoor storage of tools, parts, and materials;
 - ii. Parking of commercial vehicles; or
 - iii. Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than 12 feet in height.
 - c. Communications facilities, except wireless telecommunications facilities;
 - d. Data centers, server farms, telephone exchange buildings, and telecom hotels;
 - e. Food production and packaging other than meat and seafood processing and restaurants;
 - f. Furniture making or refinishing;
 - g. Manufacture of textiles or apparel;

- h. Screen printing of apparel;
 - i. Printing and publishing, except copy centers (which are commercial and personal services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are heavy industry);
 - j. Research and development, scientific testing, and product testing;
 - k. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
 - l. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
 - m. Packaging of products.
- (4) Land uses of adjacent parcels include recreational facilities, a church, railroad tracks, equipment rentals, a wholesale beverage distributor, and a variety of auto sales and service establishments.

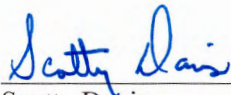
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Vicinity Map
- C) Annexation Petitions



Jerry B. Dudley
Planning Director



Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

**AN ORDINANCE TO ANNEX AND ZONE LIGHT INDUSTRIAL
1228 NORTH CASHUA DRIVE, TMN 00122-01-040.**

WHEREAS, a Public Hearing was held in the Council Chambers on December 10, 2024 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by Philip A. Andrews, Virginia A. Ward, and Norman C. Andrews, owners of TMN 00122-01-040, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the City limits of the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina and given the zoning district classification of Light Industrial:

The property requesting annexation is shown more specifically on Florence County Tax Map 00122, block 01, parcel 040 (44.348955 acres).

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 in 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 _____, 2025

Approved as to form:

Benjamin T. Zeigler,
City Attorney

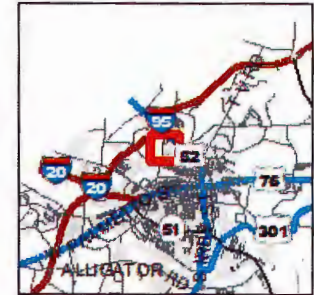
Lethonia Barnes,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

PC-2024-27

Vicinity Map - 1228 North Cashua Drive

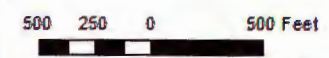


Legend

-  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: 10/11/2024

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

PETITION FOR ANNEXATION

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

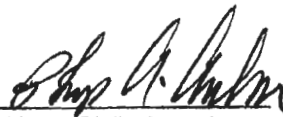
The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
2. That the petitioner(s) desires to annex the property more particularly described below:
1228 N. Cashua Dr., Florence
Florence County Tax Map 00122-01-040
3. Annexation is being sought for the following purposes:
to combine with Parcel 00147-01-023
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> </u> |
| Total 18 and Over | <u> </u> |
| Total Registered to Vote | <u> </u> |

Date 8-19-2024


Petitioner: Philip A. Andrews

Date _____

Petitioner

| | |
|--|-----------------------|
| Certification as to ownership on the date of petition: | FOR OFFICIAL USE ONLY |
| Date <u>10/8/24</u> | <u>az</u> |

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:
1228 N. Cashua Dr., Florence
Florence County Tax Map 00122-01-040
- 3. Annexation is being sought for the following purposes:
To combine with parcel 00147-01-023
- 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 | _____ |
| Total 18 and Over | _____ |
| Total Registered to Vote | _____ |

Date 8-20-2024

Virginia A. Ward
Petitioner: Virginia A. Ward

Date _____

Petitioner _____

| | |
|--|----------------------|
| Certification as to ownership on the date of petition: | FOR OFFICAL USE ONLY |
| Date <u>10/8/24</u> | <u>AB</u> |

Notary Name: *Carol Hetler*
 County: *Bexar*
 Expiration: *11 December 2024*



STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

PETITION FOR ANNEXATION

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

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

1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
2. That the petitioner(s) desires to annex the property more particularly described below:
1228 N. Cashua Dr., Florence
Florence County Tax Map 00122-01-040
3. Annexion is being sought for the following purposes:
To Combine with parcel 00147-01-023
4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

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

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

Date 8-19-2024

Norman Curtis Andrews
Petitioner: Norman Curtis Andrews
(by Philip A. Andrews as P.R.)

Date _____

Petitioner

| | |
|--|-----------------------|
| Certification as to ownership on the date of petition: | FOR OFFICIAL USE ONLY |
| Date <u>10/8/24</u> | <u>AB</u> |

FLORENCE CITY COUNCIL MEETING

DATE: January 13, 2025

AGENDA ITEM: Ordinance to Rezone from CG and DS to IL a portion of a parcel located along Jennie O'Bryan Avenue, TMN 00147-01-023.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request to rezone from Commercial General (CG) and Destination/Select Use (DS) to Light Industrial (IL) a portion of a parcel located along Jennie O'Bryan Avenue, said property being specifically designated in the Florence County Tax Records as Tax Map Number 00147-01-023. The request is being made by the property owner, Floyd Family Properties, LLC.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On December 10, 2024, the City of Florence Planning Commission voted unanimously (9-0) to approve the zoning designation of Light Industrial for the portions of the parcel indicated on the attached Location Map.

III. POINTS TO CONSIDER:

- (1) The portion of the property on the north side of Jennie O'Bryan is currently zoned Commercial General (CG); the portion on the southeast side along the railroad tracks and West Lucas Street is zoned Destination/Select Use (DS). These zoning designations permit most commercial uses.
- (2) The owner requests the zoning designation of Light Industrial. Light Industry is defined in the *Unified Development Ordinance* to mean uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside. For illustrative purposes, light industry uses include:
 - a. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
 - b. Offices of general contractors, specialty subcontractors, or tradesmen which include:
 - i. Bay door access to indoor storage of tools, parts, and materials;
 - ii. Parking of commercial vehicles; or
 - iii. Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than 12 feet in height.
 - c. Communications facilities, except wireless telecommunications facilities;
 - d. Data centers, server farms, telephone exchange buildings, and telecom hotels;
 - e. Food production and packaging other than meat and seafood processing and restaurants;
 - f. Furniture making or refinishing;
 - g. Manufacture of textiles or apparel;
 - h. Screen printing of apparel;
 - i. Printing and publishing, except copy centers (which are commercial and personal services),

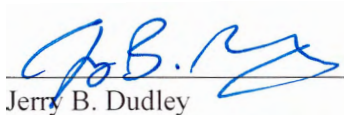
and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are heavy industry);

- j. Research and development, scientific testing, and product testing;
 - k. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
 - l. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
 - m. Packaging of products.
- (3) Land uses of adjacent parcels include recreational facilities, a church, railroad tracks, equipment rentals, a wholesale beverage distributor, and a variety of auto sales and service establishments.
- (4) Section 6-21.7.12 of the *Unified Development Ordinance* requires that within 14 days, City Council shall:
- a. Approve the zone change by ordinance;
 - b. Approve the zone change by ordinance with modifications;
 - c. Deny the zone change; or
 - d. Refer the zone change back to the Planning Commission, the Director, to a committee of Council, or an ad hoc committee for further consideration.

