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

I.

AGENDA FLORENCE COUNTY COUNCIL REGULAR MEETING COUNTY COUNCIL CHAMBERS, ROOM 803 180 NORTH IRBY STREET FLORENCE, SOUTH CAROLINA THURSDAY, JULY 15, 2010 9:00 A. M. Russell W. Culberson District #6

Waymon Mumford District #7

James T. Schofield District #8

H. Morris Anderson District #9

CALL TO ORDER: K. G. RUSTY SMITH, JR., CHAIRMAN

II. INVOCATION: H. MORRIS ANDERSON, SECRETARY/CHAPLAIN

III. <u>PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG:</u> WAYMON MUMFORD, VICE CHAIRMAN

IV. <u>WELCOME:</u>

K. G. RUSTY SMITH, JR., CHAIRMAN

V. <u>MINUTES:</u>

MINUTES OF THE JUNE 17, 2010 REGULAR MEETING[1]Council Is Requested To Approve The Minutes Of The June 17, 2010 RegularMeeting Of County Council.

VI. <u>PUBLIC HEARINGS:</u>

[10]

Council will hold public hearing on the following:

ORDINANCE NO. 37-2009/10

An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Thousand Dollar (\$900,000) General Obligation Bond Of Florence County, South Carolina (Windy Hill/Olanta Rural Volunteer Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.

VII. <u>APPEARANCES:</u>

 A. <u>VERMELLE P. SIMMONS, PARTNERSHIP SPECIALIST – 2010 CENSUS</u> [11] Ms. Simmons Requests To Appear Before Council To Share Information On The Participation Rate For The 2010 Census.

B. <u>CRYSTINE M. RATHBURN, GISP – GIS MANAGER</u> [13]

Ms. Rathburn Requests To Appear Before Council To Make A Very Brief Presentation On The Damage Assessment Relay Tool (DART) Developed By The Florence County GIS Department.

VIII. <u>COMMITTEE REPORTS:</u>

(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)

February 5, 2009 Voter Registration/Election Office Building

Justice & Public Safety

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

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.)

City-County Conference Committee

(Council members Alphonso Bradley/Co-Chair, Russell W. Culberson, and Johnnie D. Rodgers, Jr.)

IX. <u>RESOLUTIONS:</u>

No Resolutions Were Presented For Consideration At The Time Of Publication Of The Agenda.

X. ORDINANCES IN POSITION:

A. THIRD READING

1. <u>ORDINANCE NO. 22-2009/10 – DEFERRAL</u> [15]

An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina, And J.P. Morgan Chase, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto.

2. ORDINANCE NO. 23-2009/10 – DEFERRAL

An Ordinance To Amend The Agreement For Development Of A Joint County Industrial Park Dated As Of December 1, 1998 Between Florence County, South Carolina And Williamsburg County, South Carolina To Include Additional Properties In The County As Part Of The Multi-County Industrial Or Business Park.

3. ORDINANCE NO. 36-2009/10

An Ordinance To Rezone Property Owned By Bryan Gardner Located At 3414 James Turner Road, Florence County From R-1, Single-Family Residential District To RU-1, Rural Community District Shown On Florence County Tax Map No. 00127, Block 01, Parcel 012 Consisting Of Approximately 25 Acres.

(Planning Commission approved 9 – 0.) (Council District 5)

[50]

[42]

B. SECOND READING

ORDINANCE NO. 37-2009/10 (Public Hearing)

An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Thousand Dollar (\$900,000) General Obligation Bond Of Florence County, South Carolina (Windy Hill/Olanta Rural Volunteer Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.

C. INTRODUCTION

1. <u>ORDINANCE NO. 02-2010/11</u>

An Ordinance To Adopt A Transportation Element For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510. (*Planning Commission approved* 10 - 0.)

2. ORDINANCE NO. 03-2010/11

An Ordinance To Amend The Comprehensive Plan Land Use Map For Properties In Florence County For Areas Bounded On The West By Oak Street, North By East Sixth Avenue, East By Human Street, And South By The Intersection Of River Road And South Pine Street, Pamplico, SC From Residential Preservation And/Or Variable Residential To Suburban Development As Shown On Florence County Tax Map No. 00376, Block 02, Parcels 8, 14, 15, 17-19, 22-25, 27-34, 39-41, 56, 58-60, 63, 64, 66, 72-77, 79, 81-86, 95-97; Tax Map No. 00377, Block 2, Parcel 3; Tax Map No. 60006, Block 9, Parcels 2-5, 7-15, 27-30; Tax Map No. 60006, Block 10, Parcels 11-14, 26; Tax Map No. 60006, Block 11, Parcels 1-3, 5-10, 12; Tax Map No. 60006, Block 12, Parcels 1-7; Tax Map No. 60006, Block 13, Parcels 1-10; Tax Map No. 60007, Block 12, Parcels 1-3, 5-9, 14-18; Tax Map No. 60007, Block 13, Parcels 1-6, 8, 11; Tax Map No. 60007, Block 17, Parcels 1-4, 6-8; Tax Map No. 60007, Block 18, Parcel 1; Tax Map No. 60007, Block 19, Parcels 1-9, 12, 13; Tax Map No. 60007, Block 20, Parcels 1-12; Tax Map No. 60010, Block 2, Parcels 1-23; Tax Map No. 60010, Block 3, Parcels 1-11, 13-15; Tax Map No. 600010, Block 4, Parcels 1, 3-12, 14, 16-21; Tax Map No. 600010, Block 5, Parcels 1-4; Tax Map No. 60010, Block 6, Parcels 2-7, 9-12 Consisting Of 215 Parcels.

(Planning Commission approved 10 – 0.) (Council District 2)

[86]

[90]

[60]

3. ORDINANCE NO. 04-2010/11

An Ordinance To Rezone Properties Owned By Property Owners As Shown On Attachment "A" Located On East Sixth Avenue, East Fifth Avenue, East Main Street, East Third Avenue, East Second Avenue, East First Avenue, North And South Oak Street, North And South Pine Street, North And South Elm Street, Allison Alley, Self Alley, Felly's Alley, Cockfield Drive, Cain Street, McElveen Street And Human Street, Town Of Pamplico From R-5, Multi-Family Residential District To RU-1, Rural Community District Shown On Florence County Tax Map No. 00376, Block 02, Parcels 008, 014, 015, 017-019, 022-025, 027-034, 039-041, 056, 058-060, 063, 064, 066, 072-077, 079, 081-086, 095-097; Tax Map No. 00377, Block 02, Parcel 003; Tax Map No. 60006, Block 09, Parcels 002-005, 007-015, 027-030; Tax Map No. 60006, Block 10, Parcels 011-014, 026; Tax Map No. 60006, Block 11, Parcels 001-003, 005-010, 012; Tax Map No. 60006, Block 12, Parcels 001-007; Tax Map No. 60006, Block 13, Parcels 001-004; Tax Map No. 60007, Block 12, Parcels 001-003, 005-009, 014-018; Tax Map No. 60007, Block 13, Parcels 001-006, 008, 011; Tax Map No. 60007, Block 17, Parcels 001-004, 006-008; Tax Map No. 60007, Block 18, Parcel 001; Tax Map No. 60007, Block 19, Parcels 001-009, 012, 013; Tax Map No. 60007, Block 20, Parcels 001-012; Tax Map No. 600010, Block 02, Parcels 001-011, 016-019, 021, 023; Tax Map No. 60010, Block 03, Parcels 01-011, 013-015; Tax Map No. 60010, Block 04, Parcels 001, 003-012, 014, 016-021; Tax Map No. 60010, Block 05, Parcels 001-004; Tax Map No. 60010, Block 06, Parcels 002-007, 009-0012 Consisting Of 205 Parcels.

(*Planning Commission approved* 9 – 1.) (*Council District* 2)

4. <u>ORDINANCE NO. 05-2010/11</u>

An Ordinance To Zone Properties Owned By Property Owners As Shown On Attachment "A" Located On Harmony Street, West Dixie Street, West Sumter Street, Carver Circle, West Marion Street, North Hartwell Drive, North Schofield Street, Dewey Road, Bunch Street, Curry Lane, North Trinity Street, Cumberland Drive, And North Alexander Street, Florence County To R-3A, Single-Family Residential District Shown On Florence County Tax Map No. 90044, Block 02, Parcels 002-011; Tax Map No. 90044, Block 03, Parcels 002, 004-006, 008-010, 012-015; Tax Map No. 90044, Block 04, Parcels 001-003, 005-021; Tax Map No. 90044, Block 06, Parcels 001-003, 005; Tax Map No. 90044, Block 08, Parcels 002-006, 010; Tax Map No. 90044, Block 09, Parcels 001-021, 025, 026; Tax Map No. 90044, Block 10, Parcels 001-014, 017, 019, 021, 024, 029-043, 045-066; Tax Map No. 90045, Block 02, Parcels 004, 007; Tax Map No. 90059, Block 08, Parcels 007, 010; Tax Map No. 90059, Block 09, Parcels 012, 017; Tax Map No. 90060, Block 08, Parcels 001, 002, 007-011; Tax Map No. 90060, Block 13, Parcels 003, 005, 006; Tax Map No. 00122, Block 01, Parcel 097 Consisting Of 154 Parcels.

(Planning Commission denied 6 – 4.) (Council District 3)

[118]

XI. **APPOINTMENTS TO BOARDS & COMMISSIONS:**

XII. **REPORTS TO COUNCIL:**

A. ADMINISTRATION

- 1. MONTHLY FINANCIAL REPORTS [146] Monthly Financial Reports Were Provided To Council For Fiscal Year 2010 Through May 31, 2010 As An Item For The Record.
- 2. SCDOT ALLOCATION, VOTERS REGISTRATION & ELECTION COMMISSION BLDG[152] Accept Allocation From The South Carolina Department Of Transportation (SCDOT) Under The Florence County Transportation Committee (FCTC) C Funds Program, PCN #40332 In The Amount Of \$100,000 For Pavement Improvements At The New Voters Registration And Election Commission Building.

B. EMERGENCY MEDICAL SERVICES (EMS)

NON-EXCLUSIVE AMBULANCE FRANCHISES

Award A Non-Exclusive Ambulance Franchise To Wilson Medical Transport And Ambunet, Inc.

C. LIBRARY

1. GRANT AWARD DRS. BRUCE & LEE FOUNDATION

Accept A \$50,000 Grant Award From The Drs. Bruce & Lee Foundation To Purchase Library Materials For Use By The Branches Specified In The Florence County Library System.

2. GRANT AWARD SCSL LSTA

[163] Accept A \$10,216 Grant Award From The South Carolina State Library (SCSL) For Approved Books And Materials Under Library Services And Technology Act (LSTA) Project Category IID Fast Track Grants To Be Used By The Florence County Library System.

[161]

[154]

D. PROCUREMENT

AWARD OF BID #29-09/10

Approve Award Of Bid #29-09/10 For Parking Expansion/Realignment At The Lower Florence County Public Service Building To Osborne Construction, Turbeville, SC In The Amount Of \$31,425.00. (3 compliant bids)

E. VOTER REGISTRATION AND ELECTIONS

AWARD OF BID #24-09/10

[168]

[174]

[165]

Approve Award Of Bid #24-09/10 For The Construction Of The Voter Registration And Elections Commission Building To Walker Industries LLC, Florence, South Carolina In The Amount Of \$995,858. (13 compliant bids)

XIII. <u>OTHER BUSINESS:</u>

A. INFRASTRUCTURE

B. <u>ROAD SYSTEM MAINTENANCE FEE (RSMF)</u>

EAST BLACK CREEK ROAD [173] Approve The Expenditure Of Up To \$40,562.50 From Council District 7 RSMF Funding Allocation To Pay For Re-Asphalting East Black Creek Road.

C. <u>UTILITY/INFRASTRUCTURE</u>

CITY OF FLORENCE WATER LINE EXTENSION

Approve The Expenditure Of Up To \$25,140.00 From Council Districts 2, 4, and 5 Utility/Infrastructure Funding Allocations (\$8,380.00 From Each District) To Assist The City Of Florence With A Water Line Extension Along Friendfield Road.

XIV. <u>EXECUTIVE SESSION:</u>

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

- Contractual matters concerning solid waste.
- Legal briefing.
- Contractual matters concerning economic development.

XV. **INACTIVE AGENDA:**

ORDINANCE NO. 30-2009/10

At its regular meeting of May 20, 2010, County Council remanded this Ordinance to the Planning Commission: An Ordinance To Zone Property Owned By KAT-ROX LLC, Located At Pamplico Highway And South Flanders Road, Florence County To PD 2010-01, Planned Development District Shown On Florence County Tax Map No. 90147, Block 03, Parcel 66, Consisting Of Approximately 22.08 Acres.

(Planning Commission approved 9 – 0.) (Council District 5)

XVI. ADJOURN:

FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Minutes

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council is requested to approve the minutes of the June 17, 2010 regular meeting of County Council.

OPTIONS:

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

ATTACHMENTS:

Copy of proposed Minutes.

REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL, THURSDAY, JUNE 17, 2010, 9:00 A.M., COUNCIL CHAMBERS ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY STREET, FLORENCE, SOUTH CAROLINA

PRESENT:

K. G. "Rusty" Smith, Jr., Chairman Waymon Mumford, Vice-Chairman H. Morris Anderson, Secretary-Chaplain Mitchell Kirby, Council Member Russell W. Culberson, Council Member Johnnie D. Rodgers, Jr., Council Member Alphonso Bradley, Council Member James T. Schofield, 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 Ryon Watkins, EMS Director Ray McBride, Library Director Mike Nunn, Sheriff Office Barbara Coker, Sheriff Office Chuck Tomlinson, Morning News Staff Writer

ABSENT:

J. Ken Ard, Council Member

A notice of the regular meeting of the Florence County Council appeared in the June 16, 2010 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, the Doctors Bruce and Lee Foundation Public Library, and on the County's website (www.florenceco.org).

Chairman Smith called the meeting to order. Secretary-Chaplain Anderson provided the invocation and Vice Chairman Mumford led the Pledge of Allegiance to the American Flag. Chairman Smith welcomed everyone attending the meeting.

APPROVAL OF MINUTES:

Councilman Culberson made a motion Council approve the minutes of the May 20, 2010 regular meeting of County Council. Councilman Kirby seconded the motion, which was approved unanimously.

1

2

PUBLIC HEARINGS:

There were no Public Hearings required or scheduled.

APPEARANCES:

PRESENTATION OF RESOLUTION

Councilman Mumford made a motion Council approve A Resolution Of Recognition And Appreciation For Reverend W.L. Thompson For His Many Years Of Service. Councilman Kirby seconded the motion, which was approved unanimously. The Clerk published the Resolution in its entirety and Councilmen Mumford and Bradley presented Reverend Thompson with the framed Resolution. Reverend Thompson and his family expressed appreciation for the recognition.

COMMITTEE REPORTS:

There were no Committee Reports.

RESOLUTIONS:

None.

ORDINANCES IN POSITION:

ORDINANCE NO. 22-2009/10 - THIRD READING DEFERRED

The Chairman stated third reading of Ordinance No. 22-2009/10 was deferred: An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina, And J.P. Morgan Chase, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto.

ORDINANCE NO. 23-2009/10 - THIRD READING DEFERRED

The Chairman stated third reading of Ordinance No. 23-2009/10 was deferred: An Ordinance To Amend The Agreement For Development Of A Joint County Industrial Park Dated As Of December 1, 1998 Between Florence County, South Carolina And Williamsburg County, South Carolina To Include Additional Properties In The County As Part Of The Multi-County Industrial Or Business Park.

ORDINANCE NO. 31-2009/10 - THIRD READING

The Clerk published the Title of Ordinance No. 31-2009/10: An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 404 East Hampton Street, Olanta, South Carolina And Designated As Tax Map Number 04530-03-029; And To Authorize The Conveyance Or Public Sale Thereof, Including A First Right Of Refusal; And Other Matters Relating Thereto. Councilman Rodgers made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

2

ORDINANCE NO. 32-2009/10 - THIRD READING

The Clerk published the Title of Ordinance No. 32-2009/10: An Ordinance Authorizing The Execution And Delivery Of Not Exceeding \$215,000,000 Aggregate Principal Amount Hospital Revenue Bonds (McLeod Regional Medical Center Project) Of Florence County, South Carolina, From Time To Time, In One Or More Series, Pursuant To Article 11, Chapter 7, Title 44, Code Of Laws Of South Carolina 1976, As Amended, To Finance The Costs Of Constructing And Equipping An Expansion Of A Hospital Facility Owned And Operated By McLeod Regional Medical Center Of The Pee Dee, Inc., And The Refunding Of Certain Outstanding Revenue Bonds Issued By Florence County On Behalf Of McLeod Regional Medical Center Of The Pee Dee, Inc.; The Entering Into Certain Covenants And Agreements And The Execution And Delivery Of Certain Instruments Relating To The Issuance Of The Aforesaid Bonds Including A Loan Agreement Or Loan Agreements Between Florence County And McLeod Regional Medical Center Of The Pee Dee, Inc., An Assignment By Florence County Of Its Rights Thereunder To The Trustee For Such Bonds, And A Trust Indenture Or Trust Indentures Between Florence County And The Trustee For Such Bonds; And Consenting To The Delivery Of Security Instruments Related To Such Bonds; And Other Matters Relating Thereto. Councilman Mumford made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 33-2009/10 - THIRD READING

The Clerk published the Title of Ordinance No. 33-2009/10: An Ordinance To Ratify FY10 Budget And Grant Actions Previously Authorized By Council And Other Matters Related Thereto. Councilman Schofield made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

ORDINANCE NO. 34-2009/10 - THIRD READING

The Clerk published the Title of Ordinance No. 34-2009/10: An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina, And McCall Farms, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto. Councilman Rodgers made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 35-2009/10 - THIRD READING

The Clerk published the Title of Ordinance No. 35-2009/10: An Ordinance To Amend The Agreement For Development Of A Joint County Industrial Park Dated As Of December 1, 1998 Between Florence County, South Carolina And Williamsburg County, South Carolina To Include Additional Properties In The County As Part Of The Multi-County Industrial Or Business Park. Councilman Rodgers made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 01-2010/11 - THIRD READING

The Clerk published the Title of Ordinance No. 01-2010/11: An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2010 And Ending June 30, 2011; To Provide For The Appropriation Thereof; To Provide For Revenue For The Payment Thereof; And To Provide For Other Matters Related Thereto. Councilman Schofield made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

ORDINANCE NO. 36-2009/10 - SECOND READING

The Clerk published the Title of Ordinance No. 36-2009/10: An Ordinance To Rezone Property Owned By Bryan Gardner Located At 3414 James Turner Road, Florence County From R-1, Single-Family Residential District To RU-1, Rural Community District Shown On Florence County Tax Map No. 00127, Block 01, Parcel 012 Consisting Of Approximately 25 Acres. Councilman Rodgers made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 37-2009/10 – INTRODUCED

The Clerk published the Title of Ordinance No. 37-2009/10 and the Chairman declared the Ordinance introduced: An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Thousand Dollar (\$900,000) General Obligation Bond Of Florence County, South Carolina (Windy Hill/Olanta Rural Volunteer Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

FLORENCE COUNTY MUSEUM BOARD

Council Unanimously Approved The Appointment Of Dr. John Keith To Serve On The Florence County Museum Board, Representing Council District 3, With Term Beginning July 1, 2010 And Appropriate Expiration Term.

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

Council Unanimously Approved The Appointment Of Jeffrey Scott To Serve On The Florence County Construction Board of Adjustments and Appeals, Representing Council District 7, With Appropriate Expiration Term.

PEE DEE MENTAL HEALTH CENTER BOARD

Council Unanimously Approved The Recommendation Of The Nomination To The Governor For The Appointment Of Carlyle C. Gainey To Serve On The Pee Dee Mental Health Center Board Representing Florence County In Seat 7.

FLORENCE CITY-COUNTY CIVIC CENTER

Council Unanimously Approved The Appointment Of Grey Raines To The Florence City-County Civic Center Commission With Appropriate Expiration Term.

4

PEE DEE WORKFORCE INVESTMENT BOARD

Council Unanimously Approved The Recommendations Of The Workforce Investment Board For The Following Appointments/Re-appointments: Jill Heiden representing Florence-Darlington Technical College, Thelma Carney-Kennedy representing Economic Development, Cynthia Rogers representing Employment Service, and Ron Reynolds representing Labor Sector as required by law with appropriate expiration terms.

REPORTS TO COUNCIL:

ADMINISTRATION

MONTHLY FINANCIAL REPORTS

Monthly Financial Reports Were Provided To Council For Fiscal Year 2010 Through April 30, 2010 As An Item For The Record.

AWARD BID #23-09/10

Councilman Anderson made a motion Council approve The Award Of Bid #23-09/10 For Truck Traffic Improvements On Bill Crisp Boulevard In Pee Dee Touchstone Energy Commerce Park To Kirven Construction, Darlington, SC In The Amount Of \$46,877 To Be Funded From Previously Approved Rural Development Act (RDA) Funds. Councilman Mumford seconded the motion, which was approved unanimously.

EMERGENCY MEDICAL SERVICES (EMS)

NON-EXCLUSIVE AMBULANCE FRANCHISES

Councilman Schofield made a motion Council Award A Non-Exclusive Ambulance Franchise To First Choice Ambulance, Inc., MedXpress of the Carolinas, and MedStar Ambulance Service. Councilman Anderson seconded the motion, which was approved unanimously.

FINANCE

FY2010/2011 STATE ACCOMMODATIONS TAX ALLOCATIONS

Councilman Culberson made a motion Council Approve The Expenditure Of \$250,000 In State Accommodations Tax Funding Allocations As Recommended by The Accommodations Tax Advisory Committee For FY2010/2011. Councilman Rodgers seconded the motion, which was approved unanimously.

PROCUREMENT

DECLARATION OF SURPLUS PROPERTY

Councilman Rodgers made a motion Council Declare Eight (8) Vehicles And One (1) Dump Truck As Surplus Property For Disposal Through Public Internet Auction Via GovDeals. Councilman Culberson seconded the motion, which was approved unanimously.

5

OTHER BUSINESS:

INFRASTRUCTURE FUND

P.A.L. LITTLE LEAGUE BASEBALL FACILITY IMPROVEMENTS

Councilman Bradley made a motion Council Approve The Expenditure Of Up To \$7,500.00 From Council District 3 Infrastructure Funding Allocation To The City Of Florence To Help With Facility Improvements To The Two Fields At Northside Park At 300 Lincoln Street In Florence. Councilman Anderson seconded the motion, which was approved unanimously.

CRIME WATCH SIGNS

Councilman Culberson made a motion Council Approve The Expenditure Of An Estimated \$300.00 From Council District 6 Infrastructure Funding Allocation For Crime Watch Signs To Post In The Community. Councilman Kirby seconded the motion, which was approved unanimously.

WILLIAMSON ROAD STORM DRAINAGE PROJECT

Councilman Culberson made a motion Council Approve The Expenditure Of Up To \$21,850.00 From Council District 6 Infrastructure Funding Allocation To Pay For Installing 300 Linear Feet Of 15" RCP Pipe And 3 Drop Inlets On Williamson Road Storm Drainage Project. [Williamson Road Is In The SCDOT Road Maintenance System; Necessary Encroachment Permits Will Have To Be Acquired.] Councilman Rodgers seconded the motion, which was approved unanimously.

ROAD SYSTEM MAINTENANCE FEE (RSMF) FUND

MANDEVILLE ROAD

Councilman Bradley made a motion Council Approve The Expenditure Of Up To \$5,750.00 From Council District 3 RSMF Funding Allocation To Pay For Repairs To Mandeville Road. Councilman Rodgers seconded the motion, which was approved unanimously.

DEJONGH STREET AND ELM STREET

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$47,250.00 From Council District 7 RSMF Funding Allocation To Pay For The Resurfacing Of DeJongh Street And Elm Street. Councilman Kirby seconded the motion, which was approved unanimously.

The following three items were additions to the agenda:

HOLLY CIRCLE

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$16,100.00 From Council District 9 Infrastructure Funding Allocation To Pay For Re-Working Swell And Resurfacing Holly Circle Located Behind Hoffman & Hoffman Clothing Store. Councilman Rodgers seconded the motion, which was approved unanimously.

ROCKY WAY STREET

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$44,562.50 From Council District 7 RSMF Funding Allocation To Pay For The Resurfacing Of Rocky Way Street In Spaulding Heights And 3' Curve Swells On Each Side Of The Road. Councilman Bradley seconded the motion, which was approved unanimously.

TOWN OF OLANTA

Councilman Rodgers made a motion Council Approve The Expenditure Of An Amount Not To Exceed \$25,000.00 From Council District 5 Utility Funding Allocation To Assist The Town Of Olanta With Transition Costs To Complete The Switch From Using A Primary Diesel Pump For Sewer Operations To The New Electric Motor Lift Stations. Councilman Kirby seconded the motion, which was approved unanimously.

UTILITY

RESURRECTION RESTORATION CENTER

Councilman Bradley made a motion Council Approve The Expenditure Of Up To \$2,200.00 From Council District 3 Utility Funding Allocation For The Purchase/Installation Of 200 Feet Of Field Line To The Existing Septic System For The Resurrection Restoration Center Located At 1809 N. Douglas Street, Florence. Councilman Anderson seconded the motion, which was approved unanimously.

RETIREMENT OF MAGISTRATE JOHN L. "DINKY" MILES

Chairman Smith announced the retirement of Magistrate John L. "Dinky" Miles and informed Council an invitation had been received to attend a Drop-In to honor Judge Miles on June 30th.

EXECUTIVE SESSION:

Councilman Anderson made a motion Council Enter Executive Session, Pursuant To Section 30-4-70 Of The South Carolina Code Of Laws 1976, As Amended, To Discuss The Following: Contractual Matters Concerning Pending Real Property Transactions And An Economic Development Matter. Councilman Kirby seconded the motion, which was approved unanimously.

Council entered executive session at 9:26 a.m. Council reconvened at 10:49 a.m.

Subsequent to Executive Session, Council took the following action:

IRBY STREET PROPERTIES

Councilman Schofield made a motion Council Authorize The Purchase Of Property Designated As Tax Map Number 90167-01-021 For \$131,000 From The General Fund Balance Funds And Authorize The County Administrator To Execute All Related Documents. Councilman Anderson seconded the motion, which was approved unanimously.

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

COUNCIL MEETING ADJOURNED AT 10:50 A.M.

H. MORRIS ANDERSON SECRETARY-CHAPLAIN



CONNIE Y. HASELDEN CLERK TO COUNTY COUNCIL

Florence County Council Regular Meeting June 17, 2010

8

FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Public Hearings

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

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

ORDINANCE NO. 37-2009/10

An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Thousand Dollar (\$900,000) General Obligation Bond Of Florence County, South Carolina (Windy Hill/Olanta Rural Volunteer Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.

FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Appearances Before Council Vermelle P. Simmons, Partnership Specialist, 2010 Census

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Ms. Simmons Requests To Appear Before Council To Share Information On The Participation Rate For The 2010 Census.

ATTACHMENT:

Copy of the Request Received Via Email.

Connie Haselden

From:	vermelle.p.simmons@census.gov
Sent:	Monday, June 21, 2010 3:36 PM
То:	ClerkToCouncil
Subject:	Request to Present 2010 Census Information
Importance: High	

Ms Haselden,

The state of South Carolina made a 8% increase in its 2010 Census mail back participation rate and I would like to share this information with County Council. This would be a great opportunity for council members to "celebrate" the successes that they have made possible for 2010. I understand the meeting is scheduled for July 15; therefore, if you would contact me as soon as possible I would truly appreciate it. You may reach me by email or telephone (843-409-9525). Thank you in advance,

Vermelle

Vermelle P. Simmons Partnership Specialist 3710 Arco Corporate Drive Suite 250 Charlotte, NC 28273-7007 Telephone: 843-409-9525 Fax: 843-766-6704

FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Appearances Before Council Crystine M. Rathburn, GISP Florence County GIS Manager

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Ms. Rathburn Requests To Appear Before Council To Provide A Brief Presentation On The Damage Assessment Relay Tool (DART) Developed By The GIS Department.

ATTACHMENT:

Copy of the Request Received Via Email.

Connie Haselden

From: Crystine Rathburn

Sent: Tuesday, June 22, 2010 2:20 PM

To: Connie Haselden

Cc: Suzanne King

Subject: Presentation to council - July 15, 2010

Connie,

I would like an opportunity to appear before council on July 15, 2010 to make a very brief presentation on the Damage Assessment Relay Tool (DART) developed by the GIS department.

Please let me know if you have questions or need more information.

Thank you,

Crys

Crystine M. Rathburn, GISP Florence County GIS Manager

Florence County GIS Manager 518 South Irby Street Florence, SC 29501 (843) 678-3597 or (843) 676-8600 Ext 61161 Toll Free (866) 258-9232 Ext 61161 GIS on the Web at <u>http://gis.florenceco.org</u> Pee Dee GIS Users at <u>http://www.pdgisusers.org</u>

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FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Third Reading - Ordinance No. 22-2009/10 - Deferred

<u>DEPARTMENT</u>: Economic Development

ISSUE UNDER CONSIDERATION:

(An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina, And J. P. Morgan Chase, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto.)

POINTS TO CONSIDER:

Representatives of J. P. Morgan Chase have requested that this item be deferred.

OPTIONS:

- 1. (Recommended) Defer Third Reading of Ordinance No. 22-2009/10.
- 2. Provide an Alternate Directive

<u>ATTACHMENTS</u>:

Ordinance No. 22-2009/10.

Sponsor(s) First Reading/Introduction Committee Referral Committee Consideration Date Committee Recommendation Second Reading Public Hearing Third Reading Effective Date Economic Development
November 19, 2009
N/A
N/A
N/A
December 10, 2009
December 10, 2009
Immediately

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

ORDINANCE NO. 22-2009/10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Tax Agreement By And Between Florence County, South Carolina, And J. P. Morgan Chase, With Respect To Certain Economic Development Property, Whereby Such Property Will Be Subject To Certain Payments In Lieu Of Taxes And Other Matters Related Thereto.)

WHEREAS:

- 1. Florence County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44, of the Code of Laws of South Carolina 1976, as amended (the "FILOT Act"), to enter into agreements with any industry or business whereby the industry or business would pay fees-in-lieu-of-taxes with respect to certain properties which constitute "economic development properties" as defined in the Act; through which powers the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain in the State and thus utilize and employ the manpower, products and resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and
- 2. The County is authorized and empowered, pursuant to Title 4, Chapterl, of the Code of Laws of South Carolina 1976, as amended, to include property upon which a project is located in a multi-county park, with the appropriate consents and approvals of a partnering county, and by separate ordinance, the County has taken action to place the Project in a multi-county park in cooperation with Williamsburg County; and
- 3. Pursuant to the Act, and in order to induce certain investment in the County, the County did previously adopt Resolution No. 12-2009/10 dated as of November 19, 2009, authorizing an inducement and millage rate agreement (the "Inducement Agreement") for the benefit of the company identified as J. P. Morgan Chase, with respect to the acquisition of certain land, the construction of certain buildings and improvements thereon, and installation of fixtures, machinery, equipment, and furnishings therein (collectively, the "Project") to constitute a manufacturing facility; and
- 4. The Project is anticipated to result in a taxable investment of at least \$2,500,000 and in the creation of at least 250 additional fulltime jobs within five years, thereby providing significant economic benefits to the County and surrounding areas; and
- 5. The County has determined on the basis of the information supplied to it by J. P. Morgan Chase that the Project is a "project" as defined in the Act and is eligible to become "economic development property" as

that term is defined in the Act and that the Project would serve the purposes of the Act; and

- 6. Pursuant to the Inducement Agreement, the County has agreed to enter into a fee in lieu of tax agreement with J. P. Morgan Chase, whereby the County would provide therein for a payment of fee in lieu of taxes by J. P. Morgan Chase with respect to the Project pursuant to the FILOT Act (collectively, the "Fee Agreement"); and
- 7. J. P. Morgan Chase has caused to be prepared and presented to this meeting the form of the Fee Agreement which contains the provision for a payment in lieu of taxes which the County proposes to execute and deliver; and
- 8. It appears that the Fee Agreement, now before this meeting, is in appropriate form and is an appropriate instrument to be approved, executed, and delivered by the County for the purposes intended.

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

Section 1. It is hereby found, determined and declared by the County Council as follows:

- (a) The Project constitutes a "project" as defined in the FILOT Act and will constitute "economic development property" as said term is referred to and defined in the FILOT Act, and the County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the FILOT Act;
- (b) The terms and provision of the Inducement Agreement are hereby ratified and approved and incorporated herein and made a part hereof;
- (c) The Project will benefit the general public welfare of the County by providing services, employment, and other public benefits not otherwise provided locally;
- (d) The Project will give rise to no pecuniary liability of the county or any incorporated municipality or a charge against the general credit or taxing power of either;
- (e) The inducement of the location of the Project within the County and the State is of paramount importance;
- (f) The purposes to be accomplished by the Project, i.e., economic development, retention of jobs, and addition to the tax base of the County, are proper governmental and public purposes and the benefits of the Project are greater than the costs; and
- (g) Having evaluated the purposes to be accomplished by the Project as proper governmental and public purposes, the anticipated dollar amount and nature of the investment to be made, and the anticipated costs and benefits to the County, the County has determined that the Project is properly classified as economic development property.

