

K. G. "Rusty" Smith, Jr.
District #1

Ken Ard
District #2

Alphonso Bradley
District #3

Mitchell Kirby
District #4

Johnnie D. Rodgers, Jr.
District #5

Russell W. Culberson
District #6

Waymon Mumford
District #7

James T. Schofield
District #8

H. Morris Anderson
District #9

AGENDA
FLORENCE COUNTY COUNCIL
REGULAR MEETING
COUNTY COUNCIL CHAMBERS, ROOM 803
180 NORTH IRBY STREET
FLORENCE, SOUTH CAROLINA
THURSDAY, MAY 1, 2008
9:00 A. M.

-
- I. **CALL TO ORDER:** K. G. RUSTY SMITH, JR., CHAIRMAN
- II. **INVOCATION:** H. MORRIS ANDERSON, SECRETARY/CHAPLAIN
- III. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG:**
WAYMON MUMFORD, VICE CHAIRMAN
- IV. **WELCOME:** K. G. RUSTY SMITH, JR., CHAIRMAN

- V. **MINUTES:**
- MINUTES OF THE APRIL 17, 2008 REGULAR MEETING** [1]
- Council is requested to approve the Minutes of the April 17, 2008 regular meeting of County Council.

- VI. **PUBLIC HEARINGS:** [9]

Council will hold public hearings on the following items to receive public comment:

- A. **ORDINANCE NO. 20-2007/08**
An Ordinance Amending Florence County Code Chapter 6 – Animals And Fowl, In Its Entirety To Clarify Animal Care And Control Regulations.
- B. **ORDINANCE NO. 28-2007/08**
An Ordinance To Amend Ordinance No. 31-2006/07 To Provide For Compensation Of Members Of The Board Of Fire Control For A Rural Volunteer Fire District And Other Matters Relating Thereto.

C. ORDINANCE NO. 29-2007/08

An Ordinance To Establish The Florence County Cultural Commission; Provide For The Composition And Appointment Of The Commission; Establish The Effective Date For Such Appointments; And Other Matters Relating Thereto.

VII. APPEARANCES:

CHRIS GOSSETT, P.E. – SC DOT

[10]

Chris Gossett, P.E. with SC DOT will present the Hwy. 378 widening scope for consideration; a Florence County Forward Project, funded by the One Cent Capital Project Sales Tax and the State Infrastructure Board.

VIII. COMMITTEE REPORTS:

(Items assigned to the Committees in italics. Revisions by Committee Chair requested.)

Administration & Finance

(Council members K. G. “Rusty” Smith, Jr./Chair, Russell W. Culberson, Waymon Mumford and James T. Schofield)

Public Services & County Planning

(Council members James T. Schofield/Chair, Mitchell Kirby, and Ken Ard)

January 18, 2007

Special Exceptions

County facilities

January 17, 2008

Ordinance No. 18-2007/08 (amend the Zoning Ordinance)

Justice & Public Safety

(Council members Waymon Mumford/Chair, Johnnie D. Rodgers, Jr. and Al Bradley)

June 7, 2007

Litter Enforcement

Education, Recreation, Health & Welfare

(Council members H. Morris Anderson/Chair, Johnnie D. Rodgers, Jr., and Al Bradley)

Agriculture, Forestry, Military Affairs & Intergovernmental Relations
(Council members Russell W. Culberson/Chair, Morris Anderson and Ken Ard)

Ad Hoc Water Study Committee
(Council members Ken Ard/Chair, Mitchell Kirby, Russell W. Culberson, and Johnnie D. Rodgers, Jr.)

IX. PROCLAMATIONS:

OLDER AMERICANS MONTH [12]
A Proclamation Declaring the Month of May, 2008 as Older Americans Month; urging citizens to honor older adults and the professionals, family members, and citizens who care for them.

X. RESOLUTIONS:

No Resolutions were presented on or before publication.

XI. ORDINANCES IN POSITION:

A. THIRD READING

ORDINANCE NO. 27-2007/08 [17]
An Ordinance To Amend Florence County Land Development And Subdivision Ordinance No. 38-2006/07, Article VI, Section 6.25 (D), Lots, To Amend The Requirement For Septic Percolation Tests And Permits To Exempt Estate Settlements And Life Estates.

B. SECOND READING

1. **ORDINANCE NO. 20-2007/08** (Public hearing) [20]
An Ordinance Amending Florence County Code Chapter 6 – Animals And Fowl, In Its Entirety To Clarify Animal Care And Control Regulations.

2. **ORDINANCE NO. 28-2007/08** (Public Hearing) [35]
An Ordinance To Amend Ordinance No. 31-2006/07 To Provide For Compensation Of Members Of The Board Of Fire Control For A Rural Volunteer Fire District And Other Matters Relating Thereto.

3. **ORDINANCE NO. 29-2007/08 (Public Hearing)** [38]
An Ordinance To Establish The Florence County Cultural Commission; Provide For The Composition And Appointment Of The Commission; Establish The Effective Date For Such Appointments; And Other Matters Relating Thereto.

C. INTRODUCTION

1. **ORDINANCE NO. 30-2007/08** [44]
An Ordinance To Repeal The Appendices of the 2003 International Building Code, The 2003 International Plumbing Code, The 2003 International Mechanical Code, The International Fire Code, The 2003 International Energy Conservation Code, The 2002 National Electrical Code, The 2003 International Residential Code, And The 2003 International Fuel Gas Code And To Adopt Chapter I – Administration Of The 2006 International Building Code Of Chapter 7 - Article II, Division 1 Of The Code Of Ordinances Of Florence County.
2. **ORDINANCE NO. 01-2008/09 (By Title Only)** [49]
An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2008 And Ending June 30, 2009; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; To Establish and Collect a Local Hospitality Tax In Florence County; And To Provide For Other Matters Related Thereto.

XII. APPOINTMENTS TO BOARDS & COMMISSIONS: [51]

BOARDS AND COMMISSIONS LIST

A list of current and approaching vacancies for 2008 on Boards and Commissions was previously provided to Council.

XIII. REPORTS TO COUNCIL:

A. ADMINISTRATION

1. **INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA)** [52]
(Item for the Record Only)
The ICMA recognizes the County of Florence under the Council-Administrator form of Government; this recognition is the formal acknowledgement by the membership and Executive Board of the ICMA.

2. **PROPERTY EXCHANGE AGREEMENT** [57]
Authorize the County Administrator to execute an Agreement for Exchange of Property between Florence County and the City of Florence.

3. **RURAL DEVELOPMENT ACT FUNDS - REALLOCATION OF FUNDS** [60]
Approve the PDEC request for up to \$50,000 of the RDA funds to be allocated for qualified infrastructure improvements for public improvements in the Pee Dee Regional Commerce Center, award the contract for professional engineering services to Davis & Brown for an estimated \$3,800; and authorize the County Administrator to execute all associated documents.

B. EMERGENCY MANAGEMENT

- SCHOOL DISTRICT NO. 1** [63]
Authorize the County Administrator to execute a Lease Agreement with Florence County School District No. 1 for the rental of space on the roof of the City-County Complex for placement of UHF repeater, antenna and related communications equipment at a rental rate of \$60.00 per month.

XIV. OTHER BUSINESS:

A. INFRASTRUCTURE FUND

- CITY-COUNTY STADIUM COMMISSION** [68]
Approve the expenditure of funds from Council Districts 6 and 7 Infrastructure funding allocations in an amount up to \$7,500.00 (\$3,750.00 from each district) for capital improvements to American Legion Field.

B. ROAD SYSTEM MAINTENANCE FEE (RSMF) FUND

- ARMORY/POLLING LOCATION** [73]
Approve the expenditure of Council District 4 RSMF funding allocation in an amount up to \$939.60 for 15 tons of asphalt to patch near the Armory/polling location in District 4.

XV. EXECUTIVE SESSION:

Pursuant to Section 30-4-70 of the South Carolina Code of Laws 1976, as amended.

- Real property transactions pending
- Legal matters related to a road project (SCDOT)
- Pending contractual matters concerning an economic development project

XVI. INACTIVE AGENDA:

ORDINANCE NO. 18-2007/08

At its regular meeting of January 17, 2008 Council unanimously voted to refer this Ordinance to the Committee on Public Service & County Planning. An Ordinance To Amend The Zoning Ordinance Of Florence County Section 2.5-Table III, Section 3.21, Section 5.2-Table VIII, Section 7.6 And Section 7.7 For Setbacks, Text Errors, Accessory Structure Rules And Commercial And Industrial Property Access.

(Planning Commission approved 9 – 0.)

XVII. ADJOURN:

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Minutes

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council is requested to approve the minutes of the April 17, 2008 regular meeting of County Council.

OPTIONS:

1. Approve minutes as presented.
2. Provide additional directive, should revisions be necessary.

ATTACHMENTS:

Copy of proposed Minutes.

DRAFT

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,
THURSDAY, APRIL 17, 2008, 9:00 A.M., COUNCIL CHAMBERS,
ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY ST.,
FLORENCE, SOUTH CAROLINA**

PRESENT:

K. G. "Rusty" Smith, Jr., Chairman
H. Morris Anderson, Secretary-Chaplain
Mitchell Kirby, Council Member
Russell W. Culberson, Council Member
James T. Schofield, Council Member
Alphonso Bradley, Council Member
Richard A. Starks, County Administrator
James C. Rushton, III, County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

Kevin V. Yokim, Finance Director
William H. Hoge, Planning & Building Department Director
Ray McBride, Library Director
Mike Young, Voter Registration/Elections Director
Chuck Tomlinson, Morning News Staff Writer

ABSENT:

Waymon Mumford, Vice-Chairman
Johnnie D. Rodgers, Jr., Council Member
J. Ken Ard, Council Member

A notice of the regular meeting of the Florence County Council appeared in the April 16, 2008 edition of the **MORNING NEWS**. Copies of the agenda were faxed to members of the media and posted in the lobby of the City-County Complex and on the County's website (www.florenceco.org).

Chairman Smith called the meeting to order. Secretary-Chaplain Anderson gave the invocation and Councilman Culberson led the Pledge of Allegiance to the American Flag. Chairman Smith welcomed everyone attending the meeting.

APPROVAL OF MINUTES:

Councilman Kirby made a motion Council approve the minutes of the April 3, 2008 regular meeting of County Council. Councilman Culberson seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

The Clerk published the titles and the Chairman opened public hearings for the following Ordinances:

ORDINANCE NO. 24-2007/08

An Ordinance Accepting The Transfer By The Town Of Pamplico, South Carolina To The Florence County Election Commission Of The Authority To Conduct Municipal General Elections Of The Town Of Pamplico, South Carolina And Authorizing The Execution Of An Agreement Providing For Such Transfer And Other Matters Related Thereto.

ORDINANCE NO. 25-2007/08

An Ordinance Accepting The Transfer By The City Of Florence To The Florence County Election Commission Of The Authority To Conduct The November 4, 2008 General Election And Associated Primaries And Runoffs Of The City Of Florence And Authorizing The Execution Of An Agreement Providing For Such Transfer And Other Matters Related Thereto.

ORDINANCE NO. 26-2007/08

An Ordinance Approving The Entry By Florence County, South Carolina Into A Capital Facilities Refunding And Improvement Lease-Purchase Financing, Series 2008, In The Principal Amount Of Not Exceeding \$25,000,000 And Setting Forth The Terms Upon Which Such Financing May Be Undertaken And The Purposes For Which The Proceeds Of Such Financing May Be Used; Authorizing The Execution And Delivery Of Certain Instruments Relating Thereto, Including A Ground Lease Agreement And A Lease Agreement; Approving The Facilitation Of Such Financing, If Required, By The Florence County Public Facilities Corporation; Approving The Form Of A Trust Agreement Between The Florence County Public Facilities Corporation And A Trustee; Approving The Optional Redemption By Refunding And Prepayment Of Amounts Owed With Respect To The Series 2003 Certificates Of Participation Of The Florence County Public Facilities Corporation; Approving Such Agreements By The County As May Be Required With Respect To The Florence County Public Facilities Corporation, The Redemption Of Said 2003 Certificates Of Participation, And The Aforesaid Lease-Purchase Financing; Approving The Termination Of An Interest Rate Swap Agreement Pursuant To An ISDA Master Agreement And Related Documents Between Florence County And Wachovia Bank, National Association; And Approving Other Matters Relating To The Foregoing.

APPEARANCES:

There were no appearances requested.

COMMITTEE REPORTS:

EDUCATION, RECREATION, HEALTH & WELFARE COMMITTEE

Committee Chairman Anderson stated the Committee on Education, Recreation, Health & Welfare met to discuss the bids received for the animal facility. Councilman Bradley made a motion Council award Invitation-to-Bid #18-07/08 for the construction of the Animal Control Facility to the lowest compliant bidder, Hanco of SC for \$727,910; and authorize the County Administrator to execute all associated documents to proceed. Councilman Anderson seconded the motion, which was approved unanimously.

In addition, Councilman Anderson made a motion that Council move forward with Ordinance No. 20-2007/08 on the May 1st agenda. Councilman Bradley seconded the motion, which was approved unanimously.