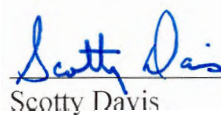
IV. PERSONAL NOTES:

V. ATTACHMENTS:

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



Jerry B. Dudley
Planning Director



Scotty Davis
City Manager

ORDINANCE NO. 2025-_____

AN ORDINANCE TO REZONE A PORTION OF THE PROPERTY ALONG JENNIE O'BRYAN AVENUE IDENTIFIED AS TAX MAP NUMBER 00147-01-023 FROM COMMERCIAL GENERAL AND DESTINATION/SELECT USE ZONING DISTRICT TO LIGHT INDUSTRIAL ZONING DISTRICT:

WHEREAS, a Public Hearing was held in City Council Chambers on December 10, 2024 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Floyd Family Properties LLC made application to rezone a portion of the lot from Commercial General and Destination/Select Use to Light Industrial Zoning District;

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence for the aforesaid property to Light Industrial;

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 _____, 2025

Approved as to form:

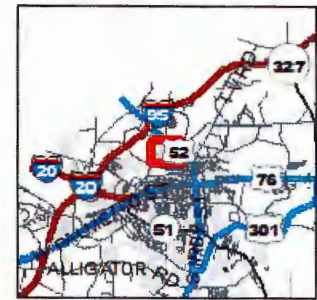
Benjamin T. Zeigler,
City Attorney

Lethonia Barnes,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

Location Map - Jennie O'Bryan Boulevard



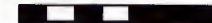
Legend

- City Limits
- Parcels
- Proposed Parcel



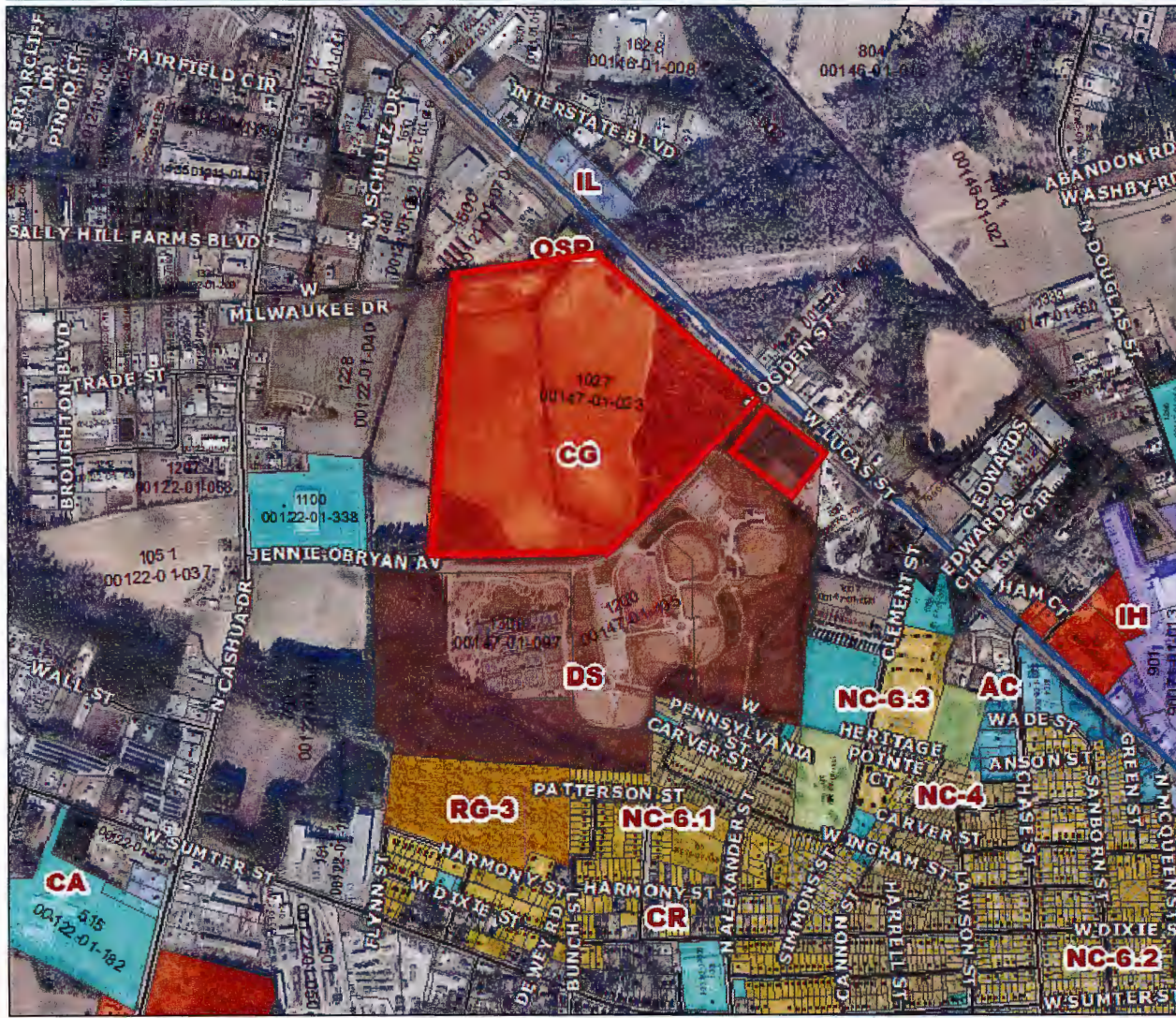
DISCLAIMER:
 The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field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

3000 1500 0 3000 Feet



Date: 12/16/2024

Zoning Map - Jennie O'Bryan Avenue



Legend

- Parcels
- Zoning District**
- Agricultural and Open Space Districts**
- OSR
- Residential Districts**
- RG-3
- PD
- Neighborhood Conservation Sub-Districts**
- NC-6.1
- NC-6.2
- NC-6.3
- NC-4
- Business and Commercial Districts**
- CR
- CA
- CG
- Mixed-Use Districts**
- AC
- DS
- Industrial Zoning Districts**
- IL
- IH
- Proposed Parcel