Section 2. The forms, terms and provisions of the Fee Agreement presented to this meeting are hereby approved and all of the terms and provisions thereof are hereby incorporated herein by reference as if the Fee Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Fee Agreement to be delivered to J. P. Morgan Chase and cause a copy of the Fee Agreement to be delivered to the Florence County Auditor and Assessor. The Fee

Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Fee Agreement now before this meeting.

Section 3. The Chairman of the County Council, the County Administrator, and the Clerk to County Council, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Fee Agreement and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 4. The provision of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

Approved as to Form and Content James C. Rushton, III, County Attorney K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: OPPOSED: ABSENT:

FEE AGREEMENT

Between

FLORENCE COUNTY, SOUTH CAROLINA

and

J. P. MORGAN CHASE

Dated as of _____

RECAPITULATION OF CONTENTS OF FEE AGREEMENT PURSUANT TO S.C. CODE §12-44-55(A)

The parties have agreed to waive this requirement pursuant to S.C. Code Ann. § 12-44-55(B).

FEE AGREEMENT

THIS FEE AGREEMENT (the "Fee Agreement") is made and entered into as of ______, by and between FLORENCE COUNTY, SOUTH CAROLINA (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina (the "State"), acting by and through the Florence County Council (the "County Council") as the governing body of the County, and J. P. MORGAN CHASE, a limited liability company organized and existing under the laws of the State of South Carolina (the "Company").

RECITALS

1. Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the "Act") authorizes the County (i) to induce industries to locate in the State; (ii) to encourage industries now located in the State to expand their investments and thus make use of and employ manpower, products, and other resources of the State; and (iii) to enter into a fee agreement with entities meeting the requirements of such Act, which identifies certain property of such entities as economic development property.

2. Pursuant to Section 12-44-40(H)(1) of the Act, the County finds that: (a) the Project (as defined herein) is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; (b) the Project gives rise to no pecuniary liability of the County or any incorporated municipality and to no charge against its general credit or taxing power; (c) the purposes to be accomplished by the Project are proper governmental and public purposes; and (d) the benefits of the Project are greater than the costs.

3. The County Council has evaluated the Project based on all relevant criteria that include, but are not limited to, the purposes the Project is to accomplish, the anticipated dollar amount and nature of the investment, and the anticipated costs and benefits to the County.

4. An Ordinance that the County Council adopted contemporaneously with the date of this Agreement (the "Fee Ordinance") authorizes the County and the Company to enter into a Fee Agreement that classifies the Project as Economic Development Property under the Act and provides for the payment of fees in lieu of taxes, all as further described herein.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the respective representations and agreements hereinafter contained, the parties hereto agree as follows:

ARTICLE I

DEFINITIONS

<u>Section 1.1</u> The terms that this Article defines shall for all purposes of this Fee Agreement have the meanings herein specified, unless the context clearly requires otherwise:

"Act" shall mean Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, and all future acts successor or supplemental thereto or amendatory thereof.

"Act Minimum Investment Requirement" shall mean an investment of at least \$2,500,000 by the Company and any Sponsors and Sponsor Affiliates of property eligible as economic development property under the Act, provided, however, that in the event of a reduction of the minimum investment level in Section 12-44-30(14) or any successor section by legislative action, then the Act Minimum Investment Requirement shall equal such reduced amount.

"Commencement Date" shall mean the last day of the property tax year during which the Project or the first Phase thereof is placed in service, which date must not be later than the last day of the property tax year which is three years from the year in which the County and the Company enter into this Fee Agreement.

"Company" shall mean J. P. Morgan Chase and any surviving, resulting, or transferee entity in any merger, consolidation, or transfer of assets; or any other person or entity which may succeed to the rights and duties of the Company.

"County" shall mean Florence County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina, its successors and assigns, acting by and through the County Council as the governing body of the County.

"County Council" shall mean the Florence County Council, the governing body of the County.

"Department" shall mean the South Carolina Department of Revenue.

"Diminution in Value" in respect of the Project or any Phase of the Project shall mean any reduction in the value using the original fair market value (without regard to depreciation) as determined in Step 1 of Section 4.1(a) of this Fee Agreement, of the items which constitute a part of the Project or such Phase and which are subject to FILOT payments which may be caused by (i) the Company's removal and/or disposal of equipment pursuant to Section 4.6 of this Fee Agreement; (ii) a casualty to the Project, such Phase of the Project, or any part thereof, described in Section 4.7 of this Fee Agreement; or (iii) a condemnation of the Project, such Phase of the Project, or any part thereof, described in Section 4.8 of this Fee Agreement.

"Economic Development Property" shall mean those items of real and tangible personal property of the Project which are eligible for inclusion as economic development property under the Act, selected and identified by the Company in its annual filing of a SCDOR PT-300S or comparable form with the Department (as such filing may be amended from time to time) for each year within the Investment Period.

"Equipment" shall mean all of the machinery, equipment, furniture, office equipment, and fixtures, together with any and all additions, accessions, replacements, and substitutions thereto or therefor used or to be used in the County by the Company for the purposes described in Section 2.2(b) hereof, provided, however, that repairs, alterations, or modifications to personal property which is not economic development property or property subject to a fee in lieu of taxes prior to this Fee Agreement, are not eligible to become Economic Development Property, except for modifications which constitute an expansion of existing real property improvements. "Event of Default" shall mean any event of default specified in Section 5.1 of this Fee Agreement.

"Exemption Period" shall mean the period beginning on the first day of the property tax year after the property tax year in which an applicable piece of Economic Development Property is placed in service and ending on the Termination Date. In case there are Phases of the Project, the Exemption Period applies to each year's investment made during the Investment Period.

"Fee," "Fee in Lieu of Taxes," "FILOT," or "Payments in Lieu of Taxes" shall mean the amount paid or to be paid in lieu of *ad valorem* property taxes as provided herein.

"Fee Agreement" shall mean this Fee Agreement.

"Fee Term" shall mean the period from the date of this Fee Agreement until the Termination Date.

"Improvements" shall mean all improvements to the Real Property, including buildings, building additions, roads, sewer lines, and infrastructure, together with any and all additions, fixtures, accessions, replacements, and substitutions thereto or therefor used or to be used in the County for the purposes described in Section 2.2(b) hereof; provided, however, that repairs, alterations, or modifications to real property which is not economic development property or property subject to a fee in lieu of taxes prior to this Fee Agreement, are not eligible to become Economic Development Property, except for modifications which constitute an expansion of existing real property improvements.

"Industrial Development Park" shall mean the industrial or business park developed by two or more counties as defined in Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended.

"Investment Period" shall mean the period beginning with the first day of any purchase or acquisition of Economic Development Property and ending five years after the Commencement Date, provided that the Company and the County may agree to a later date pursuant to Section 12-44-30(13) of the Act.

"MCIP Act" shall mean Title 4, Chapter 1, Sections 170 et seq. of the Code of Laws of South Carolina, 1976, as amended.

"Phase" or "Phases" in respect of the Project shall mean that the Equipment, Improvements, and/or Real Property of the Project are placed in service during more than one year in the Investment Period, and the word "Phase" shall therefore refer to the applicable portion of the Project placed in service in a given year in the Investment Period.

"Project" shall mean all the Equipment, Improvements, and/or Real Property located on the Real Property in the County and that the Company determines to be necessary, suitable, or useful for the purposes that Section 2.2(b) describes, and first placed in service in calendar year 2009 or thereafter. The Project shall not include any property which is ineligible for FILOT treatment pursuant to Section 12-44-110 of the Act. "Real Property" shall mean real property that the Company uses or will use in the County for the purposes that Section 2.2(b) describes, and generally located on the land identified on <u>Exhibit A</u> hereto, together with all and singular the rights, members, hereditaments, and appurtenances belonging or in any way incident or appertaining thereto.

"Removed Components" shall mean the following types of components or Phases of the Project or portions thereof which are subject to FILOT payments, all of which the Company shall be entitled to remove from the Project with the result that the same shall no longer be subject to the terms of the Fee Agreement: (a) components or Phases of the Project or portions thereof which the Company, in its sole discretion, determines to be inadequate, obsolete, worn-out, uneconomic, damaged, unsuitable, undesirable, or unnecessary pursuant to Section 4.6 hereof or otherwise; or (b) components or Phases of the Project or portions thereof which the Company in its sole discretion, elects to be treated as removed pursuant to Section 4.7(c) or Section 4.8(b)(iii) of this Fee Agreement.

"Replacement Property" shall mean any property which is placed in service as a replacement for any item of Equipment, any Improvement, or any Real Property previously subject to this Fee Agreement regardless of whether such property serves the same functions as the property it is replacing and regardless of whether more than one piece of property replaces any item of Equipment, any Improvement, or any Real Property, to the fullest extent that the Act permits.

"Sponsor" shall mean an entity that joins with or is an affiliate of, the Company and that participates in the investment in, or financing of, the Project and which meets the requirements under the Act to be entitled to the benefits of this Agreement with respect to its participation in the Project.

"Termination Date" shall mean in case the entire Project is placed in service in one year, the end of the last day of the property tax year which is the 19th year following the first property tax year in which the entire Project is placed in service, or in case there are Phases of the Project, the Termination Date shall mean with respect to each Phase of the Project the end of the last day of the property tax year which is the 19th year following the first property tax year in which such Phase of the Project is placed in service, provided, that the intention of the parties is that the Company will make at least 20 annual FILOT payments under Article IV hereof with respect to each Phase of the Project and provided further, that if this Fee Agreement is terminated earlier in accordance with the terms hereof, the Termination Date is the date of such termination.

Any reference to any agreement or document in this Article I or otherwise in this Fee Agreement shall include any and all amendments, supplements, addenda, and modifications to such agreement or document.

The term "investment" or "invest" as used herein shall include not only investments made by the Company, but also to the fullest extent permitted by law, those investments made by or for the benefit of the Company in connection with the Project through federal, state, or local grants, to the extent such investments are subject to *ad valorem* taxes or FILOT payments by the Company.

ARTICLE II

REPRESENTATIONS, WARRANTIES, AND AGREEMENTS

<u>Section 2.1</u> <u>Representations, Warranties, and Agreements of the County</u>. The County hereby represents, warrants, and agrees as follows:

(a) The County is a body politic and corporate and a political subdivision of the State and acts through the County Council as its governing body. The Act authorizes and empowers the County to enter into the transactions that this Fee Agreement contemplates and to carry out its obligations hereunder. The County has duly authorized the execution and delivery of this Fee Agreement and any and all other agreements described herein or therein and has obtained all consents from third parties and taken all actions necessary or that the law requires to fulfill its obligations hereunder.

(b) Based upon representations by the Company, the Project constitutes a "project" within the meaning of the Act, and the County is a County that the Act authorizes to enter into fee in lieu of tax agreements with companies that satisfy the Act Minimum Investment Requirement within the County.

(c) The County has agreed that each item of real and tangible personal property comprising the Project which is eligible to be economic development property under the Act and that the Company selects shall be considered Economic Development Property and is thereby exempt from *ad valorem* taxation in South Carolina.

(d) The millage rate in Section 4.1 hereof is 272.5 mills, the millage rate in effect with respect to the location of the proposed Project on June 30, 2009, as provided under Section 12-44-50(A)(1)(d) of the Act.

(e) The County will not be in default in any of its obligations (contractual or otherwise), including any violation of its statutory debt limit, as a result of entering into and performing under this Fee Agreement and/or as a result of creating an Industrial Development Park encompassing the Project.

(f) The County will take all reasonable action to include the Project in an Industrial Development Park.

<u>Section 2.2</u> <u>Representations, Warranties, and Agreements of the Company</u>. The Company hereby represents, warrants, and agrees as follows:

(a) The Company is in good standing under the laws of the State of South Carolina, is duly authorized to transact business in the State of South Carolina, has power to enter into this Fee Agreement, and has duly authorized the execution and delivery of this Fee Agreement.

(b) The Company intends to operate the Project as a "project" within the meaning of the Act as in effect on the date hereof. The Company intends to operate the Project

as a molding facility, and for such other purposes that the Act permits as the Company may deem appropriate.

(c) The Company will use commercially reasonable efforts to ensure that its investment in Economic Development Property of the Project will exceed the Act Minimum Investment Requirement.

ARTICLE III

COMMENCEMENT AND COMPLETION OF THE PROJECT

Section 3.1 The Project. The Company intends to invest in Equipment, Improvements, and/or Real Property, which together comprise the Project and which are anticipated to create at least the Act Minimum Investment Requirement in eligible Economic Development Property investment subject to Payments in Lieu of Taxes in the County.

The parties hereto agree that, to the extent that applicable law allows or is revised or construed to allow the benefits of the Act, in the form of Payments-in-Lieu-of-Taxes to be made under Article IV hereof, to be applicable to leased assets including, but not limited to a building and/or personal property to be installed in the buildings and leased to but not purchased by the Company from one or more Sponsors under any form of lease, then such property shall, at the election of the Company, be subject to Payments-in-Lieu-of-Taxes to the same extent as the Company's assets covered by this Fee Agreement, subject, at all times, to the requirement of such applicable law. The parties hereto further agree that this Fee Agreement may be interpreted or modified as may be necessary or appropriate in order to give proper application of this Fee Agreement to such tangible property without such construction or modification constituting an amendment to this Fee Agreement, and thus not requiring any additional action by the County Council. The County Administrator, after consulting with the County Attorney, shall be and hereby is authorized to make such modifications, if any, as may be necessary or appropriate in connection therewith. Such leased property shall constitute a part of the Project for all purposes of this Agreement, including removal, replacement, and termination, and such Sponsor shall be deemed to be a party to this Agreement provided, however, that no Sponsor shall be liable for any payments pursuant to Section 4.2(b) hereof, which shall remain the Company's liability. To the extent the provisions of the Act are held to be inapplicable to the property owned by the County (as improved by Tenant), the County hereby agrees that this Agreement shall be construed to provide for a fees in lieu of taxes pursuant to Section 4-12-10 et seq. of the Code of Laws of South Carolina, 1976, as amended (the "Little Fee Statute") upon the same terms as described in this Agreement, and the inducement agreement and inducement resolution adopted in connection with this Agreement shall constitute the inducement documents pursuant to the Little Fee Statute.

Pursuant to the Act and subject to Section 4.2 hereof, the Company and the County hereby agree that the Company shall identify annually those assets which are eligible for FILOT payments under the Act and which the Company selects for such treatment by listing such assets in its annual PT-300S form (or comparable form) to be filed with the Department (as such may be amended from time to time) and that by listing such assets, such assets shall automatically become Economic Development Property and therefore be exempt from all *ad valorem* taxation during the Exemption Period. Anything contained in this Fee Agreement to the contrary

notwithstanding, the Company shall not be obligated to complete the acquisition of the Project. However, if the Company does not meet the Act Minimum Investment Requirement, this Fee Agreement shall be terminated as provided in Section 4.2 hereof.

<u>Section 3.2</u> <u>Diligent Completion</u>. The Company agrees to use its reasonable efforts to cause the completion of the Project as soon as practicable, but in any event on or prior to the end of the Investment Period.

Section 3.3 Filings and Reports.

(a) Each year during the term of the Fee Agreement, the Company shall deliver to the County, the County Auditor, the County Assessor, and the County Treasurer, a copy of its most recent annual filings with the Department with respect to the Project, not later than 30 days following delivery thereof to the Department.

(b) The Company shall cause the filing of a copy of this Fee Agreement, as well as a copy of the completed Form PT-443 of the Department, to be filed with the County Auditor and the County Assessor of the County and any partner county, when the Project is placed in a joint county industrial and business park, and the Department within 30 days after the date of execution and delivery hereof by all parties hereto.

ARTICLE IV

PAYMENTS IN LIEU OF TAXES

Section 4.1 Negotiated Payments.

Pursuant to Section 12-44-50 of the Act, the Company is required to make (a) payments in lieu of ad valorem taxes to the County with respect to the Economic Development Property. Inasmuch as the Company anticipates an initial investment of sums sufficient for the Project to qualify for a fee in lieu of tax arrangement under Section 12-44-50(A)(1) of the Act, the County and the Company have negotiated the amount of the Payments in Lieu of Taxes in accordance therewith. The Company shall make payments in lieu of ad valorem taxes on all Economic Development Property which comprises the Project and is placed in service, as follows: the Company shall make payments in lieu of ad valorem taxes during the Exemption Period with respect to the Economic Development Property or, if there are Phases of the Economic Development Property, with respect to each Phase of the Economic Development Property, said payments to be made annually and to be due and payable and subject to penalty assessments on the same dates and in the same manner as prescribed by the County for ad valorem taxes. The determination of the amount of such annual Payments in Lieu of Taxes shall be in accordance with the following procedure (subject, in any event, to the procedures that the Act requires):

> Step 1: Determine the fair market value of the Economic Development Property (or Phase of the Economic Development Property) placed in service during the Exemption Period using original income tax basis for State income tax purposes for any Real Property and Improvements without regard to depreciation (provided, the fair market value of real

property, as the Act defines such term, that the Company obtains by construction or purchase in an arms length transaction is equal to the original income tax basis, and otherwise, the determination of the fair market value is by appraisal) and original income tax basis for State income tax purposes for any personal property less depreciation for each year allowable for property tax purposes, except that no extraordinary obsolescence shall be allowable. The fair market value of the Real Property for the first year of the Fee Term remains the fair market value of the Real Property for the life of the Fee Term. The determination of these values shall take into account all applicable property tax exemptions that State law would allow to the Company if the property were taxable, except those exemptions that Section 12-44-50(A)(2) of the Act specifically disallows.

- Step 2: Apply an assessment ratio of six percent (6%) to the fair market value in Step 1 to establish the taxable value of the Economic Development Property (or each Phase of the Economic Development Property) in the year it is placed in service and in each of the 19 years thereafter or such longer period of years in which the Act permits the Company to make annual fee payments.
- Step 3: Use a fixed millage rate equal to the millage rate in effect on June 30, 2009, which is 272.5 mills, as Section 12-44-50(A)(1)(d) of the Act provides, during the Exemption Period against the taxable value to determine the amount of the Payments in Lieu of Taxes due during the Exemption Period on the payment dates that the County prescribes for such payments or such longer period of years in which the Act permits the Company to make annual fee payments.

(b) In the event that a final order of a court of competent jurisdiction or an agreement of the parties determines that the calculation of the minimum Payment in Lieu of Taxes applicable to this transaction is to be other than by the procedure herein, the payment shall be reset at the minimum permitted level so determined.

In the event that a **final** order of a court of competent jurisdiction from which no further appeal is allowable declares the Act and/or the herein-described Payments in Lieu of Taxes invalid or unenforceable, in whole or in part, for any reason, the parties express their intentions to reform such payments so as to effectuate most closely the intent thereof and so as to afford the Company with the benefits to be derived herefrom, the intention of the County being to offer the Company a strong inducement to locate the Project in the County. If the Economic Development Property is deemed to be subject to *ad valorem* taxation, this Fee Agreement shall terminate, and the Company shall pay the County regular *ad valorem* taxes from the date of termination, but with appropriate reductions equivalent to all tax exemptions which are afforded to the Company. Any amount determined to be due and owing to the County from the Company, with respect to a year or years for which the Company previously remitted Payments in Lieu of Taxes to the County hereunder, shall *(i)* take into account all applicable tax exemptions to which the Company would be entitled if the Economic Development Property was not and had not been Economic Development Property under the Act; and *(ii)* be reduced by the total amount of Payments in Lieu of Taxes the Company had made with respect to the Project pursuant to the terms hereof. Notwithstanding anything contained herein to the contrary, neither the Company nor any successor in title or interest shall be required to pay FILOT payments and *ad valorem* taxes for the same property over the same period in question.

Section 4.2 Failure to Achieve Act Minimum Investment Requirement.

(a) In the event that the cost of the Economic Development Property (without regard to depreciation) that the Company acquires does not reach the Act Minimum Investment Requirement by the end of the Investment Period, this Fee Agreement shall terminate as to such entity failing to meet the minimum investment level. In such event, the Company shall pay the County an amount (the "Additional Payment") pursuant to the Act which is equal to the excess, if any, of *(i)* the total amount of *ad valorem* taxes as would result from taxes levied on the Project by the County, municipality or municipalities, school district or school districts, and other political units as if the items of property comprising the Economic Development Property were not Economic Development Property, but with appropriate reductions equivalent to all tax exemptions and abatements to which the Company would be entitled in such a case, through and including the end of the Investment Period, over *(ii)* the total amount of FILOT payments the Company has made with respect to the Economic Development Property through and including the end of the Investment Period. Any amounts determined to be owing pursuant to the foregoing sentence shall be subject to the minimum amount of interest that the Act may require.

(b) The remedies stated herein shall be the County's sole remedies for the Company's failure to meet any required investment or job creation level.

<u>Section 4.3</u> Payments in Lieu of Taxes on Replacement Property. If the Company elects to replace any Removed Components and to substitute such Removed Components with Replacement Property as a part of the Economic Development Property, or the Company otherwise utilizes Replacement Property, then, pursuant and subject to Section 12-44-60 of the Act, the Company shall make statutory payments in lieu of *ad valorem* taxes with regard to such Replacement Property in accordance with the following:

(i) Replacement Property does not have to serve the same function as the Economic Development Property it is replacing. Replacement Property is deemed to replace the oldest Economic Development Property subject to the Fee, whether real or personal, which is disposed of in the same property tax year in which the Replacement Property is placed in Replacement Property qualifies as Economic Development service. Property only to the extent of the original income tax basis of Economic Development Property which is being disposed of in the same property tax year. More than one piece of property can replace a single piece of Economic Development Property. To the extent that the income tax basis of the Replacement Property exceeds the original income tax basis of the Economic Development Property which it is replacing, the excess amount is subject to annual payments calculated as if the exemption for Economic Development Property were not allowable. Replacement Property is

entitled to treatment under the Fee Agreement for the period of time remaining during the Exemption Period for the Economic Development Property which it is replacing; and

(ii) The new Replacement Property which qualifies for the Fee shall be recorded using its income tax basis, and the calculation of the Fee shall utilize the millage rate and assessment ratio in effect with regard to the original property subject to the Fee.

Section 4.4 Reductions in Payments of Taxes Upon Removal, Condemnation, or Casualty. In the event of a Diminution in Value of the Economic Development Property or any Phase of the Economic Development Property, the Payment in Lieu of Taxes with regard to the Economic Development Property or that Phase of the Economic Development Property shall be reduced in the same proportion as the amount of such Diminution in Value bears to the original fair market value of the Economic Development Property or that Phase of the Economic Development Property as determined pursuant to Step 1 of Section 4.1(a) hereof; provided, however, that if at any time subsequent to the end of the Investment Period, the total value of the Project based on the original income tax basis of the Equipment, Real Property, and Improvements contained therein, without deduction for depreciation, is less than the Act Minimum Investment Requirement, beginning with the first payment thereafter due hereunder and continuing until the end of the Fee Term, the Company shall no longer be entitled to the incentive provided in Section 4.1, and the Company shall therefore commence to pay regular ad valorem taxes on the Economic Development Property part of the Project. However, the Company will not be required to make any retroactive payment.

<u>Section 4.5</u> <u>Place and Allocation of Payments in Lieu of Taxes</u>. The Company shall make the above-described Payments in Lieu of Taxes directly to the County in accordance with applicable law.

<u>Section 4.6</u> <u>Removal of Equipment</u>. Subject, always, to the other terms and provisions hereof, the Company shall be entitled to remove and dispose of components or Phases of the Project from the Project in its sole discretion with the result that said components or Phases shall no longer be considered a part of the Project and, to the extent such constitute Economic Development Property, shall no longer be subject to the terms of this Fee Agreement to the fullest extent allowed by the Act, as amended. Economic Development Property is disposed of only when it is scrapped or sold or it is removed from the Project. If it is removed from the Project, it is subject to *ad valorem* property taxes to the extent the Property remains in the State and is otherwise subject to *ad valorem* property taxes.

Section 4.7 Damage or Destruction of Economic Development Property.

(a) <u>Election to Terminate</u>. In the event the Economic Development Property is damaged by fire, explosion, or any other casualty, the Company shall be entitled to terminate this Fee Agreement. The Company shall only be required to make FILOT payments as to all or any part of the tax year in which the damage or casualty occurs to the extent property subject to *ad valorem* taxes would otherwise have been subject to such taxes under the same circumstances for the period in question. (b) <u>Election to Rebuild</u>. In the event the Economic Development Property is damaged by fire, explosion, or any other casualty, and if the Company does not elect to terminate this Fee Agreement, the Company may commence to restore the Economic Development Property with such reductions or enlargements in the scope of the Economic Development Property, changes, alterations, and modifications (including the substitution and addition of other property) as may be desired by the Company. All such restorations and replacements shall be considered, to the fullest extent permitted by law and this Fee Agreement, substitutions of the destroyed portions of the Economic Development Property and shall be considered part of the Economic Development Property for all purposes hereof, including, but not limited to, any amounts due by the Company to the County under Section 4.1 hereof.

(c) <u>Election to Remove</u>. In the event the Company elects not to terminate this Fee Agreement pursuant to subsection (a) and elects not to rebuild pursuant to subsection (b), the damaged portions of the Economic Development Property shall be treated as Removed Components.

Section 4.8 Condemnation.

(a) <u>Complete Taking</u>. If at any time during the Fee Term title to or temporary use of the Economic Development Property should become vested in a public or quasi-public authority by virtue of the exercise of a taking by condemnation, inverse condemnation, or the right of eminent domain; by voluntary transfer under threat of such taking; or by a taking of title to a portion of the Economic Development Property which renders continued use or occupancy of the Economic Development Property commercially unfeasible in the judgment of the Company, the Company shall have the option to terminate this Fee Agreement by sending written notice to the County within a reasonable period of time following such vesting. The Company shall only be required to make FILOT payments as to all or any part of the tax year in which the taking occurs to the extent property subject to *ad valorem* taxes would otherwise have been subject to such taxes under the same circumstances for the period in question.

(b) <u>Partial Taking</u>. In the event of a partial taking of the Economic Development Property or a transfer in lieu thereof, the Company may elect: (i) to terminate this Fee Agreement; (ii) subject to the Act and the terms and provisions of this Fee Agreement, to repair and restore the Economic Development Property, with such reductions or enlargements in the scope of the Economic Development Property, changes, alterations, and modifications (including the substitution and addition of other property) as the Company may desire, and all such changes, alterations, and modifications shall be considered as substitutions of the taken parts of the Economic Development Property; or (iii) to treat the portions of the Economic Development Property.

(c) The Company shall only be required to make FILOT payments as to all or any part of the tax year in which the taking occurs to the extent property subject to *ad valorem* taxes would otherwise have been subject to such taxes under the same circumstances for the period in question.

Section 4.9 <u>Confidentiality/Limitation on Access to Project</u>. The County acknowledges and understands that the Company utilizes confidential and proprietary processes

and materials, services, equipment, trade secrets, and techniques (herein "Confidential Information") and that any disclosure of Confidential Information concerning the Company's operations may result in substantial harm to the Company and could thereby have a significant detrimental impact on the Company's employees and also upon the County. The Company acknowledges that the County is subject to the Freedom of Information Act, and, as a result, must disclose certain documents and information on request absent an exemption. For these reasons, the Company shall clearly label all Confidential Information it delivers to the County "Confidential Information." Therefore, the County agrees that, except as required by law, neither the County nor any employee, agent, or contractor of the County shall (i) request or be entitled to receive any such Confidential Information, or (ii) disclose or otherwise divulge any such Confidential Information to any other person, firm, governmental body or agency, or any other entity unless specifically required to do so by law; provided, however, that the County shall have no less rights concerning information relating to the Project and the Company than concerning any other property or property taxpayer in the County, and, provided further, that the confidentiality of such confidential or proprietary information is clearly disclosed to the County in writing as previously described. Prior to disclosing any Confidential Information, subject to the requirements of law, the Company may require the execution of reasonable, individual. confidentiality and non-disclosure agreements by any officers, employees, or agents of the County or any supporting or cooperating governmental agencies who would gather, receive, or review such information. In the event that the County is required to disclose any Confidential Information obtained from the Company to any third party, the County agrees to provide the Company with as much advance notice as possible of such requirement before making such disclosure, and to cooperate reasonably with any attempts by the Company to obtain judicial or other relief from such disclosure requirement.

<u>Section 4.10</u> <u>Assignment</u>. With the prior written consent of the County or a subsequent written ratification by the County, which consent or ratification the County will not unreasonably withhold unless Section 12-44-120 of the Act or any successor provision expressly does not require consent, and in accordance with the Act, the Company may assign this Fee Agreement in whole or in part. The Company agrees to notify the County and the Department of the identity of such transferee within 60 days of the transfer. In case of a transfer, the transferee assumes the transferor's basis in the Project for purposes of calculating the Fee. No approval is required for transfers to sponsor affiliates or other financing related transfers, as defined in the Act.

Section 4.11 No Double Payment: Future Changes in Legislation.

(a) Notwithstanding anything contained herein to the contrary, and except as expressly required by law, neither the Company nor any Sponsor shall ever be required to make a Payment in Lieu of Taxes in addition to a regular property tax payment in the same year over the same piece of property, nor shall the Company or any Sponsor be required to make a Payment in Lieu of Taxes on property in cases where, absent this Fee Agreement, property taxes would otherwise not be due on such property.

In case there is any legislation enacted which provides for more favorable treatment for property to qualify as, or for the calculation of the fee related to, Economic Development Property under Sections 4.4, 4.6, 4.7, 4.8, or the calculation of the Investment Period, the County

agrees to give expedient and full consideration to such legislation, with a view to allow for such more favorable treatment or calculation.

Section 4.12 Administration Expenses.

(a) Each party shall be responsible for its own attorneys' fees incurred in connection with this Agreement and any other agreements or instruments entered into pursuant to the matters detailed herein.

ARTICLE V

DEFAULT

Section 5.1 Events of Default. The following shall be "Events of Default" under this Fee Agreement, and the term "Events of Default" shall mean, whenever used with reference to this Fee Agreement, any one or more of the following occurrences:

(a) Failure by the Company to make the Payments in Lieu of Taxes described in Section 4.1 hereof, which failure shall not have been cured within 30 days following receipt of written notice thereof from the County; *provided, however*, that the Company shall be entitled to all redemption rights granted by applicable statutes; or

(b) A representation or warranty made by the Company which is deemed materially incorrect when deemed made; or

(c) Failure by the Company to perform any of the terms, conditions, obligations, or covenants hereunder (other than those under (a) above), which failure shall continue for a period of 30 days after written notice from the County to the Company specifying such failure and requesting that it be remedied, unless the Company shall have instituted corrective action within such time period and is diligently pursuing such action until the default is corrected, in which case the 30-day period shall be extended to cover such additional period during which the Company is diligently pursuing corrective action; or

(d) A representation or warranty made by the County which is deemed materially incorrect when deemed made; or

(e) Failure by the County to perform any of the terms, conditions, obligations, or covenants hereunder, which failure shall continue for a period of 30 days after written notice from the Company to the County specifying such failure and requesting that it be remedied, unless the County shall have instituted corrective action within such time period and is diligently pursuing such action until the default is corrected, in which case the 30-day period shall be extended to cover such additional period during which the County is diligently pursuing corrective action.

Section 5.2 Remedies on Default.

(a) Whenever any Event of Default by the Company shall have occurred and shall be continuing, the County may take any one or more of the following remedial actions:

(i) terminate the Fee Agreement; or

(ii) take whatever action at law or in equity may appear necessary or desirable to collect the amounts due hereunder. In no event shall the Company be liable to the County or otherwise for monetary damages resulting from the Company's failure to meet the Act Minimum Investment Requirement, other than as expressly set forth herein.

(iii) other actions afforded by law.

(b) Whenever any Event of Default by the County shall have occurred or shall be continuing, the Company may take one or more of the following actions:

- (i) bring an action for specific enforcement;
- (ii) terminate the Fee Agreement;

(iii) withhold so much of the payment as is in dispute with the County until such dispute is fully and finally resolved; or

(iv) in case of a materially incorrect representation or warranty, take such action as is appropriate, including legal action, to recover its damages, to the extent allowed by law.

<u>Section 5.3</u> <u>Reimbursement of Legal Fees and Expenses and Other Expenses</u>. Upon the occurrence of an Event of Default hereunder, should a party be required to employ attorneys or incur other reasonable expenses for the collection of payments due hereunder or for the enforcement of performance or observance of any obligation or agreement, the successful party shall be entitled, within 30 days of demand therefor, to reimbursement of the reasonable fees of such attorneys and such other reasonable expenses so incurred.

Section 5.4 <u>No Waiver</u>. No failure or delay on the part of any party hereto in exercising any right, power, or remedy hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any such right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power, or remedy hereunder. No waiver of any provision hereof shall be effective unless the same shall be in writing and signed by the waiving party hereto.