PROCLAMATIONS:

NATIONAL VOLUNTEER WEEK

The Clerk published, in its entirety, a Proclamation Declaring the Week of April 27 – May 3, 2008 as National Volunteer Week in Florence County. Councilman Culberson made a motion Council approve the Proclamation. Councilman Anderson seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

ORDINANCE NO. 24-2007/08

Mr. Tommy Phillips signed to speak with regard to Ordinance No. 24-2007/08. Mr. Phillips stated he erroneously signed the sign-in sheet; his intent was to speak with regard to Ordinance No. 25-2007/08.

ORDINANCE NO. 25-2007/08

The following individual spoke with regard to Ordinance No. 25-2007/08:

- Tommy Phillips, Chairman of the Florence County Republican Party

ORDINANCE NO. 26-2007/08

The following individuals spoke with regard to Ordinance No. 26-2007/08:

- Murray Jordan (Mr. Jordan submitted written comments and requested they be made a part of the official record. A copy is attached and incorporated by reference.)
- Walt Ranson

There being no additional signatures on the sign-in sheets, the Chairman closed the public hearing for Ordinance No. 24-2007/08, Ordinance No. 25-2007/08 and Ordinance No. 26-2007/08.

RESOLUTIONS:

None.

ORDINANCES IN POSITION:

ORDINANCE NO. 23-2007/08 – THIRD READING

The Chairman published the title of Ordinance No. 23-2007/08: An Ordinance To Adopt A New Natural Resources Element For The Florence County/Municipal Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510. Councilman Schofield made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 24-2007/08 – THIRD READING

The Chairman published the title of Ordinance No. 24-2007/08: An Ordinance Accepting The Transfer By The Town Of Pamplico, South Carolina To The Florence County Election Commission Of The Authority To Conduct Municipal General Elections Of The Town Of Pamplico, South Carolina And Authorizing The Execution Of An Agreement Providing For Such Transfer And Other Matters Related Thereto. Councilman Anderson made a motion Council approve third reading of the Ordinance. Councilman Bradley seconded the motion, which was approved unanimously.

ORDINANCE NO. 25-2007/08 – THIRD READING

The Chairman published the title of Ordinance No. 25-2007/08: An Ordinance Accepting The Transfer By The City Of Florence To The Florence County Election Commission Of The Authority To Conduct The November 4, 2008 General Election And Associated Primaries And Runoffs Of The City Of Florence And Authorizing The Execution Of An Agreement Providing For Such Transfer And Other Matters Related Thereto. Councilman Anderson made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 26-2007/08 – THIRD READING

The Chairman published the title of Ordinance No. 26-2007/08: An Ordinance Approving The Entry By Florence County, South Carolina Into A Capital Facilities Refunding And Improvement Lease-Purchase Financing, Series 2008, In The Principal Amount Of Not Exceeding \$25,000,000 And Setting Forth The Terms Upon Which Such Financing May Be Undertaken And The Purposes For Which The Proceeds Of Such Financing May Be Used; Authorizing The Execution And Delivery Of Certain Instruments Relating Thereto, Including A Ground Lease Agreement And A Lease Agreement; Approving The Facilitation Of Such Financing, If Required, By The Florence County Public Facilities Corporation; Approving The Form Of A Trust Agreement Between The Florence County Public Facilities Corporation And A Trustee; Approving The Optional Redemption By Refunding And Prepayment Of Amounts Owed With Respect To The Series 2003 Certificates Of Participation Of The Florence County Public Facilities Corporation; Approving Such Agreements By The County As May Be Required With Respect To The Florence County Public Facilities Corporation, The Redemption Of Said 2003

Certificates Of Participation, And The Aforesaid Lease-Purchase Financing; Approving The Termination Of An Interest Rate Swap Agreement Pursuant To An ISDA Master Agreement And Related Documents Between Florence County And Wachovia Bank, National Association; And Approving Other Matters Relating To The Foregoing. Councilman Schofield made a motion Council approve third reading of the Ordinance. Councilman Bradley seconded the motion. Councilman Kirby requested additional information be provided by the Administrator. The County Administrator provided a brief summary of the need for the Refunding of the COP and asked Finance Director Kevin Yokim to provide additional financial information. Mr. Yokim yielded the floor to Mr. Walter Goldsmith with First Southwest, a Financial Advisory Firm who provided additional insight into the need for and benefit of the COP Refunding Issuance. Third reading of the Ordinance was approved unanimously.

ORDINANCE NO. 27-2007/08 – SECOND READING

The Chairman published the title of Ordinance No. 27-2007/08: An Ordinance To Amend Florence County Land Development And Subdivision Ordinance No. 38-2006/07, Article VI, Section 6.25 (D), Lots, To Amend The Requirement For Septic Percolation Tests And Permits To Exempt Estate Settlements and Life Estates. Councilman Culberson made a motion Council approve second reading of the Ordinance. Councilman Schofield seconded the motion, which was approved unanimously.

ORDINANCE NO. 28-2007/08 – INTRODUCTION

The Chairman published the title of Ordinance No. 28-2007/08 and declared the Ordinance introduced: An Ordinance To Amend Ordinance No. 31-2006/07 To Provide For Compensation Of Members Of The Board Of Fire Control For A Rural Volunteer Fire District And Other Matters Relating Thereto.

ORDINANCE NO. 29-2007/08 – INTRODUCTION

The Chairman published the title of Ordinance No. 29-2007/08 and declared the Ordinance introduced by title only: An Ordinance To Establish The Florence County Cultural Commission; Provide For The Composition And Appointment Of The Commission; Establish The Effective Date For Such Appointments; And Other Matters Relating Thereto.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

FLORENCE COUNTY LIBRARY BOARD OF TRUSTEES

Councilman Culberson made a motion Council reappoint the following individuals to serve on the Florence County Library Board of Trustees: Janis Munnerlyn, representing Council District 6 and Julia Mims, representing Council District 1. Councilman Kirby seconded the motion, which was approved unanimously.

REPORTS TO COUNCIL:

PURCHASING AND FACILITIES MANAGEMENT DEPARTMENT

AWARD OF BID #21-07/08

Councilman Anderson made a motion Council Award Bid #21-07/08 to the low responsive bidder, Bliss Products and Services of Columbia, SC for the purchase of a Rubberized Playground Surface for Lynches River Park in the amount of \$17,280; and authorize the County Administrator to execute all associate documents to proceed. Councilman Culberson seconded the motion, which was approved unanimously.

OTHER BUSINESS:

INFRASTRUCTURE

CONVERSE DRIVE

Councilman Culberson made a motion Council approve the expenditure of funds from Council District 8 Infrastructure funding allocations in an amount up to \$1,800.00 for 200 feet of double wall black plastic pipe to deviate run-off from Converse Drive to swamp area, to alleviate erosion to driveway utilized by residents. Councilman Kirby seconded the motion. Councilman Schofield recused himself due to a potential conflict with his business. Motion was approved.

ROAD SYSTEM MAINTENANCE FEE (RSMF) FUND

VANDA DRIVE

Councilman Kirby made a motion Council approve the expenditure of funds from Council District 4 RSMF funding allocations in an amount up to \$12,195.75 for crushed asphalt for Vanda Drive. Councilman Bradley seconded the motion, which was approved unanimously.

DOCK BROACH LANE

Councilman Kirby made a motion Council approve the expenditure of funds from Council District 4 RSMF funding allocations in an amount up to \$7,554.67 for MBC stone and crushed asphalt for Dock Broach Lane. Councilman Culberson seconded the motion, which was approved unanimously.

EXECUTIVE SESSION:

Councilman Kirby made a motion Council enter executive session to discuss real property transactions pending. Councilman Anderson seconded the motion, which was approved unanimously.

Council entered executive session at 9:45 a.m. Council reconvened at 9:59 a.m.

There being no further business to come before Council, Councilman Culberson made a motion to adjourn. Councilman Anderson seconded the motion, which was approved unanimously.

COUNCIL MEETING ADJOURNED AT 10:00 A.M.

**H. MORRIS ANDERSON
SECRETARY-CHAPLAIN**

**CONNIE Y. HASELDEN
CLERK TO COUNTY COUNCIL**

DRAFT

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Public Hearings

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council will hold public hearings to receive public comment with regard to the following:

ORDINANCE NO. 20-2007/08

An Ordinance Amending Florence County Code Chapter 6 – Animals And Fowl, In Its Entirety To Clarify Animal Care And Control Regulations.

ORDINANCE NO. 28-2007/08

An Ordinance To Amend Ordinance No. 31-2006/07 To Provide For Compensation Of Members Of The Board Of Fire Control For A Rural Volunteer Fire District And Other Matters Relating Thereto.

ORDINANCE NO. 29-2007/08

An Ordinance To Establish The Florence County Cultural Commission; Provide For The Composition And Appointment Of The Commission; Establish The Effective Date For Such Appointments; And Other Matters Relating Thereto.

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Appearances
Chris Gossett, P.E.
South Carolina Department of Transportation (SC DOT)

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Chris Gossett, P.E. with SC DOT will appear before Council to present the Hwy 378 widening scope for consideration; a Florence County Forward Project, funded by the One Cent Capital Project Sales Tax and the State Infrastructure Board (SIB).

ATTACHMENTS:

A copy of the letter received from Mr. Gossett.



South Carolina
Department of Transportation

April 22, 2008

Mr. Richard Starks
Florence County Administrator
180 North Irby Street
Florence, South Carolina 29501

RE: US 378 Widening Project, Florence County
File: 21.037264A PIN: 37264

Dear Mr. Starks:

On March 24, 2008 we sent you a summary of comments received on the proposed widening of US 378. A public information meeting was held February 28, 2008 at the Lake City Senior Center, located at 198 North Acline Street in Lake City. The purpose of this meeting was to provide information concerning the proposed widening of US 378 to the public and receive feed back on which of the two proposed alternatives the public preferred. The alternatives that were presented to the public were a five lane section which requires 150-ft. of right of way and a four lane divided section which requires 200-ft. of right of way. The project extends approximately eighteen miles from US 52 (North Ronald McNair Boulevard) near Lake City, to SC 41 (Kingsburg Highway) in Kingsburg.

As you know, per the intergovernmental agreement between Florence County and the South Carolina Department of Transportation (SCDOT), the county has approval authority for the scope of projects included in the Florence County Forward Program. I would like to be included on the agenda for the May 1, 2008 Florence County Council Meeting to provide a brief presentation of proposed alternatives and discussion of the comments we received during the open comments period for the project. Once County Council approves the scope SCDOT can move forward with developing this project.

We appreciate the opportunity to work with Florence County on these very important projects. If you have any questions or need additional information, please feel free to contact me at (803) 737-1471.

Sincerely,

Chris Gossett, P.E.
Program Manager

CBG/ars
File: PC/CBG



FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Proclamation
Older Americans Month

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

A Proclamation Declaring The Month Of May, 2008 As Older Americans Month; Urging Citizens To Honor Older Adults And The Professionals, Family Members, And Citizens Who Care For Them.

OPTIONS:

1. *(Recommended)* Approve the Proclamation as presented.
2. Provide An Alternate Directive.

ATTACHMENTS:

Copies of the following are attached:

1. Proposed Proclamation;
2. Request from Linda Johnson, Executive Director, Senior Citizens Association, received via email.
3. Information provided by the Senior Citizens Association concerning Older Americans Month 2008.

Proclamation Older Americans Month

WHEREAS, Florence County is a community in which approximately 41,000 citizens age 60 or older make their home; and

WHEREAS, older adults in Florence County and throughout the U.S. are a growing population with evolving needs; and

WHEREAS, older Americans are valuable members of our society who are rich with experience and deserving of our respect; and

WHEREAS, the number of baby boomers reaching traditional retirement age continues to increase, a fact that spotlights the need for increased attention to the needs of older adults; and,

WHEREAS, our older citizens of today and tomorrow promise to be among the most active and engaged older adult populations in our Nation's history; and

WHEREAS, it is the responsibility of this and all U.S. communities to work together and prepare for changing older adult populations by modernizing systems of care and providing consumers with more control over their lives; and

WHEREAS, overall quality of life can be greatly enhanced when supportive communities help their older citizens obtain: evidence-based approach to making behavioral changes that can reduce risk of disease, disability, and injury; the tools to make informed decisions about, and gain better access to, existing health and long-term care options; and more options to avoid placement in nursing homes and remain at home as long as possible.

NOW, THEREFORE, WE, the Governing Body of Florence County, the Florence County Council, do hereby proclaim May 2008 as Florence County Older Americans Month, and urge everyone to take time this May to honor our older adults and the professionals, family members, and citizens who care for older adults; and we urge all citizens/communities to work collaboratively to strengthen the services Florence County provides to its older adults in ways that recognize the changing nature of their needs, and provide older adults with more opportunities to make informed choices about their lives.

Done in meeting duly assembled this 1st day of May, 2008.

THE FLORENCE COUNTY COUNCIL:

K. G. Rusty Smith, Jr., Chairman

Waymon Mumford, Vice-Chairman

Connie Haselden

From: Linda Johnson [lmj128@bellsouth.net]
Sent: Wednesday, April 23, 2008 2:32 PM
To: Connie Haselden
Subject: Proclamation for Older American Month

I would greatly appreciate and request that the Florence County Council present to Senior Citizens Association, hereby proclaiming the month of May 2008 as OLDER AMERICANS MONTH.

Thank you for your assistance and always being so professional.

