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 AGENDA FLORENCE COUNTY COUNCIL REGULAR MEETING COUNTY COUNCIL CHAMBERS, ROOM 803 180 NORTH IRBY STREET FLORENCE, SOUTH CAROLINA THURSDAY, AUGUST 19, 2010 9:00 A. M. Russell W. Culberson District #6

Waymon Mumford District #7

James T. Schofield District #8

H. Morris Anderson District #9

[11]

I. <u>CALL TO ORDER:</u> 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. WELCOME:

K. G. RUSTY SMITH, JR., CHAIRMAN

V. <u>MINUTES:</u>

MINUTES OF THE JULY 15, 2010 REGULAR MEETING [1] Council Is Requested To Approve The Minutes Of The July 15, 2010 Regular Meeting Of County Council.

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

Council will hold public hearing on the following:

ORDINANCE NO. 02-2010/11

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.

VII. **APPEARANCES:**

A. GARY DAUKSCH

Mr. Dauksch Requests To Appear Before Council To Address The Zoning Request For The West Sumter Street Area (Ordinance No. 05-2010/11).

B. MELISSA MCFADDEN – FLORENCE YOUTH BASKETBALL LEAGUE [14]

Ms. Mcfadden Requests To Appear Before Council To Discuss A Request To Build A New Facility To Host Games, Camps, Practices And Tournaments.

C. TAMMY THOMAS

Ms. Thomas Requests To Appear Before Council In Reference To The Pamplico Rezoning (Ordinance No. 04-2010/11).

D. SHIRLEY M. TIMMONS

[25]Ms. Timmons Requests To Appear Before Council To Present A Statement Related To PC#2010-09 (Town Of Pamplico) - Zoning Amendment Request (Ordinance No. 04-2010/11).

- E. BARRINGER F. WINGARD, JR. AND TOM MARSCHEL [27] U S Army Colonel (R) Barringer F. Wingard, Jr. And Florence Chamber Of Commerce President Tom Marschel Request To Appear Before Council Regarding Support For The Events And Activities Surrounding Veterans Day, November 11, 2010.
- F. RAY MCBRIDE, DIRECTOR FLORENCE COUNTY LIBRARY SYSTEM [29] Mr. McBride Requests To Appear Before Council To Provide An Annual Report About The Florence County Library System.

VIII. COMMITTEE REPORTS:

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

Administration & Finance

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

Public Services & County Planning (Council members James T. Schofield/Chair, Mitchell Kirby, and Ken Ard)

[12]

[16]

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>

RESOLUTION FOR MCLEOD REGIONAL MEDICAL CENTER [31]

A *Resolution Of Recognition* And Appreciation To McLeod Regional Medical Center In Honor Of Its Meritorious Achievement And Success In Earning The 2010 American Hospital Association-McKesson *Quest For Quality Prize*.

X. ORDINANCES IN POSITION:

A. THIRD READING

 ORDINANCE NO. 22-2009/10 – REQUEST MOVE TO INACTIVE [33] 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.

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.

2. ORDINANCE NO. 23-2009/10 - REOUEST MOVE TO INACTIVE

3. 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.

B. SECOND READING

1. ORDINANCE NO. 02-2010/11

[94] 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 То Suburban Development As 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 001-010; 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 001-023; Tax Map No. 60010, Block 03, Parcels 001-011, 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 215 Parcels. (Planning Commission approved 10 - 0.) (Council District 2)

iv

[97]

[68]

[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. 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, 009-0012 Consisting Of 205 Parcels.

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

4. ORDINANCE NO. 05-2010/11

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)

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C. INTRODUCTION

ORDINANCE NO. 06-2010/11

[183]

An Ordinance To Amend Florence County Code Chapter 6, Animal Care And Control, Section 6-2, Animal Cruelty, To Provide Regulations For The Practice Of Tethering Of Dogs And Other Matters Related Thereto.

XI. <u>APPOINTMENTS TO BOARDS & COMMISSIONS:</u>

XII. <u>REPORTS TO COUNCIL:</u>

A. ADMINISTRATION

WASTE MANAGEMENT OF CAROLINAS, INC.

[185]

Authorize The County Administrator To Execute An Agreement For A Lease Termination Settlement With Waste Management Of Carolinas, Inc. For Property Located On Paper Mill Road.

B. EMERGENCY MEDICAL SERVICES (EMS)

AUTHORIZE PURCHASE OF AMBULANCES

[188]

Authorize The Use Of Florida Association Of Counties Bid #08-08-0909 Awarded To Wheeled Coach Industries To Purchase Two (2) Ambulances At A Base Bid Of \$116,666 Each With Needed Options In The Amount Of \$7,581 Additional Per Ambulance From Peach State Ambulance, Inc., Tyrone, GA, The Authorized Regional Representative For Wheeled Coach Industries (Total Purchase Of \$248,494) As Funded And Approved In The FY11 Budget.

C. PROCUREMENT

APPOINTMENT OF RFP PANEL MEMBER

[197] Appoint A Member Of Council To Serve On The Stand-By Debris Management And Removal Services And The Stand-By Debris Monitoring And Recovery Planning Services RFP Panel.

D. SHERIFF OFFICE

AWARD OF BID #28-09/10 Approve Award Of Bid #28-09/10 For The HVAC Duct Work Retrofit At The Florence County Law Enforcement Center To Cayce Company, Florence, SC In The Amount Of \$118,700 To Be Funded From The Energy Efficiency Conservation Block Grant (EECBG) And From The Florence County Detention Center Budgeted Funds. (2 compliant bids)

XIII. OTHER BUSINESS:

A. INFRASTRUCTURE

- 1. FLORENCE SCHOOL DISTRICT ONE [202]Approve The Expenditure Of Up To \$11,145.00 From Council Districts' Infrastructure Funding Allocations As Indicated On The Approving Documentation To Assist With Surveillance Equipment At The Florence Career Center.
- 2. WILLIAMS MIDDLE SCHOOL [204] Approve The Expenditure Of Up To \$30,000.00 From Council District 3 Infrastructure Funding Allocation To Assist Williams Middle School With Replacement Of The Air Conditioning/HVAC System In The Gymnasium And Upgrades To The Floor In The Gymnasium.
- 3. AVENT DRIVE

Approve The Expenditure Of Up To \$23,184.00 From Council District 6 Infrastructure Funding Allocation To Pay For Resurfacing Of Avent Drive From Hannah Drive To Annelle Drive.

4. FRANCIS MARION ROAD [207]Approve The Expenditure Of Approximately \$570.00 From Council District 6 Infrastructure Funding Allocation To Assist SCDOT With The Removal Of A Pine Tree Road Hazard From Within The State Right-Of-Way On Francis Marion Road Near The Intersection of Francis Marion Road/Claussen Road.

[206]

[198]

XIV. EXECUTIVE SESSION:

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

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

August 19, 2010

AGENDA ITEM: Minutes

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council is requested to approve the minutes of the July 15, 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, JULY 15, 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 J. Ken Ard, 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 J. Kevin Griffin, Planning Director Ray McBride, Library Director David Alford, Voter Registration/Elections Director Chuck Tomlinson, Morning News Staff Writer

ABSENT:

Johnnie D. Rodgers, Jr., Council Member

A notice of the regular meeting of the Florence County Council appeared in the July 14, 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 Kirby made a motion Council approve the minutes of the June 17, 2010 regular meeting of County Council. Councilman Culberson seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

Chairman Smith opened the public hearing and the Clerk published the title for 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.

APPEARANCES:

VERMELLE P. SIMMONS, PARTNERSHIP SPECIALIST 2010 CENSUS

Ms. Simmons Shared Information On The Participation Rate For The 2010 Census In Florence County. South Carolina raised its return rate by 8% and was the only state in the Nation with that type of increase.

CRYSTINE M. RATHBURN, GISP - GIS MANAGER

Ms. Rathburn Provided A Presentation On The Damage Assessment Relay Tool (DART) Developed By The Florence County GIS Department. Members of Council commended the GIS department for the development of the new tool/program.

PRESENTATION OF RESOLUTION

Councilman Mumford made a motion Council approve A *Resolution Of Recognition* For John Taylor In Recognition Of His Meritorious Achievements. Councilman Kirby seconded the motion, which was approved unanimously. The Clerk published the Resolution in its entirety and Councilman Culberson presented Mr. Taylor with the framed Resolution.

COMMITTEE REPORTS:

PUBLIC SERVICE & COUNTY PLANNING

Committee Chairman Schofield Announced The Committee Would Be Holding A Public Hearing On Tuesday, July 20th At 6:00 P.M. In Council Chambers To Receive Public Comment On A Proposed Ordinance For Portable Sign Regulations.

EDUCATION, RECREATION, HEALTH & WELFARE

Committee Chairman Anderson updated Council and the public on a recent animal abuse case in which the defendant had placed tethering chains on a group of dogs that were too heavy for the dogs. He commended Environmental Services Officers and Magistrate Lynch for the manner in which they investigated and handled the case. Councilman Anderson made a motion Council Direct The County Administrator To Draft An Ordinance Addressing The Size And Length Of Any Tethering Device Used to Confine An Animal That Would Take Into Consideration Size And Weight Of The Animal. Councilman Mumford seconded the motion, which was approved unanimously.

RESOLUTIONS:

None presented.

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. 36-2009/10 - THIRD 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 Culberson made a motion Council approve third reading of the Ordinance. Councilman Schofield seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

There being no signatures on the sign-in sheet Chairman Smith closed the public hearing.

ORDINANCE NO. 37-2009/10 - SECOND READING

The Clerk published the Title of 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. Councilman Culberson made a motion Council approve second reading of the Ordinance. Councilman Kirby seconded the motion, which was approved unanimously.

ORDINANCE NO. 02-2010/11 - INTRODUCED

The Clerk published the Title of Ordinance No. 02-2010/11 and the Chairman Declared the Ordinance Introduced: 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.

ORDINANCE NO. 03-2010/11 - INTRODUCED

The Clerk published the Title of Ordinance No. 03-2010/11 and the Chairman Declared the Ordinance Introduced: 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 F, 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.

ORDINANCE NO. 04-2010/11 - INTRODUCED

The Clerk published the Title of Ordinance No. 04-2010/11 and the Chairman Declared the Ordinance Introduced: 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.

Florence County Council Regular Meeting July 15, 2010

ORDINANCE NO. 05-2010/11 - INTRODUCED

The Clerk published the Title of Ordinance No. 05-2010/11 and the Chairman Declared the Ordinance Introduced: 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.

MORATORIUM

After some discussion, Councilman Schofield made a motion Council Extend The Current Moratorium On All Building Permits Within The West Sumter Street Community For Another 90 Days While The Planning Commission Continues Its Study Of The Potential Zoning In The Area. Councilman Bradley seconded the motion, which was approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

LIBRARY BOARD OF TRUSTEES

Council Unanimously Approved The Appointment Of Karen Keels To Serve On The Florence County Library Board of Trustees, Representing Council District 4, With Appropriate Expiration Term.

BUILDING COMMISSION OF THE CITY AND COUNTY OF FLORENCE

Council Unanimously Approved The Nomination To The Governor For Julian Graham To Serve In Seat 1 Of The Building Commission of the City and County of Florence, Representing School District 1.

MUSEUM BOARD

Council Unanimously Approved The Re-Appointment Of Andrew Kampiziones To Serve On The Florence County Museum Board, Representing Council District 9, With Appropriate Expiration Term.

PLANNING COMMISSION

Council Unanimously Approved The Re-Appointment Of Linda Borgman To The Florence County Planning Commission, Representing Council District 9, With Appropriate Expiration Term.

PEE DEE REGIONAL AIRPORT AUTHORITY

Council Unanimously Approved The Nomination To The Governor For The Re-Appointment Of Leroy Edwards To Serve On The Pee Dee Regional Airport Authority, Representing Florence County.

REPORTS TO COUNCIL:

ADMINISTRATION

MONTHLY FINANCIAL REPORTS

Monthly Financial Reports Were Provided To Council For Fiscal Year 2010 Through May 31, 2010 As An Item For The Record.

SCDOT ALLOCATION FOR THE VOTERS REGISTRATION & ELECTION COMMISSION BUILDING

Councilman Schofield made a motion Council 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 Voter Registration And Election Commission Building. Councilman Kirby seconded the motion, which was approved unanimously.

EMERGENCY MEDICAL SERVICES (EMS)

NON-EXCLUSIVE AMBULANCE FRANCHISES

Councilman Kirby made a motion Council Award A Non-Exclusive Ambulance Franchise To Wilson Medical Transport and Ambunet Inc. Councilman Culberson seconded the motion, which was approved unanimously.

LIBRARY

GRANT AWARD DRS. BRUCE & LEE FOUNDATION

Councilman Culberson made a motion Council 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. Councilman Mumford seconded the motion, which was approved unanimously.

GRANT AWARD SCSL LSTA

Councilman Kirby made a motion Council 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. Councilman Culberson seconded the motion, which was approved unanimously.

PROCUREMENT

AWARD OF BID #29-09/10

Councilman Culberson made a motion Council 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. Councilman Ard seconded the motion, which was approved unanimously.

VOTER REGISTRATION AND ELECTIONS

AWARD OF BID #24-09/10

Councilman Schofield made a motion Council 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. Councilman Ard seconded the motion, which was approved unanimously.

OTHER BUSINESS:

ROAD SYSTEM MAINTENANCE FEE (RSMF) FUND

EAST BLACK CREEK ROAD

Councilman Mumford made a motion Council 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. Councilman Anderson seconded the motion, which was approved unanimously.

UTILITY/INFRASTRUCTURE

CITY OF FLORENCE WATER LINE EXTENSION

Councilman Anderson made a motion Council 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. Councilman Mumford seconded the motion, which was approved unanimously.

The following two items were additions to the agenda:

TOWN OF TIMMONSVILLE

Councilman Kirby made a motion Council Approve The Expenditure Of An Amount Not To Exceed \$17,000.00 From Council District 4 Utility Funding Allocation To Assist The Town Of Timmonsville With Water And Waste Water Facility Rural Development Capitol Improvement Payments. Councilman Mumford seconded the motion, which was approved unanimously.

CITY OF LAKE CITY

Councilman Mumford made a motion Council Approve The Expenditure Of An Amount Not To Exceed \$20,000.00 From Council District 1 Infrastructure Funding Allocation To Assist The City of Lake City With Improvements/Repairs To The Tennis Courts At Lions Park On Charles Street In Lake City. Councilman Ard seconded the motion, which was approved unanimously.

EXECUTIVE SESSION:

Councilman Schofield 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 Solid Waste, Legal Briefing – number of items, And Contractual Matters Concerning Economic Development. Councilman Mumford seconded the motion, which was approved unanimously.

Council entered executive session at 9:49 a.m.

(Councilman Kirby left prior to Council entering the Conference Room for Executive Session. Councilmen Mumford and Bradley left during Executive Session.)

Council reconvened at 11:03 a.m.