ARTICLE VI

MISCELLANEOUS

<u>Section 6.1</u> <u>Notices</u>. Any notice, election, demand, request, or other communication to be provided under this Fee Agreement shall be effective when delivered to the party named below or when deposited with the United States Postal Service, certified mail, return receipt requested, postage prepaid, addressed as follows (or addressed to such other address as any party shall have previously furnished in writing to the other party), except where the terms hereof require receipt rather than sending of any notice, in which case such provision shall control:

IF TO THE COMPANY:

J. P. MORGAN CHASE

WITH A COPY TO:

IF TO THE COUNTY:

Florence County, South Carolina Attn: County Administrator 180 N. Irby Street MSC-G Florence, SC 29501

<u>Section 6.2</u> <u>Binding Effect</u>. This Fee Agreement and each document contemplated hereby or related hereto shall be binding upon and inure to the benefit of the Company, the County, and their respective successors and assigns. In the event of the dissolution of the County or the consolidation of any part of the County with any other political subdivision or the transfer of any rights of the County to any other such political subdivision, all of the covenants, stipulations, promises, and agreements of this Fee Agreement shall bind and inure to the benefit of the successors of the County from time to time and any entity, officer, board, commission, agency, or instrumentality to whom or to which any power or duty of the County has been transferred.

<u>Section 6.3</u> <u>Counterparts</u>. This Fee Agreement may be executed in any number of counterparts, and all of the counterparts taken together shall be deemed to constitute one and the same instrument.

<u>Section 6.4</u> <u>Governing Law</u>. This Fee Agreement and all documents executed in connection herewith shall be construed in accordance with and governed by the laws of the State of South Carolina.

<u>Section 6.5</u> <u>Headings</u>. The headings of the articles and sections of this Fee Agreement are inserted for convenience only and shall not be deemed to constitute a part of this Fee Agreement.

<u>Section 6.6</u> <u>Amendments</u>. The provisions of this Fee Agreement may only be modified or amended in writing by any agreement or agreements entered into between the parties.

Section 6.7 Further Assurance. From time to time, and at the expense of the Company, to the extent any expense is incurred, the County agrees to execute and deliver to the Company such additional instruments as the Company may reasonably request and as are authorized by law and reasonably within the purposes and scope of the Act and Fee Agreement to effectuate the purposes of this Fee Agreement.

Section 6.8 Invalidity: Change in Laws. In the event that the inclusion of property as Economic Development Property or any other issue is unclear under this Fee Agreement, the County hereby expresses its intention that the interpretation of this Fee Agreement shall be in a manner that provides for the broadest inclusion of property under the terms of this Fee Agreement and the maximum incentive permissible under the Act, to the extent not inconsistent with any of the explicit terms hereof. If any provision of this Fee Agreement is declared illegal, invalid, or unenforceable for any reason, the remaining provisions hereof shall be unimpaired, and such illegal, invalid, or unenforceable provision shall be reformed to effectuate most closely the legal, valid, and enforceable intent thereof and so as to afford the Company with the maximum benefits to be derived herefrom, it being the intention of the County to offer the Company the strongest inducement possible, within the provisions of the Act, to locate the Project in the County. In case a change in the Act or South Carolina laws eliminates or reduces any of the restrictions or limitations applicable to the Company and the Fee incentive, the parties agree that the County will give expedient and full consideration to reformation of this Fee Agreement, with a view toward providing the Company with the benefits of such change in the Act or South Carolina laws.

The County agrees that in case the FILOT incentive described herein is found to be invalid or otherwise does not provide the Company with the economic benefit it is intended to receive from the County as an inducement to locate in the County, the savings lost as a result of such invalidity will be considered a special source revenue credit or infrastructure improvement credit to the Company to the maximum extent permitted by law, and the County will provide a special source revenue credit or infrastructure improvement credit against all FILOT payments or fee payments made or to be made by the Company equal to the amount that the Company would have saved if the FILOT had been valid, to the maximum extent permitted by law.

Section 6.9 Force Majeure. The Company shall not be responsible for any delays or non-performance caused in whole or in part, directly or indirectly, by strikes, accidents, freight embargoes, fires, floods, inability to obtain materials, conditions arising from governmental orders or regulations, war or national emergency, acts of God, and any other cause, similar or dissimilar, beyond the Company's reasonable control.

Section 6.10 Termination by Company. The Company is authorized to terminate this Fee Agreement at any time with respect to all or part of the Project upon providing the County with 30 days' notice; *provided, however*, that (i) any monetary obligations existing hereunder and due and owing at the time of termination to a party hereto; and (ii) any provisions which are intended to survive termination shall survive such termination. In the year following such termination, all property shall be subject to ad valorem taxation or such other taxation or fee in lieu of tax payments under this Fee Agreement. The Company's obligation to make fee in lieu of tax payments under this Fee Agreement shall terminate in the year following the year of such termination pursuant to this section.

Section 6.11 Entire Understanding. This Fee Agreement expresses the entire understanding and all agreements of the parties hereto with each other, and neither party hereto has made or shall be bound by any agreement or any representation to the other party which is not expressly set forth in this Fee Agreement or in certificates delivered in connection with the execution and delivery hereof.

<u>Section 6.12</u> <u>Waiver</u>. Either party may waive compliance by the other party with any term or condition of this Fee Agreement only in a writing signed by the waiving party.

<u>Section 6.13</u> <u>Business Day</u>. In the event that any action, payment, or notice is, by the terms of this Fee Agreement, required to be taken, made, or given on any day which is a Saturday, Sunday, or legal holiday in the jurisdiction in which the person obligated to act is domiciled, such action, payment, or notice may be taken, made, or given on the following business day with the same effect as if given as required hereby, and no interest shall accrue in the interim.

<u>Section 6.14</u> <u>Limitation of Liability</u>. Anything herein to the contrary notwithstanding, any financial obligation the County may incur hereunder, including for the payment of money shall not be deemed to constitute a pecuniary liability or a debt or general obligation of the County; provided, however, that nothing herein shall prevent the Company from enforcing its rights hereunder by suit for *mandamus* or specific performance.

(Signature Page Follows)

IN WITNESS WHEREOF, the County, acting by and through the County Council, has caused this Fee Agreement to be executed in its name and behalf by the County Council Chairman and to be attested by the Clerk of the County Council; and the Company has caused this Fee Agreement to be executed by its duly authorized officer, all as of the day and year first above written.

FLORENCE COUNTY, SOUTH CAROLINA

Signat	ure:	
Name:	K.G. Rusty Smith, Jr.	
Title:	Chairman of County Council	

Ab.

ATTEST:	
Signature:	
Name: Connie Y. Haselden	
Title: Clerk to County Council	
	J. P. MORGAN CHASE
	Signature:
	Name:
	Title:

EXHIBIT A LEGAL DESCRIPTION

DESCRIPTION OF PREMISES

That certain tract of land in Florence County, South Carolina, being shown and designated as 16.528 acres at 2210 Enterprise Drive, Florence, SC on a Survey prepared for Holmes Smith, IEEC. Lepercq Corporate Income Fund, L.P. and First American Title Insurance Company by Power Engineering Company, Inc. dated June 15, 1998, last revised June 25, 1998 (the "Plat"), said Plat being incorporated herein by reference, said property being more particularly described as follows:

Commencing at a 5/8" tool found at the intersection of the southern right of way of Range Way and the eastern right of way of Enterprise Drive, said rod being the point of beginning; thence run along southern right of way of Range Way \$54°52'49"E for a distance of \$25.18 feet to an iron pin set: thence continuing along said right of way along a curve to the deft, having a length of 363.28 feet, a radius of 996.63 feet and being subucided by a chord of 865°19°22"E for a distance of 361.27 feet to an iron pin found; thence turn and run along property now or formerly Fleet Mortgage Co. for the following 12 courses: 1) S21°34'56"W, 574.44 festao an iron pin found; 2) S68°18'50"E. 10.25 feet to an iron pin found; 3) S36°53'00"W, 381.14 feet to an iron pin found; 4) N64°42°26"W, 394.89 feet to an iron pin set; 5) N36°52'45"E, 67.24 feet to an iron pin set: 6) N69°54'00"W, 131.15 feet to an iron pin set: 7) M64°42'26"W, 97.90 feet to an iron pin ser; 8) N31°10'21"W, 12:41 feet to an iron pin set; 9) N53°07'22"W, 59:80 feet to an iron pin set; 10) N20°29'15"W, 121.84 feet to an iron pin set; 11) N43907'22"W, 38.66 feet to an iron pin set: 12) N08°07'23"W, 28.67 feet to an iron pin set; thence turn and run along the eastern right of way of Emerprise Drive, along a curve to the left having a length of 762.23 feet. a radius of 10057.33 feet and being subtended by a chord of N37906'03"E for a distance of 762.05 feet to an iron pin set; thence continuing along said right of way N34955'47"W for a distance of 56.47 feet to the point of beginning.

TOGETHER WITH non-exclusive perpetual storm drainage casements over and across Drainage Retention Easement area as hereinafter described and a strip of land 36 feet in width bounded on the north by Range Way, extending in a southeastern direction from the aforesaid 16.528 acres to the Drainage Retention Easement area, the Drainage Retention Easement area being more particularly described as follows:

Commencing at a 5/8" rod found on the southern right of way of Range Way, approximately 1083 feet southeast of the intersection of Range Way and Enterprise Drive, said rod being the point of beginning. Thence communing along the southern right of way of Range Way N82°48'36°E for a distance of 234.94 fee: to an iron pin found; thence turn and run along properly now or formerly Fleet Mortgage Co. and the western edge of a 40 foot wide South Carolina Pipeline Gas Easement for the following 3 courses: 1) S06°49'30"W, 88.82 feet to an iron pin set; 2) S00°48'33"E, 97.49 feet to an iron pin set; 3) S18°44'20"W, 74.43 feet to an iron pin found; thence turn and run along property now or formerly Fleet Mortgage Co. for the following 2 courses: 1) S82°50'40"W, 169.75 feet to an iron pin found; 2) N07°15'33"W, 249.92 feet to the point of beginning; containing 1.192 acres more or less.

TOGETHER WITH a non-exclusive perpetual easement for ingress and egress over and across the Access Easement area shown on the Plat and being more particularly described as follows:

Commencing at a #5 rebar set on the castern right of way of Enterprise Drive, approximately 818 feet southwest of the intersection of Enterprise Drive and Range Way, said rebar being the point of beginning. Thence turn and run along property now or formerly Hoimes Smith LLC for the following 8 courses: 1) S06°07'23"E, 28.67 feet to an iron pin set; 2) S43°07'22"E, 38.66 feet to an iron pin set; 3) S20'29'15"E, 121.84 feet to an iron pin set; 4) S53°07'22"E, 59.80 feet to an iron pin set; 5) S31°10'21"E, 12.14 feet to an iron pin set; 6) S64°42'26"E, 97.90 feet to an iron pin set; 5) S31°10'21"E, 12.15 feet to an iron pin set; 8) S36°52'45"E, 67.24 feet to an iron pin set; 1) N62°42'26"W, 237.74 feet to an iron pin found; 2) N53°07'0''W, 182.20 feet to an iron pin found; 3) N08°26'22"W, 61.76 feet to an iron pin set. Thence turn and run along the castern right of way of Enterprise Drive along a curve to the left, having a length of 111.59 feet, a radius of 10057.33 feet and being subtended by a chord of N39°35'24"E for a distance of 111.59 feet to the point of beginning, containing 0.794 acres more or less.

DERIVATION: This being the same property conveyed to R. Solomon Florence Interest, LLC by Lexington Florence LLC by deed dated January 22, 2002, recorded in the Office of the Register of Deeds for Florence County on January 28, 2002, m Book A-666 at page 126.

TMS #00120-01-082

FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Third Reading - Ordinance No. 23-2009/10 - Deferred

<u>DEPARTMENT</u>: Economic Development

ISSUE UNDER CONSIDERATION:

(An Ordinance To Amend The Agreement For Development Of A Joint County Industrial Park Dated As Of December 1, 1998 Between Florence County, South Carolina And Williamsburg County, South Carolina To Include Additional Properties In The County As Part Of The Multi-County Industrial Or Business Park.)

OPTIONS:

- 1. (Recommended) Defer Third Reading of Ordinance No. 23-2009/10.
- 2. Provide an Alternate Directive

ATTACHMENTS:

Ordinance No. 23-2009/10.

Sponsor(s) : Economic Development First Reading/Introduction Committee Referral : N/A Committee Consideration Date : N/A Committee Recommendation : N/A Second Reading Public Hearing Third Reading Effective Date : Immediately

: November 19, 2009 : December 10, 2009 : December 10, 2009

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

ORDINANCE NO. 23-2009/10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Amend The Agreement For Development Of A Joint County Industrial Park Dated As Of December 1, 1998 Between Florence County, South Carolina And Williamsburg County, South Carolina To Include Additional Properties In The County As Part Of The Multi-County Industrial Or Business Park.)

WHEREAS:

- 1. Florence County, South Carolina, a political subdivision of the State of South Carolina (the "County"), acting by and through its County Council (the "Council"), and Williamsburg County, South Carolina, a political subdivision of the State of South Carolina ("Williamsburg County"), acting by and through its County Council, are authorized pursuant to Article VIII, Section 13 of the Constitution of the State of South Carolina and Title 4, Chapter 1 of the Code of Laws of the State of South Carolina 1976, as amended, (the "Code"), specifically Section 4-1-170 thereof, to develop jointly an industrial or business park with other counties within the geographical boundaries of one or more member counties; and
- 2. The County and Williamsburg County entered into that certain Agreement for Development for Joint County Industrial Park dated as of December 1, 1998, (the "Agreement"); and
- 3. The County and Williamsburg County, having determined that an enlargement of the boundaries of the Joint County Industrial Park would promote economic development and thus provide additional employment and investment within said counties, have agreed to enter into an Amendment of the Agreement for Development for Multi-County Industrial or Business Park (the "Amendment") to enlarge the boundaries of the Joint County Industrial Park by including certain properties located in the County.

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

1. The provisions, terms, and conditions of the Amendment presented to this meeting and filed with the Clerk to the Council are hereby approved, and all of the provisions, terms and conditions thereof are hereby incorporate herein by reference as if the Amendment were set out in this Ordinance in its entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute and deliver the Amendment in the name and on behalf of the County; the Clerk to the Council is hereby authorized, empowered, and directed to attest the same; and the Chairman of the Council is further authorized, empowered, and directed to deliver the Amendment to Williamsburg County. The Amendment is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Amendment now before this meeting.

2. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force immediately upon public hearing and third reading of the Council.

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:

FIFTH AMENDMENT TO AGREEMENT FOR DEVELOPMENT FOR JOINT COUNTY INDUSTRIAL PARK

This Fifth Amendment to Agreement for Development for Joint Industrial Park dated December 1, 1998, between Florence County, South Carolina ("Florence County") and Williamsburg County, South Carolina ("Williamsburg County"), each a body politic and political subdivisions of the State of South Carolina (collectively the "Counties").

WITNESSETH:

WHEREAS, under the authorization of the Counties pursuant to Article VIII, Section 13 of the Constitution of the State of South Carolina and Title 4, Chapter 1 of the Code of Laws of the State of South Carolina 1976, as amended (the "Code"), specifically Section 4-1-170 thereof; and, pursuant to that certain Agreement for Development for Joint County Industrial Park (the "Agreement") dated as of December 1, 1998, the Counties agreed to develop a multi-county industrial or business park (the "Park"), a portion of which is located in Florence County as described in Exhibit A to that Agreement (the "Florence Property"), and a portion of which is located in Williamsburg County as described in Exhibit B to that Agreement (the "Williamsburg Property"); and

WHEREAS, an Amendment to Agreement for Development for Joint County Industrial Park (the "First Amendment to Agreement") dated September 28, 2006, amended Exhibit A to the Agreement by adding additional property as described in Exhibit A-1 to the First Amendment to Agreement enlarged the boundaries of the Park; and

WHEREAS, pursuant to Ordinance No. 23-2009/10 adopted by Florence County Council on _______, and Ordinance No. ______adopted by Williamsburg County Council on _______ (collectively, the "Enabling Ordinances"), the Counties have determined that it is in the best interest of the Counties to enlarge the boundaries of the Park as authorized by Section 3 of the Agreement in order to promote economic development and thus provide additional employment opportunities within said Counties.

NOW, THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Agreement and for other good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

Section 1. Exhibit A to the Agreement which describes the boundaries of the Park with regard to the Florence Property, is amended by adding additional property described on Exhibit A-5 attached hereto.

Section 2. The Agreement as to the property set forth in Exhibit A-5 attached hereto, may not be terminated by either Party for a period of twenty (20) years following the effective date of this Amendment.

Section 3. Except as expressly amended or modified herein, the remaining terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto, each after due authorization, have executed this Fifth Amendment to Agreement for Development for Joint County Industrial Park to be effective as of

FLORENCE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman, Florence County Council

ATTEST:

By:

Clerk to County Council Florence County, South Carolina

WILLIAMSBURG COUNTY, SOUTH CAROLINA

Chairman, Williamsburg County Council

(SEAL)

ATTEST:

By:

Clerk to County Council Williamsburg County, South Carolina

LAND DESCRIPTION FLORENCE COUNTY

1



Exhibit A-5 to MCP Agreement and Fifth Amended MCP Agreement

DESCRIPTION OF PREMISES

That certain tract of land in Florence County, South Carolina, being shown and designated as 16.528 acres at 2210 Enterprise Drive, Florence, SC on a Survey prepared for Holmes Smith, LLC, Lepercq Corporate Income Fund, L.P. and First American Title Insurance Company by Power Engineering Company, Inc. dated June 15, 1998, last revised June 25, 1998 (the "Plat"), said Plat being incorporated herein by reference, said property being more particularly described as follows:

Commencing at a 5/8" rod found at the intersection of the southern right of way of Range Way and the eastern right of way of Enterprise Drive, said rod being the point of beginning; thence run along southern right of way of Range Way S54°52'49"E for a distance of 325.18 feet to an iron pin set; thence continuing along said right of way along a curve to the left, having a length of 363.28 feet, a radius of 996.63 feet and being subtended by a chord of S65°19'22"E for a distance of 361.27 feet to an iron pin found; thence turn and run along property now or formerly Fleet Mortgage Co. for the following 12 courses: 1) SZ1°34'56"W. 574.44 feet to an iron pin found: 2) S68°18'50"E, 10.25 feet to an iron pin found: 3) S36°53'00"W, 381.14 feet to an iron pin found; 4) N64°42'26"W, 394.89 feet to an iron pin set 5) N36°52'45"E, 67.24 feet to an iron pin set; 6) N69°54'00"W, 131.15 feet to an iron pin set; 7) N64 42'26"W, 97.90 feet to an iron pin set; 8) N31°10'21"W, 12.41 feet to an iron pin set; 9) N52°07'22"W, 59.80 feet to an iron pin set; 10) N20°29'15"W, 121.84 feet to an iron pin set; 11) N43°07'22"W, 38.66 feet to an iron pin set; 12) N08°07'23"W, 28.67 feet to an iron pin set; thence turn and run along the eastern right of way of Enterprise Drive, along a curve to the left, having a length of 762.23 feet, a radius of 10057.33 feet and being subtended by a chord of N37°06'03"E for a distance of 762.05 feet to an iron pin set; thence continuing along said right of way N34°55'47"W for a distance of 56.47 feet to the point of beginning.

TOGETHER WITH non-exclusive perpetual storm drainage easements over and across Drainage Retention Easement area as hereinafter described and a strip of land 36 feet in width bounded on the north by Range Way, extending in a southcastern direction from the aforesaid 16.528 acres to the Drainage Retention Easement area, the Drainage Retention Easement area being more particularly described as follows:

Commencing at a 542° rod found on the southern right of way of Range Way, approximately 1083 feet southeast of the intersection of Range Way and Enterprise Drive, said rod being the point of beginning. Thence continuing along the southern right of way of Range Way N82°48'56"E for a distance of 234.94 feet to an iron pin found; thence turn and run along property now or formerly Fleet Mortgage Co. and the western edge of a 40 foot wide South Carolina Pipeline Gas Easement for the following 3 courses: 1) S06°49'30"W, 88.82 feet to an iron pin set; 2) S00°48'33"E, 97.49 feet to an iron pin set; 3) S18°44'20"W, 74.43 feet to an iron pin found; thence turn and run along property now or formerly Fleet Mortgage Co. for the following 2 courses: 1) S82°50'40"W, 169.75 feet to an iron pin found; 2) N07°15'33"W, 249.92 feet to the point of beginning, containing 1.192 acres more or less.

TOGETHER WITH a non-exclusive perpetual casement for ingress and egress over and across the Access Easement area shown on the Plat and being more particularly described as follows:

Commencing at a #5 rebar set on the eastern right of way of Enterprise Drive, approximately 818 feet southwest of the intersection of Enterprise Drive and Range Way, said rebar being the point of beginning. Thence turn and run along property now or formerly Holmes Smith LLC for the following 8 courses: 1) S08°07'23"E, 28.67 feet to an iron pin set; 2) S43°07'22"E, 38.66 feet to an iron pin set; 3) S20°29'15"E, 121.84 feet to an iron pin set; 4) S53°07'22"E, 59.80 feet to an iron pin set; 5) S31°10'21"E, 12.41 feet to an iron pin set; 6) S64°42'26"E, 97.90 feet to an iron pin set; 7) S69°54'00"E, 131.15 feet to an iron pin set; 8) S36°52'45"E, 67.24 feet to an iron pin set; thence turn and run along property now or formerly Fleet Mortgage for the following 3 courses: 1) N62°42'26"W, 237.74 feet to an iron pin set. Thence turn and run along the castern right of way of Enterprise Drive along a curve to the left, having a length of 111.59 feet, a radius of 10057.33 feet and being subtended by a chord of N39°35'24"E for a distance of 111.59 feet to the point of beginning. Containing 0.794 acres more or less.

DERIVATION: This being the same property conveyed to R. Solomon Florence Interest, LLC by Lexington Florence LLC by deed dated January 22, 2002, recorded in the Office of the Register of Deeds for Florence County on January 28, 2002, in Book A-666 at page 126.

TMS #00120-01-082

FLORENCE COUNTY COUNCIL MEETING AMA Thursday, July 15, 2010

AGENDA ITEM: Ordinance No. 36-2009/10 Third Reading

<u>DEPARTMENT</u>: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Rezone Property Owned By Bryan Gardner Located At 3414 James Turner Rd., Florence County From R-1, Single-Family Residential District To RU-1, Rural Community District Shown On Florence County Tax Map No. 00127, Block 01, Parcel 012 Consisting Of Approx. 25 Acres.] (Planning Commission approved 9-0; Council District 5)

POINTS TO CONSIDER:

- 1. The property is located in Council District 5.
- 2. The subject property is currently zoned R-1, Single-Family Residential District.
- 3. The property is currently single-family residential.
- 4. The property is surrounded by single-family residential and vacant land uses.
- 5. The applicant wishes to develop the site for new single-family residential.
- 6. The northern portion of the subject property is located in a Rural Preservation area and the southern portion is located in a Flood Hazard District.
- 7. The applicant's request to rezone this property to RU-1 is in compliance with the Comprehensive Plan Land Use Map.

OPTIONS:

- 1. (Recommended) Approve as Presented.
- 2. Provide An Alternate Directive.

<u>ATTACHMENTS</u>:

Copies of the following are attached:

- 1. Ordinance No. 36-2009/10
- 2. Staff report for PC#2010-05
- 3. Location map
- 4. Comprehensive Land Use Plan map
- 5. Zoning map
- 6. Aerial photograph
- 7. Comprehensive Plan information
- 8. Zoning Ordinance information

Sponsor(s) : Planning Commission Planning Commission Consideration : April 27, 2010 : April 27, 2010 Planning Commission Public Hearing Planning Commission Recommendation : April 27, 2010[Approved 9-0] First Reading/Introduction : May 20, 2010 Committee Referral :N/A : June 17, 2010 Second Reading Third Reading : July 15, 2010 Effective Date : Immediately

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

ORDINANCE NO. 36-2009/10

[An Ordinance To Rezone Property Owned By Bryan Gardner Located At 3414 James Turner Rd., Florence County From R-1, Single-Family Residential District To RU-1, Rural Community District Shown On Florence County Tax Map No. 00127, Block 01, Parcel 012 Consisting Of Approx. 25 Acres.]

WHEREAS:

- 1. Section 30-291 of the Florence County Code establishes that Florence County Council must be satisfied that applications for amendments to the Zoning Atlas of Florence County are not injurious from a public health, safety and general welfare outlook and the effect of the change will not negatively impact the immediate environs or the County generally; and
- 2. Section 30-297 of the Florence County Code republished January 2008, provides a procedure for amending the official Zoning Map of the County of Florence; and
- 3. The procedure has been followed by the Florence County Planning Commission at a public hearing on April 27, 2010.

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

- 1. Property located at 3414 James Turner Road bearing Tax Map 00127, Block 01, Parcel 012 is hereby rezoned to RU-1, Rural Community District.
- 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

Approved as to Form and Content James C. Rushton, III, County Attorney K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: OPPOSED: ABSENT:

STAFF REPORT TO THE FLORENCE COUNTY PLANNING COMMISSION April 27, 2010 PC#2010-05 ORDINANCE NO. 36-2009/10

Subject:	Rezoning request from R-1, Single-Family Residential District to RU-1, Rural Community District
Location:	Property is located at 3414 James Turner Rd., Florence County
Tax Map Number:	00127, Block 01, Parcel 012
Council District(s):	5; County Council
Owner of Record:	Bryan Gardner
Applicant:	Bryan Gardner
Land Area:	25 acres

Existing Land Use and Zoning:

The subject property is currently single-family residential, zoned R-1, Single-Family Residential District.

Proposed Land Use and Zoning:

The applicant has indicated that the proposed land uses for the site will consist of single-family residential. The applicant is proposing to rezone the subject property to RU-1, Rural Community District.

Surrounding Land Use and Zoning:

North: Single-family residential/R-1 /Florence County South: Vacant /Single-family residential/ RU-1/Florence County West: Single-family residential/R-1 /Florence County East: Vacant/Single-family residential / Florence County

Florence County Comprehensive Plan:

The northern portion of subject property is located in a Rural Preservation area and the southern portion in a Flood Hazard District according to the Comprehensive Plan Land Use Map. While the applicant has requested to rezone this property to RU-1, this request does comply with the Comprehensive Plan.

Staff Analysis:

Access and Circulation- Present access to the property is by way of James Turner Road.

Water and Sewer Availability- The water services are provided by the City of Florence. No public sewer at this time.

Adjacent Waterways/Bodies of Water/Flood Zone- There does not appear to be a waterway/body of water adjacent to the property. Portion of property is in flood zone AE per flood zone map.

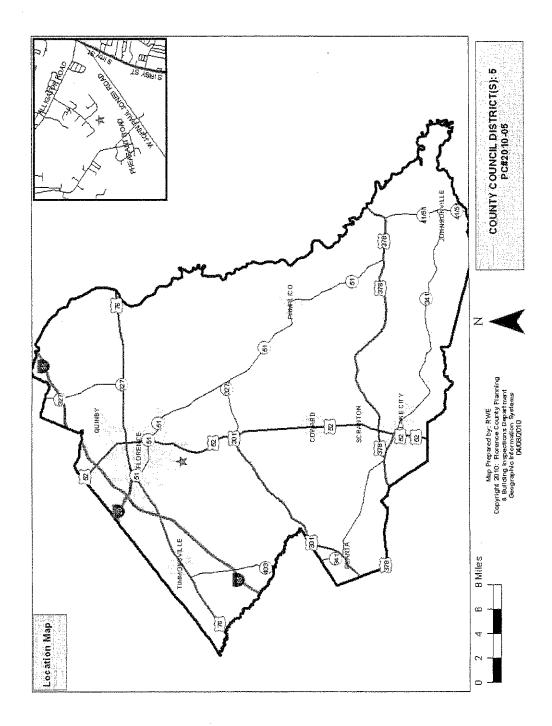
<u>Background-</u> The applicant is requesting to change the zoning of the property from R-1, Single-Family Residential District to RU-1, Rural Community District.

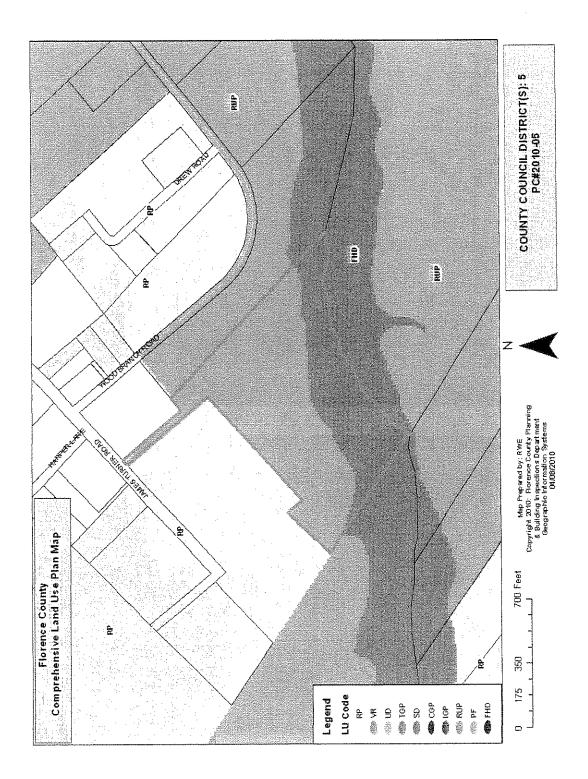
Florence County Planning Commission Action: April 27, 2010

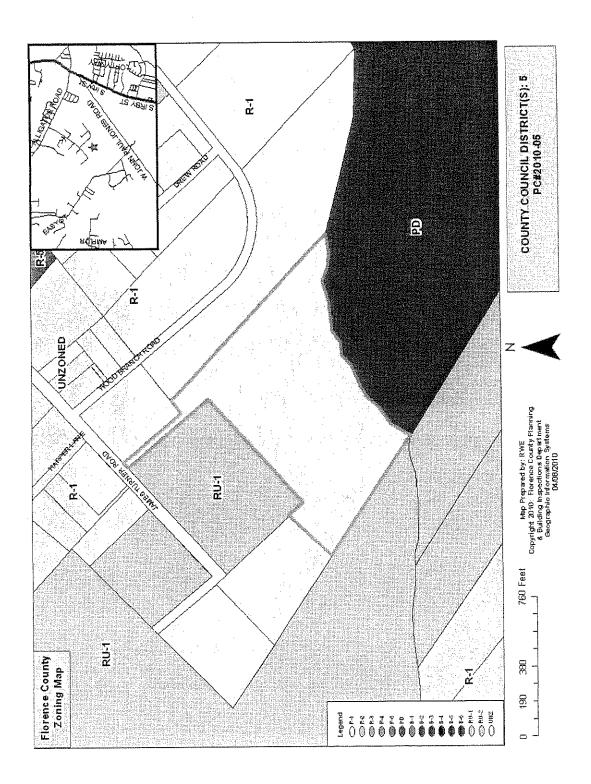
The nine Planning Commission members present approved the rezoning request unanimously at the meeting held on April 27, 2010.

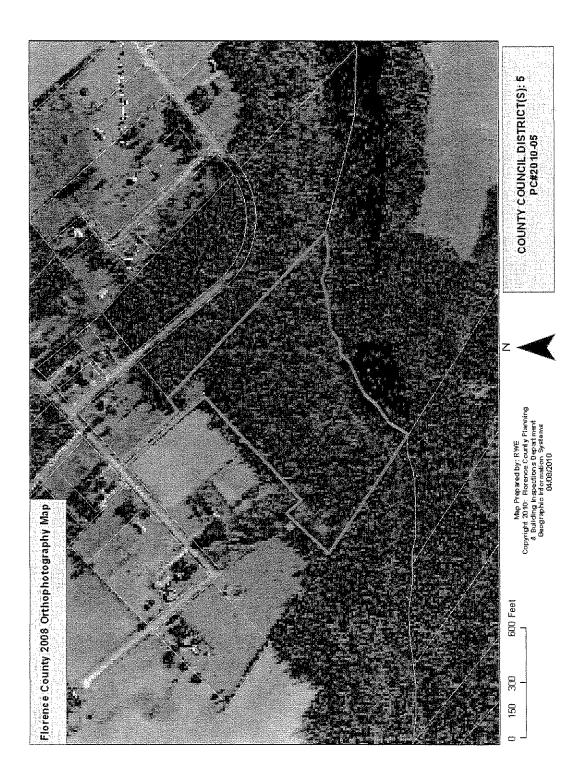
Florence County Planning Commission Recommendation:

The Planning Commission recommends approval of this request by the Florence County Council due to the rezoning being in compliance with the Land Use Element of the Comprehensive Plan









Comprehensive Plan Attachment:

<u>Rural Preservation (RUP)</u> – Protect and sustain existing rural uses, including single-family homes and corresponding accessory uses, as well as agrarian uses, typically in an undeveloped and/or agricultural setting. (**Zoning Districts Permitted: RU-1, RU-2, PD**)

Flood Hazard District (FHD) – This is the 100-year Flood Zone area as established by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and is pursuant to compliance with the National Flood Insurance Program (NFIP) and to maintain a Community Rating System (CRS). This district will be updated following any updates to the FEMA FIRM maps. (Zoning Districts Permitted: All zoning types pending special review pursuant to Florence County Code of Ordinances: Chapter 30, Article 11, Division 4).