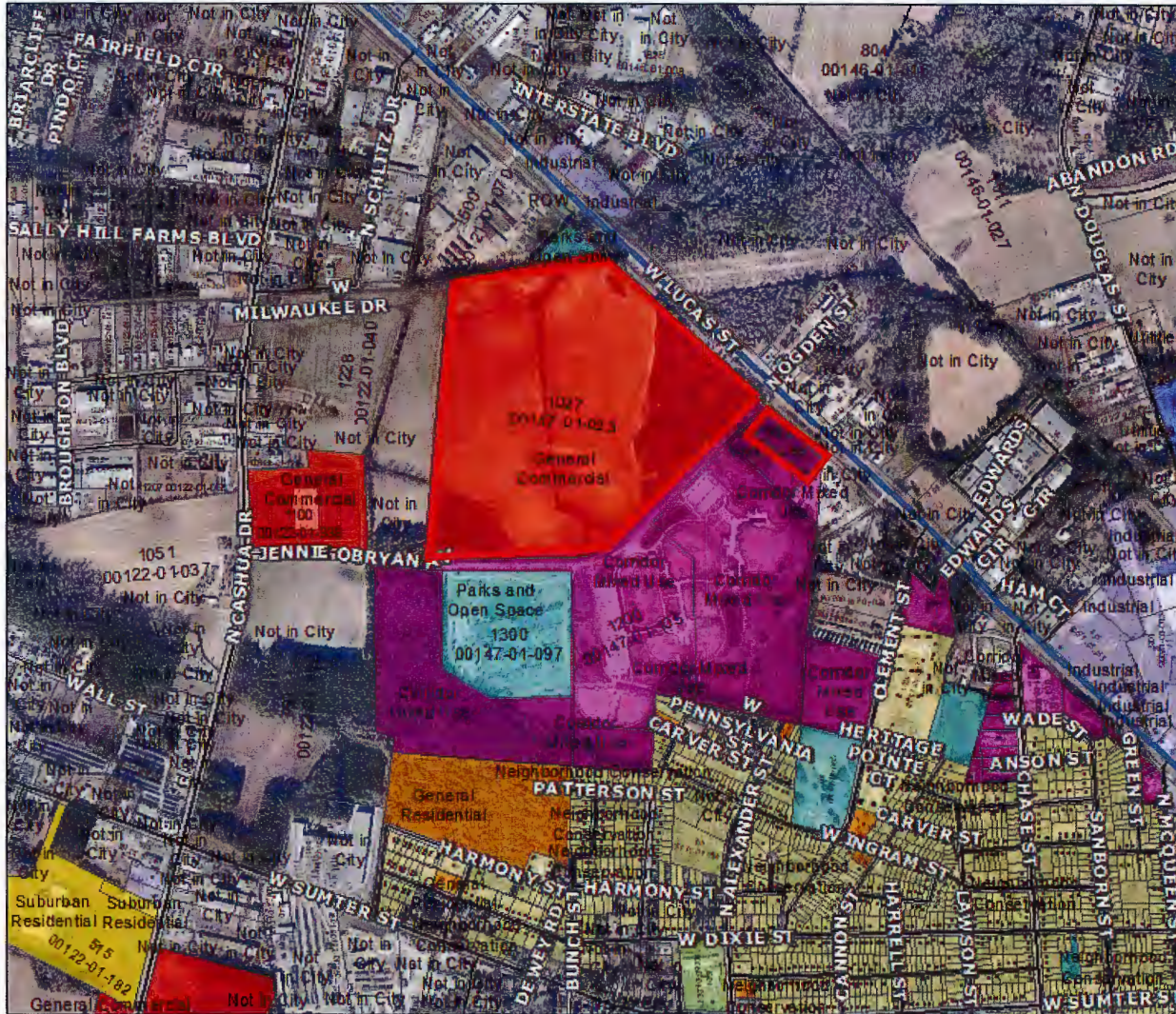
FLORENCE
SOUTH CAROLINA

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.

3000 1500 0 3000 Feet

Date: 12/19/2024

Future Land Use Map - Jennie O'Bryan Avenue



Legend

Parcels

Proposed Parcel

Future Land Use and Character 2023

FLU_1

- Parks and Open Space
- Suburban Residential
- General Residential
- Urban Residential
- Neighborhood Conservation
- Suburban Commercial
- General Commercial
- Corridor Mixed Use
- Urban Downtown
- Suburban Campuses
- Industrial
- Utilities

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.

3000 1500 0 3000 Feet



Date: 12/18/2024

Proposed Zoning Map - Jennie O'Bryan Avenue



Legend

- Parcels
- Zoning District
- Agricultural and Open Space Districts
 - OSR
- Residential Districts
 - RG-3
 - PD
- Neighborhood Conservation Sub-Districts
 - NC-6.1
 - NC-6.2
 - NC-6.3
 - NC-4
- Business and Commercial Districts
 - CR
 - CA
 - CG
- Mixed-Use Districts
 - AC
 - DS
- Industrial Zoning Districts
 - IL
 - IH
- Proposed Parcel

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.

3000 1500 0 3000 Feet

Date: 12/16/2024

FLORENCE CITY COUNCIL MEETING

DATE: January 13, 2025

AGENDA ITEM: An Ordinance to amend Chapter 4 of the Code of Ordinances of the City of Florence entitled “Buildings, Construction and related activities”, to establish Article XV. “Vacant and Abandoned Residential, Commercial and Industrial building registration”.

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

I. ISSUE UNDER CONSIDERATION:

II. An Ordinance to amend Chapter 4 of the Code of Ordinances of the City of Florence entitled “Buildings, Construction and related activities”, to establish Article XV. “Vacant and Abandoned Residential, Commercial and Industrial building registration”.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:


1. No current or previous action has occurred.

III. POINTS TO CONSIDER:

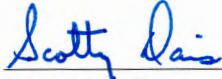
1. As established within multiple sections of the City of Florence Comprehensive Plan, stabilization and reinvestment within our neighborhoods and commercial areas is a key initiative in making Florence more attractive for new investments and protecting the community for our residents.
2. This ordinance will require owners to register vacant and abandoned buildings within municipal limits where the owner is not pursuing stabilization, renovation, rehabilitation, or marketing the sale of the property.
3. It is the purpose of this code to establish procedures for identification and registration of vacant and/or abandoned residential, commercial and industrial buildings; determining the responsibilities of owners of vacant and/or abandoned residential, commercial and industrial buildings; and providing for administration, enforcement, and penalties.

IV. ATTACHMENTS:

1. Proposed Ordinance



Clint Moore
Assistant City Manager



Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF FLORENCE ENTITLED "BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES", TO ESTABLISH ARTICLE XV. "VACANT AND ABANDONED RESIDENTIAL, COMMERCIAL AND INDUSTRIAL BUILDING REGISTRATION".

WITNESETH

WHEREAS, the City of Florence is committed in advancing its efforts, as recommended within the Comprehensive Plan, to ensure the health, safety, and welfare of the residents of the City of Florence; and

WHEREAS, the City of Florence will establish a registration for all vacant and abandoned buildings, including residential, commercial, and industrial; and

WHEREAS, the City of Florence has the unique role to make Florence more attractive for investment and must first undertake efforts to stabilize and improve the integrity of our neighborhoods and commercial areas; and

WHEREAS, this ordinance will provide the City the authority to assist in the remedy of vacant and abandoned buildings that are impacting the community; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Florence in meeting duly assembled that:

- a. City Code Sections 4-970 through 4-982 of Chapter 4, Article VIII, are hereby adopted and such language prescribed on Exhibit A attached hereto is hereby incorporated into said section in form thereof.
- b. This Ordinance shall become effective upon its approval and adoption by the City Council of the City of Florence.

ADOPTED this ____ day of _____, 2025

Approved as to form:

BENJAMIN T. ZEIGLER
CITY ATTORNEY

LETHONIA BARNES
MAYOR

ATTEST:

CASEY MOORE
MUNICIPAL CLERK

EXHIBIT A

Article XV. Vacant and Abandoned Residential, Commercial and Industrial Building Registration

Sec. 4-970. - Definitions.

It is the purpose of the provisions of this code to establish procedures for identification and registration of vacant and/or abandoned residential, commercial and industrial buildings; determining the responsibilities of owners of vacant and/or abandoned residential, commercial and industrial buildings; and providing for administration, enforcement, and penalties.

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

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

Multifamily building: means a building that includes three or more dwelling units, which is not designed as townhomes or multiplex buildings. Multifamily also means two or more residential units that are located on the upper floors of a mixed-use building. For the purposes of this article a multifamily building shall follow the requirements of a commercial building.

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

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

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

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

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

Residential building: means a building that is established for residential occupancy. For purposes of this article, the term "residential building" may be a single-family detached dwelling unit(s), single-family attached dwelling unit(s), duplex, townhouse, and multi-unit structures used for residential purposes.

Secure: a building or portion of a building is closed or locked for entry by normal means other than boarding.

Unoccupied: A building which is not being used for legal occupancy.

Vacant Building: Any residential, commercial or industrial structure built for occupancy of residential, commercial or industrial uses that is unoccupied for more than sixty (60) days.

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

Sec.4-971. - Vacant Building Categorical Classification Standards.

The following classification standards apply to a building or a portion of a building:

1. Category I. No current code violations on the structure or the premises.
 - a) The building is secure, not boarded.
 - b) The building is structurally sound with no code violations.
 - c) The premises is maintained in compliance with Section 4, Article VIII. Property Maintenance Code of the City of Florence.
2. Category II. Minimal code violations.
 - a) The building is secure and boarded in compliance with Section 4, Article VIII. Property Maintenance Code of the City of Florence.
 - b) The building is structurally sound with minor code violations.
3. Category III. Severe code violations.
 - a) The building is harboring feces of bats, rodents, birds, or other vermin such as but not limited to droppings, parasites, fungus, harmful bacteria, unsanitary conditions and hazardous odors detrimental to the life, health and safety of the public.
 - b) Structural deficiencies are evident.
 - c) History of criminal activity.
 - d) Illegally occupied.