Subsequent to Executive Session, Council took the following action:

WASTE MANAGEMENT

Councilman Anderson made a motion Council Authorize The County Administrator To Execute An Agreement With Waste Management For The Application Of Credits For Corrected Amounts On Manned Convenience And Hauling Contract Invoices. Councilman Schofield seconded the motion, which was approved unanimously by the members present.

GODLEY MORRIS COMMERCE CENTER

Councilman Ard made a motion Council Authorize The Construction Of A Postal Delivery Center In The Godley Morris Commerce Center At An Estimated Cost Of \$27,000 To Be Funded From Economic Development Capital Project Funds. Councilman Culberson seconded the motion, which was approved unanimously by the members present.

AUDIT CONSIDERATION

As Council directed pursuant to a legal briefing, County Administrator Richard Starks related for the record that there was an apparent incident where the Treasurer issued a check without a legal warrant, and that the case had been turned over to legal counsel and the independent auditors for review.

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

COUNCIL MEETING ADJOURNED AT 11:05 A.M.

H. MORRIS ANDERSON SECRETARY-CHAPLAIN

Florence County Council Regular Meeting July 15, 2010

FLORENCE COUNTY COUNCIL MEETING

August 19, 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. 02-2010/11

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.

FLORENCE COUNTY COUNCIL MEETING

August 19, 2010

AGENDA ITEM: App

Appearances Before Council Gary Dauksch

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Mr. Dauksch Requests To Appear Before Council To Address The Zoning Request For The West Sumter Street Area (Ordinance No. 05-2010/11).

ATTACHMENT:

Copy of the Request Received Via Email.

Connie Haselden

From: Sent: To: Subject: Gary Dauksch <Gary@BellRayProperties.com> Monday, August 02, 2010 3:33 PM ClerkToCouncil Request to Appear

Dear Connie,

I would like to request to appear at the August 19th County Council meeting to address the zoning request that they are considering for the West Sumter Street area.

I own property in the affected area and would like to speak to the Council with my concerns about the zoning request.

I hope that this will suffice as written notice of my request. Please advise if you need a formal written request.

Regards,

Gary Dauksch Broker / Owner Century 21 Bellray Properties 843.661.2121 office 843.229.0000 cell 843.678.9939 fax gary@bellrayproperties.com www.bellrayproperties.com



FLORENCE COUNTY COUNCIL MEETING August 19, 2010

AGENDA ITEM: Appearances Before Council Melissa McFadden Florence Youth Basketball League

<u>DEPARTMENT</u>: County Council

ISSUE UNDER CONSIDERATION:

Ms. Mcfadden Requests To Appear Before Council To Discuss A Request To Build A New Facility To Host Games, Camps, Practices And Tournaments.

ATTACHMENT:

Copy of the Request Received Via Email.

Connie Haselden

From: Sent: To: Subject: melissamcfadden <melissamcfadden@bellsouth.net> Wednesday, July 14, 2010 10:57 AM Connie Haselden Florence Youth Basketball League

Ms. Haselden,

The Florence Youth Basketball League would like to put on the docket for the next County Council Meeting to discuss a request to build a new facility to host games, camps, practices, and tournaments.

Thank you,

Melissa L. McFadden FYBL Board Member Secretary

FLORENCE COUNTY COUNCIL MEETING

August 19, 2010

AGENDA ITEM: Appearances Before Council Tammy Thomas

<u>DEPARTMENT</u>: County Council

ISSUE UNDER CONSIDERATION:

Ms. Thomas Requests To Appear Before Council In Reference To The Pamplico Rezoning (Ordinance No. 04-2010/11).

ATTACHMENT:

Copy of the Request Received Via Email.

Connie Haselden

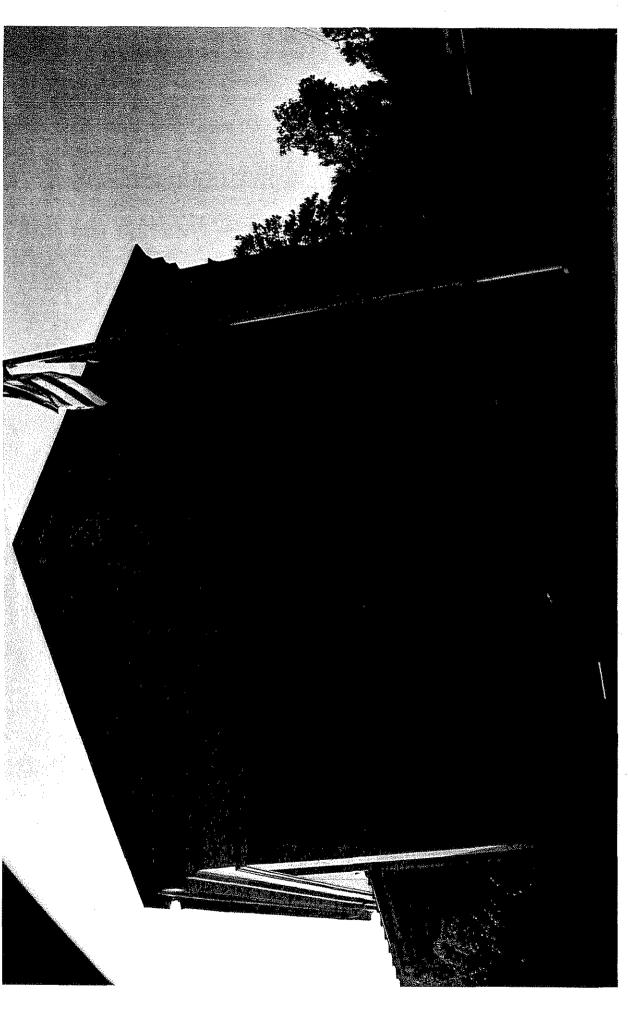
From:	tammy thomas <tammy3thomas@yahoo.com></tammy3thomas@yahoo.com>
Sent:	Thursday, August 05, 2010 11:18 PM
То:	Connie Haselden
Subject:	Fw: 2 In reference to the August 19,2010 meeting @9:00am
Attachments:	The Area in Pamplico where the rezoning is pptx

Ms. Connie, I Tammy Thomas am requesting to be placed on the August 19, 2010 agenda for the 9:00am meeting. However, if I am the only one whom requested to be place on the agenda for this meeting in reference to the Pamplico rezoning by the deadline, please disregard my request at that time. I have also included a copy of the package or PowerPoint to be use at the said meeting on my behalf in favor of the rezoning. Thank you for your time. I can be reached at 843)493-2105.

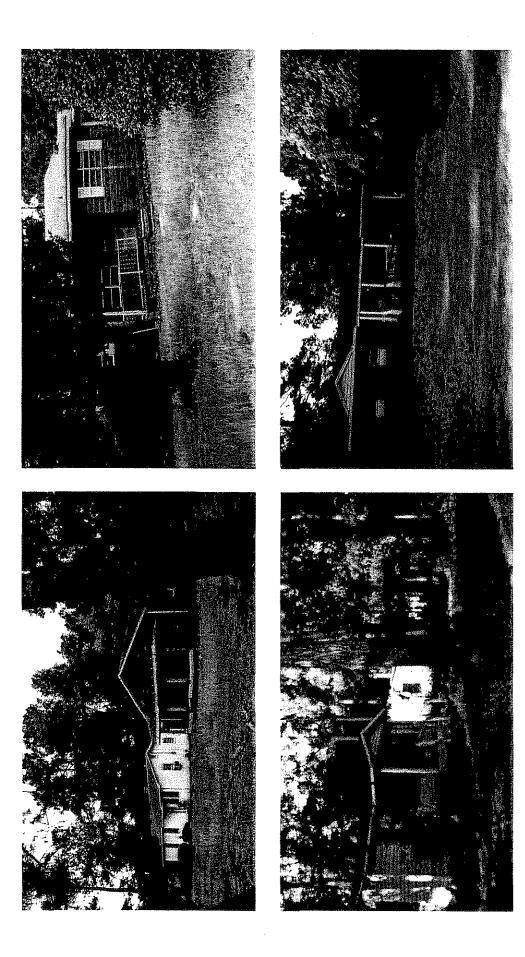
--- On Thu, 8/5/10, tammy thomas <<u>tammy3thomas@yahoo.com</u>> wrote:

From: tammy thomas <<u>tammy3thomas@yahoo.com</u>> Subject: 2 To: "tammy thomas" <<u>tammy3thomas@yahoo.com</u>> Date: Thursday, August 5, 2010, 7:02 PM

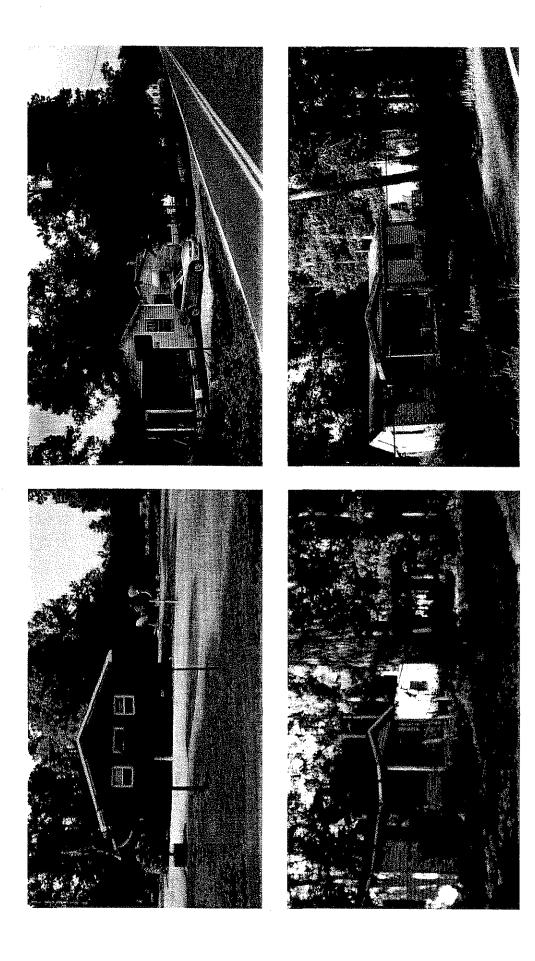
Pamplico is in need of rezoning



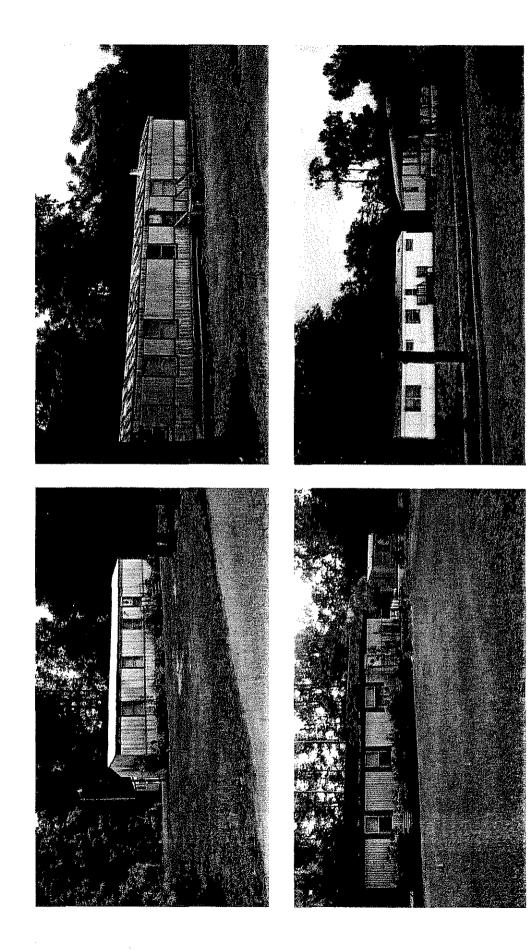
Homes in the rezoning area



More homes



Here are some of the mobile Homes in the area of the rezoning



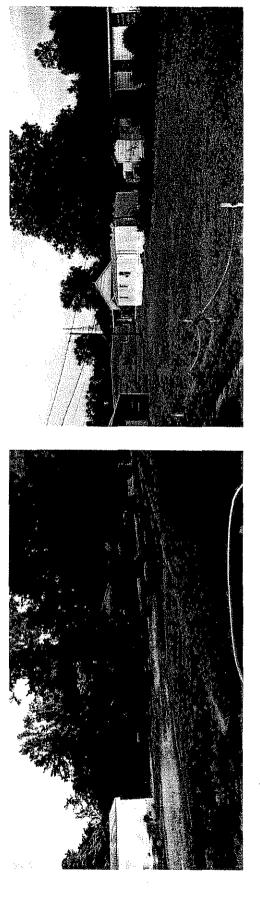
The small lots that were purchased by the people to put some type of dwelling on



Here are some doublewides on the small lots and some single located next to houses



Pictures are worth a thousand words



FLORENCE COUNTY COUNCIL MEETING

August 19, 2010

AGENDA ITEM:

Appearances Before Council Shirley M. Timmons

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Ms. Timmons Requests To Appear Before Council To Present A Statement Related To PC#2010-09 (Town Of Pamplico) – Zoning Amendment Request (Ordinance No. 04-2010/11).

ATTACHMENT:

Copy of the Request Received Via Email.

Connie Haselden

From:tpamplico [tpamplico@bellsouth.net]Sent:Monday, July 12, 2010 11:03 AMTo:Connie HaseldenSubject:Request to appear: 8/19

I request to present a statement to the Florence County Council during the 08/19/10, 9:00 am council meeting. My statement is related to **PC#2010-09 (Town of Pamplico) Subject:** Zoning amendment request from R-5, Multi-Family Residential District to RU-1, Rural Community District.

Please confirm that you have received this request.

Shirley M. Timmons 864.260.0169

FLORENCE COUNTY COUNCIL MEETING

August 19, 2010

AGENDA ITEM: Appearances Before Council Barringer F. Wingard, Jr. and Tom Marschel

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

US Army Colonel (R) Barringer F. Wingard, Jr. And Florence Chamber Of Commerce President Tom Marschel Request To Appear Before Council Regarding Support For The Events And Activities Surrounding Veterans Day, November 11, 2010.

ATTACHMENT:

Copy of the Request Received Via Email.

From: Sent: To: Cc: Subject: Bfwingardjr@aol.com Wednesday, August 04, 2010 7:29 PM ClerkToCouncil tmarschel@flochamber.com Council appearance August 19

> 1420 Lazar Place Florence, SC 29501 August 4, 2010

Connie Y. Haselden Clerk of County Council 180 North Irby Street MSC-G Florence, SC 29501

Dear Clerk Haselden:

Subject: Support/Tribute to Veterans

I request that Tom Marschel and I be granted the opportunity to appear before the Florence County Council at the August 19, 2010, meeting. Tom is the President, Florence Chamber of Commerce. I am the Chairman, Florence Veterans Park, which we will be representing. Specifically, we will be requesting support for the events and activities surrounding Veterans Day, November 11, 2010.