LMJohnson

DRAFT

Older Americans Month2008
Working Together for Strong, Healthy, and Supportive Communities

The United States is nearing the start of a tremendous demographic shift. Beginning in 2011, the first of 78 million baby boomers (people born between 1946 and 1964) will start transitioning into retirement, kicking off an expansion in the number of elderly people that will continue for decades. According to the U.S. Census Bureau, one out of every nine baby boomers will live to be at least age 90.

Our Nation will benefit in many ways from a larger population of older adults, a group that constitutes one of our greatest resources. Older adults support our society by providing millions of hours of volunteer, community, and civic service through formal organizations and a variety of informal arrangements. They enhance our communities and personal lives by sharing and transferring knowledge of cultures, values, and life experiences among generations. Thankfully, the contributions of older adults will continue to flourish in the coming years, since older citizens of today and tomorrow promise to be among the most active and engaged older adult populations in our Nation's history.

An expanding older adult population also spotlights our responsibility to ensure the well-being of our older citizens. As a Nation, we are working diligently to address older adults' unique health and long-term care challenges. The thousands of professionals, caregivers, and volunteers that make up the National Aging Services Network have been collaborating in innumerable ways for decades to fulfill the mission of the Older Americans Act. Led by the U.S. Administration on Aging, the Network is now engaged in modernizing systems of care to provide consumers with more control over their lives.

May is Older Americans Month, a great time to bring attention to the issues that affect older adults. This year's theme is "Working Together for Strong, Healthy, and Supportive Communities," which speaks to the opportunities we have to create better care and reinforce healthier societies for all ages. Working together, our communities can improve older adults' overall quality of life by helping them:

- Make behavioral changes in their lifestyles that can reduce risk of disease, disability, and injury.
- Obtain the tools they need to make informed decisions about, and gain better access to, existing health and long-term care options in their communities.
- Have more options to avoid placement in nursing homes and remain at home as long as possible

Americans of all ages and backgrounds can celebrate Older Americans Month. Contact your local Agency on Aging and volunteer for activities in your area, promote community, state and national efforts to serve older adults, and find ways to enrich the lives of the older adults who touch your life. By working together we can improve the health and well being of our Nation's older adults and pave the way for future generations.

DRAFT

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Third Reading - Ordinance No. 27-2007/08

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

(An Ordinance To Amend Florence County Land Development And Subdivision Ordinance No. 38-2006/07, Article VI, Section 6.25(D), Lots, To Amend The Requirement For Septic Percolation Tests And Permits To Exempt Estate Settlements And Life Estates.)

OPTIONS:

1. *(Recommended)* Approve Third Reading of Ordinance No. 27-2007/08.
2. Provide an alternate directive.

ATTACHMENTS:

Ordinance No. 27-2007/08.

DRAFT

Sponsor(s) : County Council
 First Reading/Introduction : April 3, 2008
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Second Reading : April 17, 2008
 Public Hearing : April 22, 2008
 Third Reading : May 1, 2008
 Effective Date : Immediately

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Public Hearing on _____.

ORDINANCE NO. 27-2007/08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Amend Florence County Land Development And Subdivision Ordinance No. 38-2006/07, Article VI, Section 6.25(D), Lots, To Amend The Requirement For Septic Percolation Tests And Permits To Exempt Estate Settlements And Life Estates.)

WHEREAS:

1. Section 6.25(D), of the Florence County Land Development and Subdivision Ordinance requires lots containing single family residences that utilize a septic tank and drinking water well to secure permits from the South Carolina Department of Health and Environmental Control (SCDHEC); and
2. This amendment will exempt estate settlements and life estates from this requirement for percolation tests and permits from SCDHEC.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. The Florence County Land Development and Subdivision Ordinance No. 38-2006/07, Article VI, Section 6.25(D), Lots, is hereby amended to provide for the exemption of estate settlements and life estates from the requirement for percolation tests and permits from SCDHEC and shall read as follows:

D. Lots.

Each lot may contain only one (1) single family residence. Lots that have access to public utilities (water and/or sewer) are required to have a written statement from the appropriate utility. If lots will utilize a septic tank and drinking water well, permits must be secured from the South Carolina Department of Health and Environmental Control. The SCDHEC permit requirement shall not be applicable to subdivisions of land as a result of the probate of an estate and life estates made within an immediate family (i.e. parent to child, grandparent to grandchild.). Other life estates may be considered for exemption by the Planning Commission. All plats where this exemption has been used and no satisfactory percolation test has occurred will be stamped "No Perk Test has been performed on this property." The plat may be resubmitted for removal of the stamp if and when a successful percolation test has been completed. The exemption does not apply for permits for the construction of a building requiring a sewer system or the placement of mobile/manufactured homes on the property.

2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

Connie Y. Haselden, Council Clerk

Approved as to Form and Content
James C. Rushton, III, County Attorney

SIGNED:

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

DRAFT

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Second Reading - Ordinance No. 20-2007/08

DEPARTMENT: Administration

ISSUE UNDER CONSIDERATION:

(An Ordinance Amending Florence County Code Chapter 6 – Animals And Fowl, In Its Entirety To Clarify Animal Care And Control Regulations.)

OPTIONS:

1. *(Recommended)* Approve Second Reading of Ordinance No. 20-2007/08
2. Provide an Alternative Directive

ATTACHMENTS:

Ordinance No. 20-2007/08, as amended.

Sponsor(s) : County Council
 First Reading/Introduction : January 3, 2008
 Committee Referral : January 17, 2008
 Committee Consideration Date : January 24, 2008
 Committee Recommendation : April 17, 2008
 Second Reading : May 1, 2008
 Public Hearing : May 1, 2008
 Third Reading :
 Effective Date :

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Public Hearing on _____.

ORDINANCE NO. 20-2007/08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance Amending Florence County Code Chapter 6 – Animals And Fowl, In Its Entirety To Clarify Animal Care And Control Regulations.)

WHEREAS:

1. Section 47-3-20 of the Code of Laws of South Carolina, 1976, as amended, grants authority to Florence County to enact an ordinance for the care and control of dogs, cats, and other animals and to prescribe penalties for violations; and
2. Florence County Council has determined it is in the best interest of the citizens of Florence County to amend the animal control regulations by replacing Florence County Code Chapter 6, Animals and Fowl, in its entirety with language contained herein, which shall hereafter be known as the Florence County Animal Care and Control Ordinance.

NOW, THEREFORE BE IT ORDAINED BY FLORENCE COUNTY COUNCIL DULY ASSEMBLED, THAT:

1. In order to clarify animal care and control regulations, Florence County Code, Chapter 6, Animals and Fowl, is hereby replaced in its entirety with the language attached hereto and incorporated herein by reference.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect with the invalid provision or application and to this end, the provisions of this Ordinance is severable.

ATTEST:

SIGNED:

 Connie Y. Haselden, Council Clerk

 K. G. Rusty Smith, Jr., Chairman

 Approved as to Form and Content
 James C. Rushton, III, County Attorney

COUNCIL VOTE:
 OPPOSED:
 ABSENT:

Chapter 6

ANIMAL CARE AND CONTROL

SEC. 6-1 Animal Care

- A. No owners shall fail to provide domesticated or constrained animals or pets with proper shelter, sustenance or veterinary care when needed to prevent suffering.
- B. When a pet or animal is found in a condition which evidences a first-time violation of any paragraph of Section 6-1 of this Chapter, the Environmental Services Officer (ESO) shall issue a "Notice of Violation" to its owner, if known. The owner shall then have twenty-four hours to correct the violation.
- C. If this violation occurs a second or subsequent time, or if the owner does not correct or remedy the first-time violation within twenty-four hours, or if the person violates any other section of this Chapter, the ESO shall issue a "Summons" to such person and the matter shall be heard before a court of competent jurisdiction. However, nothing in this Chapter shall limit an ESO from taking immediate action, when it is deemed to be in the best interest of the pet or animal.
- D. No person shall sell, trade, or give away as a pet any carnivorous animal that is normally not domesticated. Such animal shall include, but not be limited to those listed in Section 6-16 Definitions, Wild Animals.
- E. Any person violating any provision of this Section shall be subject to a civil fine as follows:
 - 1. For a first offense the person, upon conviction, shall be fined \$100 plus all related court costs and assessments.
 - 2. For second or subsequent offenses, the person, upon conviction, shall be fined \$250 plus all related court costs and assessments.
 - 3. Each day's violation of any provision of this chapter shall constitute a separate offense.

SEC. 6-2 Animal Cruelty

- A. No person shall beat, cruelly treat, torment, overload, overwork, abuse, or intentionally commit an act of cruelty or torture that causes an animal to suffer serious injury or death or that inflicts or subjects an animal to unreasonable physical pain, suffering, or agony, or fails to provide a constant supply of fresh water or appropriate sustenance. No person shall cause, instigate, or permit any dog fight or other combat between animals or between animals and humans.
- B. No owner of an animal shall abandon it.

- C. No person, except a licensed veterinarian who is qualified to perform such operations, shall crop a dog's or a cat's ears, or crop a dog's or cat's tail, or neuter or spay any pet.
- D. No person shall expose any known poisonous substance, whether mixed with food or not, such that it may be eaten by any animal. It shall not be unlawful for a person to expose on their own property common rat poison mixed according to the manufacturer's recommendations.
- E. No owner or person shall confine any animal in a motor vehicle or other enclosed containment in such a manner that places it in a potentially life threatening situation. In order to protect the health and safety of an animal, the ESO or other law enforcement officer, who has probable cause to believe that this Section is being violated and the animal may be in danger, shall have the authority to enter such motor vehicle or containment by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.
- F. Persons reporting violations of this Chapter shall provide identification, which shall remain confidential to the agency receiving the report unless such report provides for the release the name or subsequent release of the name is formally required by rules of evidentiary hearings or a judge in a court having jurisdiction in the matter. Identification may be released pursuant to the South Carolina Freedom of Information Act as applicable.
- G. Nothing in this Chapter shall be construed to limit any person from bringing a private cause of action against the owner of a pet or animal for violation under the Chapter.
- H. The court may order a person charged with any violation of this Chapter to provide necessary food, water, shelter, and care for any animal(s) that are the basis of the charge without the removal of the animal(s) from their existing location and until the charges against the person are adjudicated. Until a final disposition is rendered, any ESO or any law enforcement officer, may be authorized by the court to make regular visits to the place where the animal(s) is being kept to ascertain if the animal(s) are receiving necessary food, water, shelter, and care. Nothing in this Section prevents any ESO or law enforcement officer from applying for a warrant under this Section to seize any animal(s) being held by the person charged pending adjudication of the charges if it is determined that the animal(s) are not receiving the necessary food, water, shelter, or care.
- I. Nothing in this Chapter shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to Environmental Services or to an approved animal humane organization in lieu of proceeding to a forfeiture hearing. Voluntary relinquishment shall have no effect on other charges that may be pursued by appropriate authorities.
- J. Any person violating this Section shall be charged with a misdemeanor and upon conviction shall be subject to a fine of \$500 plus any related court assessments and costs and/or imprisoned for thirty days for each violation. However, nothing in this Chapter shall limit an ESO from also taking immediate action, which includes immediate seizure of the pet or animal, when it is deemed to be in the best interest of the pet or animal.

- K. In the case of continuous violations such as failure to feed, water or house animals, each day's violation of any provision of this Chapter shall constitute a separate offense.
- L. For the purposes of this section, cruelty nor animal torture shall not include any alteration or destruction of any animal done by any person or unit of government pursuant to statute, ordinance, court order, or the direction of a licensed veterinarian. Such alteration or destruction shall include, but not be limited to: castration, culling, declawing, defanging, ear cropping, euthanasia, gelding, neutering, shearing, shoeing, slaughtering, spaying, and tail docking.
- M. Any licensed veterinarian who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is reasonable possibility that the animal was engaged in or utilized for a fighting event for the purpose of sport, wagering, or entertainment shall file a report with Environmental Services and shall cooperate by furnishing the owners' names, dates, and descriptions of the animal(s) involved.

SEC. 6-3 Running at Large - Animals

- A. It shall be unlawful for any owner or custodian of any pet or animal to permit same to run at large at any time upon any street or highway or other property within Florence County, except upon property owned or rented by the owner or custodian.
- B. Any animal running at large or any animal determined to be abandoned may be picked up or trapped by an ESO and transported to the Environmental Services Facility and there confined until redeemed or disposed of as hereinafter provided. In the case of livestock, Environmental Services may place such animals with individuals, agencies, veterinary hospitals, or others for the impoundment period.
- C. Within twenty-four hours after impounding any animal, the ESO shall exercise due diligence to ascertain the owner of such animal and to inform the owner of the conditions whereby he or she can regain custody of the animal.
- D. No pet or animal shall be permitted to be on school grounds or in a shopping area or similar public place unless on a leash and muzzled at all times.
- E. Upon receipt of a written complaint signed by a resident of the county, the ESO shall investigate the complaint and may impound the animal and issue a notice of ordinance violation.
- F. Each day's violation of any provision of this Chapter shall constitute a separate offense and shall be subject to a fine as follows:
 - A. First Offense - Warning Ticket
 - B. Second Offense - \$75.00 fine plus court costs.
 - C. Third Offense - \$100 fine plus court costs.
 - D. Fourth and subsequent Offenses - \$250.00 fine plus court costs
 - E. All citations written under this section will remain active for a period of twenty-four (24) months.