Sec.4-972. – Registration of vacant and/or abandoned residential, commercial and industrial buildings.

1. Except as provided in Section 4-972(2) below, all vacant buildings shall be registered with the Code Enforcement Department within forty-five (45) days of becoming vacant as defined in Section 4-970 of this ordinance. Registration is valid for twelve (12) months and must be renewed annually from date the building became vacant.
2. Buildings are exempt from registration upon notification that one or more of the items below are applicable to the property:
 - a. Buildings that are actively being marketed for sale or rent. Must be maintained to minimum code for the duration on the market. The property shall be listed on a multiple listing service (MLS) information, an equivalent service provider similar to the MLS or published advertisements offering the property on the market up to one (1) year, longer by appeal to the City Manager or it's appointee;
 - b. Buildings that are actively being renovated and have an active building permit with the City of Florence.
 - c. Buildings that serve as a primary residence in which the owner is away for an extended period of time for work, vacation, military or medical reason. Building and property must be maintained to minimum code;
 - d. Buildings that fall under the classification of Category I, as defined within Section 4-971 of this code.

- e. Government owned buildings; and/or
 - f. Buildings that are structurally deficient that have been ordered by the city to be demolished and removed, in which the owner has provided consent to the city to demolish, and the city has accepted the consent. Liens are to be placed against the property to cover the cost of demolition pursuant to Section 4, Article 1 of the City of Florence Code of Ordinances.
3. If the building is vacant at the expiration of any registration period, the owner shall re-register such building and pay the applicable annual registration.
4. The owner registering a vacant building shall supply the following information on an authorized form provided by the Code Enforcement Department:
 - a. Name, address, and telephone number of the owner;
 - b. Name, address and telephone number of any responsible party, if applicable;
 - c. Name, address and telephone number of any local agent or representative of the owner, required if the owner's residence or business address is more than forty-five (45) miles from vacant building;
 - d. Name, address and telephone number of all persons with any legal interest in the property, building or premises including mortgagees and successors in interest;
 - e. Legal description and tax parcel identification number of the premises on which the building is situated;
 - f. The common address of the building;
 - g. Date on which the building became vacant along with any supporting documentation; and
 - h. Vacant building plan in accordance with Section 4-973.
5. Following the registration of the vacant building, the City of Florence Building Department representative and/or other authorized representative(s) shall conduct a complete inspection of the property and premises to determine any code violations or nuisances and report such findings to the Code Enforcement Division in order to verify the vacant building category.
 - a. A status report will be provided to the owner of the building with the findings and current condition of the property.
 - b. It will include any found violations and assign a category to the building.
6. All vacant buildings must remain secure and/or boarded in accordance with Section 4, Article 1 of the City of Florence Code of Ordinances as adopted and amended by the City of Florence City Council. Notwithstanding any provision of this code it shall be unlawful for any person to cover the window or door openings of any building with any material other than materials conforming with the provisions of the latest edition of the International Building Code, Property Maintenance Code and related codes as approved and amended by the South Carolina Building Codes Council without first obtaining a City of Florence building permit and/or approval from the City of Florence Design Review Board for buildings located within the designated Overlay Districts.
7. Owner shall post "No Trespass" placards on the premises.
8. Vacant building owners must designate a responsible local representative ("agent") if their place of residence or business is more than forty-five (45) miles from the vacant building. The responsible local representative shall act as agent for the property owner for purposes of accepting legal service; however, the vacant building owner remains personally liable in criminal prosecutions for code violations. The responsible local representative must be available at the number listed at all times in the event of an emergency.

1. **Sec. 4-973. – Vacant Building Plan.** When a building is registered as required by this article, the owner shall submit, or cause to be submitted, for approval a vacant building plan. The plan shall contain the following:
 - a. The reasonably expected period of vacancy;
 - b. A plan to make the building ready for occupancy with sufficient detail regarding the proposed repair and/or rehabilitation of the building to enable the City of Florence authorized representative(s) to determine the adequacy of such plan;
 - c. A notarized letter of written consent by the owner allowing city officials to enter and inspect the premises for the period in which the vacant building plan is in effect;
 - d. For buildings or structures which are identified as being or containing public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisances;
 - e. For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and/or rehabilitation and schedule for completion of repair and/or rehabilitation for each building or structure identified nuisance;
 - f. When the owner proposes to occupy, sell, lease or demolish the vacant building, then the owner shall submit a plan and time schedule for such action; and
 - g. A plan of action to secure, monitor and maintain the building and premises thereof in conformance with the provisions of this section.
2. If the property is subject to a vacant building plan and the plan has been properly approved by city officials, the transferee is subject to the terms of the vacant building plan. The transferee may apply to the city to be released from the requirements of the vacant building plan.
3. Donation of the premises to the jurisdiction. In the event the owner elects to donate the premises in lieu of the Vacant Building Plan, such donation may be made to the jurisdiction upon review and approval by the City Manager. The City of Florence shall obtain ownership and clear title to the property within 90 days, unless otherwise directed by the City Manager, or the Codes Enforcement Officer shall proceed with the action outlined within Section 4-975 of this ordinance.

Sec. 4-974. - Vacant Building Fees.

1. Annual registration fees are based on the number of years that a building has been vacant (after the effective date of this section). All fees are due at the time of registration or renewal. The fees are as follows for all structures:
 - a. Initial registration: \$250.
 - b. First annual renewal: \$500.
 - c. Second annual renewal: \$750.
 - d. Third annual renewal: \$1,000.
 - e. Each year thereafter is: \$1,250.
2. An annual compliance inspection fee of fifty dollars (\$50) is required on all vacant buildings. The fee shall be paid at the time of registration.
3. Upon determination of a vacant building that hasn't been registered in accordance with this section, additional penalties may apply in addition to the fees due at time of registration or renewal in accordance to Section 4-975.
4. Delinquent registration fees shall be applied as a lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly applied for an appeal pursuant to Section 4-978, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the city, and the city may commence a civil action to collect the unpaid debt.
5. If a vacant building becomes occupied within sixty (60) days following an annual registration date and remains occupied for at least six (6) months, the owner of the vacant building can appeal to

have the most recent annual registration fee refunded. This excludes any fees from penalties, initial registration, or compliance inspections.

Sec. 4-975. - Enforcement and penalties.

1. Upon determination that a vacant building owner has failed to register or update information in accordance with this section, an administrative penalty of five hundred dollars (\$500) in addition to the registration fee will be assessed if not in compliance within thirty (30) days after notice.
2. Failure by the owner to submit a vacant building plan or comply with a vacant building plan that has been approved by the city under this section or pay the fees as required under this section is a violation of the code and may be remedied by any of the following:
 - a. An administrative penalty of five hundred dollars (\$500); or
 - b. Acquisition of the property by eminent domain in accordance with state law.

Sec. 4-976. – Notice and Method of Service.

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

Sec. 4-977. – Appeal.

1. Any person directly affected by a decision or notice issued under this article shall have the right to appeal to the Construction Maintenance Board of Adjustment and Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. The time to appeal shall be extended for ten (10) days if an informal conference with the Codes Enforcement official has been requested and scheduled within the initial twenty (20) day period.
2. An application for the appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.
3. The membership, term of members, quorum, appeal procedure, and decisions of the Construction Maintenance Board of Adjustment and Appeals shall be in accordance with Chapter 4, Article 2 of the City of Florence Code of Ordinances.
4. The Codes Enforcement officer shall provide notice of the final decision within five (5) days of the date of the decision.