We have contracted to bring the American Veterans Traveling Tribute to Florence for a few days before and after Veterans Day. The centerpiece of the AVTT is an 80% replica of the Vietnam Wall in Washington, DC. Along with other tributes to veterans, static displays, and Vietnam era helicopters, we will be soliciting private funding and volunteer support.

We are dependent on several items, such as other events and weather, but we predict that this event could bring 20,000 to 40,000 people out during the wall's time in Florence.

Please advise me as to what I need to do to ensure an appearance on August 19, 2010.

Barringer F. Wingard, Jr. Colonel (R), US Army Chairman, Florence Veterans Park

Home 843-667-4742 Cell 843-601-3800 bfwingardjr@aol.com

"The two most common elements in the universe are Hydrogen and stupidity." Harland Ellison

Barry

Barringer F. Wingard, Jr. Colonel (R), US Army 1420 Lazar Place Florence, SC 29501 (H) 843-667-4742 (C) 843-601-3800 (H) bfwingardir@aol.com

FLORENCE COUNTY COUNCIL MEETING

August 19, 2010

AGENDA ITEM: Appearances Before Council Ray McBride, Director Florence County Library System

<u>DEPARTMENT</u>: County Council

ISSUE UNDER CONSIDERATION:

Mr. Mcbride Requests To Appear Before Council To Provide An Annual Report About The Florence County Library System.

ATTACHMENT:

Copy of the Request Received.

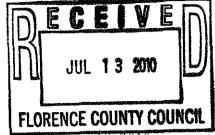
Florence County Library System

Doctors Bruce and Lee Foundation Headquarters Library

509 S. Dargan St. Florence, SC 29506 Phone: (843) 662-8424 Fax: (843) 661-7544 www.florencelibrary.org

7/12/2010

Mr. K.G. "Rusty" Smith Chairman Florence County Council



I respectfully request to appear before Florence County Council on August 19, 2010 to give council an annual report about the Florence County Library System. My presentation will last approximately eight to ten minutes.

Thank you for consideration of this request.

Ray Medsude

Ray McBride Director

Johnsonville Branch Marion & Hampton St. Johnsonville, SC 29555 Phone: (843) 386-2052 Lake City Branch 211 E. Main St. Lake City, SC 29560 Phone: (843) 394-8071 Olanta Branch 404 E. Hampton St. Olanta, SC 29114 Phone: (843) 396-4287 Pamplico Branch 180 Main St. Pamplico, SC 29583 Phone: (843) 493-5441 Timmonsville Branch 111 S. Warren St. Timmonsville, SC 29161 Phone: (843) 346-2941

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FLORENCE COUNTY COUNCIL MEETING August 19, 2010

<u>AGENDA ITEM</u>: Resolution of Recognition and Appreciation McLeod Regional Medical Center

<u>DEPARTMENT</u>: County Council

ISSUE UNDER CONSIDERATION:

A Resolution Of Recognition And Appreciation To McLeod Regional Medical Center In Honor Of Its Meritorious Achievement And Success In Earning The 2010 American Hospital Association-McKesson Quest For Quality Prize.

ATTACHMENTS:

Copy Of Proposed Resolution.

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

RESOLUTION OF RECOGNITION AND APPRECIATION

- WHEREAS, McLeod Regional Medical Center is one of the largest employers in Florence County with a mission "to improve the overall health and well-being of people living within South Carolina and eastern North Carolina by providing excellence in healthcare" and serves patients and families who live and work in Florence County as well as the Pee Dee region; and
- WHEREAS, Florence County Council wishes to publicly congratulate McLeod Regional Medical Center for its recent national recognition and honor bestowed upon it as the sole recipient of the 2010 American Hospital Association-McKesson Quest for Quality Prize (Henry Ford Hospital in Michigan was the finalist and Queens Hospital Center in New York received the citation of merit); and,
- WHEREAS, McLeod is the first hospital in South Carolina to receive this prestigious honor since the inception of the national *Quest for Quality Prize* in 2002 and joins prior hospital recipients such as Beth Israel Deaconess Medical Center, Boston, MA; Duke University Hospital in Durham, NC; Cedars-Sinai Medical Center, Los Angeles, CA; The Johns Hopkins Hospital, Baltimore, MD, etc.; and,
- WHEREAS, McLeod was selected for the *Quest for Quality Prize* by a multidisciplinary committee of health care quality and patient safety experts from across the nation based on its culture of quality and efforts to achieve the Institute of Medicine's six quality aims for health care: engaging physicians, staff and leadership in efforts to improve quality through safety, effectiveness, patient-centered care, timeliness, efficiency, and equity.
- NOW THEREFORE, BE IT RESOLVED, by the governing body of Florence County, South Carolina, the Florence County Council, that this Resolution of Recognition and Appreciation is hereby presented to McLeod Regional Medical Center in recognition of its meritorious achievement and success in earning the 2010 American Hospital Association-McKesson Quest for Quality Prize.

Presented this 19th day of August, 2010.

THE FLORENCE COUNTY COUNCIL:

K. G. Rusty Smith, Jr., Chairman

Waymon Mumford, Vice Chairman

FLORENCE COUNTY COUNCIL MEETING August 19, 2010

AGENDA ITEM: Ordinance No. 22-2009/10 - Request To Move Item To Inactive Agenda

<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) Move Ordinance No. 22-2009/10 to Inactive Agenda.
- 2. Provide an Alternate Directive

ATTACHMENTS:

Ordinance No. 22-2009/10.

Sponsor(s): EconFirst Reading/Introduction: NoveCommittee Referral: N/ACommittee Recommendation: N/ACommittee Recommendation: N/ASecond Reading: DecePublic Hearing: DeceThird Reading:Effective Date: Imm

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, Chapter1, 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:

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:

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.

<u>ARTICLE II</u>

REPRESENTATIONS, WARRANTIES, AND AGREEMENTS

Section 2.1 <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.

Section 2.2 <u>Representations</u>, Warranties, and Agreements of the Company. 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

<u>Section 3.1</u> <u>The Project</u>. 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:

 (\mathbf{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.

Reductions in Payments of Taxes Upon Removal, Condemnation, or Section 4.4 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 taxpaver 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.

<u>Section 5.4</u> <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

Section 6.2 Binding Effect. 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.

Section 6.6 Amendments. 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.

Invalidity; Change in Laws. In the event that the inclusion of property as Section 6.8 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 taxation that would apply absent this 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.

Section 6.13 Business Day. 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)

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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

Signature: ______ Name: K.G. Rusty Smith, Jr. Title: Chairman of County Council

> . Æs

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

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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, 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 toth, 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 new or formerly Fleet Mortgage Co. for the following 12 courses: 1) S21°34'56"W 574.44 teet 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 fect 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) 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) 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 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 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 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 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; 1) N62°42'26"W, 237.74 feet to an iron pin fund; 2) N53°09'10"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 eastern 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 August 19, 2010

AGENDA ITEM: Ordinance No. 23-2009/10 - Request To Move Item To Inactive Agenda

<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) Move Ordinance No. 23-2009/10 to Inactive Agenda.
- 2. Provide an Alternate Directive

ATTACHMENTS:

Ordinance No. 23-2009/10.

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. 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:

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

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:

<u>Section 1</u>. 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.

<u>Section 2</u>. 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

(SEAL)

Chairman, Williamsburg County Council

ATTEST:

By:

Clerk to County Council Williamsburg County, South Carolina

LAND DESCRIPTION FLORENCE COUNTY



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) S21°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) \$36°53'00"W, 381.14 feet to an iron pin found; 4) N64°42'26"W, 394.89 feet to an iron pin self 5) N36952'45"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) 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) 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 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 548" 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 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 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, 124.1 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 eastern 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

August 19, 2010

AGENDA ITEM: Third 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 Third 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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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 <u>Recital of Applicable Constitutional Provisions.</u>

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.

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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

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date;

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(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.

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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 <u>Execution and Authentication.</u>

(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

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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 <u>Cancellation of the Bond.</u>

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.

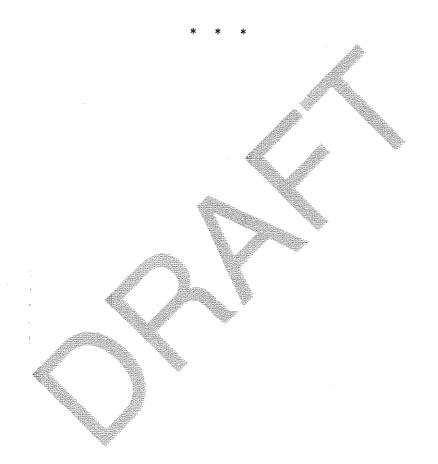


ARTICLE IV

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 Discharge of Ordinance - Where and How the Bond is Deemed to have been paid and 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.

* * *

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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.

* *

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:

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:

Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Florence County Council will conduct a public hearing on the proposed adoption of an Ordinance entitled "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" on the ________, and ________, 2010 at _________, South Carolina, at _______, on ________, 2010, in conjunction with a regularly scheduled meeting of the County Council. At such hearing, public comment will be received, orally or in writing, concerning the proposed ordinance. The public is invited to attend.

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

Exhibit B

(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___.

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.

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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 MIN	ACT -	
TEN ENT - as tenants by the entireties	(Cust)	Custodian _	(Minor)
JT TEN - as joint tenants with right of survivorship and not as tenants in common	under Uniform C	ifts to Minors	Act(state)
Additional abbreviations may also be used though no	ot in above list.		
	SSIGNMENT)		
FOR VALUE RECEIVED, the under	signed sells, assigr	s and transfer	s unto
(Name and Addr	ess of Transferce)		within bond and
does hereby irrevocably constitute and appoint	tration thereof, wi		attorney to
Dated:			
Signature Guaranteed	(Authorized Offi	cer)	
(Signature must be guaranteed by a participant in the Securities Transfer Agent Medallion Program (STAMP)	as it appears upo	the name of th n the face of th without altera	signment must e registered owner ne within bond in tion or enlargement

Exhibit C

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:	June 17, 20
Second Reading:	July 15, 20
Third Reading:	August 19,

Public Hearing:

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

Thursday, August 19, 2010

AGENDA ITEM: Ordinance No. 02-2010/11 / Second Reading /

DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

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

WHEREAS:

- 1. South Carolina Code § 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 South Carolina Comprehensive Planning Act entitled the "South Carolina Priority Investment Act" South Carolina 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: Kite 5 M

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 ORDINANCE #02-2010/11

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 to Florence County Council to adopt the Transportation Element of the Florence County Comprehensive Plan.

FLORENCE COUNTY COUNCIL MEETING

Thursday, August 19, 2010

AGENDA ITEM: Ordinance No. 03-2010/11 Second Reading

<u>DEPARTMENT</u>: 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 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 001-010; 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 001-023; Tax Map No. 60010, Block 03, Parcels 001-011, 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 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
Planning Commission Consideration	: June 22, 2010 [Approved 10-0]
Planning Commission Public Hearing	: June 22, 2010
Planning Commission Recommendation	: June 22, 1010
First Reading/Introduction	: July 15, 2010
Committee Referral	:N/Å
Second Reading	: August 19, 2010
Third Reading	: September 16, 2010
Effective Date	: Immediately

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

Ordinance was advertised for Public 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 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 001-010; 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 001-023; Tax Map No. 60010, Block 03, Parcels 001-011, 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 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:

 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 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 001-010; 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 001-023; Tax Map No. 60010, Block 03, Parcels 001-011, 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 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

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: OPPOSED: ABSENT:

SIGNED:

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

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 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 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:

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

SIGNED

Peter M. Knoller, Chairman

COMMISSION VOTE: apprecied 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 008, 014, 015, 017-019, 022-025, 027-034, 039-041, 056, 058-060, 063, 064, 066, 072-077, 079, 081-086, 095- 097; 00377, Block 02, Parcel 003; 60006, Block 09, Parcels 002-005, 007-015, 027-030; 60006, Block 10, Parcels 011-014, 026; 60006, Block 11, Parcels 001-003, 005-010, 012; 60006, Block 12, Parcels 001-007; 60006, Block 13, Parcels 001-010; 60007, Block 12, Parcels 001-003, 005-009, 014-018; 60007, Block 13, Parcels 001-006, 008, 011; 60007, Block 13, Parcels 001-004, 006-008; 60007, Block 18, Parcel 001; 60007, Block 19, Parcels 001-009, 012, 013; 60007, Block 19, Parcels 001-012; 60010, Block 02, Parcels 001-012; 60010, Block 03, Parcels 001-013; 60010, Block 04, Parcels 001, 003-012, 014, 016-021; 60010, Block 05, Parcels 001-004; 60010, Block 06, Parcels 002-007, 009-012
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:

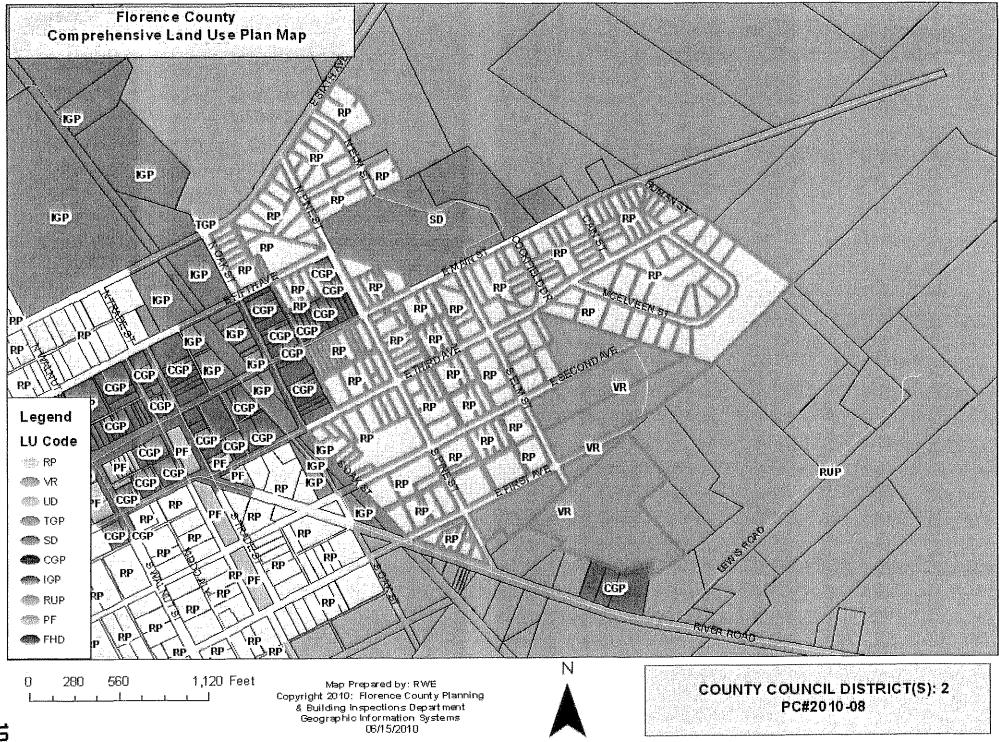
Florence County Planning Commission recommends approval of the request to Florence County Council based on a Suburban Development land use designation would better coordinate with the existing land uses surrounding this area.