CHAPTER 30. ZONING ORDINANCE ATTACHMENT

RU-1, Rural Community District

The intent of this district is to sustain and support rural community centers as an integral part of the rural environment, serving the commercial, service, social, and agricultural needs of nearby rural residents.

FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Second Reading of Ordinance No. 37-2009/10

DEPARTMENT: Administration Finance

ISSUE UNDER CONSIDERATION:

[An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Thousand Dollar (\$900,00) General Obligation Bond Of Florence County, South Carolina (Windy Hill/Olanta Rural Volunteer Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.]

POINTS TO CONSIDER:

- 1. Ordinance No. 37-2009/10 is an ordinance to issue a \$900,000 general obligation bond for fire equipment for the Windy Hill/Olanta Rural Fire District.
- 2. This bond will be paid by debt service millage levied in the fire district.

FUNDING FACTORS:

NONE

OPTIONS:

- 1. (Recommended) Approve Second Reading of Ordinance No. 37-2009/2010.
- 2. Provide An Alternate Directive.

ATTACHMENTS:

1. Ordinance No. 37-2009/10

Sponsor(s)	:	County Council
First Reading	:	June 17, 2010
Committee Referral	:	N/A
Committee Consideration Date	:	N/A
Committee Recommendation	:	N/A
Public Hearing	:	July 15, 2010
Second Reading	:	July 15, 2010
Third Reading	:	August 19, 2010
Effective Date	:	August 19, 2010

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

ORDINANCE NO. 37-2009/10

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING NINE HUNDRED THOUSAND DOLLAR (\$900,000) GENERAL OBLIGATION BOND OF FLORENCE COUNTY, SOUTH CAROLINA (WINDY HILL/OLANTA RURAL VOLUNTEER FIRE DISTRICT), TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BOND SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BOND, AND OTHER MATTERS RELATING THERETO.

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EXHIBIT A – NOTICE OF PUBLIC HEARING EXHIBIT B – FORM OF BOND EXHIBIT C – NOTICE OF PRIVATE SALE

BE IT ORDAINED BY THE GOVERNING BODY OF FLORENCE COUNTY, THE FLORENCE COUNTY COUNCIL, IN COUNCIL ASSEMBLED, AS FOLLOWS:

ARTICLE I

FINDINGS OF FACT

Section 1.01 Findings.

As an incident to the adoption of this Ordinance, the Florence County Council (the "Council"), the governing body of Florence County, South Carolina (the "County"), finds that the facts set forth in this Article exist and the statements made with respect thereto are in all respects true and correct:

1. By Ordinance No. 31-2006/07, adopted April 5, 2007 (the "Enabling Ordinance"), the Council established and created a fire protection district known as the Windy Hill/Olanta Rural Volunteer Fire District, which is comprised of certain unincorporated areas of the County (the "District).

2. Pursuant to the Enabling Ordinance, the District was created in order to provide fire protection within the District and to provide a means for the financing of improvements to the District.

3. After due investigation, the Council has determined that in order to carry out the purposes of the Enabling Ordinance, and to provide adequate fire protection within the District it is necessary to purchase new equipment to include three (3) tanker trucks and other fire fighting equipment (the "Equipment"). It is presently estimated that the cost of the Equipment and the cost of issuance of a general obligation Bond issued to finance such Equipment will be approximately \$900,000. The Council is minded to issue a general obligation Bond of the County in an amount not to exceed \$900,000 to finance the cost of the Equipment and the cost of issuance of such Bond.

Section 1.02 Statutory Authorization

Section 4-19-50 of the Code of Laws of South Carolina, 1976, as amended, authorizes the County to issue general obligation bonds to establish, maintain and operate fire protection districts and to construct, acquire and build necessary fire stations within such districts and to acquire sites for such stations.

Pursuant to Section 11-27-40(4), Code of Laws of South Carolina, as amended, a general obligation bond of the County may be sold at private sale and without advertisement therefore if such bond matures not more than ten years from its date of issuance and the principal amount of the bond does not exceed \$1,500,000. The Council finds that the bond authorized by this Ordinance may be lawfully sold at private sale pursuant to the provisions of Section 11-27-40(4), provided that it is issued with a maturity of not in excess of ten years.

Section 1.03 Recital of Applicable Constitutional Provisions.

Pursuant to the provisions of paragraph (7) of Section 14 of Article X of the South Carolina Constitution, the County is authorized to issue general obligation debt which is incurred pursuant to and within the limitations described by Section 12 of Article X. In accordance with the provisions of Section 12 of Article X and pursuant to the provisions of this Ordinance, the Council shall impose upon all taxable property within the District an ad valorem tax in an amount designed to provide debt service on the Bond authorized hereby. Further, pursuant to the provisions of Section 12 and paragraph (7) of 14 of Article X, debt incurred in this manner is not to be considered in computing the general obligation debt limit of the County.

Section 1.04 Holding of Public Hearing and Notice Thereof.

Pursuant to the provisions of Section 4-9-130 of the Code of Laws of South Carolina, 1976, as amended, a public hearing, after giving reasonable notice, is required to be conducted prior to the third and final reading of this Ordinance by Council. In accordance with this provision, a public hearing shall be conducted and due notice shall be provided as required by said Section 4-9-130. The form of the notice to be published shall be substantially as set forth as Exhibit A attached hereto.

Section 1.05 Ability to Meet Arbitrage Requirements.

Careful consideration has be given to the time in which the expenditures of the proceeds of the Bond authorized hereby will be made, and it has been ascertained that all of the money received from the proceeds of the Bond will be expended within the limitations imposed by Section 148(c) of the Internal Revenue Code of 1986, as amended, so that the Council will be able to certify upon reasonable grounds that the Bond is not an "arbitrage Bond" within the meaning of Section 148(c) of the Internal Revenue Code of 1986, as amended.

ARTICLE II

DEFINITIONS AND AUTHORITY

Section 2.01 Definitions.

As used in this Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

"Authorized Investments" means any securities which are authorized legal investments for political subdivisions pursuant to the Code of Laws of South Carolina.

"Authorized Officer" means the Chairman, or the Vice-Chairman of the Council and any other officer or employee of the Council designated from time to time as an Authorized Officer by resolution of the Council, and when used with reference to any act or document also means any other person authorized by resolution of the Council to perform such act or sign such document.

"Bond" means the Bond issued in accordance with the provisions of this Ordinance.

"Bondholder" or "Holder" or "Holder of Bond" or "Owner" or similar term means, when used with respect to the Bond means any person who shall be registered as the owner of the Bond outstanding.

"Bond Payment" means the annual payments of principal of and interest on the Bond.

"Bond Payment Date" means each date on which the Bond Payment shall be payable.

"Council" means the Florence County Council, South Carolina, the governing body of said County or any successor governing body of said County.

"County" means Florence County, South Carolina.

"District" means the Windy Hill/Olanta Rural Volunteer Fire District.

"Enabling Act" means Chapter 19, Title 4, Code of Laws of South Carolina, 1976, as amended and supplemented by Act No. 113 of the 1999 Acts of the South Carolina General Assembly.

"Government Obligations" means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which is fully and unconditionally guaranteed by the United States of America.

"Holder" means the registered owner, from time to time, of the Bond as shown on the registration books of the County maintained by the Registrar.

"Ordinance" shall mean this ordinance of County Council authorizing the issuance of the Bond.

"Outstanding", when used in this Ordinance with respect to the Bond, means as of any date, the Bond theretofore delivered pursuant to this Ordinance except:

(a) any Bond cancelled or delivered to the Registrar for cancellation on or before such date;

(b) any Bond deemed to have been paid in accordance with the provisions of Section 7.01 hereof and;

(c) any Bond in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to Section 3.11 of this Ordinance.

"Person" means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

"Record Date" means the 15th day immediately preceding each Bond Payment Date.

"Registrar" means the County.

Section 2.02 Construction.

In this Ordinance, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.

2. The terms "hereby", "hereof", "hereto", "herein", "hereunder" and any similar terms refer to this Ordinance, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before, the date of adoption of this Ordinance.

3. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.

4. Any fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment.

ARTICLE III

ISSUANCE OF BOND

Section 3.01 Ordering the Issuance of the Bond.

Pursuant to the provisions of the Enabling Act, and for the purpose of obtaining funds to defray the costs of the Equipment described in Section 1.01 hereof, there shall be issued a not exceeding Nine Hundred Thousand Dollars (\$900,000) general obligation bond of the County, designated General Obligation Bond, Series 2010, of Florence County, South Carolina (Windy Hill/Olanta Rural Volunteer Fire District). The County Administrator of the County is hereby authorized, in consultation with the District, to determine the exact principal amount of the issue authorized hereby based upon the cost of the Equipment described in Section 1.01(4) hereof and the cost of issuance of the Bond.

Section 3.02 Maturity Schedule of Bond.

The Bond shall be dated as of the date of its delivery and shall bear interest from its dated date. The Bond shall be payable by way of ten (10) equal annual installments of principal and interest, each due on the anniversary date of the issuance of the Bond, commencing with the first such anniversary date, until the Bond be paid in full. The County Administrator of the County, in consultation with bond counsel, is authorized to determine and designate an alternative schedule for payment of the Principal Installments of the Bond, provided, however, that the final maturity of principal on the bond shall be due not more than ten (10) years from the date of issuance of the Bond.

Section 3.03 Medium of Payment; Form and Denomination of Bond; Place of Payment of Principal.

(a) The Bond shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(b) The Bond shall be issued in the form of one (1) fully registered bond.

(c) The Bond Payments shall be payable to the Person appearing on each Record Date on the registration books of the County, which books shall be held by the County as Registrar as provided in Section 3.06 hereof, as the registered owner thereof, by check or draft mailed to such registered owner at his address as it appears on such registration books in sufficient time to reach such registered owner on the Bond Payment Dates. Payment of the final Bond Payment shall be made when the same is due and payable upon the presentation and surrender for cancellation of the Bond.

Section 3.04 Execution and Authentication.

(a) The Bond shall be executed in the name and on behalf of the County by the manual signature of an Authorized Officer or Officers, with its corporate seal impressed, imprinted or otherwise reproduced thereon, and attested by the manual signature of its Secretary or other Authorized Officer (other than the officer or officers executing the Bond). The Bond may bear the manual signature of any person who shall have been such an Authorized Officer authorized to sign the Bond at the time such Bond was so executed, and shall bind the County notwithstanding the fact that his or her authorization may have ceased prior to the authentication and delivery of the Bond.

(b) The Bond shall not be valid or obligatory for any purpose nor shall it be entitled to any right or benefit hereunder unless there shall be endorsed on the Bond a certificate of authentication in the form set forth in this Ordinance, duly executed by the manual signature of the Registrar, and such certificate

of authentication upon any Bond executed on behalf of the County shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of the Resolution.

Section 3.05 Exchange of the Bond.

The Bond, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his duly authorized attorney, may, at the option of the registered Holder thereof, be exchanged for a new Bond of the same interest rate and maturity. So long as the Bond remains Outstanding, the County shall make all necessary provisions to permit the exchange of the Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid.

Section 3.06 Transferability and Registry.

The Bond shall at all times, when the same is Outstanding, be payable to a Person, and shall be transferable only in accordance with the provisions for registration and transfer contained in this Ordinance and in the Bond. So long as the Bond remains Outstanding, the County, as Registrar, shall maintain and keep, at its administrative office, books for the registration and transfer of the Bond, and, upon presentation thereof for such purpose at such office, the County shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it may prescribe, such Bond. So long as the Bond remains Outstanding, the County shall make all necessary provisions to permit the transfer of such Bond at its administrative office.

Section 3.07 Transfer of the Bond.

The Bond shall be transferable only upon the books of the Registrar, upon presentation and surrender thereof by the Holder of the Bond in person or by his attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his duly authorized attorney. Upon surrender for transfer of the Bond, the County shall execute, authenticate and deliver, in the name of the Person who is the transferee, a new Bond of the same principal amount and maturity and rate of interest as the surrendered Bond. Such new Bond shall reflect the principal amount thereof as then yet unpaid.

Section 3.08 Regulations with Respect to Exchanges and Transfers.

The Bond surrendered in any exchange or transfer shall forthwith be cancelled by the Registrar. For each such exchange or transfer of the Bond, the Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The County shall not be obligated to issue, exchange or transfer the Bond during the 15 days next preceding any (a) Bond Payment Date, or (b) date upon which the Bond will be redeemed.

Section 3.09 Mutilated, Destroyed, Lost and Stolen Bond,

(a) If the Holder surrenders a mutilated Bond to the Registrar or the Registrar receives evidence to its satisfaction of the destruction, loss or theft of the Bond, and there is delivered to the Registrar such security or indemnity as may be required by it to save it harmless, then, in the absence of notice that the Bond has been acquired by a bona fide purchaser, the County shall execute and deliver, in exchange for the mutilated Bond or in lieu of any such destroyed, lost or stolen Bond, a new Bond of like tenor, maturity

and interest rate bearing a number unlike that of such mutilated, destroyed, lost or stolen Bond, and shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost or stolen Bond has become or is to become due for final payment within one year, the County in its discretion may, instead of issuing a new Bond, pay the Bond.

(b) Upon the issuance of any new Bond under this Section 3.09, the County may require the payment of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the County or the Registrar connected therewith.

(c) Each new Bond issued pursuant to this Section in lieu of any destroyed, lost or stolen Bond, shall constitute an additional contractual obligation of the County, whether or not the destroyed, lost or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits hereof equally and proportionately with the Bond duly issued pursuant to the Resolution.

(d) The Bond shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of the mutilated, destroyed, lost or stolen Bond and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of the mutilated, destroyed, lost or stolen Bond or securities.

Section 3.10 Holder As Owner of Bond.

In its capacity as Registrar, the County may treat the Holder of the Bond as the absolute owner thereof, whether the Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Bond Payment on the Bond and for all other purposes, and payment of the Bond Payment shall be made only to, or upon the order of, such Holder. All payments to such Holder shall be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid, and the County shall not be affected by any notice to the contrary.

Section 3.11 Cancellation of the Bond.

The Registrar shall destroy the Bond when the same shall be surrendered to it for cancellation. In such event, the Bond shall no longer be deemed Outstanding under this Ordinance and no Bond shall be issued in lieu thereof.

Section 3.12 Payments Due on Saturdays, Sundays and Holidays.

In any case where the Bond Payment Date shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of the Bond Payment need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date and no interest shall accrue for the period after such date.

Section 3.13 Tax Exemption in South Carolina.

The Bond Payments shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

Section 3.14 Order to Levy Ad Valorem Taxes to Pay Principal and Interest of Bond.

For the payment of principal of and interest on the Bond as the same become due and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are hereby irrevocably pledged. Pursuant to the provisions of Section 12 of Article X of the Constitution there shall be levied an ad valorem tax upon all taxable property located within the District sufficient to pay the principal of and interest on the Bond as the same become due and to create such sinking fund as may be necessary therefor.

Section 3.15 Notice to Auditor and Treasurer.

The Auditor and Treasurer of Florence County, South Carolina, shall be notified of the adoption of this Ordinance and directed to levy and collect annually upon all taxable property within the District ad valorem property taxes in an amount sufficient to pay the principal of and interest on the Bond as the same become due and to create such sinking fund as may be necessary therefor.

Section 3.16 Form of Bond.

The form of the Bond, and registration provisions to be endorsed thereon shall be substantially as set forth in Exhibit B attached hereto and made a part of this Ordinance.

ARTICLE IV

REDEMPTION OF BOND

Section 4.01 <u>Redemption of Bond.</u>

The Bond shall be subject to redemption prior to maturity at any time up to and including the fifth anniversary of the issuance of the Bond upon 30 days notice to the Registered Holder thereof at a price of 101% of the principal amount then Outstanding plus interest accrued to the date of redemption. Thereafter, the Bond shall be subject to redemption at par plus interest accrued to the date of redemption at any time upon 30 days notice to the Registered Holder thereof.



ARTICLE V

SALE OF BOND

Section 5.01 Award of Bond.

The County Administrator is hereby authorized to solicit bids for the purchase of the Bond at a price not less than par from at least three (3) financial institutions, and to award the Bond to the financial institution offering to purchase it with the lowest net interest cost. Net interest cost shall consist of the total interest to be paid on the Bond from the date of its delivery until its final maturity, less any cash premium offered therefor.

As required by Section 11-27-40(4) of the Code of Laws of South Carolina, 1976, as amended, there shall be published in a newspaper of general circulation within the County a notice of private sale, which publication shall take place not less than seven (7) days prior to the delivery of the bond authorized hereby. The form of such notice is attached hereto as Exhibit C.

ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BOND

Section 6.01 Disposition of Bond Proceeds Including Temporary Investments.

The proceeds derived from the sale of the Bond shall be paid to the Treasurer of Florence County, to be deposited in a separate Bond Account, and shall be expended and made use of by the Council to defray the cost of issuing the Bond and to defray the costs of acquiring the Equipment described in Section 1.01 hereof. Pending the use of Bond proceeds, the same shall be invested and reinvested by the Treasurer of Florence County in Authorized Investments. All earnings from such investments shall be applied, at the direction of the Council, either (1) to defray the cost of the undertakings for which the Bond is issued and if not required for this purpose, then (2) to pay the first maturing installments of interest on the Bond from the proceeds of which such earnings were derived; if any balance remains, it shall be held by the Treasurer of Florence County in a special fund, invested in Government Obligations with a yield not in excess of the yield on such Bond and used to effect the retirement thereof.

Neither the purchaser nor Holder of the Bond shall be liable for the proper application of the proceeds thereof.

ARTICLE VII

DEFEASANCE OF BOND

Section 7.01 <u>Discharge of Ordinance - Where and How the Bond is Deemed to have been paid and</u> Defeased.

If the Bond and the interest thereon shall have been paid and discharged, then the obligations of the County under this Ordinance and all other rights granted hereby shall cease and determine. The Bond shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances, viz.:

(1) A third party fiduciary, which shall be any bank, trust company or national banking association which is authorized to provide corporate trust services (the "Fiduciary"), shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of all Bond Payments due thereunder; or

(2) If default in the payment of the Bond Payment due shall have occurred on any Bond Payment Date, and thereafter tender of such payment shall have been made, and at such time the Fiduciary shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(3) If the County shall elect to provide for the payment of the Bond prior to its stated maturity and shall have deposited with the Fiduciary, in an irrevocable trust, moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with the Fiduciary at the same time, shall be sufficient to pay when due the Bond Payments due and to become due, together with any redemption premium applicable thereto.

Neither the Government Obligations nor moneys deposited with the Fiduciary pursuant to this Section nor the Bond Payments thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Bond Payments and redemption premium, if any, on the Bond; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Fiduciary, if not then needed for such purpose, shall to the extent practicable be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the Bond Payments and redemption premium, if any, to become due on the Bond on and prior to the Bond Payment Dates thereof, and interest earned from such reinvestments not required for the payment of the Bond Payments and redemption premium, if any, may be paid over to the County, free and clear of any trust, lien or pledge.

* * *

Florence: 107381 v.1

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ARTICLE VIII

CERTAIN TAX CONSIDERATIONS

Section 8.01 Covenants to Comply with Requirements of the Code.

The County hereby represents and covenants that it will comply with all requirements of the Code, and that it will not take any action which will, or fail to take any action (including, without limitation, filing the required information reports with the Internal Revenue Service) which failure will, cause interest on the Bond to become includable in the gross income of the Holder thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of each of the Bond. Without limiting the generality of the foregoing, the County represents and covenants that:

1. All property provided by the net proceeds of the Bond will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.

2. The County shall not permit the proceeds of the Bond or any facility financed with the proceeds of the Bond to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any natural person or in any activity carried on by a person other than a natural person other than a governmental unit as provided in Section 141(b) of the Code, or (b) five percent (5%) or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code.

3. The County is not a party to nor will it enter into any contracts with any person for the use or management of any facility provided with the proceeds of the Bond that do not conform to the guidelines set forth in Revenue Procedure 97-13.

4. The County will not sell or lease the Equipment or any property provided by the Bond to any person unless it obtains the opinion of nationally recognized bond counsel that such lease or sale will not affect the tax exemption of the Bond.

5. The Bond will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County is not a party to any leases or sales or service contracts with any federal government agency with respect to the projects and will not enter into any such leases or contracts unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Bond.

* * *

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ARTICLE IX

MISCELLANEOUS

Section 9.01 Savings Clause.

If any one or more of the covenants or agreements provided in this Ordinance should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 9.02 Successors.

Whenever in this Ordinance the County is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the County, and all the covenants and agreements contained in this Ordinance or by or on behalf of the County shall bind and inure to the benefit of said successor whether so expressed or not.

Section 9.03 Ordinance to Constitute Contract.

In consideration of the purchase and acceptance of the Bond by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the County and the Holders from time to time of the Bond, and such provisions are covenants and agreements with such Holders which the County hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the County shall be for the benefit, protection, and security of the Holders of the Bond.

Section 9.04 Filing of Copies of Ordinance.

Copies of this Ordinance shall be filed in the offices of the Council, and in the office of the Clerk of Court for Florence County (as a part of the Transcript of Proceedings).

Section 9.05 Continuing Disclosure Covenant.

Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the County covenants to file with a central repository for availability in the secondary bond market when requested:

(a) An annual independent audit, within thirty days of the County's receipt of the audit; and

(b) Event specific information within thirty days of an event adversely affecting more than five percent of revenue or the County's tax base.

The only remedy for failure by the County to comply with the covenant in this Section 9.05 shall be an action for specific performance of this covenant. The County specifically reserves the right to amend this covenant to reflect any change in Section 11-1-85, without the consent of any Bondholder.

Section 9.06 Further Action by Officers of County.

The proper officers of the County are fully authorized and empowered to take the actions required to implement the provisions of this Ordinance and to furnish such certificates and other proofs as may be required of them, which includes but is not limited to providing the notice and conducting the public hearing described in Section 1.04 hereof. In the absence of any officer of the County Council herein authorized to take any act or make any decision, the County Administrator is hereby authorized to take any such act or make any such decision.

Section 9.07 Effective Date of Ordinance.

This Ordinance shall take effect upon its third reading and shall be forthwith codified in the Code of County Ordinances and indexed under the general heading "TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING NINE HUNDRED THOUSAND DOLLAR (\$900,000) GENERAL OBLIGATION BOND OF FLORENCE COUNTY, SOUTH CAROLINA (WINDY HILL/OLANTA RURAL VOLUNTEER FIRE DISTRICT), TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BOND SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BOND, AND OTHER MATTERS RELATING THERETO."

DONE IN MEETING DULY ASSEMBLED, this _____ day of August, 2010.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

Approved as to Form and Content James C. Rushton, III, County Attorney K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: OPPOSED: ABSENT:

NOTICE OF PUBLIC HEARING

For the payment of the principal of and interest on the Bond authorized by said Ordinance, there shall be pledged the full faith, credit and taxing power of Florence County and there shall be levied on all taxable property within the Windy Hill/Olanta Rural Volunteer Fire District (the "District") ad valorem taxes sufficient in amount to pay said principal and interest on the Bond. Proceeds of the Bond shall be applied to purchase new equipment to include three (3) tanker trucks and other fire fighting equipment within the District.

Connie Y. Haselden Clerk, Florence County Council

(FORM OF BOND)

UNITED STATES OF AMERICA STATE OF SOUTH CAROLINA COUNTY OF FLORENCE GENERAL OBLIGATION BOND, SERIES 2003 (WINDY HILL/OLANTA RURAL VOLUNTEER FIRE DISTRICT)

No. 1

Registered Holder:

Principal Amount:

NINE HUNDRED THOUSAND DOLLARS (\$900,000)

FLORENCE COUNTY, SOUTH CAROLINA (the "County"), a public body corporate and politic and a political subdivision of the State of South Carolina (the "State"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount stated above.

This Bond is issued in the principal amount of Nine Hundred Thousand Dollars (\$900,000) for purposes authorized by and pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly the provisions of Section 4-19-50, Code of Laws of South Carolina, 1976, as amended, and an Ordinance duly adopted by the County Council of Florence County (the "Ordinance"). This Bond is subject to redemption prior to its stated maturity upon 30 days notice to the Registered Holder hereof at a price of 101% of the principal amount then Outstanding plus interest accrued to the date of redemption at any time up to and including _______, 20___. Thereafter, this Bond shall be subject to redemption at par plus interest accrued to the date of redemption at any time up to and including _______, 20___. Thereafter, this Bond shall be subject to redemption at par plus interest accrued to the date of redemption at any time up of 30 days notice to the date of redemption at par plus interest accrued to the date of redemption at any time up of 30 days notice to the date of redemption at par plus interest accrued to the date of redemption at any time up of 30 days notice to the date of redemption at any time upon 30 days notice to the Registered Holder hereof.

The principal and interest on this Bond shall be paid by way of an annual payments of principal and interest (the "Bond Payment") in the amount of \$_____ due and payable on _____ of each of the years _____ through _____, inclusive (the "Bond Payment Dates").

This Bond shall bear interest at the rate of ______ per centum (____%) per annum calculated on the basis of a 360 day year consisting of twelve 30 day months, from ______, 2010 and shall be paid by way of the Bond Payments to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month next preceding each Bond Payment date. The Bond Payments shall be payable by check or draft mailed at the times provided herein from the County to the person in whose name this Bond is registered at the address shown on the registration books. The Bond Payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Clerk of Court of Florence County and in the office of the County Council of Florence County.

This Bond is initially payable from a tax levied on all taxable property within the Windy Hill/Olanta Rural Volunteer Fire District. For the prompt payment of the Bond Payments as the same shall become due, the full faith, credit and taxing power of the County are irrevocably pledged.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

The Bond is issued in the form of one (1) fully registered Bond and is transferable, as provided in the Ordinance, only upon the registration books of the County kept for that purpose at the offices of the County by the registered Holder in person or by his duly authorized attorney upon, (i) surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney, and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered Bond of interest rate and like principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of the Bond Payment due hereon and for all other purposes.

For every exchange or transfer of the Bond, the County may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

It is hereby certified and recited that all acts, conditions and things required to exist, happen and to be performed precedent to and in the adoption of the Ordinance and in the issuance of the Bond in order to make the legal, valid and binding general obligation of the County in accordance with its terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of the Bond does not exceed or violate any constitutional, statutory or other limitation upon the amount of indebtedness prescribed by law. IN WITNESS WHEREOF, FLORENCE COUNTY, SOUTH CAROLINA, has caused this bond to be signed by the manual signature of the Chairman of the Florence County Council, attested by the manual signature of the Clerk to the Florence County Council and the seal of the County impressed hereon.

FLORENCE COUNTY, SOUTH CAROLINA

(SEAL)

ATTEST:

Chairman, Florence County Council

Clerk, Florence County Council

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond of the issue described in the within mentioned Ordinance.

2010

Registrar/Paying Agent

By:

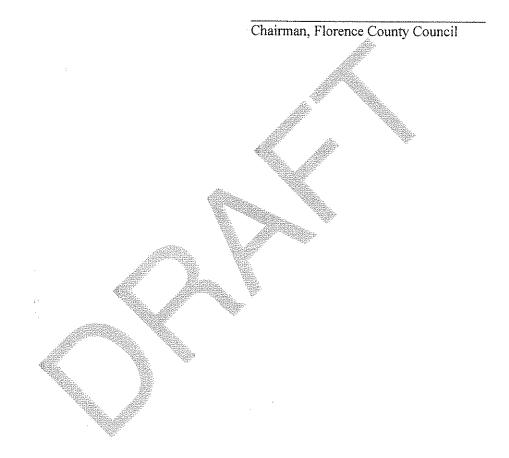
Date of Authentication:

Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common	UNIF GIFT MI	N ACT -		
TEN ENT - as tenants by the entireties	·····	Custodian		
	(Cust)		(Minc	or)
JT TEN - as joint tenants with right of	under Uniform (Gifts to Minors	s Act	
survivorship and not as tenants in common				(state)
Additional abbreviations may also be used though n	ot in above list.			
(FORM OF A	SSIGNMENT)	<u>i</u>		
FOR VALUE RECEIVED, the under	rsigned sells, assig	ns an <mark>d tra</mark> nsfer	s unto	
(Name and Addr	ess of Transferee)		<u>}</u> .	
		the	e within	bond and
does hereby irrevocably constitute and appoint	and the state of the	24 C U	<u> </u>	attorney to
transfer the within bond on the books kept for regis premises.	stration increoi, w	th full power	of substit	ution in the
Dated:	A CALL AND			
Signature Guaranteed	(Authorized Off	icer)		
(Signature must be guaranteed by a participant in	Notice: The sign			
the Securities Transfer Agent Medallion Program	correspond with			
(STAMP)	as it appears upon the face of the within bond in every particular, without alteration or enlargement			
	or any change w		non or en	largement
	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			

NOTICE OF PRIVATE SALE



STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

I, the undersigned, Clerk of the Florence County Council ("County Council"), the governing body of Florence County, South Carolina, DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by the County Council on August 19, 2010. The Ordinance was read at three public meetings of the County Council on three separate days, June 17, 2010, July 15, 2010 and August 19, 2010. An interval of at least six days occurred between each reading of the Ordinance. At each such meeting, a quorum of the County Council was present and remained present throughout the meeting.

The meetings held on June 17, July 15 and August 19, 2010 were regular meetings of the County Council, for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act").

The original of the Ordinance is duly entered in the permanent records of County Council, in my custody as Clerk.

The Ordinance is now of full force and effect, and has not been modified, amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Florence County, South Carolina, this _____ day of August, 2010.

(SEAL)

Clerk, Florence County Council, Florence County, South Carolina

First Reading:	
Second Reading:	
Third Reading:	

Public Hearing:

June 17, 2010 July 15, 2010 August 19, 2010 July 15, 2010 FLORENCE COUNTY COUNCIL MEETING

Thursday, July 15, 2010

ff.

AGENI)A ITEM	1: Ore	linance	No. 02	-2010/11
	80288		roductic	m	

DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Adopt A Transportation Element For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510.] (Planning Commission approved 10-0; All Council Districts)

POINTS TO CONSIDER:

- 1. Council District(s): All Florence County Council Districts
- 2. According to state law, a new Florence County Comprehensive Plan must be developed every ten years.
- The original Florence County Comprehensive Plan adopted in 1999 included seven elements. The Transportation Element is a new eighth element required by the 2007 amendment to the S.C. Comprehensive Planning Act entitled the "South Carolina Priority Investment Act". S.C. Code § 6-29-510(D); 6-29-720(C); 6-29-1110; 6-29-1130(A)
- 4. Passage of the Transportation Element will fulfill state law requirements and provide goals for County transportation facilities including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a transportation network. This element has been developed in coordination with the land use element to ensure transportation efficiency for existing and planned development.

OPTIONS:

- 1. (Recommended) Approve as Presented.
- 2. Provide an Alternative Directive

ATTACHMENTS:

Copies of the following are attached:

- 1. Ordinance No. 02-2010/11
- 2. Resolution for PC#2010-07
- 3. Staff Report for PC#2010-07
- 4. Proposed Transportation Element (provided separately)

Sponsor(s) Planning Commission Consideration Planning Commission Public Hearing Planning Commission Recommendation First Reading/Introduction Committee Referral Second Reading County Council Public Hearing Third Reading Effective Date : Planning Commission : June 22, 2010 [Approved 10-0] : May 25, 2010 : June 22, 2010 : July 15, 2010 : N/A : August 19, 2010 : August 19, 2010 : September 16, 2010 : Immediately

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

ORDINANCE NO. 02-2010/11

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Adopt A Transportation Element For The Florence County Comprehensive Plan In Accordance With The 1976 South Carolina Code Of Laws, As Amended, Title 6, Chapter 29, Section 510.]

WHEREAS:

- 1. SC 6-29-510 requires a new Florence County Comprehensive Plan be developed every ten years; and
- The original Florence County Comprehensive Plan adopted in 1999 included seven elements. The Transportation Element is a new eighth element required by the 2007 amendment to the S.C. Comprehensive Planning Act entitled the "South Carolina Priority Investment Act". S.C. Code § 6-29-510(D); 6-29-720(C); 6-29-1110; 6-29-1130(A); and
- 3. Passage of the Transportation Element will fulfill state law requirements and provide goals for County transportation facilities including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a transportation network. This element has been developed in coordination with the land use element to ensure transportation efficiency for existing and planned development.