G. Refer to Section 6-6 for animal redemption fees and policies.

SEC. 6-4 Public Nuisance

A. No person shall own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:

- 1) Allowing or permitting an animal to damage the property of anyone other than its owner.
- 2) Maintaining an animal that is diseased and dangerous to the public health.
- 3) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks, pedestrians, bicycles, or vehicles.

B. Any animal, which has been determined to be an habitual nuisance by an ESO, may be impounded and shall not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated and until such owner has paid all impoundment, redemption, and boarding fees accrued as defined in Section 6-7.

C. Any person violating any provision of this Section shall be subject to a civil fine as follows:

- 1) For a first offense the person, upon conviction, shall be fined \$100.00 plus any related court costs.
- 2) For second or subsequent offenses, the person, upon conviction, shall be fined \$250.00 plus any related court costs.
- 3) Each day's violation of any provision of this section shall constitute a separate offense.

SEC. 6-5 Impoundment or Seizure

A. Any pet or animal impounded with a severe, contagious, or life-threatening medical condition may be isolated, treated by a veterinarian, or immediately euthanized at the discretion of Environmental Services, and such medical condition shall be documented in the records of the Environmental Services.

B. Pets or animals impounded pursuant to this Section shall remain impounded at the Environmental Services Facility for a period of not less than five days subject to other provisions of this Chapter.

C. Following seizure of an animal, the ESO shall issue to the owner, if known, a notice of ordinance violation. The hearing shall be set not more than five days from the date of the seizure to determine whether the owner, if known, is able to provide adequately for the animal. The ESO shall cause to be served upon the owner, if known and residing within the

jurisdiction wherein the animal was found, written notice at least twenty four (24) hours prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found, the ESO shall post a copy of the notice at the property where the animal was seized. The Magistrate shall make the final determination as to whether the animal is returned to the owner or transferred to the Environmental Services facility where the animal may be put up for adoption or euthanized. The pet or animal shall remain in the custody and care of the Environmental Services until such matter is heard before the Magistrate. If the Magistrate orders the return of the animal to its owner, the ESO shall release the animal upon receipt from the owner of all redemption fees as described in Section 6-6, of this Chapter, if ordered by the magistrate. If the owner does not pay the redemption fees and redeem the animal within five days of the Magistrate's order, the animal shall become the property of Environmental Services and may be placed for adoption or euthanized. However, nothing in this Chapter shall be construed to prohibit the euthanasia for humane purposes of a critically injured or ill animal.

- D. If the Magistrate orders that the animal be released to Environmental Services, in addition to any penalties and fines, the owner will be made to pay any fees related to Section 6-6.
- E. If an animal is impounded as the result of an action taken by state, federal or other local law enforcement, against the animal's owner, Environmental Services will hold that animal for fifteen (15) days. If the owner or his designee does not make arrangements for the care and custody of the animal before the expiration of that fifteen-day period, the animal shall become the property of Environmental Services and may be placed for adoption or euthanized at the discretion of Environmental Services. However, any animal impounded in this manner with a severe, contagious, or life-threatening medical condition may be isolated, treated by a veterinarian, or immediately euthanized at the discretion of Environmental Services. Such medical condition shall be documented in the records of Environmental Services.

SEC. 6-6 Redemption

- A. The owner shall be entitled to resume possession of an impounded pet or animal within five days from the date of impoundment upon compliance with all requirements as set forth below. If all such requirements are not met within the five day time period, the pet or animal shall be deemed abandoned and shall immediately and irrevocably become the property of Environmental Services to adopt or humanely euthanized at their discretion.
- B. Identifiable animals or pets, not appearing to be abandoned or feral as determined by Environmental Services, shall be held for five days. Thereafter such animal or pet shall become the property of Florence County and may be placed for adoption or humanely euthanized at the discretion of Environmental Services.
- C. For the purposes of this Section, it shall be deemed that, the owner is notified when the ESO makes telephone contact with the owner, or notification is left on the door of the best known address of the owner. Such notification shall at a minimum identify the animal, advise the owner of how and where to redeem the animal, and indicate that if, within the five-day time

period from the date of impoundment, the owner does not pay all redemption fees and redeem the animal, then the animal shall become the property of Florence County for disposition.

- 1) The owner must identify the animal by giving detailed verbal, written, photographic, or other acceptable description of the animal to the ESO.
 - 2) Payment of all fees due, which include but are not limited to the following:
 - (a) Minimum redemption fees set by County Council are as follows, which may be adjusted by Chapter or resolution of the Council in subsequent years:
 - (1) First impoundment - \$25.00 per animal
 - (2) Second impoundment - \$50.00 per animal
 - (3) Third and subsequent impoundments - \$100.00 per animal
 - (b) A boarding fee of \$10.00 per day per animal or such fee as may be set by County Council.
 - (c) A pickup fee of \$10.00 per animal or such fee as may be set by County Council.
 - (d) Veterinary costs and/or medically necessary costs if Environmental Services incurred any expenses for the medical care of the animal while it was impounded in the custody of the Department.
- D. Fees collected for impoundment shall be turned over, in accordance with established County policies, to the Florence County Treasurer, who shall make monthly accounting of such funds.
- E. Pursuant to Section 47-3-780 of the SC Code of Laws, 1976 as amended, any animal adopted from Environmental Services must be spayed or neutered by a licensed veterinarian within 30 days of adoption of a sexually mature pet or within 12 weeks of a non-sexually mature animal. Written verification from a licensed veterinarian is required for proof of spaying or neutering and this proof must be provided to Environmental Services. Failure to provide proof of spaying or neutering will result in a \$50.00 fine plus court costs, and the immediate forfeiture of same animal.

SEC. 6-7 Public Animal Adoption Policies

- A. There will be a \$40.00 adoption fee for any animal adopted from Environmental Services.
- B. Any sexually mature animal adopted is required to be spayed or neutered within 30 days. Any non-sexually mature animal is required to be spayed or neutered with twelve (12) weeks.
- C. If proof of spaying or neutering of the adopted animal is presented to Environmental Services within 30 days of adoption, the \$40.00 adoption fee will be refunded.
- D. Animals adopted from Environmental Services are adopted on an as-is basis with no guarantee, neither written nor implied, as to the temperament, mental or physical condition of the adopted animal.

- E. Any animal that has demonstrated any aggressiveness toward any person or other animal shall be considered by Environmental Services to be unadoptable.

SEC. 6-8 Animal Rescue Agency Adoption Policies

- A. Animal Rescue Agencies can participate in a no fee adoption of animals provided that the following requirements are met by the rescue agency:
- 1) Documentation that identifies the rescue agency as a non-profit organization.
 - (a) Certificate of incorporation for a 501 C 3 non-profit organization.
 - (b) A tax-exempt certificate from the IRS.
 - 2) The name, address and telephone number of the non-profit rescue agency.
 - 3) The address of where the animal(s) will be housed while the rescue agency attempts to find a third-party adopter.
 - 4) A list of names of members of the non-profit rescue agency who are authorized to sign for and pick up animal(s).
 - 5) Any approved non-profit rescue organization agrees to allow a representative of Florence County to inspect their facility at the County's request.
 - 6) Each animal rescue agency must agree to provide written proof to Environmental Services of spay or neuter and rabies vaccination (by a state licensed veterinarian) of sexually mature animals prior to a third party adoption. (Exceptions – non-sexually mature pets must be spayed or neutered and vaccinated no later than three (3) months post adoption from Environmental Services.)
 - 7) Each animal rescue agency must agree to have all animals, adopted from Environmental Services, micro chipped prior to a third party adoption.
 - 8) The rescue agency will have no more than fifteen (15) “no fee” animals in inventory which have been acquired through this no fee adoption program.
 - 9) All animals adopted from Environmental Services are on “as is” condition and Environmental Services makes no guarantee, neither written nor implied, as to the health, condition or temperament of any animal.
 - 10) The non-profit organization is solely responsible for any and all medical and/or veterinary care of any animal adopted from Environmental Services.
 - 11) The non-profit organization agrees to provide documentation of the final adoption for all animal(s) adopted from Environmental Services upon request. The documentation must include the name of the person adopting the animal, the person's address, phone number and a copy of the adoption agreement between the person adopting the animal and the non-profit organization.

12) There will be no charge for animals adopted from Environmental Services if all the above requirements are satisfied. If all requirements are not satisfied, at any time, then the non-profit rescue organization will be removed from the list of agencies authorized to adopt from Environmental Services at no costs.

13) Any animal that has demonstrated any aggressiveness toward any person or animal shall be considered by Environmental Services to be unadoptable.

SEC. 6-9 Owner Relinquishment

A. In the case of an owner relinquishing a pet or animal to Environmental Services, the owner shall be required to:

1) Complete a Relinquishment Form, which shall include at least the following information:

- (a) Name, address and phone number of relinquishing owner
- (b) Name, age, breed, sex, and spay/neuter status of pet or animal
- (c) Veterinary data
- (d) Any behavioral or medical problems of pet or animal

B. Immediately upon completion of relinquishment procedures, the pet or animal shall become the property of the Environmental Services and may be placed for adoption or euthanized at the discretion of Environmental Services.

SEC. 6-10 Injured or Dead Animals.

Any person who strikes a pet or domestic animal with a motor vehicle or bicycle and injures or kills the animal must immediately notify Environmental Services. Environmental Services shall then take the necessary steps to notify the owner, if known of the injuries to the pet.

SEC. 6-11 Rabies Control

A. It shall be unlawful for any person to own, keep, or harbor any dog, cat or ferret within the County where such dog, cat or ferret is older than four months of age unless such animal has been inoculated against rabies as provided herein. A person shall have thirty days from the time they acquire a dog or cat or ferret, four months of age or older, to obtain the necessary rabies inoculation.

B. The penalty for violating this section shall be \$50.00 per violation, payable to Environmental Services; provided however, that proof of vaccination shall be accepted in lieu of the fine, for first offense, within three (3) days (seventy-two (72) hours) from the date of issuance of notice of violation. Each day the animal remains unvaccinated will constitute a separate violation.

- C. The owner of a dog, cat or ferret must have it inoculated against rabies at a frequency to provide continuous protection of the animal from rabies using a vaccine approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and licensed by the United States Department of Agriculture, Veterinary Biology Division.
- D. Evidence of rabies inoculation is a certificate signed by a licensed veterinarian. This certificate shall be in a form approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and will be issued by a licensed veterinarian for each animal stating the name and address of the owner; the name, breed, color and markings, age, and sex of animal; the veterinary or pharmaceutical control number of the vaccine; and the name and address of the licensed veterinarian administering the vaccination.
- E. Coincident with the issuance of the certificate, the licensed veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate and including the name and telephone number of the veterinarian, veterinary practice or hospital.
- F. It is unlawful in Florence County for any person or organization, other than a licensed veterinarian or someone under his/her direct control, to sell or administer rabies vaccine; provided, however, the sale of the rabies vaccine to a registered veterinarian is not precluded by this Section.
- G. It shall be the duty of every physician or other health practitioner to report to SCDHEC or Environmental Services the name and address of persons treated for bites inflicted by animals. Such other information that will be helpful in rabies control shall also be reported.
- H. The Florence County Sheriff is requested to forward immediately to both Environmental Services and SCDHEC a copy of each report involving an animal bite.
- I. When, in the opinion of SCDHEC's regional medical director, an animal with or without identification tags and suspected of having rabies, is involved in a human bite incident, such director shall have the prerogative of ordering the animal to be euthanized and its head submitted for examination to determine if the rabies virus has been transmitted to the bite victim.
- J. Any animal under ten-day quarantine at Environmental Services or any approved alternate location shall not be released unless such release is authorized by South Carolina DHEC.

SEC. 6-12 Dangerous/Vicious Animal Enforcement

- A. No person owning or harboring or having the care or custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises.

The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

- B. No person owning or harboring or having the care or custody of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained with a properly sized leash or lead, a halter and properly muzzled suitable to maintain complete control of the animal.
- C. The owner shall confine within a building or secure enclosure, any and all pets or animals that meet the definition of "dangerous/ vicious animal" (see Section 6-16: Definitions). The owner shall not take such pet or animal out of such building or enclosure unless the pet or animal is securely muzzled and under restraint.
- D. A person owning a dangerous animal shall register the animal with Environmental Services. Such registration information must include:
 - 1) Name, address, and phone number of the owner.
 - 2) Breed, color, sex, weight, and age of the animal.
 - 3) Address of premises on which the animal is confined.
 - 4) Description of pen or run area in which animal is confined outdoors.

Environmental Services shall provide the owner registering the dangerous animal with a microchip.