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)
- <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)
- 6. <u>Industrial Growth and Preservation (IGP)</u> 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 Thursday, August 19, 2010

AGENDA ITEM: Ordin

Ordinance No. 04-2010/11 Second Reading

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
- 9. Minutes of June 22, 2010 Planning Commission Meeting (Draft)

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

Ι, _

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: Location:	Zoning amendment request from R-5, Multi-Family Residential District to RU-1, Rural Community District. 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 12, Parcels 1-4 60007, Block 12, Parcels 1-3, 5-9, 14-18 60007, Block 13, Parcels 1-6, 8, 11 60007, Block 17, Parcels 1-4, 6-8 60007, Block 19, Parcels 1-9, 12, 13 60007, Block 20, Parcels 1-11, 16-19, 21, 23 60010, Block 3, Parcels 1-11, 13-15 60010, Block 4, Parcels 1-4 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.

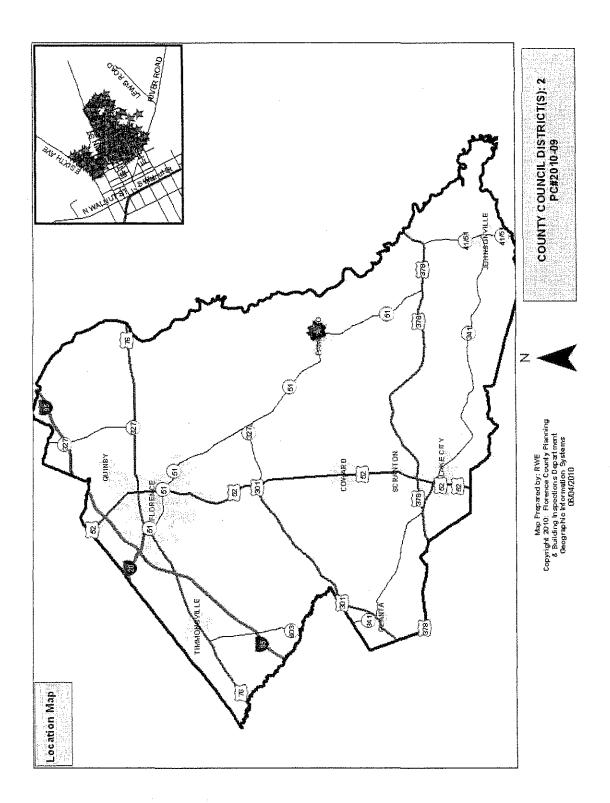
Subsequently, the Pamplico Town Council, by resolution at a special council meeting on May 24, 2010, requested a land use designation change to the comprehensive plan and a zoning amendment from R-5 to RU-1 for the designated areas. This request will allow the continuance of single-wide homes in the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

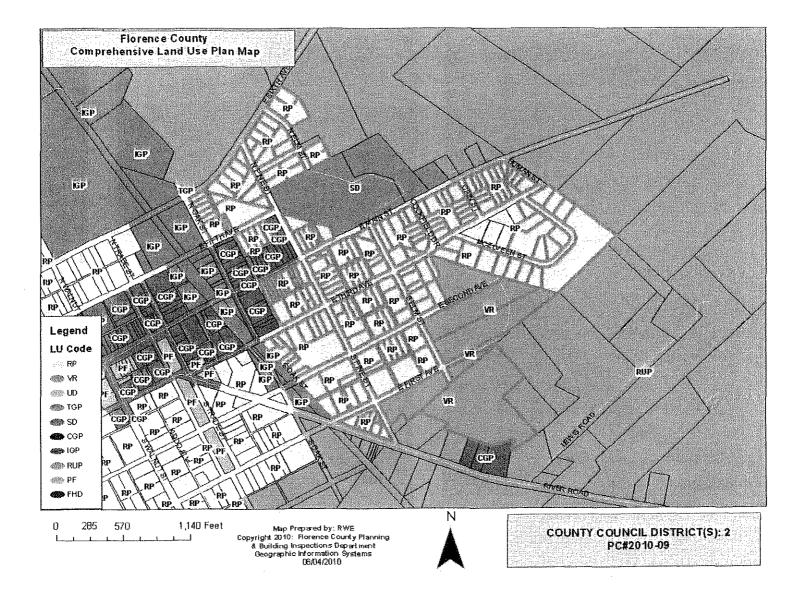
Florence County Planning Commission Action: June 22, 2010

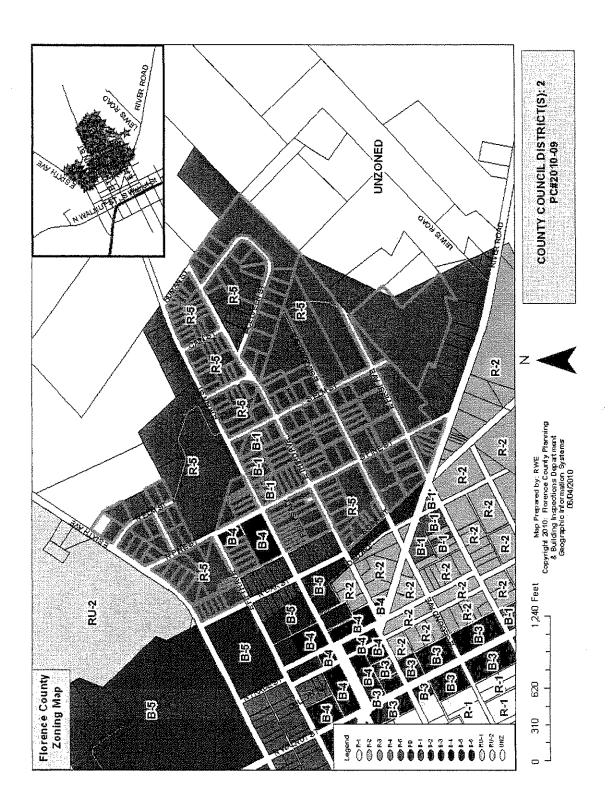
The ten Florence County Planning Commission members present approved the zoning amendment request with a vote of nine to one based on the request being in compliance with the Land Use Element of the Comprehensive Plan.

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
00376-02-083	ORR HATTIE M & EUGENE D
00376-02-084	MCKNIGHT RICHARD A SR &
00376-02-085	MCKNIGHT RICHARD A & DELORIS
00376-02-086	EADDY LUBERTA
00376-02-095	BOSTIC DOROTHY W
00376-02-096	SPRINGS THURMOND
00376-02-097	ELLISON ETHPHINE L
00377-02-003	BELL BETTY JEAN F JONES ETAL
60006-09-002	SMITH ETHEL
60006-09-003	SMITH NATHANIEL HEIRS
60006-09-004	NOWLIN THELMA
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

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
	lanna an

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
60007-19-012	GREEN ORIUM & MAGGIE H
60007-19-013	SMITH KAREN LAFAYE &
60007-20-001	ROBINSON LILLIAN M
60007-20-002	WADE ESTHER LEE
60007-20-003	HUGEE WENDON C & CYNTHIA J
60007-20-004	WOODBERRY EVELYN A
60007-20-005	HICKSON LEROY
60007-20-006	MYERS THEOLA ETAL
60007-20-007	MCCRAY MARSHALL & JESSIE MAE
60007-20-008	MCLEOD JAMES ETAL
60007-20-009	MCCRAY MARSHALL & JESSIE MAE
60007-20-010	WADE ESTHER
60007-20-011	MCELVEEN SARAH ETAL
60007-20-012	MCKOY FANNIE C &
60010-02-001	CHANDLER RUBY C &
60010-02-002	DAVIS SMILEY HEIRS
60010-02-003	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 &
	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 Amendment 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: Council Member ember oun

Council Member

Council Member

Council Member

Council Member

ATTEST:

Minutes Florence County Planning Commission Meeting Tuesday, June 22, 2010 at 6:30 p.m. **City-County Complex, Room 803** 180 N. Irby St., Florence, South Carolina

The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and the back entrance of the City-County Complex and at the entrance of the Planning, Zoning and Building Inspections Department building.

The agenda was also mailed to the media.

I. Call to Order:

Chairman Knoller called the meeting to order at 6:30 p.m. and declared a quorum of members present.

Chairman Knoller explained to those present the procedures for the public hearing portion of the meeting.

II. Attendance:

11. Attendance:	
Commissioners Present:	Peter M. Knoller, Chairman
	Bill Lockhart, Vice-Chairman
	Linda Borgman
	Ted Greene
	David Hobbs
	Roger Kirby
	Jody Lane
	Doris Lockhart
	King Lowery
	Virginia Talbert
Commissioners Absent:	Cecil Cunha
Staff Present:	J. Kevin Griffin, Planning Director
	Pearlie D. McDaniel, Development and Zoning Services Officer
	Scott Park, Planning Services Officer
	Tripp Ward, Planner II
	Derrick Singletary, Planner II
2000 - 100 -	Angela C. Thomas, Secretary
Public Attendance:	See sign-in sheet on file with the Florence County Planning
	Department.

III. Review and Motion of Minutes:

Comm. Kirby made a motion to approve the minutes of the May 25, 2010 meeting. Comm. Lowery seconded the motion. The vote carried unanimously.

Comprehensive Plan Map Amendments/Zoning Map Amendments:

PC#2010-08 Comprehensive Plan Map Amendment to change the Land Use Map designation for properties in Florence County located on Oak St., E. Sixth Ave., Human St., River Rd., and S. Pine St., Pamplico shown more specifically on Tax Map No. 376, 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; Tax Map No. 377. 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: and Tax Map No. 60010, Block 6, Parcels 2-7, 9-12 from Residential Preservation and/or Variable Residential to Suburban Development.

Mr. Kevin Griffin presented the staff report to the Commission. Staff recommends approval of the request.

(copy available at the Florence County Planning Department)

Chairman Knoller opened the floor for public comments.

Mayor of Pamplico, Gene Gainey, came forward and made the following comments:

- Pamplico had zoned R-3 for the area that we just talked about and it had been in place for many years; when Florence County took over, their codes were different than ours and we didn't realize that and we had some complications with several folks that wanted to put singlewide trailer homes in and Florence County codes would not allow it.
- Pamplico Town Council approved this request for the Florence County Planning Commission to take a look at it and return back to the R-3 codes that we had; this would be the same thing that we've been doing for many years; there will actually be no change.
- We've never really had any major complaints; we've had some over the years and I was on the council for about 22 or 23 years and have been the mayor now for five years.
- All we're asking is to go back to the previous zoning.

Ms. Sharon Graham came forward and made the following comments:

- My house is located on Oak Street.
- I want to know if you have a house and these trailers come in, does it lower the value of your house.

Chairman Knoller responded it depends on the houses in the area; it depends on many things; if somebody is a good property owner and looks after their property everything is fine; it mainly depends on if there is a house next door to you and they don't keep it up and its falling apart, your house will then have lower value.

Comm. Lane made a motion to approve the request. Comm. Kirby seconded the motion. The vote carried unanimously.

PC#2010-09 Zoning Map Amendment requested by the Town of Pamplico to amend the zoning district designation for properties located on Oak St., E. Sixth Ave., Human St., River Rd., and S. Pine St., Pamplico shown more specifically on Florence County Tax Map No. 376, 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; Tax Map No. 377, 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 1-4; 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 1-11, 16-19, 21, 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; and Tax Map No. 60010, Block 6, Parcels 2-7, 9-12 from R-5, Multi-Family Residential District to **RU-1, Rural Community District.**

Mr. Kevin Griffin presented the staff report to the Commission. Staff recommends approval of the request.

(copy available at the Florence County Planning Department)

Comm. Borgman stated remind me again when this took place with the Town of Pamplico.

Mr. Griffin responded September of 2009.

Comm. Hobbs asked you mentioned one group of commercial property, do you know what block that's in?

S.

Mr. Griffin responded it's on Main Street.

Comm. Hobbs stated the reason I'm asking is there are two differences in the first one we did and this one; block 13 and block 2 as far as on the parcels.

Mr. Griffin stated we'll double check that to make sure it's correct.

Chairman Knoller opened the floor for public comments.

Mayor Gene Gainey came forward and made the following comments:

• I'd just like to say on behalf of Town Council and myself that we recommend this change be made.

Mr. Griffin stated I want to clarify Mr. Hobbs question; the prior land use change, the land use does change on the commercial parcels but it still allows the same commercial zoning district and it's commercial zoning will remain.

Ms. Shirley Timmons came forward and made the following comments:

- Based upon your preamble I commend the zoning department for formally addressing this issue.
- I rely upon your knowledge and insight regarding the implications of rezoning a historically African American community from an R-5, Multi-Family Residential District to a RU-1, Rural Community District.
- I oppose this rezoning plan; my rational for the opposition is based in part upon the following four primary factors.
- One, the intent of zone R-5 is incompatible with that of RU-1, there are no identified commercial, service, social or agricultural needs of nearby rural residents that would be met and that would benefit the current residents of this area.
- Two, compared to site built homes, mobile homes allowed by a RU-1 designation typically depreciate in value at a relatively accelerated rate; this depreciation directly affects property values of all homes within the district.
- Specifically, Pamplico has a total population of approximately 1,139 residents; of this total, over ½ is African American; African Americans in Pamplico experience poverty at levels almost five times greater than Caucasian residents; ironically, the majority of African Americans in the Town of Pamplico reside in the area planned for rezoning; these factors alone can only facilitate increased poverty related to deflated property values and further social and political segregation that are also known to promote financial disadvantage.
- Three, mobile home settlements that are situated within mobile home parks where the resident does not own the land on which the home sits depreciates surrounding home values even more drastically.
- Four, mobile homes are not taxed as equitably on their value as traditional site built homes.

Mr. John Graham came forward and made the following comments:

- I have a house in Pamplico in the area that they're talking about.
- Why do they have to go and place trailer houses in this area because I do know for a fact that it's going to lower the value of my property?
- They can look at other areas besides that area.

Ms. Rosalyn Graham came forward and made the following comments:

- I am a property owner on Sixth Ave, in the area in which they are speaking.
- I am opposed to the change in zoning.

Comm. Lane asked can you clarify the difference between RU-1 and R-5?

Mr. Griffin responded basically the RU-1 is a bit broader in its uses; the R-5 does allow mobile homes but it currently only allows doublewide manufactured homes, it does not allow singlewide manufactured homes; the primary difference is that in itself; with the exception of the properties to the south, most manufactured homes are on the interior.

Comm. Lane asked what is the lot size?

Mr. Griffin responded R-5 is actually 6,000 and RU-1 would allow 15,000; it's a more rural zoning so it's a larger lot size.

Comm. Lane responded this seems to be a move in the right direction, more restrictive; wouldn't that actually help property values.

Mr. Griffin responded it would be more restrictive on the lot size.