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

- 1. The Florence County Comprehensive Plan Transportation Element attached hereto, is hereby adopted and implemented, and supersedes all other versions of this Element which were adopted previously.
- 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

RESOLUTION FOR PC#2010-07

FLORENCE COUNTY PLANNING COMMISSION

(A Resolution Recommending The Transportation Element Of The Comprehensive Plan)

WHEREAS:

- 1. According to state law, a new Florence County Comprehensive Plan must be developed every ten years; and
- 2. The Transportation Element is a recently legislated addition to the Florence County Comprehensive Plan; and
- 3. The Transportation Element is the eighth element to be adopted according to the ten-year schedule; and
- 4. The Planning Commission advertised for and held workshops on December 15, 2009 and May 21, 2010; and
- 5. Following the passage of this resolution by the majority of the entire membership of the Planning Commission, the Transportation Element must be adopted by ordinance after a public hearing by Florence County.

NOW THEREFORE BE IT RESOLVED BY THE FLORENCE COUNTY PLANNING COMMISSION DULY ASSEMBLED THAT:

1. A Resolution is hereby adopted to recommend that Florence County adopt by ordinance the Transportation Element for the Florence County Comprehensive Plan as presented by the Planning Commission.

ATTEST:

Angela Thomas, Secretary

SIGNED: T, M. Kiter

Chairman

COMMISSION VOTE: approved 10-0. OPPOSED: None ABSENT: C. Cunha

STAFF REPORT TO THE FLORENCE COUNTY PLANNING COMMISSION June 22, 2010 PC#2010-07

Subject: Adoption of a Resolution recommending the Transportation Element of the Comprehensive Plan

Staff Analysis:

According to state law, a new comprehensive plan must be developed every ten years. The seven elements of the current plan were passed by all participating jurisdictions on various dates between December 1997 and April of 1999.

The Transportation Element is a recently legislated addition to the Florence County Comprehensive Plan. The Transportation Element is the eighth element to be adopted in accordance with this calendar to meet the ten-year requirement. The Planning Commission advertised for and held workshops on December 15, 2009 and May 21, 2010 to discuss this issue.

Element Information:

The Transportation Element examines the transportation facilities, including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a transportation network. This element must be developed in coordination with the land use element, to ensure transportation efficiency for existing and planned development.

Florence County Planning Commission Action: May 25, 2010:

Planning Commission deferred action to give members not present at the May 21st workshop additional time to review and comment on the Transportation Element.

Florence County Planning Commission Action: June 22, 2010:

The ten Planning Commission members present voted unanimously to adopt a resolution recommending that County Council adopt the Transportation Element.

Florence County Planning Commission Recommendation:

Florence County Planning Commission recommends approval of the request by Florence County Council to adopt the Transportation Element of the Florence County Comprehensive Plan.

Attachments:

Copies of the following are attached:

- 1. Proposed Transportation Element
- 2. Resolution of Recommendation

FLORENCE COUNTY COUNCIL MEETING Thursday, July 15, 2010

AGENDA ITEM: Ordinance No. 03-2010/11 Introduction DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend The Comprehensive Plan Land Use Map For Properties In Florence County For Areas Bounded On The West By Oak Street, North By E. Sixth Avenue, East By Human Street, And South By The Intersection Of River Road And S. Pine Street, Pamplico, SC From Residential Preservation And/Or Variable Residential To Suburban Development As Shown On Florence County Tax Map No. 00376, Block 02, Parcels 8, 14, 15, 17-19, 22-25, 27-34, 39-41, 56, 58-60, 63, 64, 66, 72-77, 79, 81-86, 95-97; Tax Map No. 00377, Block 2, Parcel 3; Tax Map No. 60006, Block 9, Parcels 2-5, 7-15, 27-30; Tax Map No. 60006, Block 10, Parcels 11-14, 26; Tax Map No. 60006, Block 11, Parcels 1-3, 5-10, 12; Tax Map No. 60006, Block 12, Parcels 1-7; Tax Map No. 60006, Block 13, Parcels 1-10; Tax Map No. 60007, Block 12, Parcels 1-3, 5-9, 14-18; Tax Map No. 60007, Block 13, Parcels 1-6, 8, 11; Tax Map No. 60007, Block 17, Parcels 1-4, 6-8; Tax Map No. 60007, Block 18, Parcel 1; Tax Map No. 60007, Block 19, Parcels 1-9, 12, 13; Tax Map No. 60007, Block 20, Parcels 1-12; Tax Map No. 60010, Block 2, Parcels 1-23; Tax Map No. 60010, Block 3, Parcels 1-11, 13-15; Tax Map No. 60010, Block 4, Parcels 1, 3-12, 14, 16-21; Tax Map No. 60010, Block 5, Parcels 1-4; Tax Map No. 60010, Block 6, Parcels 2-7, 9-12 **Consisting Of 215 Parcels.**] (Planning Commission approved 10-0; Council District 2)

POINTS TO CONSIDER:

- 1. The subject properties are located in Council District 2.
- 2. The subject properties are currently in a Residential Preservation and/or Variable Residential according to the Florence County Comprehensive Plan Land Use Element map.
- 3. The Town of Pamplico consolidated planning and building services with the Florence County Planning and Building Inspection Department in September 2009. Once the consolidation became effective, the zoning designations for the Town of Pamplico were converted to the most similar Florence County land use.
- 4. The area in question allowed singlewide manufactured homes prior to consolidation as established by the Comprehensive Plan for the Town of Pamplico. Under the consolidation, this area was established as Residential Preservation and/or Variable Residential by the Comprehensive Plan for Florence County, which would not allow singlewide manufactured homes. This was an oversight when the Land Uses were converted. Single-wide mobile and manufactured homes remain prevalent in the community and in addition requests have been presented for placement or replacement of single-wide homes in the area.
- 5. Subsequently, the Pamplico Town Council, by resolution at a special council meeting on May 24, 2010, requested a land use designation change to Suburban Development to the comprehensive plan and a zoning amendment for the designated areas. This request will

allow the continuance of single-wide homes in the area as previously permitted by the Land Use of the Town of Pamplico.

6. The justification for the proposed amendment is to correct an original mistake or manifest error for the vision of future growth in this area.

OPTIONS:

- 1. (Recommended) Approve as Presented.
- 2. Provide An Alternate Directive.

ATTACHMENTS:

Copies of the following are attached:

- 1. Ordinance No. 03-2010/11
- 2. Resolution for PC#2010-08
- 3. Staff report for PC#2010-08
- 4. Aerial map
- 5. Comprehensive Plan Land Use Element map
- 6. Comprehensive Plan Land Use designations

Sponsor(s) Planning Commission Consideration Planning Commission Public Hearing Planning Commission Recommendation First Reading/Introduction Committee Referral Second Reading	: July 15, 2010 : N/A : August 19, 2010	I, Co Or Pu

ouncil Clerk, certify that this rdinance was advertised for ublic Hearing on

ORDINANCE NO. 03-2010/11

[An Ordinance To Amend The Comprehensive Plan Land Use Map For Properties In Florence County For Areas Bounded On The West By Oak Street, North By E. Sixth Avenue, East By Human Street, And South By The Intersection Of River Road And S. Pine Street, Pamplico, SC From Residential Preservation And/Or Variable Residential To Suburban Development As Shown On Florence County Tax Map No. 00376, Block 02, Parcels 8, 14, 15, 17-19, 22-25, 27-34, 39-41, 56, 58-60, 63, 64, 66, 72-77, 79, 81-86, 95-97; Tax Map No. 00377, Block 2, Parcel 3; Tax Map No. 60006, Block 9, Parcels 2-5, 7-15, 27-30; Tax Map No. 60006, Block 10, Parcels 11-14, 26; Tax Map No. 60006, Block 11, Parcels 1-3, 5-10, 12; Tax Map No. 60006, Block 12, Parcels 1-7; Tax Map No. 60006, Block 13, Parcels 1-10; Tax Map No. 60007, Block 12, Parcels 1-3, 5-9, 14-18; Tax Map No. 60007, Block 13, Parcels 1-6, 8, 11; Tax Map No. 60007, Block 17, Parcels 1-4, 6-8; Tax Map No. 60007, Block 18, Parcel 1; Tax Map No. 60007, Block 19, Parcels 1-9, 12, 13; Tax Map No. 60007, Block 20, Parcels 1-12; Tax Map No. 60010, Block 2, Parcels 1-23; Tax Map No. 60010, Block 3, Parcels 1-11, 13-15; Tax Map No. 60010, Block 4, Parcels 1, 3-12, 14, 16-21; Tax Map No. 60010, Block 5, Parcels 1-4; Tax Map No. 60010, Block 6, Parcels 2-7, 9-12 Consisting Of 215 Parcels.]

WHEREAS:

- 1. Section 30-291 of the Florence County Code establishes that Florence County Council must be satisfied that applications for amendments to the Zoning Atlas of Florence County are not injurious from a public health, safety and general welfare outlook and the effect of the change will not negatively impact the immediate environs or the County generally; and
- 2. The Administrative Procedures for the Florence County Comprehensive Plan were adopted by Florence County Council on December 10, 2009; and
- 3. The amendment procedure has been followed by the Florence County Planning Commission at a public hearing on June 22, 2010.

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

1. The Florence County Comprehensive Plan Land Use Element is amended to change the designation for properties in Florence County bounded on the west by Oak Street, north by E. Sixth Avenue, east by Human Street, and south by the intersection of River Road and S. Pine Street, Pamplico, SC from Residential Preservation and/or Variable Residential to Suburban Development bearing Tax Map 00376, Block 02, Parcels 8, 14, 15, 17-19, 22-25, 27-34, 39-41, 56, 58-60, 63, 64, 66, 72, 73-77, 79, 81-86, 95-97; Tax Map 00377, Block 2, Parcel 3; Tax Map 60006, Block 9, Parcels 2-5, 7-15, 27-30; Tax Map 60006, Block 10, Parcels 11-14, 26; Tax Map 60006, Block 11, Parcels 1-3, 5-10, 12; Tax Map 60006, Block 12, Parcels 1-7; Tax Map 60006, Block 13, Parcels 1-10; Tax Map 60007, Block 12, Parcels 1-3, 5-9, 14-18; Tax Map 60007, Block 13, Parcels 1-6, 8, 11; Tax Map 60007, Block 17, Parcels 1-4, 6-8; Tax Map 60007, Block 18, Parcel 1; Tax Map 60007, Block 19, Parcels 1-9, 12, 13; Tax Map 60007, Block 20, Parcels 1-12; Tax Map 60010, Block 2, Parcels 1-23; Tax Map 60010, Block 3, Parcels 1-11, 13-15; Tax Map 60010, Block 4, Parcels 1, 3-12, 14, 16-21; Tax Map 60010, Block 5, Parcels 1-4; Tax Map 60010, Block 6, Parcels 2-7, 9-12 consisting of 215 Parcels.

- 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 validity 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 K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: OPPOSED: ABSENT:

SIGNED:

RESOLUTION FOR PC#2010-08

FLORENCE COUNTY PLANNING COMMISSION

[A Resolution Recommending A Comprehensive Plan Map Amendment To Change The Land Use Map Designation For Properties In Florence County Located In The Area Bounded On The West By Oak Street, North By Ê. Sixth Avenue, East By Human Street, And South By The Intersection Of River Road And S. Pine Street, Pamplico, SC From Residential Preservation And/Or Variable Residential To Suburban Development As Referenced On The Agenda Map.]

WHEREAS:

- 1. The subject properties' designations as established by the Land Use Map of the Florence County Comprehensive Plan are Residential Preservation and/or Variable Residential.
- 2. The applicant is proposing to change the designations to Suburban Development to correct an original mistake or manifest error for the vision of future growth in these areas.
- 3. Therefore, a change to the Comprehensive Plan Map Land Use Designation for these properties is hereby recommended.

NOW THEREFORE BE IT RESOLVED BY THE FLORENCE COUNTY PLANNING COMMISSION DULY ASSEMBLED THAT:

1. A Resolution is hereby adopted to recommend that the Florence County Council vote to amend the Florence County Comprehensive Plan Map Land Use Designation for Properties in Florence County Located in the area bounded on the west by Oak Street, North by E. Sixth Avenue, east by Human Street, and south by the intersection of River Road and S. Pine Street Pamplico, SC measuring approximately 100 Acres that are currently Residential Preservation and/or Variable Residential to Suburban Development as referenced on the agenda map.

ATTEST:

Angela Thomas, Secretary

Peter M. Knoller, Chairman

COMMISSION VOTE: approved 10-0 OPPOSED: None ABSENT: C. Cunha

STAFF REPORT TO THE FLORENCE COUNTY PLANNING COMMISSION June 22, 2010 PC#2010-08 ORDINANCE NO. 03-2010/11

Subject:	Comprehensive Plan Map Amendment to change the Land Use Map designation for properties in Florence County from Residential Preservation and/or Variable Residential to Suburban Development.
Locations:	Areas bounded on the west by Oak Street, north by E. Sixth Avenue, east by Human Street, and south by the intersection of River Road and S. Pine Street, Pamplico, SC.
Tax Map Numbers	00376, Block 02, Parcels 8, 14, 15, 17-19, 22-25, 27-34, 39-41, 56, 58-60, 63, 64, 66, 72-77, 79, 81-86, 95-97; 00377, Block 2, Parcel 3; 60006, Block 2, Parcels 2-5, 7-15, 27-30; 60006, Block 10, Parcels 11-14, 26; 60006, Block 11, Parcels 1-3, 5-10, 12; 60006, Block 12, Parcels 1-7; 60006, Block 13, Parcels 1-10; 60007, Block 12, Parcels 1-3, 5-9, 14-18; 60007, Block 13, Parcels 1-6, 8, 11; 60007, Block 17, Parcels 1-6, 8, 11; 60007, Block 18, Parcel 1; 60007, Block 19, Parcels 1-9, 12, 13; 60007, Block 2, Parcels 1-9, 12, 13; 60007, Block 3, Parcels 1-11, 13-15; 60010, Block 4, Parcels 1, 3-12, 14, 16-21; 60010, Block 5, Parcels 1-4; 60010, Block 5, Parcels 1-4; 60010, Block 6, Parcels 2-7, 9-12
Council District(s):	2; County Council
Applicant:	Florence County Planning Commission for the Town of Pamplico
Land Area:	215 parcels, approximately 100 acres

Staff Analysis:

The Town of Pamplico consolidated planning and building services with the Florence County Planning and Building Inspection Department in September 2009. Once the consolidation became effective, the zoning designations for the Town of Pamplico were converted to the most similar Florence County land use. The area in question allowed singlewide manufactured homes prior to consolidation as established by the Comprehensive Plan for the Town of Pamplico. Under the consolidation, this area was established as Residential Preservation and/or Variable Residential by the Comprehensive Plan for Florence County.

Singlewide manufactured homes are not allowed in Residential Preservation or Variable Residential areas of the Florence County Comprehensive Plan. This was an oversight when the Land Uses were converted. Single-wide mobile and manufactured homes remain prevalent in the community and in addition requests have been presented for placement or replacement of single-wide homes in the area.

Subsequently, the Pamplico Town Council, by resolution at a special council meeting on May 24, 2010, requested a land use designation change to the comprehensive plan and a zoning amendment for the designated areas. This request will allow the continuance of single-wide homes in the area as previously permitted by the Zoning Ordinance of the Town of Pamplico.

The applicant is proposing to change the land use designations for this area to Suburban Development.

The justification for the proposed amendment is to correct an original mistake or manifest error for the vision of future growth in this area.

Florence County Planning Commission Action: June 22, 2010:

The ten Planning Commission members present voted unanimously to adopt a resolution recommending that County Council amend the Comprehensive Plan Land Use Map.

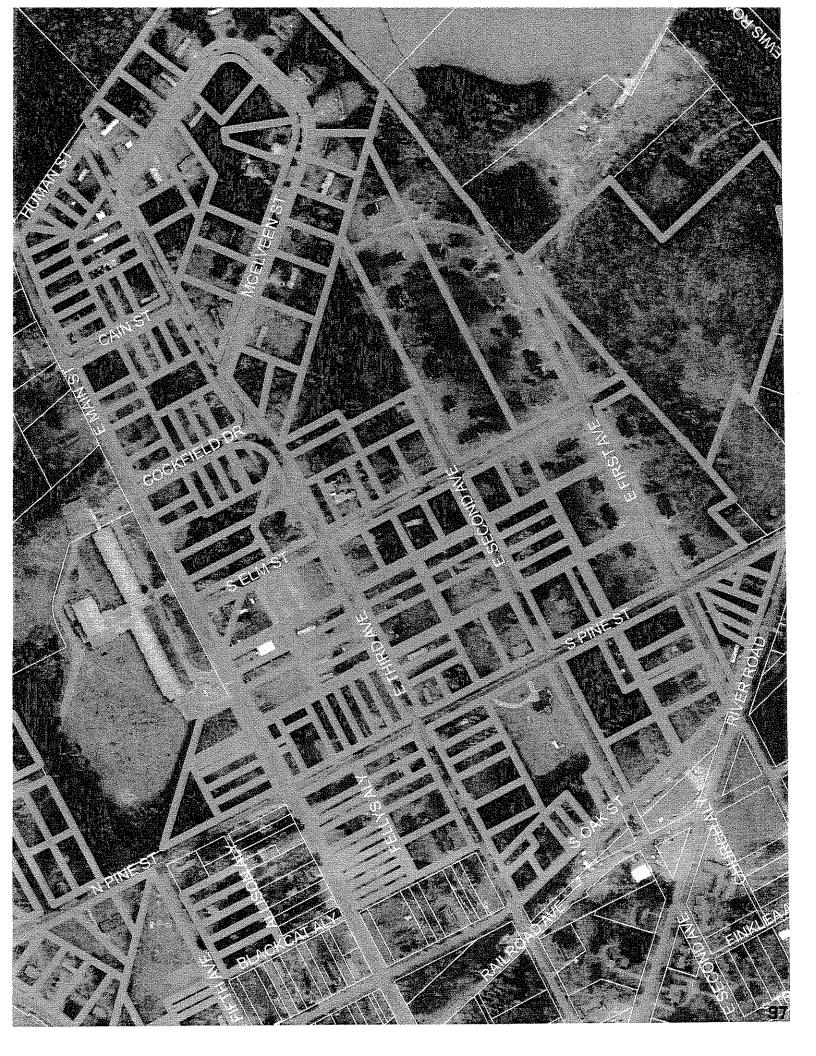
Florence County Planning Commission Recommendation:

Florence County Planning Commission recommends approval of the request to Florence County Council based on a Suburban Development land use designation would better coordinate with the existing land uses surrounding this area.

Florence County Council Meeting Schedule:

Introduction: Thursday, July 15, 2010 @ 9:00 a.m. in room 803 of the City-County Complex **Second Reading/Public Hearing:** Thursday, August 19, 2010@ 9:00 a.m. in room 803 of the City-County Complex

Third Reading: Thursday, September 16, 2010@ 9:00 a.m. in room 803 of the City-County Complex





Comprehensive Land Use Plan Map Designations

- <u>Residential Preservation (RP)</u> Protect and sustain existing low density single-family residential areas, including property values and amenities, and provide for the growth of suburban or developing rural areas consisting of single-family homes and their accessory uses.
 (Zoning Districts Permitted: R-1, R-2, PD)
- <u>Variable Residential (VR)</u> Protect and sustain existing higher density single-family, multi-family, or mixed-use residential areas, including property values and amenities, and provide areas for growth of various housing types and their accessory uses in urban and suburban settings. (Zoning Districts Permitted: R-3, R-4, R-5, PD)
- 3. <u>Rural Preservation (RUP)</u> Provide areas for rural uses, including single-family homes and corresponding accessory uses, as well as agrarian uses, typically in an undeveloped and/or agricultural setting. (Zoning Districts Permitted: RU-1, RU-2, PD)
- 4. <u>Transitional Growth and Preservation (TGP)</u> Protect and sustain existing commercial areas, including property values and amenities, and provide areas along important corridors or at key community points that are expected to have increasing economic significance. (Zoning Districts Permitted: B-1, B-2, RU-1, PD)
- 5. <u>Commercial Growth and Preservation (CGP)</u> Protect and sustain existing commercial areas, including property values and amenities, and provide areas along important corridors or at key community points that are expected to have increasing economic significance. (Zoning Districts Permitted: B-3, B-4, PD)
- Industrial Growth and Preservation (IGP) Protect and sustain existing industrial areas, including property values and amenities, and provide areas along important corridors or in emerging industrial locations that are targeted for major economic development.
 (Zoning Districts Permitted: B-5, B-6, PD)
- 7. <u>Suburban Development (SD)</u> Provide areas in suburban settings that are expected to have increasing community significance with opportunities for residential, commercial, and institutional uses that enhance the area as a whole. (Zoning Districts Permitted: R-2, R-3, R-4, B-1, B-2, RU-1, PD)
- 8. <u>Urban Development (UD)</u> Provide areas in urban settings that are expected to have increasing community significance with opportunities for residential, commercial, and institutional uses that enhance the area as a whole. (Zoning Districts Permitted: B-4, PD)
- 9. <u>Public Facilities (PF)</u> Provide areas that local, state, or federal government maintain for public interest uses including, but not limited to, offices, recreation facilities, law enforcement and emergency response facilities, and schools. (Zoning District Permitted: All Districts)
- 10. <u>Flood Hazard District (FHD)</u> This is the 100-year Flood Zone area as established by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and is pursuant to compliance with the National Flood Insurance Program (NFIP) and to maintain a Community Rating System (CRS). (Zoning Districts Permitted: All zoning types pending special review pursuant to Florence County Code of Ordinance: Chapter 30, Article II, Division 4)

FLORENCE COUNTY COUNCIL MEETING

Ordinance No. 04-2010/11 AGENDA ITEM: Introduction

DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Rezone Properties Owned By Property Owners As Shown On Attachment "A" Located On E. Sixth Ave., E. Fifth Ave., E. Main St., E. Third Ave., E. Second Ave., E. First Ave., N. And S. Oak St., N. And S. Pine St., N. And S. Elm St., Allison Alley, Self Alley, Felly's Alley, Cockfield Dr., Cain St., McElveen St. And Human St., Town Of Pamplico From R-5, Multi-Family Residential District To RU-1, Rural Community District Shown On Florence County Tax Map No. 00376, Block 02, Parcels 008, 014, 015, 017-019, 022-025, 027-034, 039-041, 056, 058-060, 063, 064, 066, 072-077, 079, 081-086, 095-097; Tax Map No. 00377, Block 02, Parcel 003; Tax Map No. 60006, Block 09, Parcels 002-005, 007-015, 027-030; Tax Map No. 60006, Block 10, Parcels 011-014, 026; Tax Map No. 60006, Block 11, Parcels 001-003,005-010, 012; Tax Map No. 60006, Block 12, Parcels 001-007; Tax Map No. 60006, Block 13, Parcels 001-004; Tax Map No. 60007, Block 12, Parcels 001-003, 005-009, 014-018; Tax Map No. 60007, Block 13, Parcels 001-006, 008, 011; Tax Map No. 60007, Block 17, Parcels 001-004, 006-008; Tax Map No. 60007, Block 18, Parcel 001; Tax Map No. 60007, Block 19, Parcels 001-009, 012, 013; Tax Map No. 60007, Block 20, Parcels 001-012; Tax Map No. 60010, Block 02, Parcels 001-011, 016-019, 021, 023; Tax Map No. 60010, Block 03, Parcels 01-011, 013-015; Tax Map No. 60010, Block 04, Parcels 001, 003-012, 014, 016-021; Tax Map No. 60010, Block 05, Parcels 001-004; Tax Map No. 60010, Block 06, Parcels 002-007, 009-012 Consisting Of 205 Parcels.]

(Planning Commission approved 9-1; Council District 2)

POINTS TO CONSIDER:

- 1. The properties are located in Council District 2.
- 2. The subject properties are currently zoned R-5, Multi-Family Residential District.
- 3. The properties are currently mixtures of single-family residential uses, mobile and manufactured home uses, commercial uses and vacant land.
- 4. Adjacent uses to the subject properties consist of single-family residential, mobile and manufactured homes, commercial uses, institutional and vacant land.
- 5. The Town of Pamplico consolidated planning and building services with the Florence County Planning and Building Inspection Department in September 2009. The zoning designation of R-3 for the Town of Pamplico was converted to the most similar Florence County zoning district of R-5.
- 6. Singlewide manufactured homes are not allowed in the R-5 Florence County zoning district. The exclusion of singlewide manufactured homes was an oversight when the zoning districts were converted. Single-wide mobile and manufactured homes remain prevalent in the

community and in addition multiple requests have been presented for placement or replacement of single-wide homes in the area.

- 7. The Pamplico Town Council held a special meeting on May 24, 2010 to approve a resolution requesting that the Planning Commission sponsor a land use designation change to the Comprehensive Plan and a zoning amendment from R-5 to RU-1 for the designated areas.
- 8. This request will allow the continuance of single-wide homes in the area as previously permitted by the Zoning Ordinance of the Town of Pamplico.
- 9. The land use amendment of Residential Preservation and/or Variable Residential to Suburban Development of the subject properties will allow the zoning amendment request of RU-1 be in compliance with the Land Use Element of the Comprehensive Plan.

OPTIONS:

- 1. (Recommended) Approve as Presented.
- 2. Provide An Alternate Directive.

ATTACHMENTS:

Copies of the following are attached:

- 1. Ordinance No. 04-2010/11
- 2. Staff report for PC#2010-09
- 3. Location map
- 4. Comprehensive Land Use Plan map
- 5. Zoning map
- 6. Aerial photograph
- 7. List of property owners-Attachment "A"
- 8. Resolution from the Pamplico Town Council

Sponsor(s)	Planning Commission
	: June 22, 2010
Planning Commission Public Hearing	
Planning Commission Recommendation	: June 22, 2010[Approved 9-1]
First Reading/Introduction	: July 15, 2010
Committee Referral	: N/A
Second Reading	: August 19, 2010
Third Reading	: September 16, 2010
Effective Date	: Immediately

I, ____

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

ORDINANCE NO. 04-2010/11

[An Ordinance To Rezone Properties Owned By Property Owners As Shown On Attachment "A" Located On E. Sixth Ave., E. Fifth Ave., E. Main St., E. Third Ave., E. Second Ave., E. First Ave., N. And S. Oak St., N. And S. Pine St., N. And S. Elm St., Allison Alley, Self Alley, Felly's Alley, Cockfield Dr., Cain St., McElveen St. And Human St., Town Of Pamplico From R-5, Multi-Family Residential District To RU-1, Rural Community District Shown On Florence County Tax Map No. 00376, Block 02, Parcels 008, 014, 015, 017-019, 022-025, 027-034, 039-041, 056, 058-060, 063, 064, 066, 072-077, 079, 081-086, 095-097; Tax Map No. 00377, Block 02, Parcel 003; Tax Map No. 60006, Block 09, Parcels 002-005, 007-015, 027-030; Tax Map No. 60006, Block 10, Parcels 011-014, 026; Tax Map No. 60006, Block 11, Parcels 001-003, 005-010, 012; Tax Map No. 60006, Block 12, Parcels 001-007; Tax Map No. 60006, Block 13, Parcels 001-004; Tax Map No. 60007, Block 12, Parcels 001-003, 005-009, 014-018; Tax Map No. 60007, Block 13, Parcels 001-006, 008, 011; Tax Map No. 60007, Block 17, Parcels 001-004, 006-008; Tax Map No. 60007, Block 18, Parcel 001; Tax Map No. 60007, Block 19, Parcels 001-009, 012, 013; Tax Map No. 60007, Block 20, Parcels 001-012; Tax Map No. 60010, Block 02, Parcels 001-011, 016-019, 021, 023; Tax Map No. 60010, Block 03, Parcels 01-011, 013-015; Tax Map No. 60010, Block 04, Parcels 001, 003-012, 014, 016-021; Tax Map No. 60010, Block 05, Parcels 001-004; Tax Map No. 60010, Block 06, Parcels 002-007, 009-012 Consisting Of 205 Parcels.]

WHEREAS:

- 1. Section 30-291 of the Florence County Code establishes that Florence County Council must be satisfied that applications for amendments to the Zoning Atlas of Florence County are not injurious from a public health, safety and general welfare outlook and the effect of the change will not negatively impact the immediate environs or the County generally; and
- 2. Section 30-297 of the Florence County Code republished January 2008, provides a procedure for amending the official Zoning Map of the County of Florence; and
- 3. The procedure has been followed by the Florence County Planning Commission at a public hearing on June 22, 2010.

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

Properties located on E. Sixth Ave., E. Fifth Ave., E. Main St., E. Third Ave., E. Second Ave., E. First Ave., N. And S. Oak St., N. And S. Pine St., N. And S. Elm St., Allison Alley, Self Alley, Felly's Alley, Cockfield Dr., Cain St., McElveen St. And Human St. bearing Tax Map 00376, Block 02, Parcels 008, 014, 015, 017-019, 022-025, 027-034, 039-041, 056, 058-060, 063, 064, 066, 072-077,079, 081-086, 095-097; Tax Map 00377, Block 02, Parcel 003; Tax Map 60006, Block 09, Parcels 002-005, 007-015, 027-030; Tax Map 60006, Block 10, Parcels 011-014, 026; Tax Map 60006, Block 11, Parcels 001-003,005-010, 012; Tax Map 60006, Block 12, Parcels

001-007; Tax Map 60006, Block 13, Parcels 001-004; Tax Map 60007, Block 12, Parcels 001-003, 005-009, 014-018; Tax Map 60007, Block 13, Parcels 001-006, 008, 011; Tax Map 60007, Block 17, Parcels 001-004, 006-008; Tax Map 60007, Block 18, Parcel 001; Tax Map 60007, Block 19, Parcels 001-009, 012, 013; Tax Map 60007, Block 20, Parcels 001-012; Tax Map 60007, 60010, Block 02, Parcels 001-011, 016-019, 021, 023; Tax Map 60010, Block 03, Parcels 01-011, 013-015; Tax Map 60010, Block 04, Parcels 001, 003-012, 014, 016-021; Tax Map No. 60010, Block 05, Parcels 001-004 and Tax Map 60010, Block 06, Parcels 002-007, 009-012 are hereby rezoned to RU-1, Rural Community District.

- 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 K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: OPPOSED: ABSENT:

SIGNED:

STAFF REPORT TO THE FLORENCE COUNTY PLANNING COMMISSION June 22, 2010 PC#2010-09 ORDINANCE NO. 04-2010/11

Subject:	Zoning amendment request from R-5, Multi-Family Residential District to RU-1, Rural Community District.			
Location:	Properties located on Oak St., E. Sixth Ave., Human St., River Rd., and S. Pine St., Pamplico			
Tax Map Number(s):	00376, Block 2, Parcels 8, 14, 15, 17-19, 22-25, 27-34, 39- 41, 56, 58-60, 63, 64, 66, 72-77, 79, 81-86, 95-97 00377, Block 2, Parcel 3 60006, Block 2, Parcels 2-5, 7-15, 27-30 60006, Block 10, Parcels 11-14, 26 60006, Block 11, Parcels 1-3, 5-10, 12 60006, Block 12, Parcels 1-7 60006, Block 13, Parcels 1-4 60007, Block 13, Parcels 1-4 60007, Block 13, Parcels 1-4, 5-9, 14-18 60007, Block 13, Parcels 1-6, 8, 11 60007, Block 17, Parcels 1-6, 8, 11 60007, Block 18, Parcel 1 60007, Block 19, Parcels 1-9, 12, 13 60007, Block 20, Parcels 1-12 60010, Block 2, Parcels 1-11, 16-19, 21, 23 60010, Block 3, Parcels 1, 3-12, 14, 16-21 60010, Block 5, Parcels 1-4 60010, Block 5, Parcels 1-4 60010, Block 6, Parcels 2-7, 9-12			
Council District(s):	2; County Council			
Owner(s) of Record:	See Attachment			
Applicant:	Florence County Planning Commission for the Town of Pamplico			
Land Area:	205 parcels			
Waterways/Bodies of Water:	None			
Flood Zone:	N/A			

Water and Sewer Availability: Provided by the Town of Pamplico

Transportation Access and Circulation:

Present accesses to the subject properties are by way of Oak St., E. Sixth Ave., Human St., River Rd., and S. Pine St. and any streets lying within these street boundaries.

Existing Land Use and Zoning

The properties designated on the map contain a mixture of single-family residential uses, mobile and manufactured home uses and vacant land. These properties are all currently in the town limits of Pamplico.

Proposed Land Use and Zoning:

There have been applicants wishing to place manufactured homes on properties within the subject area currently zoned R-5, Multi-Family Residential District.

The zoning amendment request is to change the current zoning of the subject properties from R-5, Multi-Family Residential District to RU-1, Rural Community District due to recent requests for uses of land and the potential for future requests that are not permitted uses within the R-5 zoning district.

Surrounding Land Uses and Zoning:

Surrounding land uses in the subject area include a mixture of single-family residential uses, mobile/manufactured home uses, commercial uses, institutional uses and vacant land. Properties to the north are currently RU-2, Rural Resource District and unzoned. Properties to the south and west are currently zoned R-2, Single-Family Residential District and B-5, Industrial District.

Florence County Comprehensive Plan:

The amended Land Use for this property per Ord. No. 3-2010/11 is Suburban Development. According to the Land Use Element of Comprehensive Plan, the intent of the Suburban Development designation is to provide areas in suburban settings that are expected to have increasing community significance with opportunities for residential, commercial, and institutional uses that enhance the area as a whole. (Zoning Districts Permitted: R-2, R-3, R-4, B-1, B-2, RU-1, PD)

Chapter 30 - Zoning Ordinance:

The intent of the RU-1, Rural Community District is to sustain and support rural community centers as an integral part of the rural environment, serving the commercial, service, social and agricultural needs of nearby rural residents.