- E. The owner of a dangerous/vicious animal must pay a dangerous/vicious animal registration fee of \$200.00. In addition, the animal must be spay/neutered and must be vaccinated for rabies.
- F. The registration must be accompanied by proof of liability insurance or surety bond of at least \$150,000 per incident insuring or securing the owner for personal injuries inflicted by the dangerous animal.
- G. A person who violates this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense must be fined a minimum of \$200 and a maximum of \$500 or imprisoned not more than thirty days, and upon conviction of a subsequent offense, must be fined \$1,000 none of which may be suspended.
- H. A person who is the owner of a dangerous animal which attacks and injures a human being:
 - 1) For a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not less than \$1,000 and not more than \$2,500 or imprisoned not more than one year;

- 2) For a second or subsequent offense, is guilty of a felony in accordance with the South Carolina Code of Laws and, upon conviction, must be fined not less than \$5,000 and not more than \$10,000 or imprisoned not less than one year and not more than five years.
- I. A dangerous animal which attacks a human being or domestic animal must be ordered destroyed when, in the Court's judgment, the dangerous animal represents a continued threat of serious harm to human beings or domestic animals.
 - J. A person found guilty of violating this section shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public; direct medical treatment and medical follow-up expenses incurred by a victim of an attack from a dangerous animal and those of any County employee incurred as a result of the seizure and handling of the animal; and other expenses required for the destruction of the animal.
 - K. Nothing in this Section shall abrogate any civil remedies available under statutory, common, or other superior law.

SEC. 6-13 Disposition of Seized Animals

- A. If a person is found to be in violation of this Chapter, all animal(s) seized from him, if not previously ordered forfeited or previously forfeited by operation of law, are forfeited to Environmental Services and must be put up for adoption or humanely euthanized. Any outstanding costs incurred by Environmental Services for boarding and treating the animal(s) pending disposition of the case and any costs incurred in disposing of the animal(s) must be paid by the person found in violation.
- B. Any person authorized by this Section to care for animal(s), to treat animal(s), or to attempt to restore animal(s) to good health and who is acting in good faith is immune from any liability that may result from his other actions pursuant to this Chapter.

SEC. 6-14 Enforcement

- A. Environmental Services operates in the unincorporated areas by agreement. The ESOs shall have the authority to enforce all applicable laws concerning animal control as set forth by this article or other laws and such additional duties, procedures, and responsibilities as the County Administrator or County Council shall establish. At its discretion, the County may contract any portion or all of the enforcement and administration of this article, as it deems appropriate. However, nothing herein shall abridge or limit the right and duty of local law enforcement authorities to enforce the provisions of this or any other law.
- B. No person shall interfere with, hinder, or molest the duly authorized ESO or his equipment or any such agent of the County in the performance of his duty, or seek to release animals in the custody of the duly authorized ESO or any agent of the County. As public employees,

Environmental Services Officers are protected pursuant to Section 16-3-1040 of the SC Code of Laws, 1976, as amended, and any other applicable statute.

SEC. 6-15 Definitions

Abandonment: Deserting, forsaking, or intending to give up absolutely an animal without securing another owner for it or without providing adequate food, water, shelter, and care.

Animal: Any live, vertebrate creature, domestic or wild.

Environmental Services Officer (ESO): Any person or persons designated by the County Administrator and all person or persons commissioned by County Council to perform animal control functions under the laws of the State of South Carolina and charged with the enforcement of this chapter.

Environmental Services: Any department or division of Florence County Government, designated by the County Administrator or commissioned by County Council to perform animal control functions under the laws of the State of South Carolina and charged with the enforcement of this chapter.

Environmental Services Facility: Any facility owned and operated by the Florence County Government for the purpose of impounding, harboring, care, adoption, or euthanasia of seized, stray, homeless, abandoned, or unwanted dogs, cats, or other animals.

Dangerous/Vicious Animal: Any animal of the canine, feline, or wild animal family:

1. Which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals or livestock; or
2. Which makes an unprovoked attack that causes bodily injury to a human being or another domestic animal or livestock and the attack occurs in a place other than the place where the animal is confined; or
3. Which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being or another domestic animal or livestock; or
4. Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

Domestic Animal: Any animal whose usual and customary habitat is within the control of human beings; animals which are not wild.

Feral Animal: Any animal that is untamed or wild by nature or any animal that has reverted to a wild state.

Owner: Any person, partnership, or corporation that (a) has a right of property in a pet; (b) keeps or harbors a pet or who has it in his care or acts as its custodian, or (c) permits a pet to remain on or about any premises occupied or owned by him. All owners are subject to any applicable requirements under other County Chapters, i.e. setbacks, buffer zones, etc.

Pet: Any animal kept for pleasure rather than utility.

Restraint: Animals secured by a properly sized leash or a lead and halter or collar suitable to maintain complete control; or within the real property limits of its owner.

Running At Large: Any animal that is off of the property of the owner and not under restraint.

Shelter: A structure that reasonably may be expected to protect an animal from physical suffering or impairment of health due to exposure to the elements or adverse weather or temperatures.

Sustenance: Adequate food provided at suitable intervals of quantities of wholesome foodstuffs suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight; and adequate water provided with constant access to a supply of clean fresh water provided in a suitable manner for the species.

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**Wild Animals:* All animals commonly accepted as being "wild" including, but not limited to, the following, no matter how domesticated they may be:

1. Alligators and crocodiles
2. Bears
3. Bobcats, tigers, leopards, lions, and panthers,
4. Coyotes, foxes, wolves, including the offspring of one (1) of the foregoing with a domestic dog wherein the proportion of wild animal exceeds one eighth.
5. Porcupine
6. Non-human primates
7. Raccoon
8. Skunks
9. Venomous snakes, constrictor snakes
10. Venomous lizards
11. Weasels, except ferrets.
12. Members of the cervidae (deer) family.

*Specific animals are excluded from applicability under this definition listing in every instance where South Carolina state laws or DHEC regulations permit specified activities or possessions.

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Second Reading - Ordinance No. 28-2007/08

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

(An Ordinance To Amend Ordinance No. 31-2006/07 To Provide For Compensation Of Members Of The Board Of Fire Control For A Rural Volunteer Fire District And Other Matters Relating Thereto.)

OPTIONS:

1. *(Recommended)* Approve Introduction of Ordinance No. 28-2007/08.
2. Provide an alternate directive.

ATTACHMENTS:

1. Ordinance No. 28-2007/08.
2. Correspondence from Gary Pace, Chairman, Windy Hill/Olanta Rural Volunteer Fire District dated February 29, 2008.

Sponsor(s) : County Council
 First Reading/Introduction : April 17, 2008
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Public Hearing : May 1, 2008
 Second Reading : May 1, 2008
 Third Reading :
 Effective Date : Immediately

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Public Hearing on _____.

ORDINANCE NO. 28-2007/08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Amend Ordinance No. 31-2006/07 To Provide For Compensation Of Members Of The Board Of Fire Control For A Rural Volunteer Fire District And Other Matters Relating Thereto.)

WHEREAS:

1. Florence County Council approved Ordinance No. 31-2006/07, which created the Board of Fire Control for the Windy Hill/Olanta Rural Volunteer Fire District and the West Florence Rural Volunteer Fire Department; and
2. Pursuant to Ordinance No. 31-2006/07, members of the Board for the Windy Hill/Olanta Rural Volunteer Fire District and the West Florence Rural Volunteer Fire Department shall serve without pay; and
3. The Board for the Windy Hill/Olanta Rural Volunteer Fire District desires to amend Ordinance No. 31-2006/07 to allow for compensation of Board members.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Ordinance No. 31-2006/07 is hereby amended to provide for the compensation of the Board members of a Rural Volunteer Fire District in an amount up to \$150.00 per month, to be approved by vote of the Board. Amounts greater than \$150.00 per month approved by the Board must be submitted and approved by County Council.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

 Connie Y. Haselden, Council Clerk

 K. G. Rusty Smith, Jr., Chairman

 Approved as to Form and Content
 James C. Rushton, III, County Attorney

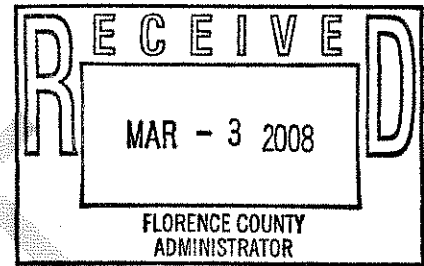
COUNCIL VOTE:
 OPPOSED:
 ABSENT:

**WINDY HILL/OLANTA FIRE
DISTRICT**

Representing
**Windy Hill Volunteer Fire Department
Olanta Rural Fire Department**

February 28, 2008

Mr. Richard Starks
Florence County Administrator
180 N. Irby St., Box MSC-G
Florence, SC 29501



Re: Ordinance No. 31-2006/07

Dear Mr. Starks:

We would like to ask that Florence County amend the above referenced Ordinance to allow for Board Commission Fees to be paid. The Board Members of the Windy Hill/Olanta Fire District currently receive a quarterly Board Commission Fee payment, which is in no way considered pay or compensation for services.

If you have any questions, please do not hesitate to call me on cell phone # (843) 495-0400.

Thank you,

Gary Pace
Chairman

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Second Reading - Ordinance No. 29-2007/08

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

(An Ordinance To Establish the Florence County Cultural Commission; To Provide For The Composition And Appointment Of The Commission; To Establish The Effective Date For Such Appointments; And Other Matters Relating Thereto.)

OPTIONS:

1. *(Recommended)* Approve Second Reading of Ordinance No. 29-2007/08.
2. Provide an alternate directive.

ATTACHMENTS:

1. Ordinance No. 29-2007/08.
2. Correspondence dated March 11, 2008 from Townsend V. Holt, President, Florence Museum Board.

Sponsor(s) : County Council
 First Reading/Introduction : April 17, 2008
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Public Hearing : May 1, 2008
 Second Reading : May 1, 2008
 Third Reading :
 Effective Date : July 1, 2008

I, _____,
 Council Clerk, certify that this
 Ordinance was advertised for
 Public Hearing on _____.

ORDINANCE NO. 29-2007/08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Establish the Florence County Cultural Commission; To Provide For The Composition And Appointment Of The Commission; To Establish The Effective Date For Such Appointments; And Other Matters Relating Thereto.)

WHEREAS:

1. The Florence County Museum Board of Directors requests that the County provide assistance in acquiring a state match to build a new museum and establish a governing structure for the museum and other cultural facilities to be created within the county; and
2. Florence County Council desires to establish a cultural commission to maintain and operate specific sites related to the diverse cultural, historical and natural heritage of the County.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Chapter 2, Administration, Article V, Boards, Commissions and Agencies, of the Florence County Code is hereby amended by the insertion of the following language:

DIVISION 11. CULTURAL COMMISSION

Sec. 2-190. Established.

There is hereby created a commission to be known as the Florence County Cultural Commission, which shall have the composition, structure, organization, powers, duties and functions established in this subchapter in accordance with Florence County ordinances, policies and administrative procedures.

Sec. 2-191. Organization and Composition.

- (A) The Cultural Commission shall consist of eleven (11) members. Nine (9) members shall be appointed by the County Council for terms of four years or until their successors are appointed and qualified. Each County Council member shall nominate one of the nine (9) members for consideration as follows:

- The initial term of three (3) appointees from Districts 1, 4 and 7 shall be effective July 1, 2008, expiring on June 30, 2012.

- The initial term of three (3) appointees from Districts 2, 5, and 8 shall be effective July 1, 2008, expiring on June 30, 2011.
- The initial term of three (3) appointees from Districts 3, 6 and 9 shall be effective July 1, 2008, expiring on June 30, 2010.

The presiding President/Chairman of the Florence Museum Board and the Lake City Museum Board shall each serve as a member of the Commission.

Vacancies on the commission shall be filled in the manner of the original appointment for the unexpired term.

- (B) Members of the commission shall serve without pay, but travel and other incidental expenses may be provided in compliance with Florence County ordinances, policies and administrative procedures established for reimbursement of expenses for county boards, agencies and commissions.
- (C) The Cultural Commission shall adopt by-laws and rules of procedure not inconsistent with this code, and the commission shall maintain records and minutes of its proceedings and meetings.
- (D) The Cultural Commission shall meet at regular intervals, but not less frequently than once each quarter. Any member of the commission who shall be absent from 50% or more of the meetings of the commission during any 12-month period shall be deemed to have forfeited commission membership and shall be removed without further action by the County Council. It shall be the responsibility of the secretary-treasurer of the commission to notify the commission, the offending member and the County Council of the absences, removal and vacancy, and the County Council shall fill the vacancy created thereby in the manner of the original appointment, for the unexpired term of the member.
- (E) The Board of Directors of the existing Florence County Museum shall serve as an advisory board to the commission. The commission and its Director shall work cooperatively with and receive advice on its affairs from this non-profit corporation.

Sec. 2-192. Officers.

- (A) The officers of the Cultural Commission shall consist of the chairperson, the vice-chairperson, the secretary-treasurer and other officers as may be selected by a majority vote of the commission.
- (B) (1) Officers of the commission shall be elected by the commission in October of each year for terms of office which shall commence on January 1 of the following year.
- (2) Officers shall serve terms of one year and shall continue in office until their successors are elected and qualified.

- (C) Officers of the commission shall serve without pay, but travel and other incidental expenses may be provided in compliance with the ordinances, policies and procedures established by Florence County for reimbursement of expenses.

Sec. 2-193. Personnel.

The County Administrator shall employ an executive director in consultation with the commission. Pursuant to County policies and procedures, the executive director may employ other employees, consistent with the availability of funds and authorizations, as may be necessary to implement and carry out the purposes and objectives of this subchapter and the policies, functions, duties, responsibilities and programs of the commission.

Sec. 2-193. Adoption of Policies and Procedures.

The Cultural Commission shall adopt policies and procedures in accordance with the ordinances, policies and administrative procedures of the county.