Comm. Lane responded it would essentially take out multi-family houses and small properties and increase it for the neighborhoods and lot sizes.

Mr. Griffin responded that is possible.

Comm. Borgman asked in RU-1 are mobile home parks not allowed?

Mr. Griffin responded R-5 allows manufactured home parks and RU-1 would not.

Chairman Knoller asked how many singlewides are there already in that area?

Mr. Griffin responded 64 according to the assessor's records.

Chairman Knoller asked and there are approximately 140 lots?

Mr. Griffin responded 205.

Chairman Knoller responded at least 30% with mobile homes on them.

Mr. Griffin responded yes sir.

Comm. D. Lockhart asked Mayor Gainey, in your deliberation and recommendation coming from the Town of Pamplico Council, was there opposition to this extent when you recommended changing the zoning to RU-1?

Mayor Gainey responded there was no opposition; we were trying to get it back to where it was before the consolidation; the RU-1 was the only way we could go to better suit the whole situation to give everybody the opportunity to put singlewides or houses.

Comm. Kirby made a motion to approve the request. Comm. Borgman seconded the motion. The vote was 9 to 1 with Comm. D. Lockhart voting in opposition to the request.

PC#2010-10 Withdrawn per note on following agenda item.

PC#2010-11 Withdrawn per County Attorney opinion and State Law Section 6-29-1145.

Chairman Knoller stated that both of these requests have been withdrawn.

Mr. Griffin stated it was a case on Redbud Lane that had applied for a rezoning and land use change; as part of the discovery process it was brought to staff's attention that there were restrictive covenants on the property; state enabling legislation does not allow us to proceed if there are known restrictive covenants that would not allow the use that's being requested; we forwarded this to the county attorney, Mr. Jim Rushton who concurred the applicant must resolve the civil issue with the restrictive covenants; once remedied, then they may go through due process with the rezoning and the land use amendment request.

PC#2010-12

Zoning Map Amendment requested by the Florence County Planning Commission on behalf of the West Sumter Street Community to amend the zoning district designation for 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 shown on Florence County Tax Map No. 90044, Block 2, Parcels 2-11; Tax Map No. 90044, Block 3, Parcels 2, 4-6, 8-10, 12-15; Tax Map No. 90044, Block 4, Parcels 1-3, 5-21; Tax Map No. 90044, Block 6, Parcels 1-3, 5; Tax Map No. 90044, Block 8, Parcels 2-6, 10; Tax Map No. 90044, Block 9, Parcels 1-21, 25, 26; Tax Map No. 90044, Block 10, Parcels 1-14, 17, 19, 21, 24, 29-43, 45-66; Tax Map No. 90045, Block 2, Parcels 4, 7; Tax Map No. 90059, Block 8, Parcels 7, 10; Tax Map No. 90059, Block 9, Parcels 12, 17; Tax Map No. 90060, Block 8, Parcels 1, 2, 7-11; Tax Map No. 90060, Block 13, Parcels 3, 5, 6; and Tax Map No. 122, Block 1, Parcel 97 to R-3A, Single-Family **Residential District.**

Mr. Kevin Griffin presented the staff report to the Commission. Staff recommends approval of the request.

(copy available at the Florence County Planning Department)

Chairman Knoller opened the floor for public comments.

Mr. Wallace McInville came forward with the following question:

• I own a lot in that area and it presently has a singlewide mobile home; if they annex it in, what's going to happen if the mobile home burns or if I want to upgrade?

Chairman Knoller responded it was not an annexation; we are designating a zoning district; if you have a mobile home there and you are replacing it, you have six months to replace with a like mobile home.

Mr. McInville asked so I can replace it?

Chairman Knoller responded so long as you do it within a six month period.

Mr. Gary Dauksch came forward and made the following comments:

- I'm a real estate broker and I'm also a property owner in this area.
- I bought a piece of property that's on the corner of Sumter St. and Alexander St. in June of 2009.
- All the property around my property is either zoned R-4, it's unzoned or it's being used as commercial; there is a funeral home across from my property.
- I bought the property specifically because it was unzoned and it would give me the flexibility to do what I wanted to do; my intent was to put a multi-family property on there.
- I had a builder lined up, I had financing lined up, I had plans, I had a survey done and two months after I purchased the property a moratorium was put on the whole area; I had not heard about it coming so it kind of caught me blind.
- It stopped about a half a million dollar investment in the local community; it stopped us from doing an investment that would generate tax dollars, water tap fees, sewer fees and provide local contractors with work; it does have an economic impact.

- As a property owner, obviously I oppose this measure because its costing me money, its costing me a delay; economic conditions have changed and I don't know if the financing that I had been able to secure last year is going to be as good whenever this issue is worked out or if this issue is zoned R-3A, I may not be able to do anything with the property and so I've wasted my money investing in it.
- I feel it's a little unfair that a group of people can get together and dictate how my property is used if they don't own or even live in the area.
- As a real estate agent I also have issues with this type of moratorium and rezoning a blanket area; it devalues the property for the property owners; it infringes upon the property rights of the owners; it stifles growth and development in the area.
- I don't think it's a marketable area for a developer to go in and build single-family homes and sell them.
- I think this will set a bad precedence going forward; I think it will give Florence the image of being unfriendly to developers or investors.
- As a realtor I'm going to have to say, "Well, I'd like to sell you this property, its unzoned, but I can't guarantee you that County Council won't just come in and put a block on what you want to do."; for me it kind of puts a bad taste in the mouth of the investor when they are looking at Florence as a possible place to do a project.
- I'm opposed to this proposal but I'm not opposed to making Florence a better area or the West Sumter St. area a better area.
- I would never build anything that was going to be a nuisance property or bring down the value of the properties around me.

Chairman Knoller stated we had two public hearings at R.N. Beck Learning Center.

Mr. Dauksch responded I went to one.

Chairman Knoller asked did you say anything?

Mr. Dauksch responded I spoke to two gentlemen and I wrote a letter which I turned in to the lady that was working; I went to the one on June 10th; you were tied up talking to some other people so I couldn't talk to you.

Comm. Lane asked Mr. Dauksch, I have read over your letter and everything concerning this packet but I didn't see in here which zoning would let you use the property for the intent that you had purchased the property for?

Mr. Dauksch responded R-4 would allow me to do what I want to do and it would match everything that's around where my property is.

Comm. Talbert asked where is your lot again?

Mr. Dauksch responded it's on the corner of Sumter and Alexander St.

Chairman Knoller responded it should be right across the street from the R.N. Beck Learning Center.

Comm. Lane asked Mr. Dauksch, could you point to your property please?

Mr. Dauksch referenced it on the map.

Comm. D. Lockhart asked would it be unreasonable to aggregate that part out of the request and allow the other properties to be R-3A because it is adjacent to the property that is already R-4 on that corner; also, you mentioned that you were looking at putting a duplex on that property, how many units?

Mr. Dauksch responded eight to twelve; I don't think twelve would work so probably eight units or four duplexes; the property is over an acre.

Comm. D. Lockhart asked Mr. Griffin, could you answer that first question for staff?

Mr. Griffin responded this request is sponsored by the Planning Commission so there is some leeway to change the assignments if you deem necessary.

Comm. D. Lockhart responded and let the other ones be R-3A and aggregate that since it's adjacent to the other ones that are R-4 in the city.

Chairman Knoller responded the reason we are sponsoring this, when we got the petition, someone had to do it; we can leave that one out as its going to be comparable to all the surrounding area.

Comm. Borgman asked what if we have another one that's in the middle?

Chairman Knoller responded not in the middle; that would be spot zoning.

Comm. D. Lockhart responded it needs to be adjacent.

Chairman Knoller asked it's within our jurisdiction that we can do this right?

Mr. Griffin responded yes sir.

Mr. Steve Creedman came forward and made the following comments:

- I need to know the distinction between R-3A and R-4; we bought this property with the idea of putting a mobile home in that area; our plans were stopped with the moratorium.
- I understand that this R-3A would not allow mobile homes.

Chairman Knoller responded that is correct.

Mr. Creedman responded in that regard, I would have to oppose it; I think on the adjoining lots, there is a mobile home on one side of me and an abandoned property with an empty concrete structure on the other side; I think to exclude mobile homes is wrong because you can have nice mobile homes that can help people out; the lot is a narrow lot, I don't know what size of a site or stick built structure would fit on it; the design of a mobile home would fit perfectly on that lot.

Ms. Debbie Eaddy came forward and made the following comments:

- If I own property and pay taxes in that area, I think I ought to have as much voice as anyone who lives in that area.
- I am 100% opposed to this rezoning.

Mr. Bryan Dowd came forward and made the following comments:

- I own a substantial amount of property in this area; more than any one individual that lives in that area.
- I am very much opposed to this; seeing the map up here with everything around it being R-4 leads me to believe that if you want congruency in your zoning, then R-4 should be the correct zoning.
- Also, I attended one of those meetings; one of the major complaints from people in that area is they think crime comes out of these duplexes; I can promise you that is not the case; I welcome for you to check with the Sheriff's Department with all the properties that I own to see how many times they have to go; out of the five years that I've owned property there, I can only remember one time.

Ms. Geraldine Timmons came forward and made the following comments:

- I live in West Florence and we have a lot of crime; it's right from Carver St., Ingram St., Alexander St., Dixie St. and Sumter St.
- They're packing so many people on these small lots that the crime has grown,
- I live at 1200 Dixie St.; I can sit and look out my window; the police stay over there because of fighting, crime and drugs.
- You're talking about putting a duplex on the corner of Alexander and Sumter St.; that's piling in more people; West Florence really needs building up but build some decent homes where people can buy them from you.
- They're not putting anything but apartments in there; the people move in and only stay two or three months.
- On the 1100 block of Dixie St. there is about 50 apartment houses; just take a ride and look; every other month people are being put out of the houses.
- You said there is no crime; you need to check with the police department and find out what's going on because they're selling drugs like candy.
- Don't push all these homes in there.

Ms. Teresa Ervin came forward and made the following comments:

- If you live in the community you would understand that when you come down Alexander St. you have part of the area that's actually in the city; the city has a problem with the present R-4 being zoned that way and that's why we're fighting in the city trying to get the zoning changed there.
- The R.N. Beck Center is the original Carver school, it's historical; this is a precious site in the community; then you've got Dimery Rogers Funeral Home that's been there since I was a little girl; that's a part of the historical part of the community.
- When you go down Sumter St., you say the people don't own the property but they are paying the money to live there; some of these homes are single-family homes that are being rented.
- I firmly do not want to drive down Alexander and see eight houses packed on a corner; when you go down Sumter St. now, turn over to your left; you've got a development right now that has duplexes in it; when it comes to crime, you may not see it in the city but you'll see it on the part of the Sheriff's having to come out and they have to come out so regular that you have people moving in and then they want to get out; there is a big problem with crime.
- I own my home there, I don't plan to move and I don't want to be chased out by somebody who's going to come rent a home for a short time.
- These duplexes will bring down the property value.

Mr. Joey McMillan came forward and made the following comments:

- I'm the immediate past chair of the Pee Dee Realtors Association.
- The concern that I have with this is a blanket moratorium where if a broker sells a piece of property to somebody and says it is zoned for this and you can do this with it and all of the sudden there is a moratorium and he can't do with the property what he bought it for.
- This is a great concern to our brokers because if we have somebody coming in from out of town and they buy a piece of property that is zoned to do a certain thing and we sell it to them and the next day its not and they can't do it and then we have to wait for the moratorium; they're going to come back to us or the commission and say that you told us we could do this and now we can't do it; are they going to sue us; its not right to sell somebody a piece of property and say you can do one thing with it and the next day you can't do something with it.
- If it's okay with the Chairman, can the people that are opposed stand up?

Chairman Knoller responded in the affirmative.

Approximately eight people stood up in opposition to the request.

Comm. Borgman stated I went to the first Sumter St. meeting and there were many homeowners or people that live in that area that asked why don't they have an opportunity to buy the property; they said that they don't even know property is for sale and all the sudden its sold; I'm wondering how that could be.

Mr. McMillan responded I'm wondering how that could be myself because I spend about \$2,000 a month letting people know that property is for sale.

Comm. Borgman responded I heard that more than once.

Chairman Knoller responded we heard that several times from several people and I know you realtors like to put signs out there but they have obviously never seen a sign.

Mr. McMillan responded I just get the sense that you think the realtors are out there to bring down communities and I can tell you that is not the case; we want Florence to raise up and be the city it can be; we're not going to get people to come in from other areas to buy property to improve it if they're not sure what they're going to get.

Comm. Hobbs stated it is true that you possibly sold something to somebody and told them you can do this, that and the other with that property but it was never zoned; none of these properties were zoned and we're changing the zoning.

Mr. McMillan responded but you put a moratorium where they couldn't do anything to it until it was zoned.

Comm. Hobbs responded I understand that but when you bought it and you told anybody anything about the property, it has never been zoned.

Comm. Lane made a motion for a continuance until we can get the property owners to identify their property and what they would like to see their current unzoned property zoned to and to see if we can get a consensus of people being satisfied with property they currently own; maybe it would be

adjacent to and we could suffice everyone; this has gone on long enough and its important enough to the community that we do it right and I think if you own property that you need to have that say so.

Vice-Chairman Lockhart asked if you own property in that unzoned district, can you option out of the new zoning?

Mr. Griffin responded that's up to Planning Commission for recommendation.

Comm. Talbert asked what are the setbacks on R-3A?

Mr. Griffin responded it's the same as R-3; lot width would be 50 feet, front yard setbacks 25, side yard would be 5, the rear yard is 25 and then 50 for non-residential in that area.

Chairman Knoller asked I have a motion, do I have a second?

Comm. Greene seconded the motion.

Chairman Knoller stated the motion is made that we take a continuance on this and we ask staff to get in touch with all of the property owners in this area.

Comm. Borgman asked about what we discussed with the one property owner who is on that corner, is that going to be any consideration at all?

Comm. Hobbs responded he'll be on that list.

Chairman Knoller responded he could say I don't want to be in there, which is perfectly legal.

Vice-Chairman Lockhart asked anybody can do that?

Chairman Knoller asked if we option to let that one property owner opposite of the R.N. Beck Center get out of this, can any other property owner get out of it if they don't want to be zoned?

Mr. Griffin responded that would be up to Planning Commission; this is the scope of the request that we had earlier and if we do adjustments to the map, the way we'll likely do it is to notify that the property has been proposed for zoning to an R-3A and if you would like to make comments or propose a different district then you can come in and do such.

Chairman Knoller asked if half a dozen property owners say they don't want to be zoned, are we allowed to approve that because that's almost like spot zoning isn't it?

Mr. Griffin responded Planning Commission is sponsoring this zoning assignment, this is actually not a rezoning but a zoning assignment because there currently is not a zoning on the property so you have broad deference there as to how you want to handle this request.

Vice-Chairman Lockhart asked so you're going to defer it anyway?

Mr. Griffin responded with the current motion we would have to.