Staff Analysis:

The Town of Pamplico consolidated planning and building services with the Florence County Planning and Building Inspection Department in September 2009. Once the consolidation became effective, the zoning designations for the Town of Pamplico were converted to the most similar Florence County zoning district. The area in question was an R-3 zoning district prior to consolidation as established by the Zoning Ordinance for the Town of Pamplico. Under the consolidation, this area was established as an R-5 zoning district by the Zoning Ordinance for Florence County.

Singlewide manufactured homes are not allowed in the R-5 Florence County zoning district. The exclusion of singlewide manufactured homes was an oversight when the zoning districts were converted. Single-wide mobile and manufactured homes remain prevalent in the community and in addition multiple requests have been presented for placement or replacement of single-wide homes in the area.

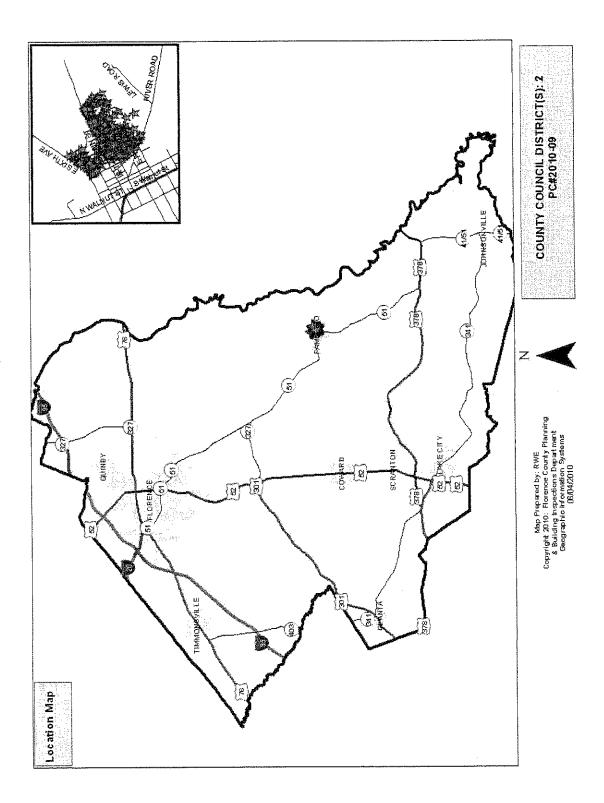
Subsequently, the Pamplico Town Council, by resolution at a special council meeting on May 24, 2010, requested a land use designation change to the comprehensive plan and a zoning amendment from R-5 to RU-1 for the designated areas. This request will allow the continuance of single-wide homes in the area as previously permitted by the Zoning Ordinance of the Town of Pamplico.

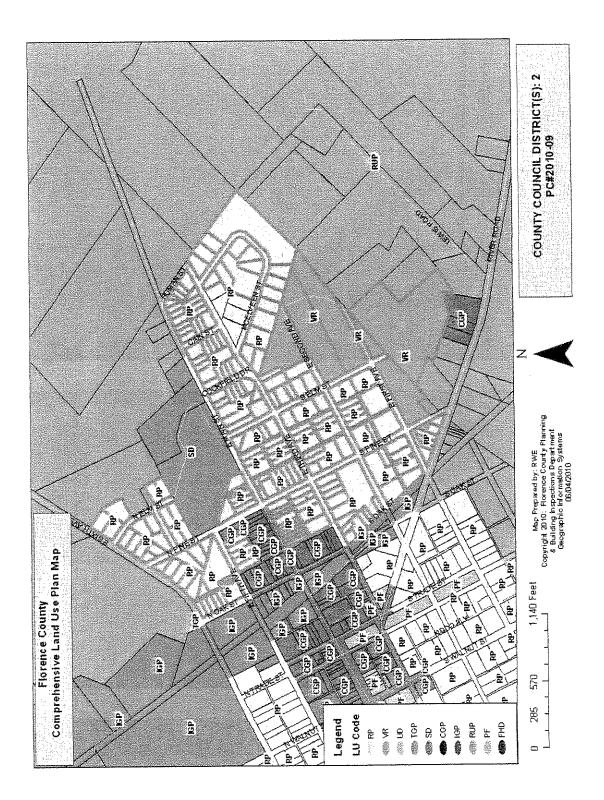
Florence County Planning Commission Action: June 22, 2010

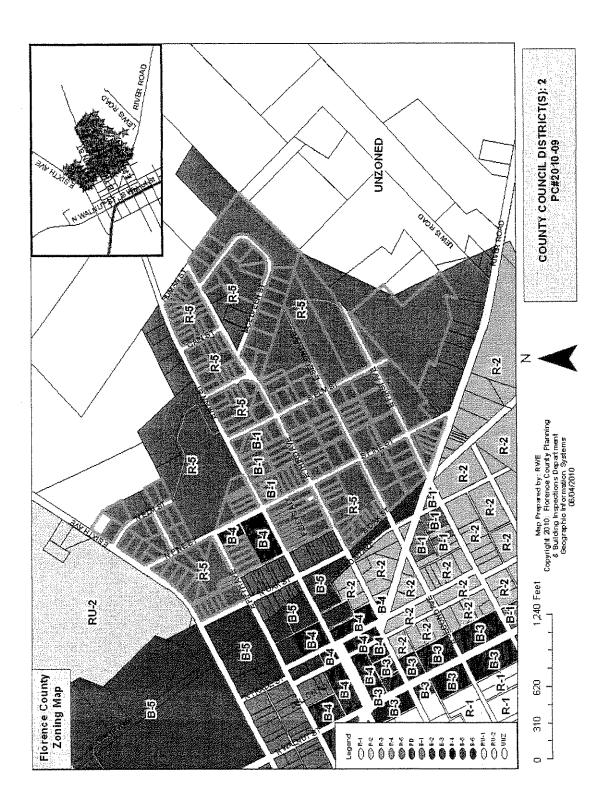
The ten Florence County Planning Commission members present approved the zoning amendment request with a vote of nine to one based on the request being in compliance with the Land Use Element of the Comprehensive Plan.

Florence County Planning Commission Recommendation:

The Florence County Planning Commission recommends approval of the zoning amendment request to Florence County Council based on the request being in compliance with the Land Use Element of the Comprehensive Plan.









ATTACHMENT "A" Town of Pamplico - Zoning Amendment Parcels

TMS	OWNERNAME
00376-02-008	MYERS RUBY HUGEE
00376-02-014	DAVIS ELMER LEE
00376-02-015	ROBINSON SARAH L MS ETAL
00376-02-017	HYMAN ETHPHINE E
00376-02-018	DAVIS ALFORD R
00376-02-019	SELF EDITH MAE
00376-02-022	ELLISON ETAPHENE L
00376-02-023	ROBERTS RENTALS LP
00376-02-024	COCKFIELD FREDDIE L & VENICE
00376-02-025	MCKNIGHT RICHARD A & DELORIS
00376-02-027	DAVIS ALFORD RALPH
00376-02-028	BOSTIC DOROTHY W
00376-02-029	THE ELM STREET TRUST
00376-02-030	DAVIS JIMMY
00376-02-031	TIMMONS EARL LEE & MARY M
00376-02-032	MCKNIGHT RICHARD A &
00376-02-033	COCKFIELD FREDDIE
00376-02-034	ROBINSON SARAH L MS ETAL
00376-02-039	TRAPIER MOSES L & JACKIE M
00376-02-040	ROBINSON TABITHA
00376-02-041	CLOUDY ADDIE (LE)
00376-02-056	SALMONS HOSELLA
00376-02-058	DAVIS RALPH
00376-02-059	GRAHAM ROSALYN
00376-02-060	TIMMONS MAJOR A &
00376-02-063	LEWIS HARRY & ESTELLE
00376-02-064	ROBINSON H BARR EVANGELIST
00376-02-066	TIMMONS ROBERTA
00376-02-072	BAILEY HARRIETTE G
00376-02-073	MYERS RUBY HUGEE
00376-02-074	MYERS RUBY HUGEE
00376-02-075	MYERS RUBY HUGEE
00376-02-076	SOLMON HOSELLO
00376-02-077	THOMAS TAMMY A
00376-02-079	DAVIS VERONICA E JOHNSON
00376-02-081	MYERS ROBERT A &

00376-02-082	WILLIAMS DANIEL SR ETAL
00376-02-082	ORR HATTIE M & EUGENE D
00376-02-083	MCKNIGHT RICHARD A SR &
00376-02-085	MCKNIGHT RICHARD A & DELORIS
00376-02-085	EADDY LUBERTA
00376-02-095	BOSTIC DOROTHY W
00376-02-096	
00376-02-097	
00377-02-003	BELL BETTY JEAN F JONES ETAL
60006-09-002	SMITH ETHEL
60006-09-003	SMITH NATHANIEL HEIRS
60006-09-004	
60006-09-005	REESE VERNETTE B A/K/A
60006-09-007	ANDREWS KATRENA S &
60006-09-008	JONES DIANNE
60006-09-009	BARR ALMA LEE
60006-09-010	COX DEBASHA TABREEZE
60006-09-011	ELLIS HENRY L
60006-09-012	THOMAS ROOSEVELT
60006-09-013	MULDROW SARAH R
60006-09-014	HUGEE DELOIS ETAL
60006-09-015	HUGEE KATHERINE
60006-09-027	ELLIS CORNELIA P
60006-09-028	SMITH ETHEL B
60006-09-029	THOMAS ROSEVELT & SARAH
60006-09-030	340 E MAIN ST TRUST
60006-10-011	ALLISON LESSIE MAE
60006-10-012	MUNNERLYN HABWORD
60006-10-013	HARRISON ALINE
60006-10-014	HARRISON ALENE
60006-10-026	ROBERT'S RENTALS LP
60006-11-001	GREGORY MARY M ETAL
60006-11-002	TOWN OF PAMPLICO
60006-11-003	TOWN OF PAMPLICO
60006-11-005	HYMAN LOSSIE JACKSON &
60006-11-006	MCKENZIE MAZIE C ETAL
60006-11-007	R W F CONSTRUCTION
60006-11-008	MCNEAL RICHARD HEIRS
60006-11-009	CAIN LULA MAE
60006-11-010	SMOOT ANNETTE ETAL
60006-11-012	HUDSON LINDA SELF
60006-12-001	JONES PEGGY
60006-12-002	JONES PEGGY
60006-12-003	DAVIS WARD & BERTHA
L	

60006-12-004	STONE BERTHA C
60006-12-005	WOODSIDE CEMETERY
60006-12-006	R W F CONSTRUCTON LLC
60006-12-007	FOXWORTH LULA MAE
60006-13-001	HYMAN LOSSIE JACKSON &
60006-13-002	BOATWRIGHT GERTRUDE
60006-13-003	TIMMONS SHIRLEY E (LE)
60006-13-004	JONES CLAYTON P
60007-12-001	SMOOT ANNETTE ETAL
60007-12-002	ROBINSON ALPHONSO & PATRICIA
60007-12-003	PARKS CYNTHIA
60007-12-005	HYMAN ROSA LEE
60007-12-006	CAROLINA EASTERN OF PAMPLICO
60007-12-007	GIBBS HERMAN
60007-12-008	GASGUE MODENA HEIRS
60007-12-009	BROWN LUCILLE ETAL
60007-12-014	GRAHAM BETTY JEAN
60007-12-015	DAVIS DOROTHY LEE
60007-12-016	DAVIS DOROTHY LEE
60007-12-017	HENRY JAMES A
60007-12-018	BARR ALMA T
60007-13-001	BARR ALMA L & ANTHONY W
60007-13-002	HUGEE MOLLY HEIRS
60007-13-003	HYMAN MASONIC LODGE 138
60007-13-004	WATTS DAVID E JR
60007-13-005	CAIN ROOSEVELT
60007-13-006	PARTIN MARY ELIZABETH F &
60007-13-008	AL-PERT FARMS
60007-13-011	WILLIAMS FLORA NELL JACKSON
60007-17-001	TIMMONS BOYD & SUNNE (LE)
60007-17-002	BROOKS JACQUILINE MITCHELL
60007-17-003	MCELVEEN LAMETTRIE ETAL
60007-17-004	WILLIAMS DANIEL C &
60007-17-006	BURCH GEORGIA GREEN
60007-17-007	CUSACK JOHN
60007-17-008	BROOKS EARL
60007-18-001	BROOKS EARL & JACQUELINE
60007-18-001	HOUSING AUTHORITY OF
60007-18-001	HOUSING AUTHORITY OF
60007-19-001	HOUSING AUTHORITY OF
60007-19-002	HOUSING AUTHORITY OF
60007-19-003	HOUSING AUTHORITY OF
60007-19-004	HOUSING AUTHORITY OF
60007-19-005	HOUSING AUTHORITY OF
»	

60007-19-006	R W F CONSTRUCTION LLC
60007-19-007	AL PERT FARMS INC
60007-19-008	ELLIS ROY J
60007-19-009	GRAHAM JOHN & OZELLA C
60007-19-009	GREEN ORIUM & MAGGIE H
60007-19-012	SMITH KAREN LAFAYE &
60007-20-001	ROBINSON LILLIAN M
60007-20-002	WADE ESTHER LEE
60007-20-002	HUGEE WENDON C & CYNTHIA J
60007-20-004	WOODBERRY EVELYN A
60007-20-005	HICKSON LEROY
60007-20-005	MYERS THEOLA ETAL
60007-20-007	MCCRAY MARSHALL & JESSIE MAE
60007-20-007	MCLEOD JAMES ETAL
60007-20-009	MCCRAY MARSHALL & JESSIE MAE
60007-20-009	WADE ESTHER
60007-20-011	MCELVEEN SARAH ETAL
	MCKOY FANNIE C &
60010-02-001	CHANDLER RUBY C &
60010-02-001	DAVIS SMILEY HEIRS
60010-02-002	GRAHAM LEMAR
60010-02-004	PEE DEE BAPTIST CHURCH
60010-02-005	GREEN LETHIA MAE N/K/A
60010-02-006	PIERCE LETHA MAE GREEN
60010-02-007	NEW DELIVERANCE OUTREACH
60010-02-008	MCHENRY JESSIE ANN
60010-02-009	MCELVEEN WILLIAM
60010-02-010	GREEN HAZEL R HEIRS
60010-02-011	COCKFIELD JOYCE
60010-02-016	SONS & DAUGHTERS OF MOSES
60010-02-017	MCELVEEN WILSON
60010-02-018	SMITH LIZZIE G
60010-02-019	MYERS RUBY HUGEE
60010-02-021	HOUSE OF GOD THE
60010-02-023	HOUSE OF GOD THE
60010-03-001	MYERS RUBY H
60010-03-002	TIMMONS SHIRLEY MAE ETAL
60010-03-003	RAINEY PATRICIA ANN
60010-03-004	GAMBLE ROBERT
60010-03-005	BELIN ETHEL
60010-03-006	GRAHAM LOIS S
60010-03-007	HYMAN MATTIE D
60010-03-008	COCKFIELD BURNETTE ETAL
60010-03-009	GAMBLE SAMUEL (LE)

60010-03-010	ELLIS ANNIE RUTH (LE)
60010-03-011	WILLIAMS JACKIE M &
60010-03-013	TIMMONS IRA HEIRS
60010-03-014	DAVIS MAGALEAN
60010-03-015	FRIER RENELL DAVIS
60010-04-001	FELDER OLEAN & ARTHUR
60010-04-003	GUILES JOHN A & LILLIE C
60010-04-004	WOODBERRY MARY C (LE)
60010-04-005	STUCKEY PATSY
60010-04-006	MENTION NETTIE B ETAL
60010-04-007	MCKNIGHT RICHARD A &
60010-04-008	HYMAN LOSSIE JACKSON JR &
60010-04-009	ELLISON GRACE ANNA
60010-04-010	WINSTON ALMA MAE
60010-04-011	ELLISON GRACE ANNA
60010-04-012	ALLISON ANNIE MAE
60010-04-014	MCWHITE IRENE
60010-04-016	WINSTON ALMA MAE MCELVEEN
60010-04-017	ALLISON ANNIE MAE
60010-04-018	GRAHAM LEMAR
60010-04-019	STUCKEY PATSY ETAL
60010-04-020	BROWN DIANNE ALLISON
60010-04-021	GREGG JOAN
60010-05-001	SALMON HOZELLA
60010-05-002	DAVIS MILTON
60010-05-003	PINCKNEY KATIE F & DORIS A
60010-05-004	MCNEIL MANSY
60010-06-002	CAIN ROOSEVELT
60010-06-003	EADDY DORA L & JAMES D SR
60010-06-004	HUGEE DARPHINE ETAL
60010-06-005	SOLOMON MARY M
60010-06-006	SELF CHARLIE BOYD
60010-06-007	FIRST MORTGAGE OF NC INC
60010-06-009	MCKNIGHT JESSE & MARIE
60010-06-010	SELF BERNARD
60010-06-011	HARDWICK JAMES T &
60010-06-012	AL PERT FARMS INC
	HOUSING AUTHORITY OF

RESOLUTION FOR COMPREHENSIVE PLAN LAND USE AMENDMENT AND ZONING AMENDMENT APPROVAL TOWN COUNCIL OF THE TOWN OF PAMPLICO

[A Resolution By The Town of Pamplico To Request And Support A Land Use Designation Change To The Comprehensive Plan of Florence County And Zoning Amendment Of Certain Parcels Within The Town Limits Of Pamplico.]

WHEREAS:

The Town of Pamplico requests that Florence County moves forward with a land use designation change in the Land Use Element of the Florence County Comprehensive Plan from Residential Preservation and/or Variable Residential to Suburban Development and a Zoning Ameniment request from an R-5, Multi-Family Residential District to an RU-1, Rural Community District for parcels within the following described boundaries within the Town of Pamplico.

WHEREAS:

The parcels to be included within the request are described as follows:

An approximate 100-acre area bounded on the west by South Oak Street, on the north by East Sixth Avenue, on the east by Human Street and on the south by the intersection of River Road and South Pine Street in the Town Limits of the Town of Pamplico.

WHEREAS:

The Town of Pamplico supports this request in an effort to bring the zoning and permitted uses back in line with the previous zoning prior to the zoning district change by Ordinance dated September 17, 2009 as a result of the consolidation of zoning, planning and building services with the County of Florence.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PAMPLICO DULY ASSEMBLED THAT:

This Resolution is hereby adopted this 24th day of May, 2010 to recommend that the Florence

County Planning Commission and Florence County Council approve the land use designation changes and zoning amendment request for the aforesaid property boundaries.

SIGNED: สา USAC Council Member B Council Member

Council Member

ATTEST:

ouncil Member

Council Member

Council Member

FLORENCE COUNTY COUNCIL MEETING Thursday, July 15, 2010

AGENDA ITEM: Ordinance No. 05-2010/11 Introduction

<u>DEPARTMENT</u>: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Zone Properties Owned By Property Owners As Shown On Attachment "A" Located On Harmony St., W. Dixie St., W. Sumter St., Carver Circle, W. Marion St., N. Hartwell Dr., N. Schofield St., Dewey Rd., Bunch St., Curry Lane, N. Trinity St., Cumberland Dr., And N. Alexander St., Florence County To R-3A, Single-Family Residential District Shown On Florence County Tax Map No. 90044, Block 02, Parcels 002-011; Tax Map No. 90044, Block 03, Parcels 002, 004-006, 008-010, 012-015; Tax Map No. 90044, Block 04, Parcels 001-003, 005-021; Tax Map No. 90044, Block 06, Parcels 001-003, 005; Tax Map No. 90044, Block 08, Parcels 002-006, 010; Tax Map No. 90044, Block 09, Parcels 001-021, 025, 026; Tax Map No. 90044, Block 10, Parcels 001-014, 017, 019, 021, 024, 029-043, 045-066; Tax Map No. 90045, Block 02, Parcels 004, 007; Tax Map No. 90059, Block 08, Parcels 007, 010; Tax Map No. 90059, Block 09, Parcels 012, 017; Tax Map No. 90060, Block 08, Parcels 001, 002, 007-011; Tax Map No. 90060, Block 13, Parcels 003, 005, 006; Tax Map No. 00122, Block 01, Parcel 097 Consisting Of 154 Parcels.] (*Planning Commission denied 6-4; Council District 3*)

POINTS TO CONSIDER:

- 1. The properties are located in Council District 3.
- 2. The subject properties are currently unzoned in Florence County.
- 3. The current land uses are single-family residential uses, duplexes, mobile/manufactured homes, commercial property and vacant land.
- 4. Surrounding land uses are single-family residential, duplexes, mobile/manufactured homes, school, medical facility, church and vacant land.
- 5. Adjacent properties within the City of Florence are zoned R-4 (Multi-Family Residential District) and B-1 (Office Commercial District). All other adjacent properties in the County are unzoned.
- 6. On March 23, 2010, Mrs. Teresa Ervin, a representative on behalf of the residents appeared before the Planning Commission to submit a citizens' petition requesting that they sponsor a zoning request to R-3A, Single-Family Residential District on behalf of the West Sumter Street community. The Planning Commission agreed to sponsor the request.
- 7. The Planning Commission held two community meetings May 3, 2010 and June 10, 2010 prior to the request being placed on an agenda for public hearing.
- 8. The R-3A (Single-Family Residential District) zoning is in compliance with the Land Use Element of the Florence County Comprehensive Plan.

OPTIONS:

- 1. (Recommended)Deny as Presented.
- 2. Provide An Alternate Directive.

ATTACHMENTS:

Copies of the following are attached:

- 1. Ordinance No. 05-2010/11
- 2. Staff report for PC#2010-12
- 3. Location map
- 4. Comprehensive Land Use Plan map
- 5. Zoning map
- 6. Aerial photograph
- 7. Petitioners to Planning Commission for zoning amendment request
- 8. List of property owners-Attachment "A"
- 9. Public comment sheets from meeting of June 10, 2010

: Planning Commission Sponsor(s) : June 22, 2010 **Planning Commission Consideration** : June 22, 2010 Planning Commission Public Hearing Planning Commission Recommendation : June 22, 2010[Denied 6-4] : July 15, 2010 First Reading/Introduction Committee Referral :N/A Second Reading : August 19, 2010 : September 16, 2010 Third Reading : Immediately Effective Date

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

ORDINANCE NO. 05-2010/11

[An Ordinance To Zone Properties Owned By Property Owners As Shown On Attachment "A" Located On Harmony St., W. Dixie St., W. Sumter St., Carver Circle, W. Marion St., N. Hartwell Dr., N. Schofield St., Dewey Rd., Bunch St., Curry Lane, N. Trinity St., Cumberland Dr., And N. Alexander St., Florence County To R-3A, Single-Family Residential District Shown On Florence County Tax Map No. 90044, Block 02, Parcels 002-011; Tax Map No. 90044, Block 03, Parcels 002, 004-006, 008-010, 012-015; Tax Map No. 90044, Block 04, Parcels 001-003, 005; 021; Tax Map No. 90044, Block 06, Parcels 001-003, 005; Tax Map No. 90044, Block 08, Parcels 002-006, 010; Tax Map No. 90044, Block 09, Parcels 001-021, 025, 026; Tax Map No. 90044, Block 10, Parcels 001-014, 017, 019, 021, 024, 029-043, 045-066; Tax Map No. 90045, Block 02, Parcels 004, 007; Tax Map No. 90059, Block 08, Parcels 007, 010; Tax Map No. 90059, Block 08, Parcels 001, 002, 007-011; Tax Map No. 90060, Block 13, Parcels 003, 005, 006; Tax Map No. 00122, Block 01, Parcel 097 Consisting Of 154 Parcels.]

WHEREAS:

- 1. Section 30-291 of the Florence County Code establishes that Florence County Council must be satisfied that applications for amendments to the Zoning Atlas of Florence County are not injurious from a public health, safety and general welfare outlook and the effect of the change will not negatively impact the immediate environs or the County generally; and
- 2. Section 30-297 of the Florence County Code republished January 2008, provides a procedure for amending the official Zoning Map of the County of Florence; and
- 3. The procedure has been followed by the Florence County Planning Commission at a public hearing on June 22, 2010.

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

Properties located on Harmony St., W. Dixie St., W. Sumter St., Carver Circle, W. Marion St., N. Hartwell Dr., N. Schofield St., Dewey Rd., Bunch St., Curry Lane, N. Trinity St., Cumberland Dr., And N. Alexander St., Florence County bearing Tax Map 90044, Block 02, Parcels 002-011; Tax Map 90-044, Block 03, Parcels 002, 004-006, 008-0010, 012-015; Tax Map 90044, Block 04, Parcels 001-003, 005-021; Tax Map 90044, Block 06, Parcels 001-300, 005; Tax Map 90044, Block 08, Parcels 002-006, 010; Tax Map 90044, Block 09, Parcels 001-021, 025, 026; Tax Map 90044, Block 08, Parcels 002-006, 010; Tax Map 90044, Block 09, Parcels 001-021, 025, 026; Tax Map 90044, Block 10, Parcels 001-014, 017, 019, 021, 024, 029-043, 045-066; Tax Map 90045, Block 0, Parcels 012, 017; Tax Map 90059, Block 08, Parcels 001, 002, 007-011; Tax Map 90060, Block 13, Parcels 003, 005, 006; Tax Map 00122, Block 01, Parcel 097 are hereby zoned to R-3A, Single-Family Residential District.

- 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.

SIGNED:

ABSENT:

COUNCIL VOTE: OPPOSED:

ATTEST:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

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

STAFF REPORT TO THE FLORENCE COUNTY PLANNING COMMISSION June 22, 2010 PC#2010-12 ORDINANCE NO. 05-2010/11

Subject:	Zoning amendment request to R-3A, Single-Family Residential District.
Location:	Properties located on Harmony St., W. Dixie St., W. Sumter St., Carver Circle, W. Marion St., N. Hartwell Dr., N. Schofield St., Dewey Rd., Bunch St., Curry Lane, N. Trinity St., Cumberland Dr., and N. Alexander St., Florence County
Tax Map Number(s):	 90044, Block 2, Parcels 2-11; 90044, Block 3, Parcels 2, 4-6, 8-10, 12-15; 90044, Block 4, Parcels 1-3, 5-21; 90044, Block 6, Parcels 1-3, 5; 90044, Block 8, Parcels 2-6, 10; 90044, Block 9, Parcels 1-21, 25, 26; 90044, Block 10, Parcels 1-14, 17, 19, 21, 24, 29-43, 45-66; 90045, Block 2, Parcels 4, 7; 90059, Block 8, Parcels 7, 10; 90059, Block 9, Parcels 12, 17; 90060, Block 8, Parcels 1, 2, 7-11; 90060, Block 13, Parcels 3, 5, 6; 00122, Block 1, Parcel 97
Council District(s):	3; County Council
Owner(s) of Record:	See Attachment
Applicant:	Florence County Planning Commission
Land Area:	154 parcels
Waterways/Bodies of Water:	None
Flood Zone:	N/A
Water and Sewer Availability:	Provided by the City of Florence

Transportation Access and Circulation:

Present accesses to the subject properties are by way of West Sumter Street, West Darlington Street, N. Rogers Street, N. Schofield Street, Dixie Street, Hartwell Street, Bunch Street, Harmony Street, Cumberland Street, N. Trinity Street, W. Marion Street, N. Alexander Street, Curry Lane and Carver Circle.

Existing Land Use and Zoning

The properties in question contain a mixture of single-family residential uses, duplexes, mobile/manufactured homes, commercial property and vacant land. These properties are all currently unzoned in Florence County.

Proposed Land Use and Zoning:

There have been no proposals submitted for development in the existing uses at this time. The zoning amendment request is to zone the properties to an R-3A, Single-Family Residential Zoning District.

Surrounding Land Uses and Zoning:

Surrounding land uses in the subject area include a mixture of single-family residential, duplexes, mobile/manufactured homes, school, medical facility, church and vacant land. Any zoned properties adjacent to the area in question exist in the City of Florence in an R-4, Multi-Family Residential District. One adjacent zoned parcel to the area exists in the City of Florence in a B-1, Office Commercial District. All other adjacent properties are unzoned.

Florence County Comprehensive Plan:

The properties in question are designated by the Land Use Element of the Comprehensive Plan as existing in a Variable Residential area which is designed to protect and sustain existing higher density single-family, multi-family, or mixed-use residential areas, including property values and amenities, and provide areas for growth of various housing types and their accessory uses in urban and suburban settings.

The zoning amendment request for the zoning of properties in the West Sumter Street Area to an R-3A, Single-Family Residential District does comply with the Land use Element of the Comprehensive Plan.

Chapter 30- Zoning Ordinance:

The R-3A, Single-Family Residential District has all the same permitted and conditional uses and setbacks as the R-3, Single-Family Residential District excluding manufactured homes. Additionally, the intent of the R-3, Single-Family Residential District is to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses.

Staff Analysis:

Florence County Planning Commission Meeting: March 23, 2010:

Mrs. Ervin appeared before the Planning Commission requesting that they sponsor a zoning request to R-3A on behalf of the West Sumter Street community.

Florence County Planning Commission Action: April 27, 2010:

A summary was presented to the Planning Commission of the status of the zoning request to R-3A for parcels in the West Sumter Street area and that a public meeting had been scheduled for the West Sumter Street area.

West Sumter Street Community Meeting: May 3, 2010:

Residents in the area would like to maintain a single-family residential neighborhood and they believe the construction of any additional duplexes or mobile homes would negatively impact the area. In addition, the residents indicated that they would like to or have attempted to purchase property in the community but were unable to get property information. Residents purchasing the property would ensure the property would be developed in accordance with the surrounding neighborhood. Residents also questioned which zoning district the Planning Commission would sponsor. This was clarified that the petition submitted was for the R-3A zoning district. Questions remained about the difference between R-3 and R-3A districts. Finally, Chairman Knoller informed the citizens that this request would appear on the agenda for public hearing at the May 25th Planning Commission meeting.

Meeting with representatives of the West Sumter Street Community: May 11, 2010:

Staff met with Mrs. Ervin, Ms. Dimery and Mr. Singletary to discuss status of the zoning request and the feedback from the May 3rd public meeting. Based on the meeting, staff planned to coordinate one additional public meeting before the request appears as a public hearing for Planning Commission.

Florence County Planning Commission Meeting: May 25, 2010:

Planning staff presented an update to the Planning Commission on the public meeting held on May 3, 2010 and because of the issues that were brought up at this meeting, at the request of Planning Commission, staff moved forward with scheduling one additional public meeting to be held on June 10th before the public hearing.

West Sumter Street Community Meeting: June 10, 2010:

The public meeting began at 6:15 pm. There were five Planning Commission members in attendance to include Chairman Peter Knoller, Cecil Cunha, King Lowery, Ted Greene and Virginia Talbert. Twenty citizens signed in for the meeting. Chairman Knoller informed the citizens that this meeting was to allow review of maps that were placed on tables around the room and staff members were available at the maps to discuss and answer any questions the citizens might have.

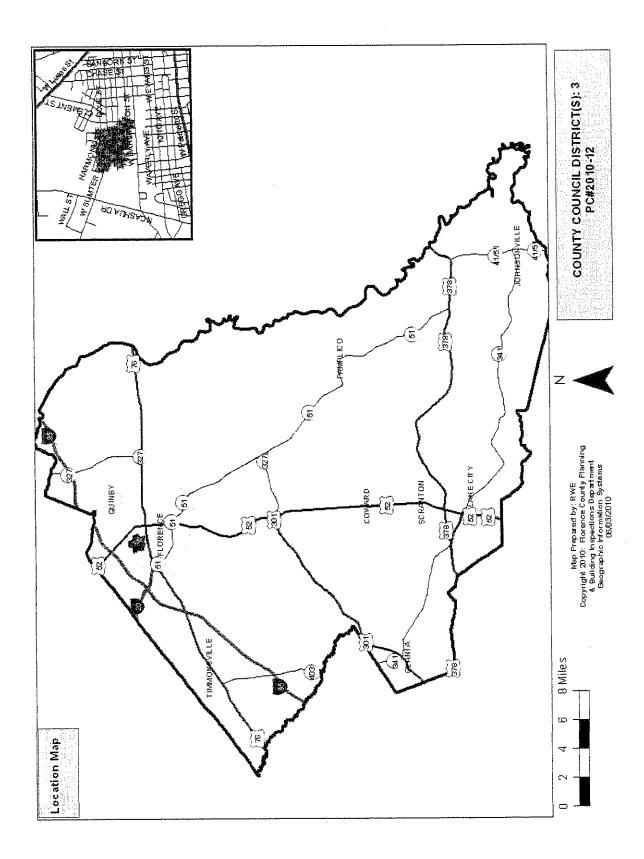
Two information sheets were provided for citizens at the meeting with one document briefly describing the meeting with a citizen's comment section and that the public hearing for the zoning amendment request would be held on June 22, 2010 and the other document contained information on the R-3A zoning district.