Sec. 2-194. Purposes and Objectives.

The purposes and objectives of the Cultural Commission shall be:

- (A) To maintain and operate specific sites related to the diverse cultural, historical and natural heritage of the county;
- (B) To locate, select, conserve, restore, develop, appropriately mark and preserve the authenticity and unique character of other sites related to the diverse cultural, historical and natural heritage of the county;
- (C) To advise the County Council and citizens of the county on matters of their shared cultural, historical and natural heritage;
- (D) To promote and coordinate, with the County Council and other state and county agencies and supportive private organizations, efforts to identify, conserve, protect and publicize specific sites related to the cultural, historical and natural heritage of the county;
- (E) To accept donations of and to acquire property, art, artifacts, services, manuscripts, photographs, memorabilia, books, buildings and grounds and other items suitable for use by the commission in order to preserve the cultural, historical and natural heritage of all of the county's citizens, as well as other materials collected by donation or purchase suitable for educating the citizens of the county about matters of cultural, historical and natural heritage issues in general; provided, however, that all real property owned, leased or used by the commission or any related entity for commission purposes shall be transferred to the county by the persons or entities owning title thereto, and all real property used or acquired for commission purposes shall be owned, purchased, leased, held, conveyed or disposed of in the name of the county by the County Council;
- (F) To serve as the permanent repository and perpetual caretakers of art, artifacts, services, manuscripts, photographs, memorabilia, books and the buildings and grounds as may be

entrusted to its care, and other items suitable for use by the commission in order to preserve the cultural, historical and natural heritage of the county; and

- (G) To promote to the citizens of the county, as well as the general public, awareness of and visitation of specific sites to enhance the economic development and to create a comprehensive system of linked cultural, historical and natural heritage attractions of the county.

Sec. 2-195. Powers and Duties.

The Cultural Commission shall have the following powers and duties to be exercised in accordance with Florence County's ordinances, policies, and administrative procedures:

- (A) Make by-laws for the management and regulation of its business and affairs.
- (B) Elect officers and prescribe the duties and responsibilities of the officers.
- (C) Establish and appoint working committees and subcommittees. The commission shall not delegate or devolve any power, duty or responsibility conferred upon the commission under the general law or the provisions of this subchapter to any committee or subcommittee of the commission.
- (D) Establish and implement policies and carry out programs and projects as may be advisable in order to effectuate and implement the objectives of this subchapter in accordance with the general law, the provisions of this subchapter and the ordinances and policies of the county; subject to the availability of funds.
- (E) Accept donations of or purchase art, artifacts, services, manuscripts, photographs, memorabilia, books, buildings and grounds and other items suitable for use by the commission in order to preserve the cultural, historical and natural heritage of all of the county's citizens, as well as other materials collected by donation or purchase suitable for educating on matters of cultural, historical and natural heritage issues in general.
- (F) Submit an annual budget request and plan of operation for consideration in Florence County's regular budget processes, and file annually a detailed report of its operations and expenditures for the previous fiscal year with the County Council.
- (G) Receive and expend grants, gifts, donations, appropriations, admission fees and user fees from any public or private source for the operation, maintenance, expansion or improvement of property, sites, collections, programs or educational or other activities of the commission.
- (H) Apply for and seek the approval for the purchase, sale, lease, use or exchange of real property for the use of the commission or any related entity. All real property used by the commission or any related entity for commission purposes shall be owned, purchased, leased, exchanged, acquired, sold, conveyed, transferred or disposed of by the County Council in the name of the county.

- (I) Purchase, lease, acquire, receive, hold, own or use personal property, artifacts, collections, displays, exhibits, manuscripts, photographs, memorabilia, books and other items suitable for use by the commission.
- (J) Operate, maintain and make available to residents of the county museums, historical sites, planetariums, collections, repositories or other projects, with the programs as may be suitable for use by the commission in order to preserve the cultural, historical and natural heritage of the county and its citizens as may be deemed appropriate or advisable for those purposes.
- (K) File annually a detailed report of its operations and expenditures for the previous fiscal year with the County Council.
- (L) Locate, select, conserve, restore, develop, appropriately mark and preserve sites, buildings, rooms, facilities, equipment, exhibits, displays, collections, artifacts, manuscripts, services, photographs, memorabilia, books, buildings, grounds or other sites or items suitable for use by the commission in order to preserve the cultural, historical and natural heritage of the county and its citizens.
- (M) Develop, revise, amend and implement mission statements for the Cultural Commission.

Sec. 2-196. Ownership and Transfer of Property and Assets.

All real and personal property, collections, artifacts, exhibits, items suitable for use in the programs and projects of the commission shall be owned, purchased, leased, held, conveyed or disposed of in the name of the county. The Cultural Commission shall maintain with the County Council an accounting of all real property and fixed assets including, but not limited to personal property, collections, exhibits, artifacts owned, leased or used by the county or the commission or any related entity for commission purposes. An accounting of all grants, appropriations, gifts, revenues or donations received and used by the commission during the previous fiscal year shall be provided to the County Council.

- 2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
- 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

 Connie Y. Haselden, Council Clerk

 K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

 Approved as to Form and Content
 James C. Rushton, III, County Attorney

FLORENCE COUNTY COUNCIL MEETING

Item for Meeting on: Thursday, May 1, 2008

AGENDA ITEM: Ordinance No.30-2007/08
Introduction

DEPARTMENT: Planning and Building Inspections



ISSUE UNDER CONSIDERATION:

[An Ordinance To Repeal The Appendixes of the 2003 International Building Code, The 2003 International Plumbing Code, The 2003 International Mechanical Code, The International Fire Code, The 2003 International Energy Conservation Code, The 2002 National Electrical Code, The 2003 International Residential Code, And The 2003 International Fuel Gas Code And To Adopt Chapter I – Administration Of The 2006 International Building Code Of Chapter 7-Article II, Division 1 Of The Code Of Ordinance Of Florence County.]

POINTS TO CONSIDER:

1. The International Code Series was developed as a joint project by the Southern Building Code Congress International, the International Conference of Building Officials and the Building Officials and Code Administrators, International (referred to as the model code organizations) and replaced the Standard, National and Uniform Building Code Series.
2. Prior to June, 1997, local jurisdictions that desired to adopt building codes were permitted to do so by local ordinance.
3. In June 13, 1997, Governor Beasley signed the Statewide Building Code Act. The act required specific building codes to be adopted by every jurisdiction in the State.
4. Starting July 13, 1997, all local jurisdictions that did not legally “opt out” of the mandatory building code program were required to adopt building codes by local ordinance, after they were authorized by the Council. The Council was also required to establish the date of implementation for each of the adopted codes.
5. In July of 2003, Act 83 shifted the responsibility of adoption and implementation of the mandatory building codes, from the local jurisdictions, to the South Carolina Building Code Council.
6. Building codes authorized or adopted by the Building Codes Council, and their corresponding implementation dates:
 - 2000 International Building Code Series May 24, 2000 - July 1, 2001
 - 2000 International Residential Code May 24, 2000 - July 1, 2002
 - 2003 International Building Code Series May 26, 2004 – Jan. 1, 2005
 - 2003 International Residential Code May 26, 2004 - July 1, 2005
 - 2006 International Building Code Series Nov. 28, 2007 - July 1, 2008
 - 2006 International Residential Code Nov. 28, 2007 - July 1, 2008

7. Starting with the 2006 Code adoption cycle, local jurisdictions no longer are allowed to adopt the appendices. However, the local jurisdiction is required to adopt, by ordinance, Chapter 1 of the International Building Code or other administrative procedures.
8. We are recommending that the above-referenced Appendices be repealed and Chapter 1-Administration of the 2006 International Building Code be adopted for our administrative procedures. This follows our past history of Code administration.

OPTIONS:

1. (*Recommended*) Approve Ordinance No. 30-2007/08 as recommended.
2. Provide an Alternate Directive

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No.30- 2007/08
2. Attachment A-Major Code Changes
3. Attachment B – Minor Code Changes

DRAFT

Sponsor(s)	: County Council	
First Reading/Introduction	: May, 1, 2008	I, _____,
Committee Referral	: N/A	Council Clerk, certify that this
Committee Consideration Date	: N/A	Ordinance was advertised for
Committee Recommendation	: N/A	Public Hearing on _____.
Public Hearing	: N/A	
Second Reading	: May 15, 2008	
Third Reading	: June 5, 2008	
Effective Date	: Effective July 1, 2008 or when 2006 IBC Adopted by the State	

ORDINANCE NO. 30-2007/08

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Repeal The Appendixes of the 2003 International Building Code, The 2003 International Plumbing Code, The 2003 International Mechanical Code, The International Fire Code, The 2003 International Energy Conservation Code, The 2002 National Electrical Code, The 2003 International Residential Code, And The 2003 International Fuel Gas Code And To Adopt Chapter I – Administration Of The 2006 International Building Code Of Chapter 7-Article II, Division 1 Of The Code Of Ordinance Of Florence County.]

WHEREAS:

1. It is the desire of Florence County to facilitate proper inspection activities relative and vital to building construction and maintenance for the County and all participating jurisdictions and for the promotion of public safety, health and general welfare.
2. The South Carolina Building Code Council establishes that local jurisdictions are required to adopt by Ordinance, Chapter I – Administration of the International Building Code or other administrative procedures.
3. The implementation dates of the 2006 International Building Code Series are from November 28, 2007 through July 1, 2008.

NOW THEREFORE BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Chapter I – Administration of the 2006 International Building Code is hereby adopted for the enforcement of the standards as set forth herein.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

Approved as to Form and Content
James C. Rushton, III, County Attorney

ATTACHMENT A

Major Code Changes that will affect Florence County:

2006 International Building Code

- Chapter 9, Section 903.2.1.2 requires a Fire Sprinkler system for restaurants and nightclubs with a fire area that exceeds one hundred occupants.
- Chapter 23, Section 2308.12.3. The on-center spacing between braced wall panels have decreased from 35' to 25'.

2006 International Mechanical Code

- Chapter 5, Section 506.3.2.5 requires a more stringent method of testing and inspecting grease hood systems.
- Chapter 5, Section 507.2.1.1 requires that Type I hoods shall be designed to automatically activate whenever cooking operations occur.

2006 International Plumbing Code

- Chapter 3, Section 310.5 now requires sidewalls for urinal spaces.
- Chapter 4, Table 403.1 now requires seasonal areas to be included in the calculations for determining minimum plumbing facility requirements (i.e. outside dining areas).

2006 International Fire Code

- Chapter 9, Section 914. This section gives specific requirements of fire protection systems for covered malls, high rise buildings, underground buildings, special amusement buildings and aircraft-related buildings.

2006 Fuel Gas Code

- No major changes noted.

2006 International Residential Code

- Chapter 3, Section R301.2.1.1. The design parameters for our 100 mph wind zone have increased. The use of the Standard for Hurricane Resistant Residential Construction, commonly called, "SSTD10-99", is an acceptable alternative.
- Chapter 3, Section R303. The required distance between dwellings or the assumed property line without a fire resistant rated wall has increased to 5'. Previously, this distance was only required to be 3'.

ATTACHMENT B

Minor, But Notable Changes That Will Affect Florence County

2006 International Building Code

- The design parameters concerning wind speed have become more stringent. However, it should be less prominent considering the majority of our commercial work is done by licensed design professionals.
- Chapter 3, Table 302.3.2. "Required Separation of Occupancies" which has been a staple in the building codes has now been deleted. A hybrid version of this table has been created and moved to Chapter 5, Table 508.3.3. The parameters have not changed, but due to the change of format and location, it will require some adjusting for those who are accustomed to the old table.

2006 International Mechanical Code

- Chapter 3, Section 306. Appliances in attics, distance from access openings has increased, not to exceed 50 feet.
- Chapter 5, Section 513.4.6. Smoke control systems shall be designed to operate for a minimum of 20 minutes or 1.5 times the calculated egress time.

2006 International Plumbing Code

- Chapter 4, Section 421 is now specific on the size of whirlpool motor access doors.

2006 International Fire Code

- Chapter 8 "Interior Finishes" has had a total makeover. This chapter deals with the flame-spread and smoke developed ratings of materials used in buildings. Other than a fresh look and more details of the material covered, there is no significant change.
- Chapter 22, Section 2209 which deals with Hydrogen dispensing has been given some minor changes.

2006 Fuel Gas Code

- Chapter 4, Section 416 has been added to regulate the overpressure protection of fuel burning appliances.

2006 International Residential Code

- Chapter 15, Section 1501.1 clarifies that mechanical exhaust air should not be discharged into the soffit of the home.
- Chapter 38, Section 3802.12 requires that all bedroom outlets be protected by arc-fault circuit interrupters.

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Introduction of Ordinance No. 01-2008/09
By Title Only

DEPARTMENT: Administration
Finance

ISSUE UNDER CONSIDERATION:

An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2008 And Ending June 30, 2009; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; To Establish and Collect a Local Hospitality Tax in Florence County; And To Provide For Other Matters Related Thereto.