Comm. Hobbs responded I agree with Jody, I know what the residents and property owners are trying to accomplish; maximize the money for the owners of the property and of course the people that live

there, they don't want certain things to go on in that area; two differences in the properties that we're talking about, that biggest piece of property, I don't see anybody that would buy that piece of property and put one house on it; the smaller properties, they probably can't do anything else with the property; what Jody's proposing I think is the best alternative; not that we would necessarily agree with all of them but just to throw a blanket over that one area, it doesn't fit.

Comm. Kirby asked in the notification process that was done for this public hearing and for the previous public meetings, were the property owners not notified?

Mr. Griffin responded each one was notified within the community and the petitioners; signs were also placed in the community.

Comm. Kirby asked what are we proposing to do now?

Chairman Knoller responded we're now proposing to actually send letters to the people asking them to please tell us what they want.

Comm. Kirby responded I have several concerns; many of my concerns have to do with precedent; this is obviously a very emotional issue for a lot of people; we have certain sets of protocol we follow through all of our planning and zoning requests; based on what our staff reports have been, those have been followed to this point; it doesn't make it a less emotional issue; we've got two sides, both pitting against each other and really everybody wants the same thing; everybody wants a better community; we are trying to handle law enforcement issues with zoning; that in my opinion is misguided; we take community issues in this case that are obviously very heartfelt from both sides and put a moratorium on development; I don't really understand that process; it takes away the public hearing side of peoples opinions and arguments; this is a very complicated issue that everybody has chosen to draw a line in the sand on and we have an opportunity to either move forward with what's been placed in front of us or walk away from it; I don't see us as a commission, taking this or any other situation and creating special circumstances for ourselves in order to resolve it; every volatile issue we'll have going forward we would say "well, we've had our public hearings and now we're going to write letters to people that some did or didn't respond"; I just think we're setting a very bad precedent to do that.

Comm. D. Lockhart responded obviously the opposition came up and said no we do not want it and I will go along with the recommendation of staff with that regard.

Comm. Talbert asked when was the moratorium put on building and who approves that?

Mr. Griffin responded the Planning Commission cannot place a moratorium on property; that was done August of this past year; County Council put a moratorium on the property for one year and remanded it to the Planning Commission to study for a zoning assignment; primarily from my understanding was because of complaints of the type development that was being proposed in the community.

Vice-Chairman Lockhart stated I don't see having a third meeting when we've already gone through this twice and if they don't show up for the third meeting are we going to have another meeting.

The vote was four yeas and six nays, with Commissioners Jody Lane, Ted Greene, David Hobbs and King Lowery voting in favor of the motion. Chairman Peter Knoller, Vice-Chairman Bill Lockhart,

Commissioners Linda Borgman, Doris Lockhart, Roger Kirby and Virginia Talbert voted against the motion. Motion failed.

Comm. D. Lockhart made a motion to approve the request.

Comm. Borgman seconded the motion.

Comm. Lane stated I just don't see how we can move forward zoning it as staff has proposed it with the opposition that we've seen and not truly knowing what the property owners want to do with their property; I understand we need to move forward, I just think we're not moving forward with the consensus of the property owners.

Comm. Hobbs stated I believe we're going to be right back in here again with the ones that do oppose it if we do it that way, so either way you're going to be spending time on this in my opinion.

Comm. D. Lockhart stated I think that we have allowed staff to do due diligence in providing enough forum for opposition as well as support over the course of the moratorium; if we ask staff again, will we still be at a limbo stage without making a decision; at this point we need to move forward; if we look at the list of who showed up in opposition and staff did say that everybody was notified, so what do we do, we ask them to notify them again and we still don't get a balance.

Comm. Talbert asked the petition that initiated all of this, are they the ones that requested the R-3A or did you recommend the R-3A?

Mr. Griffin responded the original petition requested the R-3A.

The vote was four yeas and six nays, with Chairman Peter Knoller, Commissioners Doris Lockhart, King Lowery and Linda Borgman voting in favor of the motion. Vice-Chairman Bill Lockhart, Commissioners David Hobbs, Roger Kirby, Jody Lane, Ted Greene and Virginia Talbert voted against the motion. Motion failed.

Chairman Knoller stated that the request would go forward to County Council with a recommendation of disapproval.

Text Amendments:

None

V. Requests for Plat/Plan Approval:

None

VI. Other Business:

PC#2010-07 Adoption of a Resolution recommending the new Transportation Element of the Comprehensive Plan.

Mr. Scott Park stated nothing has changed since the last presentation; I received a list of grammatical updates from Vice-Chairman Lockhart; other than that, there have been no additional comments. Staff recommends approval of the request.

(copy available at the Florence County Planning Department)

Comm. Borgman made a motion to approve the request. Comm. Lane seconded the motion. The vote carried unanimously.

VII. Director's Report:

Mr. Griffin's comments were as follows:

> Summary Plats

We had a total number of 27 plats for the month of May; total number of lots was 42; total acreage was 119.

> Building Report

Permits have been steady; we have a few rather large commercial projects on the horizon.

Priority Investment Element

We will begin review on this element shortly.

Portable Sign Meeting

The Public Services and County Planning Committee will have a meeting on July 20th.

VIII. Adjournment:

Comm. Lane made a motion to adjourn the meeting. Comm. Hobbs seconded the motion. The vote carried unanimously. Chairman Knoller declared the meeting adjourned at 8:12 p.m.

Respectfully submitted,

Angela C. Thomas Secretary

Approved by:

J. Kevin Griffin Planning Director

Approved by:

Peter M. Knoller Chairman, Florence County Planning Commission

*These minutes reflect only actions taken and do not represent a true verbatim transcript of the meeting.

FLORENCE COUNTY COUNCIL MEETING Thursday, August 19, 2010

AGENDA ITEM: Ordinance No. 05-2010/11 Second Reading -

<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 the Planning Commission 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 on 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
- 10. Minutes of June 22, 2010 Planning Commission Meeting (Draft)

Sponsor(s)	: Planning Commission
Planning Commission Consideration	: June 22, 2010
Planning Commission Public Hearing	: June 22, 2010
Planning Commission Recommendation	n : June 22, 2010[Denied 6-4]
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. 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.

ATTEST:

SIGNED:

COUNCIL VOTE:

OPPOSED:

ABSENT:

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 8, 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.

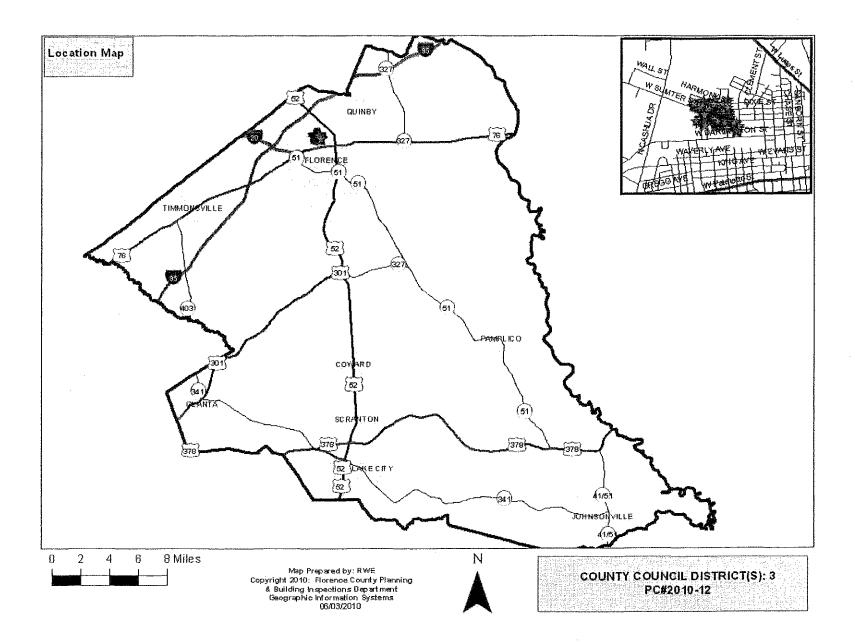
Two information sheets were provided for citizens at the meeting with one document briefly describing the meeting with a citizen's comment section and that the public hearing for the zoning amendment request would be held on June 22, 2010 and the other document contained information on the R-3A zoning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

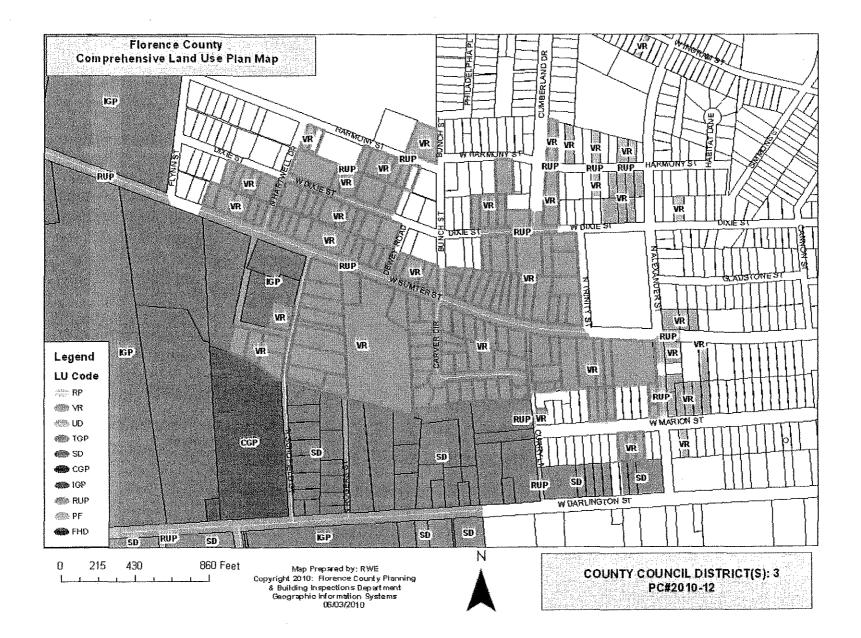
Florence County Planning Commission Action: June 22, 2010

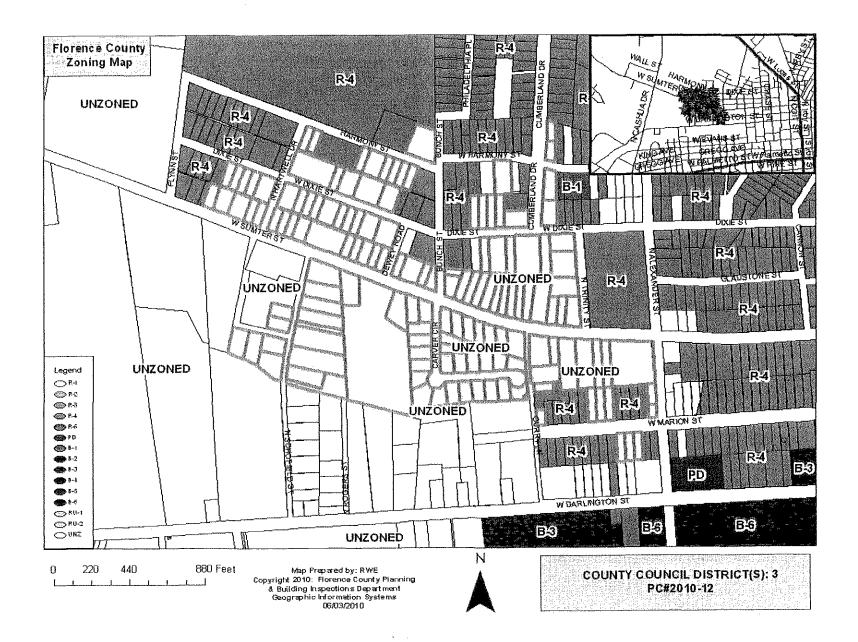
The ten Planning Commission members present denied the zoning amendment request by a vote of six to four at the meeting held on June 22, 2010.

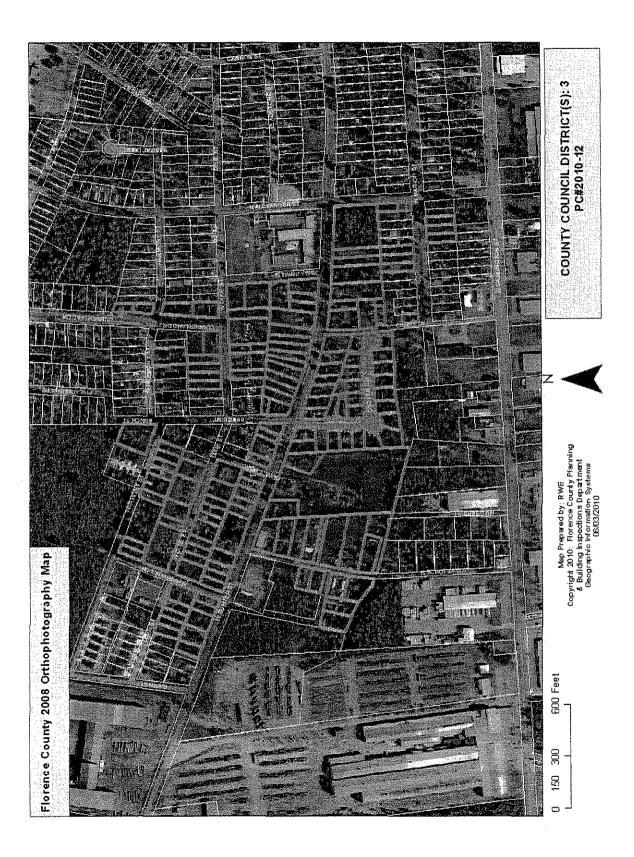
Florence County Planning Commission Recommendation:

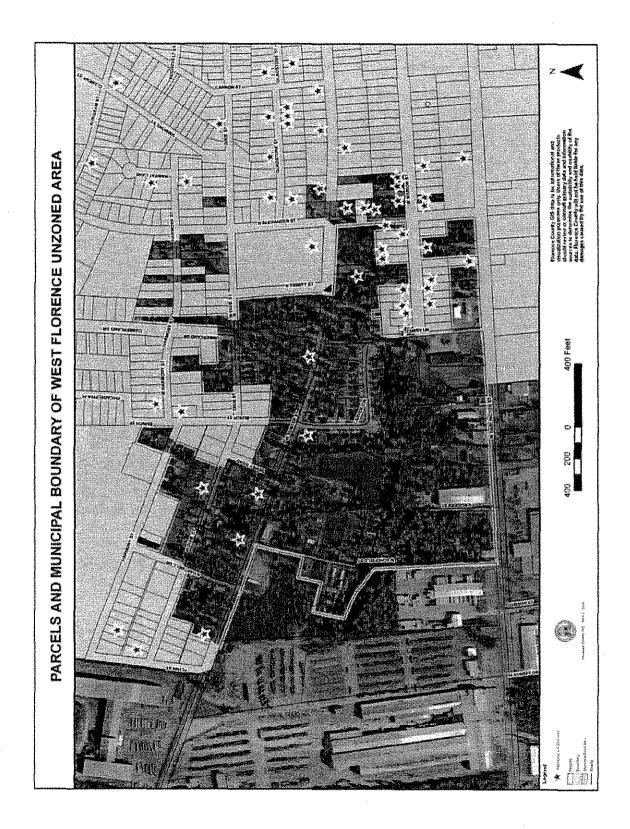
The Planning Commission recommends denial of the zoning amendment request to Florence County Council.