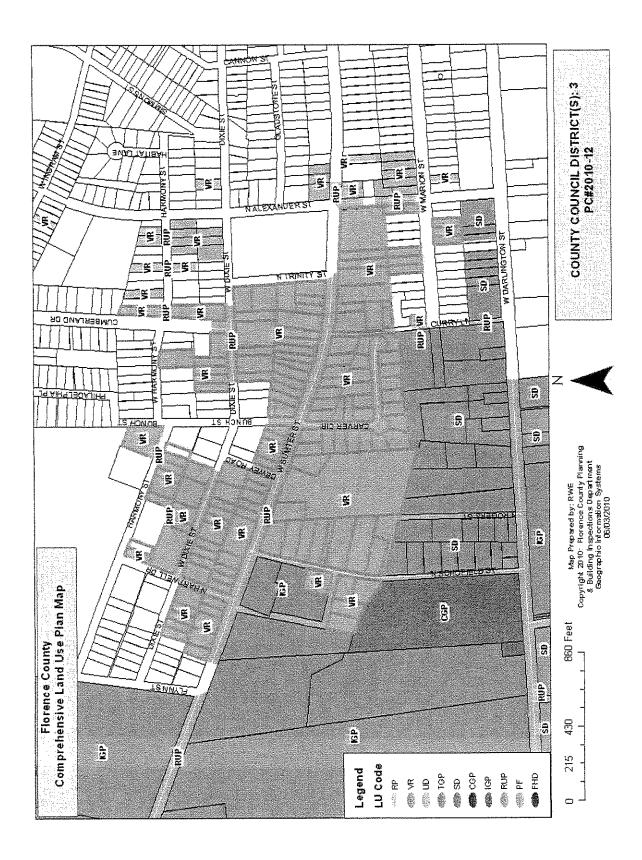
Florence County Planning Commission Action: June 22, 2010

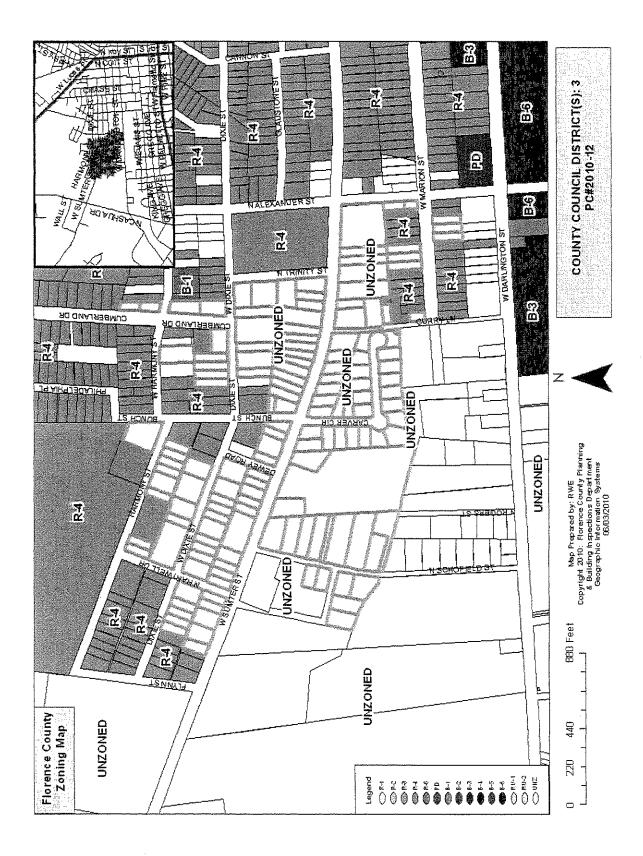
The ten Planning Commission members present denied the zoning amendment request by a vote of six to four at the meeting held on June 22, 2010.

Florence County Planning Commission Recommendation:

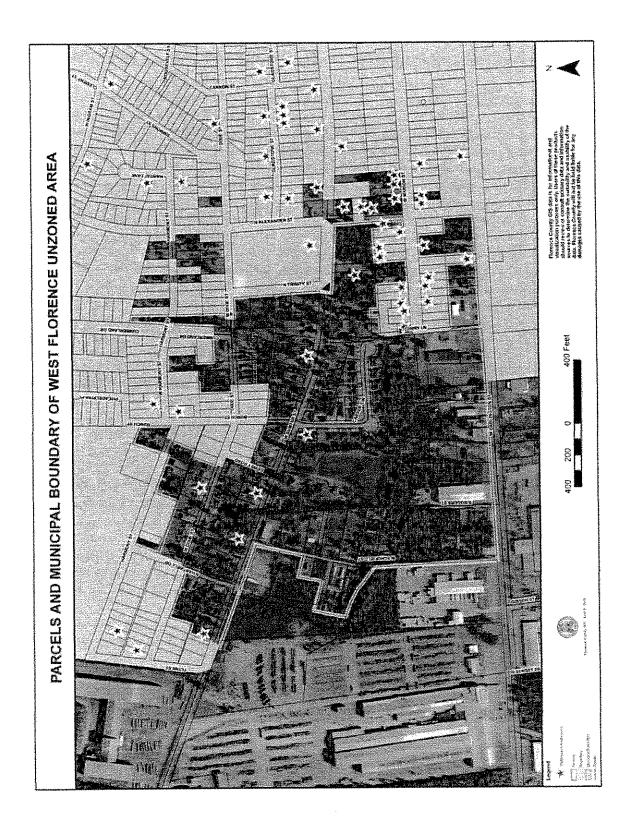
The Planning Commission recommends denial of the zoning amendment request to Florence County Council.











A Petition from the residents of the West Sumter Street Community to request the Florence County Planning Commission apply for a Zoning Map change to Zoning District R-3A for all residential unicorporated and unzoned property in the West Sumter Street Community. The West Sumter Street Community is very concerned about the unchecked growth in our neighborhood and requests this zoning change to properly protect the property values and character of our neighborhood.

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Attachment A - West Sumter Street Community - Property Owners

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Their of Dates	OWNERNAME	OWNER NAME2	MAILING ADDRESS	CHI SIMIE				
1-	GODROLT J C. SP & J C HI		1201 HARMONY ST	FLORENCE SC29501	1501	1201 HARMONY ST	Florence	23601
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5 PU144-1-PU14		SAMDERS NEDRA MAF	1116 W SUMTERST	FLORENCE SC23501	3501	1116 W SUMTER ST	Florence	29501
4 90,0444-10-000		SAARY SAAAASE REF	4745 MEADORS RD	FLORENCE SC28501	1901	408 CURRY LN	Florence	29501
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16 90044-10-006	BROWN ANNIE SHERILL		1110 W SUMTERST		9501	TTO W SUMIEHS!	Florence	102201
17 90044-10-024	HUDSON JAMES C JR		1504 S MAIN ST	N	SC29532	417 A N SCHOFIELU ST	Tionence.	10120
18 90044-10-030	HARKLESS LEO & GLORIA		1200 W SUMTER ST	FLORENCE SC295U	1066		Church Ve	206.01
19 90044-10-043	CITY OF FLORENCE SC THE						Clorence	205.01
21 90044-10-011	HYMAN LOSSIE JACKSON JR &	NANCY H	PO BOX 95	2	14		Classics -	20601
22 90044-10-012	MCCPAE DENISE		410 N SCHOFIELD DR		1046		L'EURICE	2000
23 90044-10-036	SINGLETON TIMOTHY O.A.	DEBORAH D	1120 W SUMTER ST	FLORENCE SC29501	9501	1120 W SUMIEN ST	Clorence	205.01
24 90044-10-037	MCCUTCHEON DALLAS &	MARILYN M	564 N SCHOFIELD ST		1000		Florence	20501
25 90044-10-055	PRIME PROPERTIES OF FLORENCE	ПС	PO BOX 5080	-	2002		Elorence	206.01
26 90044-10-056	PRIME PROPERTIES OF FLORENCE	ITC	PD BOX 5090	FLOHENCE SU299UZ	2004	11142 A CARVEN UN	Florence	20501
27 90045-01-004	NEEL WILLIAM HAL HI		2401 DAVID H MCLEOU BLVD		1000		Flacence	29501
28 90044-10-046	PRIME PROPERTIES OF FLORENCE	IFIC.	FU BUX 3080	ELOTENCE CC29502	9602	1110 B CARVER CIR	Florence	29501
29 90044-10-048	PRIME PROPERTIES OF FLORENCE		PU BUX 2050		9502	1121 A CARVER CIR	Florence	29501
30 90044-10-061	PHIME PHOPEMILES OF FLOHENCE				9502	1113 B CARVER CIR	Florence	29501
31 90044-10-063	FRIME PHOPERTIES OF FLOHENCE	July	POPAL WERGTER AVE APT 24	ž	57	1260 W SUMTER ST	Florence	29501
32 90044-10-009	GREEN CHARLES E		1504 S MAIN ST	GION	SC29532	417 F N SCHOFIELD ST	Florence	29501
30 90044-10-018		11.0	PO BOX 5090	1	9502	1114 A CARVER CIR	Florence	29501
34 40044-10-051	PRIME PROPERTIES OF FLORENCE	ILLC	PO BOX 5090	FLORENCE SC29502	9502	1122 B CAHVER CIR	Florence	29501
37 90044-10-060	PRIME PROPERTIES OF FLORENCE		PO BOX 5090	FLORENCE SC29502	9502	1127 A CARVER CIR	Florence	29501
38 90044-10-008	JACKSON OLGA KATHERINE		1250 W SUMTER ST		9501	1250 1/2 W SUMTER ST	Florence	29501
39 90044-10-033	IPARROTT JULIUS N & SARAH		1620 HARRIS CT		9501	1122 W SUMTER ST	Florence	29501
40 90044-10-040	CARRAWAY JOHNNE		145 W HOME	ш.	9550	510 N SCHOFIELD ST	Florence	29501
41 90044-10-052	PRIME PROPERTIES OF FLORENCE	170	PO BOX 5090		9502	1126 B CARVER CIR	Florence	29501
42 90044-10-059	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090		9502	1146 B LAHVEH LIH	1-101-ENCE	0060+
43 90044-10-066	PRIME PROPERTIES OF FLORENCE	шc	PO BOX 5080		9602	1143 B CARVEN UR	1-IOFERCE	10082
44 900-04-10-032	HAFKLESS DOCK & ANNET LE P	HEIRS C/O DOROTHY BAKER	307 E NOBLE ST		9505	1112 W SUMIER SI	Character	10501
45 90044-10-034	CURTIS SAMUEL C		PO BOX 1075	z	SC28540	1116 W SUMIEN SI	Florence	1/10/22
46 90044-10-039	HINES MARVIN & EUNICE		506 N SCHOFIELD ST		9501	506 N SCHOFIELU ST	HOTENCE	10200
47 90044-10-041	CRUSADE FOR CHRIST MISSION	THE	512 N SCHOFIELD ST		9501	514 N SCHOFIELU 51	FICKEINCE	17/082
48 90044-10-065	PRIME PROPERTIES OF FLORENCE	uc.	PO 80X 5090		9502	1105 B CARVER CIR	Horence	10052
50 30044-02-009	INCDANIEL DONNA		1308 DIXIE ST	ъ	9501	11308 DIXIE ST	Florence	100621
51 90044-02-011	MODANIEL TOM JR	C/O LINDA MCDAMEL	864 MARGUETTE LUOP	AK	SO	1308 DIXIE ST	Florence	100821
50 90044-02-004	ALEXANDER DEXTER M		545 CHESTNUT AVE UNIT 110	Ŧ	CA90802	1303 Y SUMLER SI	Cloronce	20401
54 90044-03-010	HUDSOM E G		3073 PISGAH RD	FLORENCE SU29501	1006	1225 W UIAL ST	LINEE	20004
							44-1	

Attachment A - West Sumter Street Community - Property Owners

56 90044-04-014	CAPRICORN INC		1171 S WALLACE RD	FLORENCE	SURADO	1232 W DIAIE 31		
57 90044-08-005	HORINSON JAMES H JR		1103 DIXIE ST	FLORENCE	SC29501	1103 W DIXIE ST	Florence	23501
58 90044-09-003	WILLIAMS JAMES &	MCLEOD JAME M WILLIAMS	PO BOX 29	COWARD	SC29530	1119 W SUMTER ST	Florence	29501
59 90044-09-005	FOWERS CHAPLES H		PO BOX 6525	FLORENCE	SC23502	1115 W SUMTER ST	Florence	29501
60 90044-09-020	HUDSON F G		3073 PISGAH HD	FLORENCE	SC29501	0	Florence	29501
R1 902/05-01-012	LIAMES CLASSIE ETAL	C/O SAM JAMES	1650 WSTSEH303	WASHINGTON	DC20020	0	Florence	29501
	DICKSON C C CO		PO BOX 13501	ROCK HILL	SC29731	1303 W DARLINGTON ST	Florence	29501
64 90045-01-033	ELUM BEATRICE P		PO BOX 4326	FLORENCE	SC29502	1405 A W DARLINGTON ST	Flörerice	29501
66 90044-04-D0S	HUDSON EARMEST G		3073 PISGAH RD	FLORENCE	SC29501	II259 W SUMTER ST	Floreitze	29501
67 90044-04-006	RICHARDSON BETTY H &	JAMES JR	1253 W SUMTER ST	FLORENCE	SC29501	1253 W SUMTER ST	Florence	29501
68 90044-04-020	HUDSON ERNEST G		3073 PISGAH RD	FLORENCE	SC29501	1212 W DIXIE ST	Florence	29501
69 90044-09-012	KELLY DELORES A ETAL	C/O MAPGAREE KELLY	407 WASHINGTON ST	FLORENCE	SC29506	1021 W SUMTER ST	Florence	29501
70190044-09-015	JETT LARRY &	MCDANIEL JOHNNY LEE	112 E WESTFORD AD	PLORENCE	SC29506	0	Florence	103521
71 90044-10-003	EREWER HARCLD E & MARY E		4745 MEADORS RD	FLORENCE	SC29501	1020 B W SUMTER ST	Florence	29501
73 90045-01-022	JACKSON SHELBY J &	MATTHEWS KELLY L	316 N SCHOPELD ST	FLORENCE	SC29501	318 N SCHOFIELD ST	Florence	59501
74 90045-01-023	ALTMAN CEPHUS WOODHOW &	ALTMAN SUSANG	1419 W DARLINGTON ST	FLOHENCE	SC29501	1419 W DARLINGTON ST	Horence	10962
75 90044-02-006	POBINSON MADALINE H HEIRS &	SONA M	PO BOX 971	FLORENCE	SC29503	1300 DIXIE ST	Florence	29501
76 90044-03-006	HUDSON E G		3073 PISGAH RD	FLORENCE	SC29501	1210 HARMONY ST	Florence	29501
77 90044-03-014	HUDSON ERNEST G		3073 PISGAH RD	FLORENCE	SC29501	1219 W DIXIE ST	Florence	10682
78 90044-04-007	PEOPLES YUONNE E &	RICHARDSON JAMES JR	1253 W SUMTER 51	FLORENCE	SC29501	1209 W SUMTER ST	Florence	29501
79 90044-04-018	TIMMONS JAMES JR & FAMME D		1261 W SUMTER ST	FLORENCE	SC29501	1261 W SUMTER ST	Florence	59501
811900444-08-002	ISAIAH ROOSEVELT		4322 ISAIAH ST	FLORENCE	SC29505	1109 W DIXIE ST	Florence	29501
82 90044-09-010	EADDY ROBERT LEE		1171 S WALLACE RD	FLORENCE	SC29506	1105 B W SUMTER ST	Florence	29501
84 90045-01-010	NEAL OF PLORENCE INC		1310 W EVANS ST	FLORENCE	SC29501	1303 W DARLINGTON ST	Florence	29501
87 90044-03-005	HUDSON EARNEST G		3073 PISGAH RD	FLORENCE	SC29501	1208 HARMONY ST	Florence	29501
	CHARLES GLADYS E		1121 W BROOKGREEN DR	FLORENCE	SC29501	1234 W DIXIE ST	Florence	29501
89 90044-04-017	DEAS JOE JR & JANICE W		2711 LILAS CT	FLORENCE	SC29501	1255 W SUMTER ST	Horence	29501
90 90044-04-019	HUDSON E G		3073 PISGAH RD	FLORENCE	SC29501	1216 W DIXIE ST	Florence	29501
92 90044-06-003	BRADDOCK CAROL L		PO BOX 12303	FLORENCE	SC29504	1201 W SUMIER SI	Florence	INCRZ
93 90044-08-010	SANDERS JOHN & LOIS JONES		1106 HARMONY ST	FLORENCE	SC29501	1106 W HARMONY ST	Florence	29501
94 90044-09-002	MCLEOD JANE		PO BOX 29	COWARD	SC29530	1121 W SUMTER ST	FIDIENCE	29501
95 90044-09-025	BURCH-SIMS G PAMELA		PO BOX 330323	NASHVILLE	TN37203	500 BUNCH ST	Fforence	23201
97-30045-01-009	LITTLE MAUPICE M		1309 W DAPLINGTON ST	FLORENCE	SC29501	1311 W DARLINGTON ST	Florence	10552
100 90045-02-007	BELIN ELLEN M		PO BOX 170	DARLINGTON	SC29540	1027 MAHON 51	riorence	10082
101 90045-03-001	MAHAKAU LLC		700 S CASHUA	FLOHENCE	SC28501	101/ W DAHLINGTON 31	Clorence	20001
102 90044-02-005	HARLEY LAWRENCE (LE) &	HENRIETTAK (LE)	1301 W SUMTER ST	FLOHENCE	SUZBOUT	101 W SUMIER ST	Fintence	20501
104 90044-03-015	HUDSON EARNEST G				20095015	1918 W DIXIE ST	Florence	29501
106 90044-04-010	HUDSON EARNEST G			ELORENCE	SC29501	[1107 W DIXE ST	Florence	29501
10/ 190044-08-003			PO ROX 853	AMITYVILLE	NY1(701	1111 W SUMTER ST	Florence	29501
108 90044-09-007	MIXON NELSON L & CURA W	1999 No. 199	1171 S WALLACE RD	FLORENCE	SC29506	1107 W SUMTER ST	Florence	29501
1103 80044-02-003			3073 PISGAH RD	FLORENCE	SC29501	1023 SUMTER ST	Florence	29501
110 90044-09-010			1022 DIXIE ST	FLORENCE	SC29501	1022 W DIXIE ST	Florence	29501
110 00 10 01 010	KALTTS CHARK & ALLEN		304 N SCHOFIELD DR	FLORENCE	SC29501	304 N SCHOFIELD ST	Florence	29501
111 30045 01 010	ALCOLOGICAL STREET STREET		312 N SCHOFIELD RD	FLORENCE	SC29501	400 N SCHOFIELD ST	Florence	29501
115 BOOKE 01-016	WEEF WHELER HALLE		2704 N WILLISTON RD	FLORENCE	SC29506	327 N ROGERS ST	Florence	29501
110 00454.00-000	ADERS MARIE I ISTON	And an an and a second s	1307 W SUMTER ST	FLORENCE	SC29501	1307 W SUMTER ST	Florence	29501
110 00 11 00 000	I OUKETT SHERI FY A &	LOCKETT DAVID H	1309 W SUMTER ST EXT	FLORENCE	SC29501	1305 W SUMTER ST	Florence	29501
1.0 00044-04-000	HIDRONE G		3073 PISGAH RD	FLORENCE	SC29501	1213 W DIXIE ST	Fknence	29501
150 50044-02-002	TURADAS MAF K		636 S DAMELS S I	FLORENCE	SC29506	1265 W SUMTER ST	Florence	29501
102 00044-04-002	MCI FOID DAVID		721 SUNNYSIDE PD	FLORENCE	SC29501	1263 W SUMTER ST	Florence	29501
184 80044-04-000								

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1 201 611-12	Florence	Plorence	Florence	Florence	Elosanca		1-301610CE	Florence	Florence	Floterice	Ptorence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Horence	Florence	P-loterace	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Florence	Flarence	Florence	Florence	Florence	
1019 W SUNIEH SI	1017 W SUMTER ST	1018 W SUMTER ST	1405 W DAPLINGTON ST	1315 W DARLINGTON ST		2 	1214 HAHMONY SJ	1204 HAPMONY ST	1224 W DIXIE ST	1230 W DIXIE ST	1203 W SUMTER ST	1109 W DIXIE ST	600 CUMBERLAND DR	0	1108 W DIXIE ST	406 N SCHOFIELD ST	1015 MARION ST	1417 W DARLINGTON ST	0 W DARLINGTON ST	1013 W DARLINGTON ST	1007 W DARLINGTON ST	1007 MARION ST	1021 W DIXIE ST	1006 W MARION ST	405 N ALEXANDER ST	1012 W SUMTER ST	1021 W HARMONY ST	704 HARMONY ST	1001 W MARION ST	417 N SCHOFIELD ST	1206 W SUMTER ST	408 N SCHOFIELD ST	1118 B CARVER CIR	1146 B CARVER CIH	320 N SCHOFIELD ST	1306 DIXIE ST	1206 HARMONY ST	1214 W DIXIE ST	1267 W SUMTER ST	1123 W SUMTER ST	1111 B SUMTER ST	1100 W DIXIE ST	1102 W DIXIE ST	1311 W DAPLINGTON ST	312 N SCHOFIELD ST	1401 W DARLINGTON ST	401 N CURRY LN	A ANTINATION I A A A A A A A A A A A A A A A A A A
5C29506	GA31419	SC29501	SC29502	SC29506		0028201	5C29501	SC29501	CA95838	SC29501	SC29501	SC29501	SC29501	SC29501	SC29501	SC29501	SC29501	SC29506	NE PA19050	SC29502	SC29501	NY 10472	SC29501	SC29501		SC29502	SC29501	SC29501	SC29502	SC29501	SC29506	SC29161	SC29502	SC29502	SC29501	SC 29501	SC29601	SC29501	CT06852	SC29530	BC29501	SC29501	SC29161	SC29501	SC29501	SC29501	5C29501	
FLORENCE	SAVANNAH	FLORENCE	FI ORENCE	E ORENCE		IFLUMENCE	FLORENCE	FLORENCE	SACRAMENTO	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	EAST LANSDOWNE	FLORENCE	FLORENCE	BRONX	FLORENCE	FLORENCE	29501	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE.	TIMMONSVILLE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	FLORENCE	NORWALK	COWARD	FLORENCE	FLORENCE	TIMMONSVILLE	FLORENCE	FLORENCE	FLORENCE	FL.ORENCE	
BO5 E PINE ST	147 LIONS GATE RD	1014 W MARION ST	IPD ROX 4396	COUNTREPENDENT		308 N SCHOFELD 31	1214 HARMONY ST	3073 PISGAH RD	1324 REVERA DR	950 PARK AVE	1931 OSPHEY DR	1540 MCKENNEY CRT	1103 DIXIE S1	925 W MARION ST	651 BUNCH ST	405 N SCHOFIELD ST	1017 W MARION ST	3101 E SAMAYS LN	64 MELHOSE AVE	PO BOX 3931	1007 W DARLINGTON ST	1560 METROPOLITAN AVE #2 A	1021 DIXIE ST	1006 W MARION ST	FLORENCE SC	PO BOX 5523	1021 W HARMONY ST	706 CUMBERLAND DR	PD BOX 3045	1001 WENTWORTH DR	1171 S WALLACE PD	3413 TWIN CHURCH RD	PO BOX 5090	PO BOX 5090	320 N SCHOFIELD ST	1306 DIXIE ST	3073 PISGAH RD	3073 PISGAH RD	PO BOX 495	PO BOX 29	1109 W SUMTER ST	1100 DIXIE ST	520 AIRE ACRES RD	1311 W DARLINGTON ST	312 N SCHOFIELD RD	2790 KINTYRE HD	1939 WESLEY CPT	
(ETAL											a de la constante de la constan	a de la companya anno anno anno anno anno anno anno		HAYNESWORTH RICHARD W			THELMA KELLY	IGLADYS							405 ALEXANDER ST		BOYD BERNETHA H			PAUC CELESTE H SINGLETON			11.0		GRACIE VIRGINIA C							MANIE	LUCILLE	INC				
PLOWDEN ALBERTA &	ECKLES GEORGE PHILIP	SWINNEY BOYKIN			ALIMAN C WOULDW JR	ALTMAN CARRIE GAYMON	OUMMAINGS TROY	HUDSON E G	SANDERS MARGARET	NEW PARK ASSOCIATES INC	DOWD PROPERTIES LLC	MACK FE MANUEL FTAL	CODINSON IMPS H IR FTAI	DOI FWAN AMN H.A.	REOWN CHARLES	MARI OWF LITTAN	MCCLAIN JOSTAH JR &	AI I ISON RAI PH IR A	WASHINGTON HATTIE F	MAREN PROPERTIES	GRAHAM MARGARET P	MCELVEEN MARY S	CODKS SARA LEE	SISNETT FRANCES	BIBLEWAY CHURCH OF FLORENCE	NOWLIN ROSA LEE	BOYD FILIAH JR &	FORD CATHERINE	BIBLEWAY CHUBCH DF FLORENCE	BAINWATER LELAD	EADDY ROBERT TRUSTEE	MCINVILLE WALLACE	PRIME PROPERTIES OF FLORENCE	PRIME PROPERTIES OF FLORENCE	DRIGGERS MACK T JH &	GRANT DORETHA	HUDSON E G	HUDSON E G	WILLIAMS CHARIES ETAL	MCLEOD JANE W	GEE PERTIE	BURNETT WINFRED MORAIS &	SPEIGHTS JOHN HENRY &	MOSS WELDING & IRON WORKS	ALTMAN MARY J	JACKSON DANIEL CARL JR	BAKEB HARRY	
124 90044-09-013 F	125 90044-09-014 E	00/44-10-002		900-12-01-000	90242-01-00V	129 90045-01-020 /	131 90044-03-009 10	90044-03-012		90044-04-013	Ι			T		Τ	Т		T	Т	Т	Г	T		Τ		Τ					167 90044-10-042	168 30044-10-050	169 90044-10-057	170 90045-01-002	171 90044-02-008 (90044-03-004	174 90044-04-009	Γ	Γ	1	T	1	Τ		1	T	~

Attachment A - West Sumter Street Community - Property Owners

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This public meeting is being held regarding the request by the community that the Florence County Planning Commission sponsor the zoning amendment request to the R-3A Zoning District for properties within the West Sumter Street area. As this is **not a public hearing**, there will be no formal presentation. However, maps have been placed in areas around the room for your review. Staff members will be available to answer any questions you might have on the zoning amendment request and/or the map.

THE PUBLIC HEARING FOR THIS ZONING AMENDMENT REQUEST WILL BE HELD BY THE FLORENCE COUNTY PLANNING COMMISSION ON TUESDAY JUNE 22, 2010 AT 6:30 P.M. AT THE CITY/COUNTY COMPLEX, ROOM 803.

GARY	DRUKSCH P.O. BOX 4541 FLORINCE SC 29502
Name	Address
COMMENT	IS: I OWN THE PROPORTY LOCATON AT THE CORNER OF
SUMION	T. ST. AND N. ALEXANDOR - 10009 W. SUMTOR ST. E
	THE PRODURTY IN JUNE OF 2009 WITH THE INTONT OF
PUTTING	SOME RONTHE PROPUETY AN IT. IN AUGUST DE 2009, COUNTY
	places & 142 MORGTONIUM ON BUILDING ON THIS proposery
I 440	IN UFSTED TIME AND MONEY IN PLANNING FOR THIS APPROX
	PROJECT, THERE WAS & BUILDER READY TO GO WHEN THE
MOA4 TO	RIUM WAS DUT IN DIALE. I FEEL THAT THE MORATORIUM
	FORCED DE-ZONING OF THIS PROPERTY IS UN-FAIR AND
15 L	IN - PRODUCTING FOR THE FOLLOWING NETSONS:
aper — Although and an	(OUER)

- #1 IT DEVALUES PROPERTY FOR THE PROPERTY DWNUR BY RESTRICTING USES.
- #1 IT TAKES AWAY OWNERS PROPERTY RIGHTS.
- #3 IT STIFLES GROWTH IN THE AREA BY LIMITING CONSTRUCTION.
- # 4 BY FORCING OUT INEN CONSTRUCTION, THE COUNTY WILL LOSE TAX REVENUE AND INCOME FROM BUILDING PERMITS, WATER/SEWER TAPS, BUSINESS LICENSES ETC.
 - # 5 IT SETS A BAD PRECEDENT WHEN THE GOUT. CAN PLACE & MORATORIUM ON AN ARCH WITHOUT PRIOR NOTICE, IF AN OUT OF TOWN INVESTOR BOUGHT SOME PROPERTY IN THIS ARET AND THEN WAS STOPPOO AROM DOTNE A PROJECT, THEY WOULD SUFFOR DAMAGES AND MIGHT SEEK LEDAL RAMAGES AGAINST THE PEOPLE WHO SOLD THE PROPORTY TO THOM & THE COUNTY.
- I SUPPORT EFFORTS TO ZONE UN-ZONGO PROPERTY, BUT I THINK EACH TRACT SHOULD BE LOOKED 47 INDEPENDENTLY & THE PROPERTY DUNCH'S INTERESTS SHOULD BE CONSIDERED.

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Lillian	5 MARLOWE	406	n. Sc	hosiela	0 ST
Name	<u>aan googladaa ah a</u>	Address			
COMMEN	TS: hank y	rk.			
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	n an	an a succession and a succession of the	alle and and the state of the	1990 An a fair an	washana mir mar ang

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Address Name COMMENTS:

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Address Ę. mmena

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MESTIMMUNS 12.61 IL SUMMTER STREET Address Name COMMENTS: WON'T THE LOTS CLEAN 41 THE DUPLEX HOUS WONT AREA

FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Reports to Council Monthly Financial Reports

DEPARTMENT: Administration

ISSUE UNDER CONSIDERATION:

Monthly financial reports are provided to Council for fiscal year 2010 through May 31, 2010 as an item for the record.

<u>ATTACHMENTS</u>:

Copies of the monthly financial reports.