5. In the event the determination by the Codes Enforcement officer that the structure is vacant and/or abandoned or any part thereof is upheld on appeal, the Construction Maintenance Board of Adjustment and Appeals shall provide the owner a determined amount of time to cure the violation.
6. In the event the owner fails to cure after losing the appeal, the public officer shall proceed with the actions outlined within Section 4-976 of this section.

Sec. 4-978. – Criminal Penalties.

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

Sec. 4-979. – Release of liability of responsible representative.

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

Sec. 4-980. - Severability.

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

Sec. 4-981. - Existing rights unaffected.

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

Sec. 4-982. - Effective date.

The provisions of this section shall become effective July 1st, 2025.

Sec. 4-983 – 4-999. Reserved

FLORENCE CITY COUNCIL MEETING

DATE: January 13, 2025

AGENDA ITEM: An Ordinance finding certain dwellings exist that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents, or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering such dwellings unsafe, insanitary, or dangerous, and other matters relating thereto including, without limitation, the enforcement of proceedings pertaining dwellings deemed unfit.

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

I. ISSUE UNDER CONSIDERATION:

An Ordinance finding certain dwellings exist that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents, or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering such dwellings unsafe, insanitary, or dangerous, and other matters relating thereto including, without limitation, the enforcement of proceedings pertaining dwellings deemed unfit.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. No current or previous action has occurred.

III. POINTS TO CONSIDER:

1. In support of the goals and initiatives outlined within the Comprehensive Plan, specifically the section addressing Housing and Neighborhoods, this ordinance will provide the regulation needed to address the structures within municipal limits that is uninhabitable and a blight on our community.
2. By addressing structures that are not fit for human habitation, contribute to blight within our communities, and increase health and human safety concerns, the City of Florence will be able to implement actions to protect the health, safety, and welfare of the residents.
3. Section 31-15-20 of the South Carolina Code of Laws of 1976, as amended (the "South Carolina Code") confers authority upon the City to adopt subsequent ordinances affecting and exercise its police power in relation to the Unfit Dwelling within the City's jurisdictional limits, all as more particularly described in Section 31-15-30 of the South Carolina Code

IV. ATTACHMENTS:

1. Proposed Ordinance



Clint Moore
Assistant City Manager



Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

AN ORDINANCE FINDING CERTAIN DWELLINGS EXIST THAT ARE UNFIT FOR HUMAN HABITATION DUE TO DILAPIDATION; DEFECTS INCREASING THE HAZARDS OF FIRE, ACCIDENTS, OR OTHER CALAMITIES; LACK OF VENTILATION, LIGHT, OR SANITARY FACILITIES; OR OTHER CONDITIONS RENDERING SUCH DWELLINGS UNSAFE, INSANITARY, OR DANGEROUS, AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, THE ENFORCEMENT OF PROCEEDINGS PERTAINING DWELLINGS DEEMED UNFIT.

WITNESETH

WHEREAS, various parcels of real property along with improvements thereon exist in The City of Florence (the "City") that, due to the lack of maintenance, passage of time, or other such external factors, are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the City (collectively, "Unfit Dwellings");

WHEREAS, upon the adoption of an ordinance finding that such Unfit Dwellings exist in its jurisdictional limits, Section 31-15-20 of the South Carolina Code of Laws of 1976, as amended (the "South Carolina Code") confers authority upon the City to adopt subsequent ordinances affecting and exercise its police power in relation to the Unfit Dwelling within the City's jurisdictional limits, all as more particularly described in Section 31-15-30 of the South Carolina Code; and

WHEREAS, the City Council of the City ("City Council") desires to adopt the instant ordinance in accordance with and in satisfaction of the provisions of Section 31-15-30 of the South Carolina Code to make a finding that such Unfit Dwellings of the conditions described in Section 31-15-20 of the South Carolina Code exist in the City's jurisdictional limits (this "Ordinance"), the language of this Ordinance to be added to and incorporated into the Code of Ordinances of the City (the "City Code") in such form prescribed herein as *Sections 4-413 through 4-437 of Chapter 4, Article VIII*.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Florence in meeting duly assembled that:

- a. City Code Sections 4-413 through 4-437 of Chapter 4, Article VIII, are hereby adopted and such language prescribed on **Exhibit A** attached hereto is hereby incorporated into said section in form thereof.

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

ADOPTED this _____ day of _____, 2025

Approved as to form:

BENJAMIN T. ZEIGLER
CITY ATTORNEY

LETHONIA BARNES
MAYOR

ATTEST:

CASEY MOORE
MUNICIPAL CLERK

EXHIBIT A

SECTION 1 – UNFIT DWELLINGS GENERALLY

Sec. 4-413. – Dwellings Unfit for Human Habitation.

In accordance with § 31-15-20 of the South Carolina Code of Laws of 1976, as amended, the city hereby finds that there exists in its jurisdictional limits dwellings which are unfit for human habitation due to (a) dilapidation, (b) defects increasing the hazards of fire, accidents or other calamities, (c) lack of ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of such municipality. The city desires to exercise its police powers to repair, close or demolish any such dwellings.

Reference is hereby made to Sec. 4-411 through 4-412 such that the city hereby reaffirms the adoption of that certain code known as the International Property Maintenance Code, as promulgated and as most recently adopted by the South Carolina Building Codes Council, along with the corresponding Administrative Chapter 1 and any amendments thereto promulgated by Sec. 4-412 (collectively, the “International Property Maintenance Code”), such that the International Property Maintenance Code shall govern except where the provisions of Sections 4-413 through 4-436 explicitly dictate otherwise or provide specific exceptions or modifications. In any case where there is a conflict between Sections 4-412 through 4-436 and the International Property Maintenance Code, the provisions of Sections 4-412 through 4-436 shall prevail. Sections 4-412 through 4-436 are intended to complement the International Property Maintenance Code, ensuring that local requirements are met while maintaining the standards set forth by the International Property Maintenance Code.

Sec. 4-414. – Definitions.

The following words and terms wherever used and referred to in this article shall have the following respective meanings for the purpose of the article, unless a different meaning clearly appears in the context:

Authorized officer. The term “authorized officer” shall mean the public safety and housing officer or their designee.

Dwelling. The word “dwelling” shall mean any building, structure or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Governing body. The term “governing body” shall mean the City Council of the City of Florence.

Municipality. The word “municipality” shall mean the City of Florence.

Occupant. The word “occupant” shall mean any person(s) living and sleeping, either or both, in a dwelling or rooming unit.

Owner. The “owner” shall mean the holder of the title in fee simple and every mortgagee of record.

Parties in interest. The term “parties in interest” shall mean all individuals, associations, corporations and others who have interest of record in a dwelling and any who are in possession thereof.

Public authority. The term “public authority” shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city or the state relating to health, fire, building regulations, or to other activities concerning dwellings in the city.

Public officer. The term “public officer” shall mean the public safety and housing officer, as designated by the City Manager, who is authorized by this article to exercise the power prescribed by this article and by §§ 31-15-10 through 31-15-120 of the South Carolina Code of Laws of 1976, as amended.

Reasonable cost. The term “reasonable cost” shall mean the repair, alteration or improvement of the dwelling to make it fit for human habitation, such that, the cost to make said repairs be under 50% of the value of the building as determined by the most recent assessed value by the Tax Assessor.

Unsafe equipment. The term “unsafe equipment” shall mean any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the dwelling which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or dwelling.