POINTS TO CONSIDER:

1. Ordinance No. 1-2008/09 is the budget ordinance for next fiscal year

FUNDING FACTORS:

NONE

OPTIONS:

1. *(Recommended)* Introduce Ordinance No. 1-2008/2009 by title only.
2. Provide An Alternate Directive

ATTACHMENT:

1. Ordinance No. 1-2008/2009 (title only)

Sponsor(s) : County Council
Introduction : May 1, 2008
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : May 15, 2008
Public Hearing : May 15, 2008
Third Reading : June 5, 2008
Effective Date : July 1, 2008

I, _____,
Council Clerk, certify that the
ad for a Public Hearing on this
Ordinance ran on: _____.

ORDINANCE NO. 01-2008/09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2008 And Ending June 30, 2009; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; To Establish and Collect a Local Hospitality Tax In Florence County; And To Provide For Other Matters Related Thereto.]

DRAFT

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Boards & Commissions

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Filling vacancies on Boards and Commissions.

POINTS TO CONSIDER:

1. Citizen involvement on boards, commissions and committees of Florence County is extremely important.
2. Many boards/commissions/committees currently have vacancies or have approaching vacancies.

OPTIONS:

1. Make appropriate appointments.
2. Take no action.

(A copy of the list of current and approaching vacancies for 2008 was previously provided to Council. Additional copies are available upon request.)

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Reports to Council
(Item for the Record only)

DEPARTMENT: Administration

ISSUE: International City/County Management Association (ICMA)
recognition of the County of Florence

POINTS:

- 1) Several months ago, work began on the application for recognition of Florence County to ICMA.
- 2) In March, we received notice that ICMA recognized Florence County as being a local government which has established a position of professional management for its chief appointed official (County Administrator).
- 3) This important recognition provides for Florence County's Council/Administrator form of government to be listed in *Who's Who Online* and to represent itself as a professional governmental entity with ICMA, the oldest and largest international organization of its kind.

ATTACHMENTS:

- 1) Copy of the certificate for County Office.
- 2) Condensed recap of the ICMA Recognition Criteria
- 3) ICMA Recognition Program Administrator Letter of Transmittal



The International City/County Management Association is pleased to recognize the

COUNTY OF FLORENCE SOUTH CAROLINA

under the Council-Manager criteria in

FEBRUARY 2008

A handwritten signature in cursive script, reading 'Ed Daley', positioned above a horizontal line.

President

A handwritten signature in cursive script, reading 'Peter G. ...', positioned above a horizontal line.

Executive Director

Recognition is the formal acknowledgment by the membership and Executive Board of the International City/County Management Association that a local government has established a position of professional management for its appointed executive.

ICMA RECOGNITION

International City/County Management Association

The government recognition process is important because it identifies those local governments which by ordinance, charter or other legal document have established positions of professional authority. A few of the more frequently asked questions about recognition are:

- 1. What is recognition?** Recognition is the formal acknowledgment by the membership and Executive Board of ICMA that a local government has established a position of professional management for its appointed executive.
- 2. How long does recognition last?** Recognition lasts as long as the legal basis establishing the position of professional management remains unchanged. A change in managers does not affect the recognition status of the local government; a change in the form of government does.
- 3. What kind of local governments are eligible for recognition?** Any general purpose city, town, village, township, borough, county, council of governments, or state/provincial association of local governments that has established by legal documents a form of government that satisfies the ICMA recognition criteria is eligible.
- 4. What is the basis for recognition?** Compliance with the ICMA recognition criteria is the basis. Evidence of meeting the criteria is either an ordinance, resolution, charter, special act of the state legislature, or another legal document establishing a position of professional management.

- 5. What kinds of recognition are there?** There are two kinds: recognition under the Council-Manager (CM; synonymous with Council-Administrator term for ICMA purposes) criteria and under the General Management (GM) criteria. Councils of governments, and state/provincial associations of local governments are always recognized under the GM criteria; local governments may be recognized under either CM or GM criteria depending upon their individual features established by law.

The criteria for the council-manager category are less flexible than for the general management category. The reasons for this are the nature of the council-manager form and its historical significance. It represents an easily definable form of local government with a limited variety of implementation. On the council-manager form rests ICMA's origin. Although it is not seen as the only means of providing for overall professional management, the intent is to recognize its contributions to local government by distinguishing it within the wide variety of administrative organizational structures in democratic governments throughout the world.

- 6. What happens after recognition?** The local government is listed in future additions of ICMA's Who's Who Online as a jurisdiction that provides for a position of professional management.

RECOGNITION CRITERIA

Recognition of a Council-Manager Position (County Administrator/Chief Administrative Officer Position)

(Adopted October 11, 1969, and revised July 22, 1989)

APPOINTMENT. The manager is appointed by the majority vote of the Council for a definite or indefinite term.

Guideline. It is recognized that the process for appointing the manager may include participation by others in nominating or recommending candidates to be considered. The final responsibility or authority of appointment as well as dismissal of the manager must lie with a majority of the Council.

POLICY FORMULATION: The position should have direct responsibility for policy formulation on overall problems.

Guideline. Final authority for policy formulation rests with the Council, but the manager should play an integral role in developing and analyzing alternatives for the Council's consideration and be responsible for implementation of Council-approved policy.

BUDGET: The manager should be designated by legislation as having responsibility for preparation of the budget, presentation to the Council, and direct responsibility for the administration of the Council-approved budget.

Guideline. While the manager should have responsibility for preparing and presenting the budget to the Council, it is recognized that many parties often participate in the budget process and may contribute to the development of the manager's

recommended budget. Once approved by Council, the manager is responsible for implementing and administering the budget.

APPOINTING AUTHORITY: The manager should be delegated by legislation the full authority for the appointment and removal of at least most of the heads of the principal departments and functions of the local government.

Guideline. The manager's ability to independently select the most qualified personnel for key department head positions and remove them when necessary is essential to his or her administrative effectiveness. Though the preferred arrangement is for the manager to have independent authority to appoint and remove key department heads, recognition in the C-M category will also be extended to those communities in which Council is given the authority by legislation to confirm, validate or ratify such personnel actions, as long as responsibility for recommending them remains with the manager.

ORGANIZATIONAL RELATIONSHIPS: The department heads whom the manager appoints are administratively responsible to the manager.

QUALIFICATIONS: Qualifications for the position should be based on the educational and administrative background of the candidates.

Guideline. Appointment to the manager's position should be based on professional experience, administrative qualifications, and education to ensure that the community is served by a competent, well-trained professional. Political affiliations should not in any way influence appointment.



Leaders at the Core of Better Communities

March 7, 2008

Mr. Richard Starks, County Administrator
County of Florence
City-County Complex
180 North Irby Street MSC-G
Florence, SC 29501

Dear Mr. Starks:

Congratulations! I am pleased to inform you that the ICMA Executive Board at its February 2008 meeting formally recognized your position as one of overall professional management under the Council-Manager criteria. Your local government will be listed as such in Who's Who online. A certificate of recognition is enclosed.

We appreciate your interest in the recognition process and the growth of professional local government management. We also look forward to your prospective activity in the Association.

Sincerely,

Walter A. Scheiber
Recognition Program Administrator
ICMA Range Rider

Enclosure: Certificate of Recognition

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Report to Council

DEPARTMENT: Administration

ISSUE UNDER CONSIDERATION:

Council is requested to authorize the County Administrator to execute an Agreement for Exchange of Property between Florence County and the City of Florence.

OPTIONS:

1. *(Recommended)* Authorize the County Administrator to execute an Agreement for Exchange of Property between Florence County and the City of Florence.
2. Provide an alternate directive.

ATTACHMENTS:

A copy of proposed Agreement for Exchange of Property.

STATE OF SOUTH CAROLINA)
) **AGREEMENT FOR EXCHANGE OF**
) **PROPERTY**
COUNTY OF FLORENCE)

WHEREAS, the City of Florence, South Carolina (hereinafter “City”) and the County of Florence, South Carolina (hereinafter “County”) own property in the downtown area of Florence, South Carolina; and

WHEREAS, the City and County have determined that an exchange of property is in their mutual and best interest to better serve their constituents; and

WHEREAS, the City and County wish to accomplish the exchange of property set forth below;

IT IS HEREBY AGREED between the City and County as follows:

- 1) The County will deed to the City property designated on the Florence County Tax Assessor’s Map as tax parcel numbers 90168-01-007 and 90168-01-011. In addition, the County will assign to the City all applicable lease rights held by the County associated with those tax parcels.

- 2) In exchange, the City will deed to the County property designated on the Florence County Tax Assessor’s Map as tax parcel numbers 90167-01-008, 90167-01-015, 90167-01-016, 90167-01-017, 90167-01-019, and 90167-01-022. During the time the County holds title to the newly exchanged property, the County will continue, to the extent that it is possible, to make available public parking for the general public as well as employees of the City and County relative to their employment with the City and County and for purposes of the public conducting business in the City-County Complex.

In addition, the City and County will cooperate in efforts to accept from the South Carolina Department of Transportation two blocks of Baroody Street, between Coit Street and Dargan Street, for purposes of converting that portion of the road to one-way traffic and converting a portion of the road for public parking for the Florence City-County Complex.

This Agreement is entered into this _____ day of April, 2008 by the City of Florence, South Carolina and the County of Florence, South Carolina.

CITY OF FLORENCE

By: _____
Its: _____

COUNTY OF FLORENCE

By: _____
Its: _____

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Reports to Council
Reallocation of Funds

DEPARTMENT: Administration
(Grants)

ISSUE UNDER CONSIDERATION: Rural Development Act funds (RDA) allocation for qualified infrastructure improvements for public infrastructure improvements in the Pee Dee Regional Commerce Center and award of professional engineering services

POINTS TO CONSIDER:

- 1) Pee Dee Electric Cooperative, Inc. allocated to Florence County RDA funds for qualified project expenditures under the RDA guidelines.
- 2) Contractual obligations in the Agreement between Florence County and Pee Dee Electric Cooperative, Inc. dated December 20, 2006 are currently being concluded and will have a remaining balance of up to \$133,000 of available funds which will expire December 31, 2009.
- 3) Pee Dee Electric Cooperative (PDEC) has requested to have up to \$50,000 of the remaining RDA funds reallocated for qualified public infrastructure improvements in the Pee Dee Regional Commerce Center for the purchase and installation of guardrails.
- 4) Davis and Brown to provide the engineering services for this project for an estimated \$3,800.

FUNDING FACTORS:

\$50,000 = Maximum requested funds to be reallocated from PDEC/FC 20 Dec 06 Agreement

OPTIONS:

- 1) Approve the PDEC request for up to \$50,000 of the RDA funds to be allocated for qualified infrastructure improvements for public improvements in the Pee Dee Regional Commerce Center, award the contract for professional engineering services to Davis & Brown for an estimated \$3,800; and authorize the County Administrator to execute all associated documents.
- 2) Provide alternate directive.

ATTACHMENTS:

- 1) Davis & Brown Estimate
- 2) April 10, 2008, Pee Dee Electric Cooperative Letter



PEE DEE TOUCHSTONE ENERGY COMMERCE CITY
GUARDRAILS

4/9/2008

SUMMARY COST ESTIMATE

CONSTRUCTION	\$26,800.00
CONTINGENCIES (15%)	\$4,020.00
ADMIN/ENG/LEGAL/LAND	\$3,800.00

TOTAL PROJECT COST	\$34,620.00
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DETAILED COST ESTIMATE

CONSTRUCTION

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>AMOUNT</u>
1	GUARDRAIL (W BEAM)	480	LF	\$35.00	\$16,800.00
2	END TERMINAL	4	EA	\$2,500.00	\$10,000.00
				TOTAL	<u>\$26,800.00</u>

ADMIN/ENG/LEGAL/LAND

1	Legal				\$0.00
2	Land Acquisition				\$0.00
3	Engineering Design				\$3,800.00
4	Inspection				\$0.00
5	Administrative				\$0.00
				TOTAL	<u>\$3,800.00</u>



April 10, 2008

Mr. Richard Starks
Administrator, Florence County
180 N. Irby Street, MSC-SS
Florence, SC 29501

Dear Richard,

Thank you for your prompt response to my previous letter regarding the guardrails at Commerce City and the speed limit signage issue.

We have received a copy of the estimate submitted to the county by Davis and Brown. Pee Dee Electric Cooperative hereby authorizes distribution of up to \$50,000 for the purchase and installation of guardrails at the corner of Alex Lee Boulevard and Bill Crisp Drive and also at the bend of General William W. Drive.


If Pee Dee Electric or I can ever be of assistance, please do not hesitate to contact me.

Sincerely,

PEE DEE ELECTRIC COOPERATIVE, INC.

A handwritten signature in black ink, appearing to read "Tony", is written over the printed name of E. LeRoy Nettles, Jr.

E. LeRoy Nettles, Jr.
President & CEO

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The power of human connections

www.peedeelectric.com

Telephone 843-665-4070

Corporate Headquarters
1355 East McIver Road
PO Box 491
Darlington, SC 29540

District Office
1311 North 501 Bypass
PO Box 683
Marion, SC 29571

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Report to Council

DEPARTMENT: Emergency Management

ISSUE UNDER CONSIDERATION:

Florence County School District No. 1 (FCSD1) requests to rent space on the roof of the City-County Complex for placement of UHF repeater, antenna and related communications equipment at a rental rate of \$60.00 per month.