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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Please print your name and address below and sign your name in support of this petition

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 <u>West Sumter Street Community</u>. 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.

OWNER NAME (Diseas Triat)	ADDRESS	CITY	CTATE	DATE	SIGNATURE
OWNER NAME (Please Print) TERESA ERVIN	926 GIANSTONE			3-4-10	Teres Jun
Lavon Ervin	926 Gladstone	Flor SC	<u></u>	3-4-10	The the f
Lavon Carlos Ecvin II	1976 Gladstone	Florence	<u>sc</u>	2-4-10	Low look on him II
ERNEST ADDISON	925 Gladston	Florence	<u> </u>	3916	Frank addie
Brende M. Addi 501	925 Statstone	Florence		2.2.10	Really I alling
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Catherine Mays	917 Glades Lands	Florenc	-0 5C	3-10-10	Catherine May
Audrey BRUDIS	908 GLANSTANC				
Karen Bracks	9086-162 Store	Florend	,	1	Hanne Brinks
ANNIE EMANUEL	906 CLADSTONE			310-10	Dani. Fortenul
Marins Coxland	904Gladstone	Horence	7	3-10-10	More pel.
James Morris	617 Cannon	Florence			
VIETONO ROBACED	907 GLADSTAL			1	
Willie mae Hunter		florence	A	8/14-	5-3 Fulling meets with
HENRY RILENS	8 815 GLAN STON	E Flor.		3-10-	O Henry Allen Sa
DOINWA BETHER	1308 Harminist	4018 F	6.SC	3-16	Walnut D Ballie
Retty Wilson	517DIXie	FLOREAN	2 e. 50	3-16-70	Bett Willon
BULCHESTER	RIS GIADSTONE	Fluren	CP 8	3-10-1	Bulen & allow
Maran 2 Milson	415Gladiton			3.04	Margung hitset
Kevin Danalds	S/IAR Q/V=+	Florence	·	3-104	Ken Words.
Will- HAVANSLY	H 9016 Dixs	F/C		316	Weller horas
Halley Miller	769 Catarra	Floren	<u>e</u> c	3.1.1	Jonalla May
William MEDUFFIS	- 714WS mter	Florenc	<u>e</u>	3-10-6	Virtuin AMEDUN
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Please print your name and address below and sign your name in support of this petition

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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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1 James Lorsey	poter /		W: Marion St. 1-10, SC.
5 Clifford O. Mouglas	Ulfer C. Dayly	929 Back	May an St F 5,29501
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5 DRIALLIA (MOLKI)	BRIALINATHOU	UISISTANIA	IL DINVE FILMULADU 24501
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41 Tohn Brillion	John Bruce 210.	Add Harmony St
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49 Dormel McCral	Damel McRae Flb.	1009 W. Dav/IngTON S.
50 Linnastia Untone	Lyonisha Watson	930W. Maying St
51 Jansia Untion	Anissa Watson Fla.	430 W. Marien ST
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53 Minolos Matson	michele Watson Flo.	930W. marion ST
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15 Greg Keith	Gregory Keith	# 4135 Meadows Rd Ho
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18 Auton Cade	E. Cale	1414 Willow Wace pr 7/0
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to Margaret ME Green	Margaret M& Bueen	1007 CW Marion St 710.
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43 Staphon Lead	Stephon Leon	1025 W. Marin St Flore
#4 Markita Leaf	Martin Spect	1025 W. Marin & House
15 Gerald Smith	Drath Smith	100% W. Marion St. 29501
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IniqueiD	TMS	OWNERNAME	OWNER NAME2	MAILING ADDRESS	CITY STATE	PHYSICAL ADDRESS	CITY	ZIPCODE
1	00122-01-097	GODBOLT J C JR & J C III		1201 HARMONY ST	FLORENCE SC29501	1201 HARMONY ST	Florence	29501
2	90044-10-013	HUDSON JAMES C JR		1504 S MAIN ST	DAHLINGTON SC29532	0 H N SCHOFIELD ST	Florence	29501
3	90044-10-014	STREETT INVESTMENT LLC		PO BOX 2232	MURBELLS INLET SC29576	505 N SCHOFIELD ST	Florence	29501
4	90044-10-035	TAYLOR GEORGE M JR &	SANDERS NEDRA MÁE	1116 W SUMTER ST	FLORENCE SC29501	1116 W SUMTER ST	Florence	29501
	90044-10-038	BREWER HAROLD EDWARD &	MARY MADGELINE	4745 MEADORS RD	FLORENCE SC29501	408 CURRY LN	Florence	29501
	90044-10-053	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE \$C29502	1130 A CARVER CIR	Florence	29501
	90044-10-054	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1134 B CARVER CIR	Florence	29501
	90044-10-005	BREWER HOWARD EDWARD &	MARY MAGDELINE	4745 MEADORS PD	FLORENCE SC29501	408 CUARY LN	Florence	29501
	90044-10-021	HUDSON JAMES C JR	·····	1504 S MAIN ST	DARLINGTON SC29532	501 N SCHOFIELD ST	Florence	29501
	90044-16-029	INCELVEEN THOMAS J SR: THOMAS	J JA & JOE NATHAN	3817 W PERCY DR	FLORENCE SC29501	1118 W SUMTER ST	Florence	29501
	90044-10-045	HOWARD LOIS L		512 N SCHOFIELD ST	FLORENCE SC29501	512 N SCHOFIELD ST	Florence	29501
	90044-10-047	PRIME PROPERTIES OF FLORENCE	LLC	PO 80X 5090	FLORENCE SC29502	1106 B CARVER CIR	Florence	29501
	90044-10-062	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1117 A CARVER CIR	Florence	29501
	90044-10-064	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1109 A CARVER CIR	Florence	29501
	90044-10-004	WRIGHT MAMIE		2302 W SUMTER ST	FLORENCE SC29501	1024 W SUMTER ST	Florence	29501
	90044-10-006	BROWN ANNIE SHERILL		1110 W SUMTER ST	FLORENCE SC29501	1110 W SUMTER ST	Florence	29501
	90044-10-024	HUDSON JAMES C JR		1504 S MAIN ST	DARLINGTON SC29532	417 A N SCHOFIELD ST	florence	29501
	90044-10-030	HARKLESS LEO & GLORIA		1200 W SUMTER ST	FLORENCE SC29501	1200 W SUMTER ST	Florence	29501
	90044-10-043	CITY OF FLORENCE SC THE			00000	U	Florence	29501
	90044-10-011	HYMAN LOSSIE JACKSON JR &	NANCY H	PO BOX 95	OLANTA SC29114	414 N SCHOFIELD ST	Florence	29501
22		MCCRAE DENISE	-	410 N SCHOFIELD DR	FLORENCE SC29501	410 1/2 N SCHOFIELD ST	Florence	29501
	90044-10-036	SINGLETON TIMOTHY O &	DEBORAH D	1120 W SUMTER ST	FLORENCE SC29501	1120 W SUMTER ST	Florence	29501
*****	90044-10-037	MCCUTCHEON DALLAS &	MARILYN M	504 N SCHOFIELD ST	FLORENCE SC29501	500 N SCHOFIELD ST	Florence	29501
	90044-10-055	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1138 B CARVER CIR	Florence	29501
	90044-10-056	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1142 A CARVER CIR	Florence	29501
	90045-01-004	NEEL WILLIAM HAL III		2401 DAVID H MCLEOD BLVD	FLORENCE SC29501	1413 W DARLINGTON ST	Florence	29501
	90044-10-046	PRIME PROPERTIES OF FLORENCE	luc	PO BOX 5090	FLORENCE SC29502	1102 B CARVER CIR	Florence	29501
	90044-10-048	PRIME PROPERTIES OF FLORENCE	luc	PO BOX 5090	FLORENCE SC29502	1110 B CARVER CIR	Florence	29501
	90044-10-061	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1121 A CARVER CIR	Florence	29501
	90044-10-063	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1113 B CARVER CIR	Florence	29501
	90044-10-009	GREEN CHARLES E		2031 WEBSTER AVE APT 24	BRONX NY 10457	1260 W SUMTER ST	Florence	29501
	90044-10-019	HUDSON JAMES C JR		1504 5 MAIN ST	DARLINGTON SC29532	417 F N SCHOFIELD ST	Florence	29501
	90044-10-049	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1114 A CARVER CIR	Florence	29501
35		PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1122 B CARVER CIR	Florence	29501
	90044-10-060	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1127 A CARVER CIR	Florence	29501
36		JACKSON OLGA KATHERINE		1250 W SUMTER ST	FLORENCE SC29501	1250 1/2 W SUMTER ST	Florence	29501
	90044-10-033	PARROTT JULIUS N & SARAH		1620 HARRIS CT	FLORENCE SC29501	1122 W SUMTER ST	Fiorence	29501
	90044-10-040	CARRAWAY JOHNNIE		145 W HOME	HARTSVILLE SC29550	510 N SCHOFIELD ST	Florence	29501
	90044-10-052	PRIME PROPERTIES OF FLORENCE	LLC	PO BOX 5090	FLORENCE SC29502	1126 B CARVER CIR	Florence	29501
	90044-10-052	PRIME PROPERTIES OF FLORENCE		PD BOX 5090	FLORENCE SC29502	1146 B CARVER CIR	Florence	29501
	90044-10-066	PRIME PROPERTIES OF FLORENCE	uc.	PO 80X 5090	FLORENCE SC29502	1143 B CARVER CIR	Florence	29501
**************************************	90044-10-088	HARKLESS DOCK & ANNETTE R	HEIRS C/O DOROTHY BAKER	307 E NOBLE ST	FLORENCE SC29506	1112 W SUMTER ST	Florence	29501
44		CURTIS SAMUEL C		PO BOX 1075	DARLINGTON SC29540	1116 W SUMTER ST	Florence	29501
45	90044-10-034	HINES MARVIN & EUNICE		506 N SCHOFIELD ST	FLORENCE SC29501	506 N SCHOFIELD ST	Florence	29501
	90044-10-039	CRUSADE FOR CHRIST MISSION	THE	512 N SCHOFIELD ST	FLOBENCE SC29501	514 N SCHOFIELD ST	Florence	29501
		IPRIME PROPERTIES OF FLORENCE	LLG	PO BOX 5090	FLORENCE SC29502	1105 8 CARVER CIR	Florence	29501
48				1308 DIXIE ST	FLORENCE SC29501	1308 DIXIE ST	Florence	29501
	90044-02-009	MCDANIEL DONNA	C/O LINDA MCDANIEL	864 MARGUETTE LOOP	ALASKA AK99705	1308 DIXIE ST	Florence	29501
	90044-02-011	MCDANIEL TOM JR	CO LINUA INCOARDEL	545 CHESTNUT AVE UNIT 110	LONG BEACH CA90802	1303 W SUMTER ST	Florence	29501
	90044-02-004	ALEXANDER DEXTER M		3073 PISGAH RD	FLORENCE SC29501	1225 W DIXIE ST	Florence	29501
54	90044-03-010 90044-04-012	HUDSON E G		1228 DIXIE ST	FLORENCE SC29501	1228 W DIXIE ST	Florence	29501

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56 90044-04-014	CAPRICORN INC	·····	1171 S WALLACE RD	FLORENCE SC29506	1232 W DIXIE ST	Florence	29501
57 90044-08-005	ROBINSON JAMES H JR		1103 DIXIE ST	FLORENCE SC29501	1103 W DIXIE ST	Plorence	29501
58 90044-09-003	WILLIAMS JAMES &	MCLEOD JANIE M WILLIAMS	PC BOX 29	COWARD SC29530	1119 W SUMTER ST	Florence	29501
59 90044-09-005	POWERS CHARLES H		PO BOX 6525	FLORENCE SC29502	1115 W SUMTER ST	Ficrence	29501
60 90044-09-020	HUDSON E G		3073 PISGAH RD	FLORENCE SC29501	0	Florence	29501
61 90045-01-012	JAMES CLASSIE ETAL	C/O SAM JAMES	1650 WSTSEH303	WASHINGTON 0C20020	0	Florence	29501
63 90045-01-030	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	Florence	29501
66 90044-04-005	HUDSON EARNEST G		3073 PISGAH RD	FLORENCE SC29501	1259 W SUMTER ST	Florence	29501
67 90044-04-006	RICHARDSON BETTY R &	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 DELOHES A ETAL	C/O MARGAREE KELLY	407 WASHINGTON ST	FLORENCE SC29506	1021 W SUMTER ST	Florence	29501
70 90044-09-015	JETT LARRY &	MCDANIEL JOHNNY LEE	112 E WESTFORD RD	FLORENCE SC29506	0	Florence	29501
71 90044-10-003	BREWER HABOLD E & MARY E		4745 MEADORS RD	FLORENCE SC29501	1020 B W SUMTER ST	Flerence	29501
73 90045-01-022	JACKSON SHELBY J &	MATTHEWS KELLY L	316 N SCHOFIELD ST	FLORENCE SC29501	318 N SCHOFIELD ST	Florence	29501
74 90045-01-023	ALTMAN CEPHUS WOODROW &	ALTMAN SUSAN G	1419 W DARLINGTON ST	FLORENCE SC29501	1419 W DARLINGTON ST	Florence	29501
75 90044-02-006	ROBINSON MADALINE H HEIRS &	SONIA 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	FLOPENCE SC29501	1219 W DIXIE ST	Florence	29501
78 90044-04-007	PEOPLES YUONNE E &	RICHARDSON JAMES JR	1253 W SUMTER ST	FLORENCE SC29501	1209 W SUMTER ST	Florence	29501
79 90044-04-018	TIMMONS JAMES JR & FANNIE D		1261 W SUMTER ST	FLORENCE SC29501	1261 W SUMTER ST	Florence	29501
81 90044-08-002	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 FLORENCE 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
88 90044-04-015	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	FLOBENCE SC29501	1255 W SUMTER ST	Florence	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 SUMTER ST	Florence	29501
93 90044-08-010	SANDERS JOHN & LOIS JONES	······································	1106 HARMONY ST	FLORENCE SC29501	1106 W HARMONY ST	Florence	29501
94 90044-09-002	MCLEOD JANIE		PO BOX 29	COWARD SC29530	1121 W SUMTER ST	Florence	29501
95 90044-09-025	BURCH-SIMS & PAMELA		PO BOX 330323	NASHVILLE TN97203	500 BUNCH ST	Florence	29501
97 90045-01-009	LITTLE MAURICE M		1309 W DARLINGTON ST	FLORENCE SC29501	1311 W DARLINGTON ST	Fiorence	29501
100 90045-02-007	BELIN ELLEN M	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	PO BOX 170	DARLINGTON SC29540	1027 MARION ST	Florence	29501
101 90045-03-001	MAHAKALI LLC		700 S CASHUA	FLORENCE SC29501	1017 W DARLINGTON ST	Florence	29501
102 90044-02-005	HAFLEY LAWRENCE (LE) &	HENRIETTA K (LE)	1301 W SUMTER ST	FLORENCE SC29501	1301 W SUMTER ST	Florence	29501
104 90044-03-015	HUDSON EARNEST G	DISENTIET (A & (LL)	3073 PISGAH RD	FLORENCE SC29501	1221 W DIXIE ST	Florence	29501
106 90044-04-010	HUDSON EARNEST G		3073 PISGAH RD	FLORENCE SC29501	1218 W DIXIE ST	Florence	29501
107 90044-08-003	HUDSON E G		3073 PISGAH RD	FLORENCE SC29501	1107 W DIXIE ST	Florence	29501
108 90044-09-007	NIXON NELSON L & CORA M		PO BOX 853	AMITYVILLE NY11701	1111 W SUMTER ST	Florence	29501
109 90044-09-009	EADDY HOBERT L		1171 S WALLACE RD	FLORENCE SC29506	1107 W SUMTER ST	Florence	29501
110 90044-09-011	HUDSON E G		3073 PISGAH RD	FLORENCE SC29508	1023 SUMTER ST	Florence	29501
	BROWER BESSIE		1022 DIXIE ST	FLORENCE SC29501	1022 W DIXIE ST	Florence	29501
112 90044-09-018	and the second s		304 N SCHOFIELD DR	FLORENCE SC29501	304 N SCHOFIELD ST	Florence	29501
113 90045-01-016 114 90045-01-018	KNOTTS CHARLES ALLEN		312 N SCHOFIELD BD	FLOBENCE SC29501	400 N SCHOFIELD ST	Florence	29501
115 90045-01-018	NEEL WILLIAM HAL III		2704 N WILLISTON RD	FLOBENCE SC29506	327 N ROGERS ST	Fiorence	29501
115/90045-01-025	ADAMS MABLE LISTON		1307 W SUMTER ST	FLORENCE SC29501	1307 W SUMTER ST	Florence	29501
	and a second	LOCKETT DAVID H		***************************************		Florence	29501
119 90044-02-003			1305 W SUMTER ST EXT	······································	1305 W SUMTER ST		
120 90044-03-002	HUDSON E G		3073 PISGAH BD	FLORENCE SC29501	1213 W DIXIE ST	Florence	29501
121 90044-04-002	TIMMONS MAE K		638 S DANIELS ST	FLORENCE SC29506	1265 W SUMTER ST	Florence	29501
122 90044-04-003	MCLEOD DAVID		721 SUNNYSIDE RD	FLORENCE SC29501	1283 W SUMTER ST	Florence	29501
123 90044-04-021	PEOPLES YVONNE E		1257 W SUMTER ST	FLORENCE SC29501	1257 W SUMTER ST	Florence	29501