Unsafe dwelling. The term “unsafe dwelling” shall mean a dwelling that is found to be dangerous to the life, health, property or safety of the public or the occupants of the dwelling by not providing the minimum safeguards to protect or warn occupants in the event of fire, or because such dwelling contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Where terms are not defined in this article and are defined in the International Property Maintenance Code or any applicable building code(s) adopted by the state, they shall have the meanings ascribed to them in such materials.

Where terms are not defined under the provisions of this article; or the International Property Maintenance Code; or any applicable building code(s) adopted by the state, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

Sec. 4-415. Construction of article.

Nothing in this article shall be construed to abrogate or impair the powers of the court or of any department of the city to enforce any provisions of its chapter or its ordinances or regulations, nor to prevent or to punish violations thereof; and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other ordinance or law.

Sec. 4-416. Designated public safety and housing officer.

The chief building official or other public official as designated by the city manager shall be the public safety and housing officer. The fact that the designated person might also serve the city in some other capacity shall not, in itself, disqualify that person from otherwise serving as the public

safety and housing officer. It shall be the duty and responsibility of the public safety and housing officer to enforce the provisions of this article.

Sec. 4-417. Powers and duties of public safety and housing officer.

The public safety and housing officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others hereinbefore and hereinafter granted:

- (1) To investigate the dwelling conditions in the city in order to determine which dwellings t herein are unfit for human habitation;
- (2) To administer oaths, affirmations, examine witnesses, and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this article; and
- (5) To delegate any of his functions and powers under this article to such officer and agents as he may designate.

Sec. 4-418. Funds for examination and investigation; examination, investigations and enforcement; appropriations, grants and donations.

The city council shall prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and accept and apply grants or donations to assist it in carrying out the provisions of this article.

Sec. 4-419. Failure to comply with lawful notice or order.

It shall be unlawful for the owner of any dwelling unit unfit for human habitation under the provisions of this article to fail to comply with any notice or order to repair, vacate or demolish such dwelling issued by any person authorized by this article to issue such notice or order.

Sec. 4-420. Injuring, removing, or defacing posted notices.

It shall be unlawful for any person to remove or deface any notice posted on any dwelling by any authorized officer under the terms of this article.

Sec. 4-421. Receipt of rental payments after expiration of time limit in notice or order.

It shall be unlawful for any person, individually or as the representative of any person, to demand or receive rent payments after the expiration of any time limit set forth in any notice or order issued by the public safety and housing officer for any period during which a dwelling has been declared unfit for human habitation.

Sec. 4-422. Interference with enforcement of article.

- (a) It shall be unlawful for any person, individually or as the representative of any person, to interfere in any way with the enforcement of any of terms or provisions of this article.

- (b) It shall be unlawful for any person, individually or as the representative of any person, to cause a reduction in services or utilities, to increase rents or cause rents to be increased, in retaliation for any tenant's reporting of a violation of this article.
- (c) It shall be unlawful for any person, individually or as the representative or agent of any person, to allow a vacant dwelling which has been declared unfit for human habitation to be used or occupied during any period in which the public safety and housing officer has found such vacant dwelling to be unfit for human habitation and of which notice is given to the owner or his agent.
- (d) It shall be unlawful for any person, individually or as the representative of any person, to evict or cause to be evicted any inhabitant or tenant in retaliation for reporting a violation of this article to the public safety and housing officer or any other public authorities.
- (e) It shall be unlawful for any person to enter a dwelling unit which has been declared unfit for human habitation except for the purpose of making the required repairs or demolishing such structure.

Sec. 4-423. Damaging facilities in unfit dwellings.

It shall be unlawful for any person individual, or as the representative of any person, to damage, mutilate or remove, or cause to be damaged, mutilated or removed, any of the facilities in a dwelling, as referred to in this article or the code adopted by this article.

Sec. 4-424. – Violations.

It shall be unlawful for any person, individually or as the representative of any person, to violate any of the terms or provisions of this article.

SECTION 2 - DETERMINING HABITABILITY OF DWELLING STRUCTURES

Sec. 4-425. Minimum standards, generally.

- (a) A dwelling shall be determined to be unfit for human occupancy whenever it is found that such dwelling is to be an unsafe dwelling, or unlawful, or because of the degree to which the dwelling is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment or features required by the International Property Maintenance Code (or such amendments thereto, if applicable, prescribed by Section 4-412 of this article), or because the location of the dwelling constitutes a hazard to the occupants of the dwelling or to the public.
- (b) At a minimum, all dwelling structures shall have:
 - (1) Access to a code compliant exit from the building and every room used for sleeping;
 - (2) Fresh water from a South Carolina Department of Health and Environmental Control approved well or from a public water system supplied to the individual building through an onsite water meter;

- (3) On-site sanitary waste disposal provided by a South Carolina Department of Health and Environmental Control approved septic system or from an approved private or public wastewater system;
- (4) Electricity from the public utility company provided through an on-site electric meter or a city-approved alternative power source;
- (5) An approved source of heat from October 1st through May 1st that maintains a minimum temperature within the building set forth within the International Property Maintenance Code; and
- (6) A lock for all exterior doors.
- (7) Any violation related to the habitability of the structure as defined within City of Florence Codes and Ordinances, the International Property Maintenance Code (IPMC), the Fair Housing Act, and the South Carolina Residential Landlord and Tenant Act.

Sec. 4-426. Complaint of building unfit for human habitation; notice of hearing thereon.

Whenever a petition is filed with the public safety and housing officer by a public authority or by at least five (5) residents of the city charging that any dwelling is unfit for human habitation or whenever it appears to the public safety and housing officer (on his own motion) that any dwelling is unfit for human habitation, the public safety and housing officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public safety and housing officer (or his designated agent) at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of such complaint.

Sec. 4-427. Right to answer.

The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public safety and housing officer.

Sec. 4-428. Determination of unfitness for human habitation; order to repair, alter, improve or demolish.

If, after notice and hearing, as provided for in Section 4-426, the public safety and housing officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

- (1) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

- (2) If the repair, alteration or improvement of such dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

Sec. 4-429. Repair , vacate or closing of building when owner fails to comply with order; posting of placard indicating that building is closed.

If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, as provided in Section 4-428, the public safety and housing officer may cause such dwelling to be repaired, altered, or improved or to be vacated and closed; and the public safety and housing officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.

Sec. 4-430. Removal or demolition of building when owner fails to comply with order.

If the owner fails to comply with an order to remove or demolish the dwelling, as provided in Section 4-428, the public safety and housing officer may cause such dwelling to be removed or demolished.

Sec. 4-431. Cost of demolition or repair as lien; sale of material upon demolition of building; council's powers to declare nuisance.

The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal and demolition by the public safety and housing officer, under Sections 4-428 and 4-429 shall be a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the public safety and housing officer, the public safety and housing officer must make determination of any materials within the property is of value. If it is determined that any material is of value he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal and demolition and any balance remaining shall be deposited in the circuit court by the public safety and housing officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court; provided, however, that nothing in this article shall be construed to impair or limit in any way the power of the city council to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

Sec. 4-432. Service of complaints and orders; posting of copy of complaint or order; copy of complaint or order to be filed with clerk of county; effect of such filing as lis pendens.