POINTS TO CONSIDER:

1. The Florence City-County Building Commission has approved the use of roof space by FCSD1 for their equipment with the understanding that FCSD1 will be responsible for all cost associated with installation as well as cost associated with any future removal.
2. FCSD1 currently rents space on a commercial tower for their UHF repeater at a cost of over \$3,000 annually.
3. By allowing FCSD1 to re-locate their repeater to the City-County Complex, the district would not only save money but, more importantly, would improve the radio coverage for their bus fleet and thereby enhance the safety of school operations.
4. Prior to the relocation of the repeater, FCSD1 must complete, at their expense, a Federal Communications Commission (FCC) required, intermodulation study to ensure their equipment will have no adverse impact any existing communications equipment currently operating on the Complex.
5. Florence County currently has a similar rental agreement with Florence County School District No. 3 (FCSD3) allowing them to place their repeater and communications equipment on the Florence County owned tower site near Lake City.

FUNDING FACTORS:

1. FCSD1 will incur all cost associated with the required intermodulation study and installation of their antenna, repeater and related equipment on the City-County Complex.
2. The \$60 monthly rental rate is sufficient to offset expected increase in utilities caused by the addition of the FCSD1 communications equipment on the City-County Complex.
3. Approval of this lease agreement should not result in any increased financial obligation for Florence County.

OPTIONS:

1. ***(Recommended)*** Authorize County Administrator to execute a Lease Agreement with Florence County School District No. 1 for the rental of space on the roof of the City-County Complex for placement of UHF repeater, antenna and related communications equipment at a rental rate of \$60.00 per month.
2. Provide an alternate directive.

ATTACHMENTS:

Lease Agreement with Florence County School District No. 1

- B. Lessee shall be responsible for taking such steps as may be necessary to prevent any interference or spurious radiation with the communication facilities of Lessor or others presently on the roof caused by Lessee's transmission or other activities of Lessee on the Leased premises. If such interference or spurious radiation cannot be reduced to levels reasonably acceptable to Lessor, Lessor may elect to terminate this Lease immediately.
- C. Lessee shall provide Lessor with a copy of its FCC License prior to installation of equipment on the complex roof.
- D. The installation of the equipment must be approved by the engineering representative of the Lessor. The Lessee agrees that the installation will be done in a neat, workmanshiplike manner. All costs of the installation will be assumed by the Lessee.

ACCESS TO THE COMPLEX ROOF FOR MAINTENANCE:

The Lessee shall procure and maintain, before commencing any installation and/or maintenance work on the roof, a Certificate of Insurance covering Workmen's Compensation Insurance in a responsible insurance company acceptable to the Lessor, and said insurance shall provide for the payment of compensation in accordance with the laws of the State of South Carolina for all workmen employed, and employees of the Lessee and its Contractors and Sub-Contractors, and further insuring the Lessor against any and all liability for personal injury or death of such workmen and employees. The Lessee shall provide the Lessor with said Certificate of Insurance prior to the commencement of any installation and/or maintenance provided for this Lease. All policies of Florence County regarding access and access control must be followed by the Lessee. The failure of the Lessee to follow such policies shall be deemed to be an act of default.

INSURANCE:

The Lessee hereby assumes all risk of and responsibility for, and agrees to indemnify and save harmless the Lessor from and against any and all claims, demands, suits, actions, recoveries, judgments and costs and expenses in connection therewith made, brought or obtained on account of the loss of life, property or injury or damage to the person or property of any person or persons whomsoever, whether such person or persons to be Lessor, its agents or employees, or the Lessee, its agents or employees, any Contractors, or Sub-Contractors employed by the Lessee, their agents or employees, or any third person in no way connected with the parties hereto, which loss of life or property, or injury or damage to persons or property, shall be due to or arise out of, result from, or be in any way connected with this Lease or any work done thereunder.

The Lessee shall procure and maintain comprehensive public liability and property damage insurance for this work in an insurance company approved by the Lessor, covering all its operations and activities on or in connection with the Leased Premises with a single limit of not less than Two Hundred Fifty Thousand (\$250,000.00) Dollars naming Lessor as an additional insured and shall furnish Lessor with a certificate evidencing such insurance and stating that such coverage shall not be canceled or changed until Lessor shall be given thirty (30) days notice in writing. The insurance must be carried throughout the term of the contract.

MAINTENANCE OF LEASED PROPERTY:

Lessor shall provide to the Leased Property (but not to the equipment housed thereon) all necessary maintenance and repairs, provided, however, that when such maintenance and repair is made necessary by or because of the fault or negligence of Lessee (reasonable wear and tear excepted), Lessee shall reimburse Lessor for the cost of thereof.

Lessee, at its own expense, shall carry out the maintenance of Lessee's property, including but not by way of limitation, the electrical and mechanical maintenance of antennas and other equipment and any transmission lines. Maintenance shall be conducted by Lessee in accordance with reasonable engineering standards to assure that at all times Lessee's equipment is in conformance with the requirements of the Federal Communications Commission and all other public authorities with jurisdiction over Lessee.

Lessee, at its own expense, shall keep the Lessee's property in good condition and repair and at the termination of this Lease, shall surrender possession of the Leased Property to Lessor in as good a condition as same was received at the commencement of the term, reasonable wear and tear expected.

ASSIGNMENT:

Lessee shall not assign or transfer this Lease without the prior written consent of Lessor.

REMOVAL OF LESSEE'S EQUIPMENT UPON TERMINATION:

Lessee agrees to remove its antenna and equipment, at its expense, within thirty (30) days after termination of this Lease Agreement.

DEFAULT BY LESSEE:

If Lessee defaults in payment of rent or under any other provision of this Lease Agreement and such default is not cured within thirty (30) days after receipt of written notice of such default from Lessor, Lessor may terminate this Lease Agreement upon thirty (30) days written notice. In such event Lessor shall have the right to remove Lessee or any person occupying the Leased Premises and the antenna and other equipment belonging to the same without prejudice to any other remedies which might be otherwise available to Lessor.

INDEMNIFICATION:

Lessee agrees to indemnify Lessor against any expense, loss or liability suffered or incurred by Lessor as a result of any breach by Lessee, Lessee's agents, employees, customers, visitors or licensees.

This Lease shall be binding upon and inure to the benefits of the parties hereto and their respective successors and assigns. This Lease may not be modified, altered, terminated or discharged orally, but only by an agreement in writing signed by the parties hereto.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Lease to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and signed by the respective officers thereunto duly authorized, all as of the day and year first above written.

WITNESSES:

FLORENCE COUNTY, SOUTH CAROLINA
LESSOR

Attest: _____

By: _____
County Administrator

FLORENCE SCHOOL DISTRICT NO. 1
LESSEE

Attest: _____

By: _____

Title: _____

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Other Business
Infrastructure Fund
Council Districts 6 and 7

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve the expenditure of funds from Council Districts 6 and 7 Infrastructure funding allocations in an amount up to \$7,500.00 (\$3,750 from each district) for capital improvements to American Legion Field.

ATTACHMENTS:

A copy of the Memorandum indicating the approval of Councilmen Culberson and Mumford.



FLORENCE COUNTY COUNCIL

MEMO

To: Waymon Mumford, District 7
Russell Culberson, District 6

From: Connie Y. Haselden, Clerk to Council

Cc: Richard A. Starks, County Administrator
Kevin V. Yokim, Finance Director
Alice C. Bailey, Procurement & Facilities Director
Joe Eason, Recreation Director

Date: April 21, 2008

Re: Florence City-County Stadium Commission

Attached is a copy of a request from the City-County Stadium Commission for financial assistance with capital improvements at American Legion Field. If you accept this project as stated above and the funding up to \$7,500.00 to be paid from infrastructure funding allocations (\$3,750 from each district), please indicate your approval by signing below.

\$ 3,750
Amount

(verbally approved – signature pending)
Approved by Waymon Mumford

Date

\$ 3,750
Amount

(verbally approved – signature pending)
Approved by Russell W. Culberson

Date

FLORENCE CITY-COUNTY STADIUM COMMISSION
Office Box 13863
Florence, SC 29505

April 21, 2008

Mr. Richard Starks, County Manager
County of Florence
180 North Irby Street- MSC-H
Florence, SC 29501

Dear Mr. Starks:

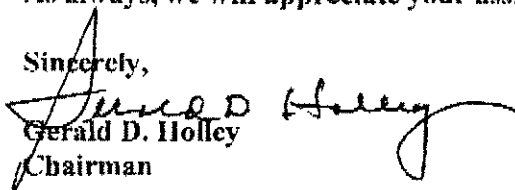
The Florence City-County Stadium Commission is requesting assistance with funding capital improvements to American Legion Field. The funding is necessary to make needed repairs, make upgrades, and improve the safety of those who attend games at Legion Field. The repairs are needed primarily on the press box and concession stand. The upgrades are for electricity to support existing electrical equipment and permit hand dryers to be installed in restrooms to eliminate hand towels which occasionally are thrown in toilets and results in clogged drains. Flooding of bathrooms during games has become a problem and plumbers have to be called out during games. The safety issues are primarily with broken concrete which has resulted in spectators tripping, and fencing that has jagged edges and could be dangerous.

The County and City have shared evenly in the past in funding capital improvements and repairs at Legion Field. The total cost for these projects is \$15,000. The amount requested from County Council, therefore, is \$7,500.

The support of Florence County Council has been very important in our efforts to provide opportunities for baseball players and fans. American Legion Field continues to be heavily used with Florence RedWolves , Florence-Darlington Tech, American Legion, and high school practices and games. Last summer we hosted the Coastal Plains League end of the year tournament which was very successful. This summer is special since Florence will host the state American Legion Tournament. Having attractive and safe facilities is important in attracting these events and bringing visitors to our area.

As always, we will appreciate your assistance.

Sincerely,


Gerald D. Holley
Chairman

**EXISTING ITEMS AT AMERICAN LEGION FIELD THAT NEED TO BE
REPLACED, FIXED OR UPGRADED**

*ITEMS LISTED IN PRIORITY ORDER FROM FLORENCE REDWOLVES

1. Fencing Issues

- A. Fence between deck area and 1st base bullpen is curling up and poles are bent, has become a safety hazard
- B. Fence between picnic area and 3rd base bullpen is curling up and poles are bent, has become a safety hazard. Also needs a bigger gate for access
- C. Fence that separates 1st base bullpen and football area is rusted and curling up in some areas, fence mesh needs to be replaced
- D. Fence that separates 1st base bullpen and outside of stadium needs a double gate, current gate is a 4ft walk through gate. No way to get equipment into 1st base bullpen for work without driving over the field from 3rd base side of stadium.
- E. Main entrance gate for stadium needs to be moved down the 1st base side to allow vendors with trailers and work equipment easy access. Current gate does not allow this, can't make the turn to get in because of stadium wall.

Estimate for repair and replacement of fencing request is **\$4000**

2. Concrete Walkway behind home plate area is uneven and broken. Has become a tripping hazard for fans. Current walkway needs to be torn out and new one poured.

Estimate to pour new walkway is **\$ 2100**. Existing walkway will be torn up and hauled off as an in-kind project by the City

3. Electric Needs

- A. Bathrooms need to have 110 outlet put in them to allow for a fan/heater to be plugged in. Lack of moving air in the summer and heat during cold months is a complaint that we get from fans at games
- B. Need for another circuit box, we have tripping issues with the current breakers and the only way to get some items off of the breakers to stop this is to add another circuit box because the current one is full.
- C. Need to do away with brown roll paper towels in bathrooms and install hand dryers. Have problems with people putting the brown paper towels in the toilets and stopping them up. Had to call out plumbers twice this past summer due to the sewage backing up out on the sidewalks during games. The bathrooms would have to be wired for the dryers and would be another item that would have to have breaker space.
- D. Currently there are no outside electric outlets along the stadium wall. Any activity needing power directly around the field has to have numerous

extension cords run to an inside location, this in turn adds to the breaker tripping problem mentioned earlier.

Estimate for work for electric needs is \$3000

4. Fans have requested that baby/diaper changing stations in one men's and one lady's restrooms.

Estimate for the stations is \$225 each. We would do the installation

5. Rotting wood replacement

A. Wood framing around press box is rotting and needs to be replaced along with wood around windows. Repairing and covering in vinyl siding is recommended

B. Wood framing around concession stand windows is rotting and needs to be replaced

Estimate to repair/replace is \$1500

6. The set of bleachers near the 1st base bullpen needs to have repairs to the railing. It is loose and rotten in places. Also some of the seating area needs more support. Suggest replacing railing with 6ft chain link fencing like the other 2 sets of bleachers currently have.

Also need to replace fencing in front of each dugout for safety reasons. Need to go from existing 3ft high to 5ft high to keep line drives from hitting someone in dugout.

Estimate \$3000

7. Stadium is in need of paint job. Paint is fading since last painting and paint is chipping in some places

Estimate for Labor- \$650

Estimate for Paint- \$500

Total Estimate For Items 1-7- \$15,000

FLORENCE COUNTY COUNCIL MEETING

May 1, 2008

AGENDA ITEM: Other Business
Road System Maintenance Fee (RSMF) Fund
Council District 4

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve the expenditure of funds from Council District 4 RSMF funding allocation in an amount up to \$939.60 for 15 tons of asphalt to patch near the Armory/polling location in District 4.

ATTACHMENTS:

1. A copy of the Memorandum indicating the approval of Councilman Kirby.