FLORENCE COUNTY GOVERNMENT GENERAL FUND **REVENUE & EXPENDITURE REPORT FY10** 7/1/09 TO 05/31/10

		YEAR-TO-DATE		
	BUDGETED REVENUE	ACTUAL REVENUE	REMAINING BALANCE	РСТ
REVENUES				
Taxes	32,031,860	32,555,245	(523,385)	-1.63%
Licenses & Permits	1,522,800	1,268,925	253,875	16.67%
Fines & Fees	3,485,600	2,937,594	548,006	15.72%
Intergovernmental	7,162,442	5,160,688	2,001,754	27.95%
Sales and Other Functional	5,180,350	4,517,099	663,251	12.80%
Miscellaneous	1,362,250	269,484	1,092,766	80.22%
Operating Transfers	(3,141,056)	-	(3,141,056)	100.00%
Use of Fund Balance	1,740,000	-	1,740,000	100.00%

TOTAL

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49,344,246 46,709,035 2,635,211 5.34%

FLORENCE COUNTY GOVERNMENT **GENERAL FUND REVENUE & EXPENDITURE REPORT FY10** 7/1/09 TO 05/31/10

		BUDGETED EXPENDITURE	YEAR-TO-DATE ACTUAL EXPENDITURE	REMAINING BALANCE	PCT
10-411-401					
10-411-401	County Council	367,382	294,779	72,603	19.76%
	Administrator	654,135	571,704	82,431	12.60%
10-411-403 10-411-404	Clerk of Court	1,838,967	1,597,182	241,785	13.15%
	Solicitor	968,098	858,502	109,596	11.32%
10-411-405	Judge of Probate	511,408	431,181	80,227	15.69%
10-411-406	Public Defender	738,626	644,725	93,901	12.71%
10-411-407	Magistrates	2,191,176	1,835,248	355,928	16.24%
10-411-409	Legal Services	84,150	54,605	29,545	35.11%
10-411-410	Voter Registration & Elections	480,098	298,908	181,190	37.74%
10-411-411	Finance	770,270	659,030	111,240	14.44%
10-411-412	Human Resources	1,279,773	1,233,737	46,036	3.60%
10-411-413	Procurement & Vehicle Maintenance	1,243,216	1,000,674	242,542	19.51%
10-411-414	Administrative Services	404,654	352,153	52,501	12.97%
10-411-415	Treasurer	1,209,682	995,987	213,695	17.67%
10-411-416	Auditor	481,640	412,269	69,371	14.40%
10-411-417	Tax Assessor	1,237,707	1,064,685	173,022	13.98%
10-411-418	Planning and Building	2,200,020	1,895,465	304,555	13.84%
10-411-419	Complex	1,247,869	1,052,282	195,587	15.67%
10-411-420	Facilities Management	906,594	818,248	88,346	9.74%
10-411-427	Information Technology	1,283,099	1,112,436	170,663	13.30%
10-411-446	Veteran's Affairs	153,066	128,440	24,626	16.09%
10-411-480	Senior Citizen Centers	337,053	275,953	61,100	18.13%
10-411-485	General Direct Assistance	209,242	147,349	61,893	29.58%
10-411-488	Contingency	1,106,346	1,029,040	77,306	6.99%
10-411-489	Employee Tort & Blanket Bond	215,742	215,457	285	0.13%
10-421-421	Sheriff's Office	14,639,225	12,911,403	1,727,822	11.80%
10-421-422	Emergency Management	2,419,780	2,146,003	273,777	11.31%
10-421-481	Rural Fire Departments	14,850	5,180	9,670	65.12%
10-451-423	EMS	4,214,054	3,465,877	748,177	17.75%
10-451-424	Rescue Squads	436,524	336,076	100,448	23.01%
10-451-425	Coroner	263,858	229,729	34,129	12.93%
10-451-441	Health Department	85,140	79,015	6,125	7.19%
10-451-442	Environmental Services	711,559	564,663	146,896	20.64%
10-451-485	Health Direct Assistance	15,742	6,351	9,391	59.66%
10-461-485	Welfare - MIAP & DSS	463,777	435,813	27,964	6.03%
10-471-451	Recreation	1,708,860	1,530,272	178,588	10.45%
10-471-455	County Library	3,591,064	3,136,679	454,385	12.65%
0-471-485	Museum Commission	9,900	4,950	4,950	50.00%
0-481-485	Literacy Council	4,901	3,676	1,225	25.00%

TOTAL

50,699,247

43,835,725

6,863,522

Ideal Remaining % = 8.33%

13.54%

148

FLORENCE COUNTY BUDGET REPORT - OTHER FUNDS CURRENT PERIOD: 7/1/2009 TO 05/31/10

	BUDGETED	YEAR TO DATE	REMAINING		BUDGETED	YEAR TO DATE	REMAINING	
television dentro este de la constante de la co	EXPENDITURE	CURRENT	BALANCE	PCT	REVENUE	CURRENT	BALANCE	PCT
45 County Debt Service Fund	3,769,173	3,765,990	3,183	0.08%	3,769,173	3,877,834		0.00%
112 Economic Development Partnership Fund	455,400	367,458	87,942	19.31%	455,400	47,030	408,370	89.67% 1
123 Local Accommodations Tax Fund	2,752,153	2,379,260	372,893	13.55%	2,752,153	1,386,346	1,365,807	49.63% 2
124 Local Hospitality Tax Fund	694,271	343,887	350,384	50.47%	694,271	994,493		0.00%
131 District Utility Allocation Fund	2,668,150	278,632	2,389,518	89.56%	2,668,150	2,328,568	339,582	12.73%
132 District Infrastructure Allocation Fund	1,771,836	277,240	1,494,596	84.35%	1,771,836	1,326,336	445,500	25.14%
151 Law Library Fund	89,100	22,835	66,265	74.37%	89,100	72,778	16,322	18.32%
153 Road System Maintenance Fee Fund	3,337,117	2,541,039	796,078	23.86%	3,337,117	2,818,007	519,110	15.56%
154 Victim/Witness Assistance Fund	364,568	307,216	57,352	15.73%	364,568	260,255	104,313	28.61%
421 Landfill Fund	4,344,219	3,824,265	519,955	11.97%	4,344,219	2,847,784	1,496,435	34.45% 3
431 E911 System Fund	685,170	588,494	96,676	14.11%	685,170	1,105,416	a di di dia di da di di di di di di di di di di d	0.00%
TOTALS:	20,931,157	14,696,316	6,234,841	29.79%	20,931,157	17,064,845	4,695,440	22.43%

IDEAL REMAINING PERCENT: 8.33%

1 Budgeted transfer from General Fund in amount of \$410,400 to be made on June 30, 2010.

2 Budgeted revenue from City of Florence in amount of \$1,311,077 toward Civic Center operation and debt service to be received prior to June 30, 2010.

3 Budgeted transfer from General Fund in amount of \$1,231,020 to be made on June 30, 2010.

331 Capital Project Sales Tax (Florence County Forward road projects) received and interest earned (See separate attachment for additional details.)

\$ 57, 196, 303

Florence County Council District Allocation Balances May 31, 2010

Council District #	Type of Allocation	Beginning Budget FY10	Commitments & Current Year Expenditures	Current Available Balances
1	Infrastructure	273,795.96	106,843.62	166,952.34
	Paving	50,962.00	46,334.38	4,627.62
	Utility	335,216,45	92,487.84	242,728.61
	In-Kind	19,800.00	1,314.75	18,485.25
2	Infrastructure	86,353.87	80,969.84	5,384.03
	Paving	123,801.75	108,906,87	14,894.88
	Utility	133,423.72	129,820.15	3,603.57
	In-Kind	19,800.00	1,862.40	17,937.60
3	Infrastructure	145,255.12	111,868.66	33,386.46
	Paving	445,940.82	419,025.85	26,914.97
	Utility	299,259.29	40,527.75	258,731.54
	In-Kind	19,800.00	3,872.00	15,928.00
4	Infrastructure	SPECIAL CONTRACTOR OF THE SECOND AND A SECON	1	
	Colonado do establisti Managina Marian (M.	300,362.28	64,447.24	234,580.04
	Paving Utility	157,851,86	22,943.38	134,908.48
	In-Kind	127,300.47	34,003.00	93,297.47
		19,800.00	190.09	19,609.91
5	Infrastructure	114,239.51	88,870.43	24,034.08
	Paving	71,493.35	71,453.27	40.08
	Utility	226,658.48	69,750.30	156,908.18
	In-Kind	19,800.00	1,154.00	18,646,00
6	Infrastructure	279,166.47	20,886.03	258,280.44
	Paving	196,497.87	134,768.00	61,729.87
	Utility	291,869.95	21,516.80	270,353.15
	In-Kind	19,800.00		19,800.00
7	Infrastructure	133,600.52	87,524.46	46,076.06
	Paving	315,436.06	130,793.06	184,643.00
	Utility	362,021.45	53,196.17	308,825.28
	In-Kind	19,800.00	-	19,800.00
8	Infrastructure	309,294.44	224.057.09	
	Paving	289,746.80	234,057.08	75,237.36
	Utility	345,982.15	286,555.92 198,293.20	3,190.88
and appropriate state of the state of the second state of	In-Kind	19,800,00	190,293.20	147,688.95 19,800.00
r				· · · · · · · · · · · · · · · · · · ·
Constraint of the second state of the second state of the	Infrastructure		79,007.40	21,037.28
	Paving	155,723.13	104,483.13	51,240.00
stream and a share in the second s	Utility	307,233.93	46,878.02	260,355.91
	In-Kind	19,800.00		19,800.00

Infrastructure funds to be used for capital projects or equipment purchases. (See guidelines) Paving funds to be used for paving or rocking roads. See guidelines in County code. Utility funds to be used for water, sewer, stormwater, and any infrastructure fund projects. In-Kind funds to be used for projects completed by the Public Works Department.

FLORENCE COUNTY FORWARD CAPITAL PROJECT SALES TAX

As of May 31, 2010

		Design or		and an university of the second se	Total Completed		% Balance
EXPENDITURES	Project Budget	Engineering	Right of Way	Construction	to Date	Balance	Remaining
Pine Needles Road Widening \$ 17,676,768.00	\$ 17,676,768.00	667,383.77	\$ 1,224,957.80	\$ 6,885,470.04 \$	\$ 8,777,811.61	\$ 8,898,956.39	50.34%
US 378 Widening	\$ 138,751,620.00	\$ 2,232,401.27	\$ 110,831.69	\$ 4,337.97	\$ 2,347,570.93	\$ 136,404,049.07	98.31%
US 76 Widening	\$ 31,641,621.00	\$ 1,165,365.38	\$ 3,857.80	\$ 2,562,16	\$	\$ 30,469,835.66	96.30%
	\$ 34,519,290.00	\$ 613,977.72	•	\$ 855.00	\$ 614,832.72	\$ 33,904,457.28	98.22%
	\$ 151,533,817.00 5	\$ 501 435.44	€	\$ 38.75	\$	с	99.67%
sion	\$ 73,464,146.00		н С	· · · · · · · · · · · · · · · · · · ·	۰ ب		100.00%
	\$ 447,587,262.00	\$ 447,587,262.00 \$ 5,180,563.58 \$ 1,339,647.29 \$	\$ 1,339,647.29		6,893,263.92 \$ 13,413,474.79 \$ 434,173,787.21	\$ 434,173,787.21	97.00%

DEVENUES	Droiont Dudant		Received/Earned	1	% Balance
REVENUES	Li ujeci puugei		to Uate	Balance	Remaining
Capital Project Sales Tax \$ 148,000,000.00 Earnod State Match	\$ 148,000,000.00 \$ 250,000,000,00		5 54,141,300.70 5 93,858,699 30 63.42%	\$ 93,858,699.30	63.42%
nterest Eamings			\$ 114,392,606.20	\$ 135,607,393.80	54.24%
	\$ 398,000,000.00		\$ 171,588,909.30 \$ 229,466,093,10	\$ 229,466,093.10	

NOTE: Revenue Received/Earned to Date is as of March 31, 2010, since capital project sales tax is received from the state on a quarterly basis.

FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Reports to Council

DEPARTMENT: Administration Grants Department

ISSUE UNDER CONSIDERATION:

Accept Allocation From The South Carolina Department Of Transportation (SCDOT) Under The Florence County Transportation Committee (FCTC) C Funds Program, PCN #40332 In The Amount Of \$100,000 For Pavement Improvements At The New Voters Registration And Election Commission Building.

POINTS TO CONSIDER:

- 1. The South Carolina Department of Transportation under the C Funds Program, PCN#40332 has allocated \$100,000 for pavement improvements at the new Voters Registration and Election Commission Building.
- 2. Acceptance of the grant includes authorization of appropriate general ledger accounts within the Grant Fund to account for the grant.

OPTIONS:

- 1. (Recommended) Approve as presented.
- 2. Provide an Alternate Directive.

<u>ATTACHMENTS</u>:

Letter from Florence County Transportation Committee dated July 9, 2010.

July 6, 2010

Mr. Sherwin Welch, Chairman Florence County Transportation Committee 515 South Warley Street Florence, South Carolina 29501

Dear Chairman Welch:

The South Carolina Department of Transportation is in receipt of a programming request dated April 21, 2010, to allocate funds for an improvement project in Florence County.

Per the County Transportation Committee's approval, \$100,000.00 was allocated to Florence County under local paving project **C PCN 40332**. This project is identified as pavement improvements at the new voter registration building in Florence County.

Mrs. Kathy Nephew, Grants Coordinator for Florence County, was notified of the committee's decision.

If you have any questions or concerns, please contact me at 803-737-4832.

Sincerely,

Batina Feaster Program Coordinator C Program Administration

BF:bmf

ec: Dennis L. Townsend, District Five Engineering Administrator Fred Berry, C Program Manager, RPG-2 Kenneth Johnson, Program Manager, RPG-2

cc: Sandra Barfield, Florence CTC

FLORENCE COUNTY COUNCIL MEETING Item for Meeting on: July 15, 2010

AGENDA ITEM: Applications for Non-Exclusive, Ambulance Franchises

DEPARTMENT: EMS

<u>ISSUE UNDER CONSIDERATION</u>: Consider awarding a non-exclusive ambulance franchise to Wilson Medical Transport and Ambunet, Inc.

POINTS TO CONSIDER:

- 1. Wilson Medical Transport is owned by Don Wilson of Scranton, SC.
- 2. Ambunet, Inc. is owned by Randy L. Zanders of Lake City, SC.
- 3. Each applicant has submitted an appropriate application along with required supporting documentation.
- 4. The EMS Director has reviewed the application packets and determined that they are compliant with Chapter 5 of the Florence County Code.

FUNDING FACTORS:

1. None

OPTIONS:

- 1. (Recommended) Award a non-exclusive, ambulance franchise to Wilson Medical Transport and Ambunet, Inc.
- 2. Take No Action or Provide An Alternate Directive

ATTACHMENTS:

- 1. Letter from each business verifying intent to operate private ambulance service in Florence County.
- 2. Copy of DHEC Ambulance Provider License for each applicant.
- 3. Memo to County Administrator from EMS Director regarding the matter.



Manager

WILSON MEDICAL TRANSPORT Safe Reliable Transportation

May 28, 2010

Ryon A Watkins Director Florence County Emergency Medical Services

Dear Mr. Watkins,

Wilson Medical Transport would like to inform you of our intent to provide non-emergency ambulance services to the residents of Florence County. Our services will include transportation to and from hospitals, physician's office, and outpatient facilities for routine examinations, tests, x-rays, and treatments. We will also provide transportation for patients discharged from a hospital or nursing home to other hospitals, nursing homes, or private residence.

We will also be available for mutual aid to the county if our services are needed.

With-Kindest Regards, Don Wilson

Don Wilson Wilson Medical Transport

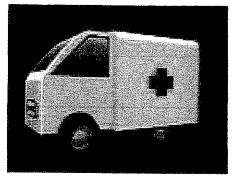
Wilson Medical Transport is owned and operated by Don Wilson.

pecol 7-10

P.O. BOX 4 1943 BOYD 1 SCRANTON, SC 295 (843) 210-7540 ~ (843) 344-29 Fax : (843) 210-75 DonWilson@WilsonMedicalTransport.o www.WilsonMedicalTransport.o

Services Act Section 44-61-10 el. seq. of the 1976 code, and regulations promulgated thereto. This license shall not be mental Control for failure to comply with the laws of the State of South Carolina or the rules and regulations of the South assignable or transferable and shall be subject to revocation at any time by the S. G. Department of Health and Environ-,20,09 To conduct and maintain an Ambulance Service in the premises located This Bicense shall expire December 31, 20 11, and is subject to the provisions of The Emergency Medical South Carolina Department of Health and Environmental Control South Carolina Department of Health and Environmental Control to WILSON MEDICAL TRANSPORT day of December Huntz This is to Certify that a License is hereby granted by the 1 how WX South Carolina 23 Garolina Department of Health and Environmental Control issued thereunder. In Witness Whereof, we have hereunto set out hand and seal of the State this _ at 1943 Boyd Street, Scranton, SC 29591 Bu: County of Florence cense Category: Basic icense Number: 050 ROSI COMOTE P **DHEC 1074**

156



AMBUNET, INC.

1439 Johnsonville Hwy,

Lake City, SC 29560

Dear Ryon A. Watkins:

This letter is a letter of intent to operate a private non-emergency ambulance service in the Florence county area. The business in which intends to do so is Ambunet, Inc. which is located at 1439 Johnsonville Hwy, Lake City, SC 29560. Ambunet, Inc is owned by Randy Leon Zander's his current address is 330 Lawerence St, Lake City, SC 29560.

Thanking You In Advance,

Makeeba Elmore Office Manager Ambunet, Inc

Services Act Section 44-61-10 el. seq. of the 1976 code, and regulations promulgaled thereto. This license shall not be mental Control for failure to comply with the laws of the State of South Carolina or the rules and regulations of the South assignable or transferable and shall be subject to revocation at any time by the S. C. Department of Health and Cnviron-- day of November , 20 08 To conduct and maintain an Ambulance Service in the premises located This Broense shall expire December 31st 2010 ..., and is subject to the provisions of The Emergency Medical South Carolina Department of Health and Environmental Control This is to Certify that a License is hereby granted by the South Carolina Department of Health and Environmental Control Munter S hun W A In Witness Whereof, we have hereunto set out hand and seal of the State this 13th South Carolina Carolina Department of Health and Cnvironmental Control issued thereunder. R 1439 Johnsonville Hwy., Lake City Ambunet. Inc. Florence License number: 249 County of ť0.

DHEC 1074 (10/2001

dcense category: Basic



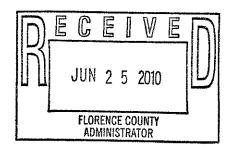
FLORENCE COUNTY Emergency Medical Services

Ryon A. Watkins Director

- To: Richard Starks County Administrator
- From: Ryon Watkins EMS Director

Date: June 23, 2010

R. David Exum Operations & Training



Subject: Ambulance Franchise Applications

Enclosed please find documents from Wilson Medical Transport and Ambunet, Inc. who are applying for non-exclusive ambulance franchises in Florence County. Wilson Medical Transport has been operating in the area for several years. Ambunet has been licensed by DHEC since November 2008 and is one of the smallest, lowest volume services in the area.

I have reviewed the documents and concluded that the requests are compliant with the requirements of Chapter 5 of the Florence County Code (Ambulance Service).

As far as I am concerned, the matter is ready for review / approval by the county council.

Barring any new companies that start up, these are the last of the private ambulance companies that are operating in the area that need to be franchised.

I have enclosed a list of the private ambulance companies that are operating in the County for your records.

Please contact me if you have questions regarding this matter.

Enclosures: Letters of intent from companies intending to operate in Florence County. Copy of DHEC Ambulance Provider License for each company. Fact sheet / agenda item for County Council meeting on July 15, 2010

Florence County EMS

Private Ambulance Companies Franchised in Florence County

As of June 23, 2009

- 24
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**Date Franchise Awarded by Council** 

Notes

1 Adams Life Link	October 18, 2007	
2 Ambunet, Inc.	Pending	Agenda item for council meeting on July 15, 2010
3 Carolina Medcare of the Midlands	April 15, 2010	
4 Carolina Medcare, Inc.	April 15, 2010	
5 First Care Medical Transport, LLC	September 18, 2008	
6 First Choice Ambulance, Inc.	June 17, 2010	
7 Lakeside Medical Response, Inc.	April 15, 2010	
8 Lifeline Regional Ambulance, Inc.	May 20, 2010	
9 Medsouth	April 15, 2010	
10 Medstar Ambulance Service	June 17, 2010	
11 Medxpress of the Carolinas	June 17, 2010	
12 ParaBasic Ambulance Service	April 15, 2010	
13 Strand Care, LLC	April 15, 2010	
14 Trans-Med	February 19, 2009	
15 Wilson Medical Transport	Pending	Agenda item for council meeting on July 15, 2010

### FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Grant Award Drs. Bruce & Lee Foundation

**DEPARTMENT:** Florence County Library System Administration

### **ISSUE UNDER CONSIDERATION:**

Acceptance of a \$50,000 grant award from the Drs. Bruce & Lee Foundation to purchase library materials for use by the branches specified in the Florence County Library System.

### POINTS TO CONSIDER:

- 1. The Florence County Library System will purchase library materials in the amounts for various branches as approved under the Drs Bruce & Lee Foundation grant.
- 2. The grant does not require matching funds.
- 3. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund to account for the grant.

### **FUNDING FACTORS:**

- 1. \$50,000 = Total one-time costs for the Drs. Bruce & Lee Foundation grant.
- 2. \$0 = Local match required.

### **OPTIONS:**

- 1. (Recommended) Accept as presented.
- 2. Provide an Alternate Directive.

### **ATTACHMENTS:**

Copy of Award Letter from Drs. Bruce and Lee Foundation.



181 East Evans Street, BTC Box 022 Florence, South Carolina 29506 Phone (843) 664-2870 Fax (843) 664-2815 e-mail blfound@bellsouth .net

June 28, 2010

Mr. Ray McBride, MLS, Director Florence County Library System 509 South Dargan Street Florence, SC 29506

Dear Ray:

It gives us great pleasure to confirm that our Board of Trustees recently approved a grant to your organization in the amount of \$50,000 to purchase library materials for the branch libraries within the county system.

In order to move forward, we would like for you to examine the enclosed standard grants contract which we would like to execute prior to transfer of the above mentioned funds.

Please give us a call should you have any questions. Otherwise, have Mr. Richard Starks sign and return one of the enclosed copies and, of course, keep the other one for your records.

With kind regards,

Yours sincerely,

L. Bradley Callicott Executive Director

/mmb

Enclosures

### FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Grant Award SCSL LSTA

**DEPARTMENT:** Florence County Library System Administration

### **ISSUE UNDER CONSIDERATION:**

Accept a \$10,216 grant award from the South Carolina State Library (SCSL) for approved books and materials under LSTA Project Category IID Fast Track Grants to be used by the Florence County Library System.

### POINTS TO CONSIDER:

- 1. The Florence County Library System will apply for books and materials as approved under the LSTA Project Category IID Fast Track, grant assignment #IID-09-067, to assist with the Florence Families Read project.
- 2. The grant requires matching funds in the amount of \$5,422.78.
- 3. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund.

### **FUNDING FACTORS:**

- 1. \$15,638.78 = Total one-time costs for the SCSL LSTA IID-09-067 grant.
- \$5,422.78 = Local match required, to be achieved through \$2,322.78 in budgeted Personnel and \$3,100 in budgeted supplies.

### OPTIONS:

- 1. (Recommended) Accept as presented.
- 2. Provide an Alternate Directive.

### **ATTACHMENTS:**

Copy of the grant award for the SCSL LSTA grant #IID-09-067.



SOUTH CAROLINA STATE LIBRARY LIBRARY SERVICES AND TECHNOLOGY ACT GRANT AWARD NOTIFICATION – PROGRAM YEAR 2009 FUNDS P.L. 108-81, AS AMENDED - LS-00-09-0041-09, CFDA No. 45.310

RECIPIENT NAME & ADDRESS	DATE OF AWARD June 15, 2010
Florence County Library 509 S. Dargan Streeet	
Florence, SC 29506	AWARD NUMBER: IID-09-67
Ray McBride, Director rmcbride@florencelibrary.org	<b>PROJECT TITLE</b> Florence Families Read
LSTA PROJECT CATEGORY: IID Fast Track Grants	AWARD AMOUNT: \$ 10,216
INTERIM REPORT DUE No interim report required.	PERIOD FOR SUBMITTING FINANCIAL INVOICES FOR REIMBURSEMENT: Award date through August 31, 2010
FINAL REPORT DUE October 31, 2010	Federal Grant Period for FFY09 LSTA, South Carolina State Award: October 1, 2008 – September 30, 2010
Direct questions about LSTA requirements, guidelines,	reimbursements and other related matters to: Kathy

Sheppard, LSTA Coordinator <u>ksheppard@statelibrary.sc.gov</u>, (803) 734-8653. Questions or concerns related to the administration of LSTA in South Carolina may be directed to the Director of the South Carolina State Library, David S. Goble (daoble@statelibary.sc.gov).

South Carolina	1 State Library
PO Box 11469	
Columbia, SC	29211

Phone: 803-734-8666 Toll-Free: 1-888-221-4643 Fax: 803-734-8676

### BASIC AWARD INFORMATION



This grant is awarded under the Library Services and Technology Act (LSTA) for the purposes of the Act and for state goals identified in South Carolina's 2008-2012 Five-Year LSTA State Plan (including any forthcoming amendments approved by IMLS). The award is to be used ONLY for the support of the grantee's approved project and for any forthcoming revisions approved by the South Carolina State Library.

The grant award number must be used on all correspondence directed to the State Library concerning this grant. Project changes requiring prior approval include new or substantial changes to the budget, goals, objectives or activities as documented in the grantee's original project application. Project Managers should refer to guidelines issued for effective implementation of LSTA grants and particular procedures to follow.

All recipients of LSTA grants are required to credit IMLS and the SC State Library in all publications and activities in conjunction with the use of grant funds. Please refer to the "Grantee Communications Kit" for appropriate forms.

South Caroling State Library Authorizing Official:	David S. Goble, State Librarian
WI Lill	6/22/10
Signature	, Date
State Librarian, South Carolina	

### FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Reports to Council Bid Award

**DEPARTMENT:** Procurement Department

### **ISSUE UNDER CONSIDERATION:**

Approve Award Of Bid # 29-09/10 For Parking Expansion/Realignment at the Lower Florence County Public Service Building To Osborne Construction Co., Turbeville, SC In The Amount Of \$31,425.00. (3 Compliant Bids)

### POINTS TO CONSIDER:

- 1) Bid #29-09/10 was publicly offered.
- 2) Three (3) bids were received; three (3) bids were compliant.
- 3) <u>Osborne Construction Co., Turbeville, SC was the lowest compliant bidder for the parking expansion/realignment at the Lower Florence County Public Service Building.</u>
- 4) County Engineer recommends the award.
- 5) The bid expires September 29, 2010.

### **FUNDING FACTORS:**

1) \$31,425 = Total cost of the parking expansion/realignment at the Lower Florence County Public Service Building to be funded by previously approved infrastructure funds.

### **OPTIONS:**

- 1) (Recommended) Approve as presented.
- 2) Provide An Alternate Directive.

### **ATTACHMENTS:**

- 1) Bid Tabulation Sheet.
- 2) Letter of recommendation from County Engineer.

South Lynches Fire Department Parking Expansion & Realignment Invitation-to-Bid #29-09/10		Bid Opening Date: Time: Advertised Date: Invitations to Bids Distributed: Bid Expiration Date:	: s Distributed: te:	June 30, 2010 11:00 AM MN-6/13/10 SCBO-6/14/10 9/29/2010	0
Name of Bidder	Base Bid	Bid Security	Meets Bid Requirements	Total Bid	Total Non-Local (+2%)
Osborne Construction Co. Turbeville, SC	\$31,425.00	Yes	Yes	\$31,425.00	
Coastal Grading, LLC Conway, SC	\$31,469.50	Yes	Yes	\$31,469.50	
Newman Davis Construction, Inc. Sumter, SC	\$35,735.00	Yes	Yes	\$35,735.00	

Notes: 2% Local Preference Florence County Code, Section 11-62



## FLORENCE COUNTY ENGINEERING

### MEMO

Date: July 6, 2010

To: File – Sealed Bid #29-09/10

From: Benjamin Smith, P.E. – County Engineer

### RE: Parking Expansion & Realignment South Lynches Fire Department

Florence County Engineering was asked to review the submitted sealed bids for the above referenced project. We find the bids to be in accordance with the project specifications and recommend award of the bid to the low bidder, Osborne Construction Company, Inc., in the amount of \$31,425.00.

## FLORENCE COUNTY COUNCIL MEETING

July 15, 2010

AGENDA ITEM: Reports to Council	
Bid Award	

**DEPARTMENT:** Voter Registration and Elections Commission Procurement Department

### **ISSUE UNDER CONSIDERATION:**

Approve Award Of Bid # 24-09/10 For Construction Of The Voter Registration And Elections Commission Building To Walker Industries LLC, Florence, South Carolina In The Amount Of \$995,858. (13 Compliant Bids)

### **POINTS TO CONSIDER:**

- 1) Bid #24-09/10 was publicly offered.
- 2) Fourteen (14) bids were received; thirteen (13) bids were compliant.
- 3) <u>Walker Industries LLC, Florence, SC was the lowest compliant bidder for construction of the</u> <u>Voter Registration and Elections Commission Building.</u>
- 4) Collins and Associates Architecture and the Facilities Manager recommend the award.
- 5) The bid expires August 16, 2010.

### **FUNDING FACTORS:**

1) \$995,858 = Total cost of the new Voter Registration and Elections Commission building to be funded from previously approved bond proceeds.

### **OPTIONS:**

- 1) (Recommended) Approve as presented.
- 2) Provide An Alternate Directive.

### **ATTACHMENTS:**

- 1) Bid Tabulation Sheet.
- 2) Letter of recommendation from Collins and Associates.
- 3) Memo of recommendation from Facilities Manager.

Dept: Florence County Voter Registration & Elections Voter Registration and Elections Building Invitation-to-Bid #24-09/10	ion & Elections ling	Bid Opening Date: Time: Advertised Date: Morn News 5/ Invitations to Bids Distributed: Bid Expiration Date:	: Morn News 5/9/10 Distributed: e:	6/17/2010 3:00pm SCBO 5/6/10 20 8/16/2010	Pg. 1 of 2
Name of Bidder	Total Bid	Bid Security	Meets Bid Requirements	Total Bid	Total Non-Local (+2%)
Walker Industries, LLC Florence, SC	\$995,858.00	Yes	Yes	\$995,858.00	
Mimms Construction, Inc. Hartsville, SC	\$1,027,500.00	Yes	Yes	\$1,027,500.00	
Ascent Construction Murrelis Inlet, SC	\$1,035,000.00	Yes	Yes	\$1,035,000.00	
Built Wright Construction, Inc. Lexington, SC	\$1,037,500.00	Yes	Yes	\$1,037,500.00	
MB Kahn Construction Co., Inc. Columbia, SC	\$1,044,098.00	Yes	Yes	\$1,044,098.00	
Able Constructors, Inc. Greenville, SC	\$1,045,000.00	Yes	Yes	\$1,045,000.00	
Dargan Construction Services, LLC dba Myrtle Beach, SC	\$1,048,600.00	Yes	Yes	\$1,048,600.00	
Notes:	a na an				

Notes: 2% Local Preference Florence County Code, Section 11-62

Dept: Florence County Voter Registration & Elections Voter Registration and Elections Building Invitation-to-Bid #24-09/10	tion & Elections ding	Bid Opening Date: Time: Advertised Date: Morn News 5. Invitations to Bids Distributed: Bid Expiration Date:	Morn News 5/9/10 Distributed: e:	6/17/2010 3:00pm SCBO 5/6/10 20 8/16/2010	Pg. 2 of 2
Name of Bidder	Total Bid	Bid Security	Meets Bid Req		Total Non-Local (+2%)
Complete Building Corporation Charleston, SC	\$1,049,631.00	Yes	Yes	\$1,049,631.00	
Harrington Construction Co., Inc. Myrtle Beach, SC	\$1,051,700.00	Yes	Yes	\$1,051,700.00	
Loveless Commercial Contracting, Inc. Cayce, SC	\$1,061,900.00	Yes	Yes	\$1,061,900.00	
PF & Perry L. Mungo, Inc. Pageland, SC	\$1,077,000.00	Yes	No	\$1,077,000.00	
Murray Construction Co. Monroe, NC	\$1,085,850.00	Yes	Yes	\$1,085,850.00	
FBI Construction Florence, SC	\$1,115,000.00	Yes	Yes	\$1,115,000.00	
Carolina Construction, Inc. Cheraw, SC	\$1,200,000.00	Yes	Yes	\$1,200,000.00	
Notes:					

Notes: 2% Local Preference Florence County Code, Section 11-62



ARCHITECTURE

June 22, 2010

Ms. Mazie Abraham Interim Procurement Director Florence County Procurement City-County Complex, MSC-R 180 N. Irby Street Florence, SC 29501

Re: Florence County Voter Registration & Elections Commission Building BID NO. 24-09/10

Dear Mazie:

Per your request, we have reviewed and evaluated the bids for the above referenced project and recommend award to the apparent low bidder, Walker Industries. Feel free to contact me if you have any questions or comments.

Sincerely,

**COLLINS & ASSOCIATES ARCHITECTURE** 

Kevin J. Almers

Attachment: Bid Tabulation

CC: Bill Hargrove

615 S. COIT STREET | PO BOX 3009 | FLORENCE SC 29502 | 843 292,9606 | FAX 843.669,9109



FLORENCE COUNTY Facilities Management

William Hargrove Facilities Manager

### MEMORANDUM

To: Mazie Abraham, Interim Procurement Director

From: Bill Hargrove, Facilities Manager

Date: June 25, 2010

Re: Recommendation on Awarding Bid #24-09/10

My recommendation for Bid #24-09/10, Construction of the Florence County Voter Registration and Election Commission Building, is that the recommendation and evaluation by Collins and Associates Architecture be accepted and award the bid to Walker Industries for \$995,858.00.

If you have any questions, please contact me.

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### FLORENCE COUNTY COUNCIL MEETING July 15, 2010

AGENDA ITEM: Other Business Council District #7

DEPARTMENT: County Council

### **ISSUE UNDER CONSIDERATION:**

Approval of the expenditure of up to \$40,562.50 from Council District #7 funding allocations to pay for re-asphalting East Black Creek Road.

The cost estimate was prepared by Florence County Public Works.

Funding availability subject to confirmation by Finance Dept.

### FUNDING SOURCE:

Infrastructure Road System Maintenance Utility

SIGNED:

Requested by Councilmember: Rev. Waymon Mumford

Date DE

**ATTACHMENTS:** 

I, Connie Y. Haselden, Clerk to County Council, certify this item was approved by the Florence County Council at the above-referenced meeting, at which a majority of members were present.

Connie Y. Haselden, Clerk to Council

### Florence County Council Meeting July 15, 2010

AGENDA ITEM: Other Business Utility/infrastructure Project Council Districts 2, 4, and 5

**DEPARTMENT:** County Council

### **ISSUE UNDER CONSIDERATION:**

Approve The Expenditure Of Up To \$25,140.00 From Council Districts 2, 4, and 5 Utility/Infrastructure Funding Allocations (\$8,380 From Each District) To Assist The City Of Florence With A Water Line Extension Along Friendfield Road.

				S				

XXX Infrastructure	Road System Mainten	ance <u>XXX</u> Utility
Requested by Councilme Amount: <u>\$8,380.00</u>	mber: _ <u>\$8,380.00</u>	<u>\$8,380.00</u>
Signed:	verbally approved - signatures	nending
Ken Ard District 2	Mitchell Kirby District 4	Johnnie D. Rodgers, Jr. District 5
Date:		

ATTACHMENTS: None

I, Connie Y. Haselden, Clerk to County Council, certify this item was approved by the Florence County Council at the above-referenced meeting, at which a majority of members were present.

Connie Y. Haselden, Clerk to Council