Complaints or orders issued by the public safety and housing officer pursuant to this article shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public safety and housing officer in the exercise of reasonable diligence, and the public safety and housing officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. In addition to publication, a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the county and the county register of deeds office, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

Sec. 4-433. Appeal

- (a) Any person directly affected by a decision or notice of the public safety and housing officer issued under this article shall have the right to appeal to the Construction Maintenance Board of Adjustment and Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. The time to appeal shall be extended for ten (10) days if an informal conference with the Public Officer has been requested and scheduled within the initial twenty (20) day period.
- (b) An application for the appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.
- (c) The membership, term of members, quorum, appeal procedure, and decisions of the Construction Maintenance Board of Adjustment and Appeals shall be in accordance with Chapter 4, Article 2 of the City of Florence Code of Ordinances.
- (d) The public safety and housing officer shall provide notice of the final decision within five (5) days of the date of the decision.
- (e) In the event the notice of violation or any part thereof is upheld on appeal, the Construction Maintenance Board of Adjustment and Appeals shall provide the owner a determined amount of time to cure the violation.
- (f) In the event the owner fails to cure after losing the appeal, the public officer shall proceed with the actions outlined within Section 4-428 thru Section 4-431 of this ordinance.

Sec. 4-434. Injunctive relief against public officer; damages not to flow from order of public safety and housing committee.

- (a) Any person affected by an order issued by the public safety and housing officer or by the Construction Maintenance Board of Adjustment and Appeals may petition the circuit court for an injunction restraining the public safety and housing officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the public safety and housing officer pending the final disposition of the case, provided, however, that within sixty (60) days after the posting and service of the order of the public safety and housing officer such persons shall petition such court. Hearings shall be had by the court on such petitions within twenty (20) days or as soon thereafter as possible.
- (b) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public safety and housing officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public safety and housing officer shall be entitled to recover any damages for action taken pursuant to any order of the public safety and housing officer, or because of compliance by the chief building official, the director of code enforcement, or the fire chief with any order of the public safety and housing officer.

Sec. 4-435. Immunity of enforcement personnel from liability.

Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of this article shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. No person who institutes, or assists in the prosecution of, a criminal proceeding under this article shall be liable to damages hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this article, shall be defended by the legal representative of the municipality until the final determination of proceedings therein.

Sec. 4-436. Article provisions are cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, or to prevent or punish violations thereof and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

Sec. 4-437. Severability.

It is declared the intent of city council that the sections, subsections, paragraphs, sentences, clauses and phrases of this article are severable; and if any such provision shall be declared unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, it shall not affect the validity or enforceability of any remaining provisions of this article, and it is the intent of city council that such provisions shall continue in full force and affect.

Sec. 4-438-480. Reserved.

FLORENCE CITY COUNCIL MEETING

Resolution No.
2025-01

DATE: January 13, 2025

AGENDA ITEM: Resolution to rename South Park to Jebaily Park, located on West Jebaily Circle, TMN 90041-07-002.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A Resolution to rename South Park for John and Sylvia Jebaily, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 90041-07-002.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On December 10, 2024, the City of Florence Planning Commission held a public hearing on this matter and voted 9-0 to recommend that South Park be named in honor of John and Sylvia Jebaily.

III. POINTS TO CONSIDER:

- (1) John A. Jebaily (1914-2007) was born in Brooklyn, NY and was the youngest of 14 siblings. His family, originally from Aleppo, Syria, had migrated to the US in the early 1900s, and John was the only sibling born in the US. He studied at the New York School of Fashion and Design and later worked for Wentworth Manufacturing Company, a manufacturer of women's clothing.
- (2) Sylvia Lutfy Jebaily (1918-2015) was born in New York, NY to a family whose ancestry was from Zahle, Lebanon. She was the oldest of four siblings. John and Sylvia were married in 1940, settled in Brooklyn, and became parents to five sons: Ron, Jerry, Joe, John, and George.
- (3) In 1961, John was initially temporarily transferred by Wentworth Manufacturing Company to work in the pattern department of their Lake City, SC plant. Thereafter, in 1963, John was asked to permanently transfer, and the family relocated to Florence, where John and Sylvia, and the entire Jebaily family, became established members of the Florence community. Both attended St. Anthony Catholic Church and were dedicated volunteers at the Florence Little Theater. For over 37 years, the couple put their talents to work designing and making costumes for countless productions at the Theater. They received the Florence Little Theater Outstanding Service Award, and the costume room at the Theater is named in their honor. Both also served in numerous church, civic, and arts organizations throughout the Florence community.
- (4) In the early 1970s, a high-density development was proposed for the existing site of South Park. John and Sylvia, who resided with their family in one of the adjacent homes, led a grassroots neighborhood fundraising effort to purchase the property, which included a substantial financial contribution from them. Once the purchase price fundraising was in hand, the City of Florence agreed to then acquire the property and create the park that is there

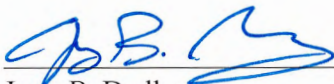
today. This is a great example of a successful community-based effort and was a proud moment for the Jebaily family.

- (5) Since John and Sylvia's passing, the home has been demolished; and, the land (approximately ½ acre) has been donated to the City and is incorporated into the park.

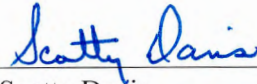
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Resolution
- B) Location Map



Jerry B. Dudley
Planning Director



Scotty Davis
City Manager

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

RESOLUTION NO. 2025-01

A Resolution to Rename South Park to “Jebaily Park.”

WHEREAS, John and Sylvia Jebaily were esteemed members of the Florence community, having relocated from New York to Florence in 1963 as part of John’s work with Wentworth Manufacturing Company; and

WHEREAS, John and Sylvia Jebaily were deeply involved in the Florence community, contributing to the St. Anthony Catholic Church, the Florence Little Theater, and numerous civic, church, and arts organizations; and

WHEREAS, South Park is a 3.9-acre public green space located in the Tarleton Estates neighborhood; and

WHEREAS, in the early 1970s, John and Sylvia led a grassroots neighborhood fundraising effort to prevent high-density development on the site of South Park, contributing significantly to the purchase price of the property, which was later acquired by the City of Florence to create the park; and

WHEREAS, the Jebaily’s family home, previously located adjacent to the park, was donated to the City and incorporated into the park, enriching the cherished community green space; and

WHEREAS, renaming South Park to “Jebaily Park” will honor the legacy of John and Sylvia Jebaily, who exemplified community leadership, dedication, and generosity.

NOW, THEREFORE, BE IT RESOLVED, hereby the City Council of the City of Florence, South Carolina, that South Park shall be renamed “Jebaily Park” in recognition of the remarkable contributions of John and Sylvia Jebaily to the City of Florence.

AND IT IS SO RESOLVED, this 13th day of January 2025.

APPROVED AS TO FORM:

BENJAMIN T. ZEIGLER
CITY ATTORNEY

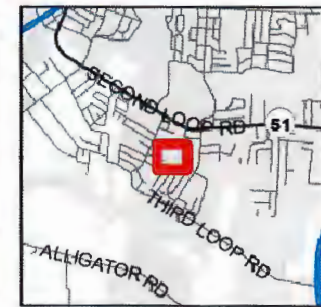
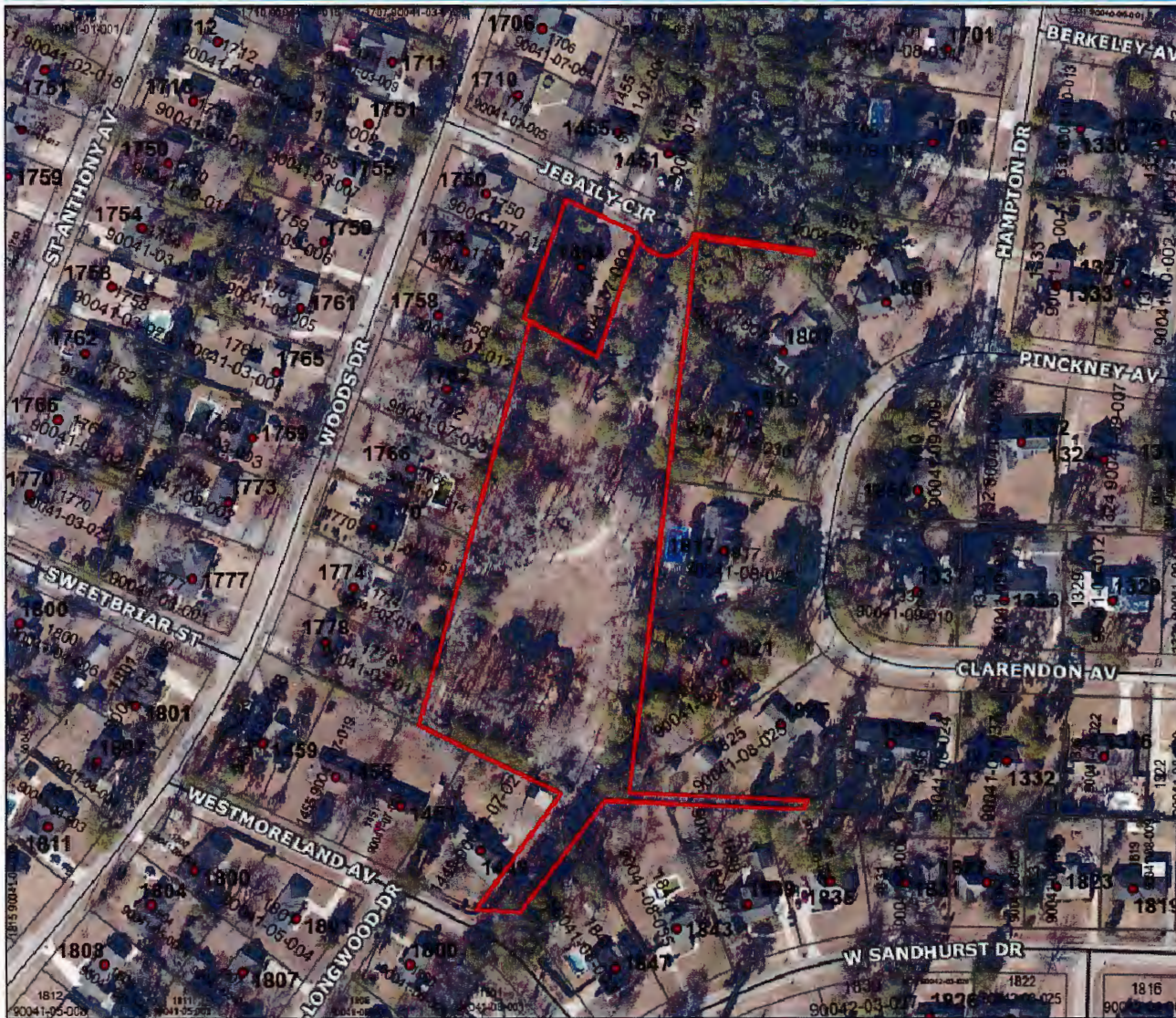
LETHONIA BARNES
MAYOR

ATTEST:



CASEY C. MOORE
MUNICIPAL CLERK

PC 2024-32

Location Map - South Park



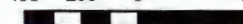
Legend

-  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.

400 200 0 400 Feet



Date: 1/7/2025

FLORENCE CITY COUNCIL MEETING

DATE: January 13, 2025

AGENDA ITEM: Resolution to name Northwest Park for Mordecai C. Johnson, located at 801 Clement Street, TMN 00147-01-065.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A Resolution to rename Northwest Park to the Mordecai C. Johnson Park, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00147-01-065.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On December 10, 2024, the City of Florence Planning Commission held a public hearing on this matter and voted 9-0 to defer a vote on the name change to allow the Northwest Community Group to meet to discuss the naming.
- (2) On December 30, 2024, the Northwest Community Group met to discuss the proposed name change of Northwest Park.

III. POINTS TO CONSIDER:

- (1) Currently known as Northwest Park, this 8.38 acre public space is located on Clement Street in the historic West Florence Community. It has a community center, basketball courts, a baseball field, picnic shelter, and playground.
- (2) Mordecai C. Johnson Sr. (1931-1994) was born in Effingham, South Carolina, graduated from Wilson High School at the age of 14, and went on to receive his Bachelor of Laws from Howard University and his Master of Laws from George Washington University.
- (3) Mr. Johnson's work as an attorney ranged from cases in the State of South Carolina to cases heard before the Supreme Court of the United States. He was the first African-American lawyer in the Department of Health, Education and Welfare, and he worked as an attorney-advisor with the U.S. Commission on Civil Rights. In 1967, he directed a project to increase employment opportunities for Black people in the textile industry in South Carolina known as TEAM - Textiles: Employment and Advancement for Minorities. Mr. Johnson conducted work for the NAACP and would provide pro bono work for the public good.
- (4) Mr. Johnson also worked as a public school teacher in Dorchester County and Marlboro County and taught college level courses at Francis Marion University and the University of South Carolina.
- (5) In 1977, he became the first African-American since reconstruction to hold a seat on the Florence City Council. Mr. Johnson served District I from 1977 to 1981.
- (6) In 1987 he became the first African-American representative in the House of Delegates of the South Carolina Bar representing the 12th Judicial Circuit of South Carolina.

(7) Mr. Johnson was married to Navonia Allen Johnson and had two daughters and two sons. He was a member of Savannah Grove Baptist Church where he served as church attorney, historian, trustee, choir director, and Sunday school teacher.

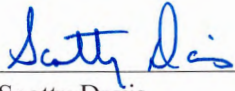
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Resolution
- B) Location Map



Jeffrey B. Dudley
Planning Director



Scotty Davis
City Manager

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

RESOLUTION NO. 2025-02

A Resolution to Rename Northwest Park to the “Mordecai C. Johnson Park.”

WHEREAS, Northwest Park is located in the historic West Florence Community and is a cherished community resource; and

WHEREAS, Mordecai C. Johnson, Sr. was born in Effingham, South Carolina, graduated from Wilson High School at the age of 14, and pursued higher education, earning a Bachelor of Laws from Howard University and Master of Laws from George Washington University; and

WHEREAS, Mr. Johnson’s remarkable career as an attorney included representing clients in cases ranging from the State of South Carolina to the Supreme Court of the United States. He was the first African-American lawyer in the Department of Health, Education, and Welfare and served as an attorney-advisor for the U.S. Commission on Civil Rights. His dedication to justice was further exemplified through his work with the NAACP and his pro bono contributions to the public good; and

WHEREAS, in 1967, Mr. Johnson spearheaded a groundbreaking initiative called TEAM (Textiles: Employment and Advancement for Minorities), which significantly increased employment opportunities for black people in South Carolina’s textile industry; and

WHEREAS, Mr. Johnson made history as the first African-American since Reconstruction to serve on the Florence City Council, representing District 1 from 1977 to 1981, and later as the first African-American representative in the House of Delegates of the South Carolina Bar for the 12th Judicial Circuit in 1987; and

WHEREAS, naming Northwest Park in honor of Mordecai C. Johnson will commemorate his legacy and serve as an enduring reminder of his profound contributions to the fields of law, education, civil rights, and community service.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Florence, South Carolina, that Northwest Park shall be renamed to the “Mordecai C. Johnson Park” in recognition of Mr. Johnson’s dedicated service to the community.

AND IT IS SO RESOLVED, this 13th day of January 2025.

APPROVED AS TO FORM:

BENJAMIN T. ZEIGLER
CITY ATTORNEY

LETHONIA BARNES
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