124 90044-09-013	PLOWDEN ALBERTA &	ETAL	BOS E PINE ST	FLORENCE SC29506	1019 W SUMTER ST	Florence	29501
125 90044-09-014	ECKLES GEORGE PHILIP		147 LIONS GATE RD	SAVANNAH GA31419	1017 W SUMTER ST	Florence	29501
126 90044-10-002	SWINNEY BOYKIN		1014 W MARION ST	FLORENCE SC29501	1018 W SUMTER ST	Florence	29501
127 90045-01-006	ELUM BEATRICE P		PO BOX 4326	FLORENCE SC29502	1405 W DAPLINGTON ST	Florence	29501
128 90045-01-007	ALTMAN C WOODBOW JR		5335 CHINABERRY RD	FLORENCE SC29506	1915 W DARLINGTON ST	Florence	29501
129 90045-01-020	ALTMAN CARRIE GAYMON		308 N SCHOFIELD ST	FLORENCE SC29501		Florence	29501
131 90044-03-009	DUMMINGS TROY		1214 HARMONY ST	FLORENCE SC29501	1214 HARMONY ST	Florence	29501
132 90044-03-012	HUDSON E G		3073 PISGAH RD	FLORENCE SC29501	1264 HARMONY ST	Florence	29501
133 90044-04-011	SANDERS MARGARET		1324 REVERA DR	SACRAMENTO CA95838	1224 W DIXIE ST	Florence	29501
134 90044-04-013	NEW PARK ASSOCIATES INC		950 PARK AVE	FLORENCE SC29501	1230 W DIXIE ST	Florence	29501
135 90044-06-005	DOWD PROPERTIES LLC		1931 OSPREY DR	FLORENCE SC29501	1203 W SUMTER ST	Fiorence	29501
136 90044-08-004	MACK LEE MANUEL ETAL		1540 MCKENNEY CRT	FLORENCE SC29501	1109 W DIXIE ST	Florence	29501
137 90044-08-006	HOBINSON JAMES H JR ETAL		1103 DIXIE ST	FLORENCE SC29501	600 CUMBERLAND DR	Florence	29501
138 90044-09-004	COLEMAN ANN H &	HAYNESWORTH RICHARD W	925 W MARION ST	FLOPIENCE SC29501	0	Florence	29501
140190044-09-021	BROWN CHARLES		651 BUNCH ST	FLORENCE SC29501	1108 W DIXIE ST	Florence	29501
141 90045-01-021	MARLOWE LILLIAN		406 N SCHOFIELD ST	FLORENCE SC29501	406 N SCHOFIELD ST	Florence	29501
142,90045-02-004	MCCLAIN JOSIAH JE &	THELMA KELLY	1017 W MAPION ST	FLORENCE \$C29501	1015 MARION ST	Florence	29501
143 90045-01-013	ALLISON RALPH JR &	GLADYS	3101 E SAMMYS LN	FLORENCE SC29506	1417 W DARLINGTON ST	Florence	29501
147 90045-01-034	WASHINGTON HATTIE P		64 MELROSE AVE	EAST LANSDOWNE PA19050	0 W DARLINGTON ST	Florence	29501
148 90045-03-003	MARFIN PROPERTIES	·····	PO BOX 3931	FLORENCE SC29502	1013 W DARLINGTON ST	Florence	29501
149 90045-03-005	GRAHAM MARGARET P		1007 W DARLINGTON ST	FLORENCE SC29501	1007 W DARLINGTON ST	Florence	29501
150 90060-08-002	MCELVEEN MARY S		1560 METROPOLITAN AVE #2 A	BRONX NY10472	1007 MARION ST	Florence	29501
151/90059-09-017	COOKS SARA LEE	····· { · · ···· · · · · · · · · · · ·	1021 DIXIE ST	FLORENCE SC29501	1021 W DIXIE ST	Florence	29501
153 90060-13-005	SISNETT FRANCES	···· • · · · · · · · · · · · · · · · ·	1006 W MARION ST	FLORENCE SC29501	1006 W MARION ST	Florence	29501
154 90060-08-009	BIBLEWAY CHURCH OF FLORENCE	405 ALEXANDER ST	FLORENCE SC	29501	405 N ALEXANDER ST	Florence	29501
155 90060-08-010	NOWLIN ROSA LEE		PO BOX 5523	FLORENCE SC29502	1012 W SUMTER ST	Florence	29501
157 90059-08-010	BOYD ELIJAH JR &	BOYD BERNETHA H	1021 W HARMONY ST	FLORENCE SC29501	1021 W HARMONY ST	Florence	29501
158 90059-08-007	FORD CATHERINE		706 CUMBERLAND DR	FLORENCE SC29501	704 HARMONY ST	Florence	29501
160 90060-08-007	BIBLEWAY CHURCH OF FLORENCE		PO BOX 3045	FLORENCE SC29502	1001 W MARION ST	Florence	29501
165 90044-10-017	PAINWATER LEILA D	P/U/C CELESTE H SINGLETON	1001 WENTWORTH DR	FLORENCE SC29501	417 N SCHOFIELD ST	Florence	29501
166 90044-10-031	EADDY ROBERT TRUSTEE	I TO O COLLEGE C THE MALE PROPERTY	1171 SWALLACE RD	FLORENCE SC29506	1206 W SUMTER ST	Florence	29501
167 90044-10-042	MCINVILLE WALLACE		3413 TWIN CHURCH RD	TIMMONSVILLE SC29161	408 N SCHOFIELD ST	Florence	29501
169 90044-10-050	PRIME PROPERTIES OF FLORENCE	LLC	PO 80X 5090	FLORENCE SC29502	1118 B CARVER CIR	Florence	29501
169 90044-10-057	PRIME PROPERTIES OF FLORENCE		PO BOX 5090	FLORENCE SC29502	1146 B CARVER CIR	Florence	20501
170 90045-01-002	DRIGGERS MACK T JR &	GRACIE VIRGINIA C	320 N SCHOFIELD ST	FLORENCE SC29501	320 N SCHOFIELD ST	Florence	29501
171 90044-02-008	GRANT DORETHA		1306 DIXIE ST	FLORENCE SC 29501	1306 DIXIE ST	Florence	29501
172 90044-03-004	HUDSON E G		3073 PISGAH RD	FLORENCE SC29501	1206 HARMONY ST	Florence	29501
174 90044-04-009	HUDSON E G		3073 PISGAH RD	FLORENCE SC29501	1214 W DIXIE ST	Florence	29501
175 90044-04-016	WILLIAMS CHARIS S ETAL		PO BOX 495	NORWALK CT06852	1267 W SUMTER ST	Florence	29501
176 90044-09-001	MCLEOD JANIE W		PO BOX 29	COWARD SC29530	1123 W SUMTER ST	Florence	29501
177 90044-09-008	GEE PERTIE		1109 W SUMTER ST	FLORENCE SC29501	1111 B SUMTER ST	Florence	29501
178 90044-09-019	BURNETT WINFRED MORRIS &	MAMIE	1100 DIXIE ST	FLOBENCE SC29501	1100 W DIXIE ST	Florence	29501
179 90044-09-026	SPEIGHTS JOHN HENRY &	LUCILLE	620 AIRE ACRES RD	TIMMONSVILLE SC29161	1102 W DIXIE ST	Florence	29501
180 90045-01-008	MOSS WELDING & IRON WORKS	INC	1311 W DARLINGTON ST	FLORENCE SC29501	1311 W DARLINGTON ST	Florence	29501
181 90045-01-019	ALTMAN MARY J		312 N SCHOFIELD RD	FLORENCE SC29501	312 N SCHOFIELD ST	Florence	29501
182 90045-01-027	JACKSON DANIEL CARL JR		2790 KINTYRE RD	FLORENCE SC29501	1401 W DARLINGTON ST	Florence	29501
183 90045-01-035	BAKER HARRY		1939 WESLEY CRT	FLORENCE SC29501	401 N CUARY LN	Florence	29501
185/90045-03-016	KELLY BURNETHA A		1015 W DARLINGTON ST	FLORENCE SC29501	1015 W DARLINGTON ST	Florence	29501

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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
COMMEN	TOWN THE PROPORTY LOCATON 47 THE CORNER OF
SUMION	2 ST. AND N. ALEXANDER - 10009 W. SUMTURST. I
BOUGHT	THE PRODENTY IN JUNE OF 2009 WITH THE INTENT OF
putting	SOME RONTHE PROPERTY PW IT. IN AUGUST DE 2009, COUNTY
COUNCEL	places & IYR MORATORIUM PAS BUILDING ON THIS PROPORTY.
I 1/40	INVESTED TIME AND MONEY IN PLANNING FOR THIS APPROX
#500K	PROJECT, THENE WAS & BUILDER READY ZO GO WHEN THE
MOA4TO,	RIUM WAS pUT IN PLACE, I FEEL THAT THE MORATORIUM
NND	FORCED NE-ZONING OF THIS PROPERTY IS UN-FAIR AND
NV	N-PRODUCTIVE FOR THE FOLLOWING READONS!
	(OUER)

- #1 IT DEVALUES PROPERTY FOR THE PROPERTY DWNUR BY RESTRICTING USES.
- #2 IT TAKES AWAY OWNERS PROPERTY RIGHTS.
- #3 IT STIFLES GROWTH IN THLE AREA BY LIMITING CONSTRUCTION.
- # 4 BY FORCING OUT INCO CONSTRUCTION, THE COUNTY WILL LOSE TAX RELEAVE AND INCOME FROM BUILDING PERMITS, WATER/SEALER TAPS, BUSINESS LICENSES ETC.
- # 5 IT SETS A BAD PRECEDENT WHEN THE GOUT. CAN PLACE & MORATORIUM ON AN ARCH WITHEUT PRIOR NOTICE, IF AN OUT OF TOWN INVESTOR BOUGHT SOME PROPERTY IN THIS AREA AND THEN WAS STOPPOD FROM DOTNE A PROJECT, THEY WOULD SUFFOR DAMAGES AND MIGHT SEEK LEDAL RAMAGES AGAINST THE PEOPLE WHO SOLD THE PROPONTY TO THOM & THE COUNTY.
- I SUPPORT EFFORTS TO ZONE UN-ZONDO PROPORTY, BUT I THINK EACH TRACT SHOULD BE LOOKED 47 INDEPENDENTLY & THE PROPERTY DUNCH'S INTOLOSTS SHOULD BE CONSIDERED.

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406 n. Schofield ARINWE Address Name COMMENTS you

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Address Name COMMENTS:

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Address ٤. mAnd

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MESTIMMONS 1261 11 SUMITER STREE Name Address **COMMENTS:** MON'T THE LOTS CLEAN MONT TU AREA

Minutes Florence County Planning Commission Meeting Tuesday, June 22, 2010 at 6:30 p.m. City-County Complex, Room 803 180 N. Irby St., Florence, South Carolina

The Florence County Planning Department staff posted the agenda for the meeting on the information boards at the main entrance and the back entrance of the City-County Complex and at the entrance of the Planning, Zoning and Building Inspections Department building.

The agenda was also mailed to the media.

I. Call to Order:

Chairman Knoller called the meeting to order at 6:30 p.m. and declared a quorum of members present.

Chairman Knoller explained to those present the procedures for the public hearing portion of the meeting.

II. Attendance:

Commissioners Present:	Peter M. Knoller, Chairman
	Bill Lockhart, Vice-Chairman
	Linda Borgman
	Ted Greene
	David Hobbs
	Roger Kirby
	Jody Lane
and the second	Doris Lockhart
and the Constanting	King Lowery
	Virginia Talbert
Commissioners Absent:	Cecil Cunha
Ser Control Ser. 9 Control Ser. 19 Control Ser.	
Staff Present:	J. Kevin Griffin, Planning Director
	Pearlie D. McDaniel, Development and Zoning Services Officer
	Scott Park, Planning Services Officer
	Tripp Ward, Planner II
	Derrick Singletary, Planner II
	Angela C. Thomas, Secretary
Public Attendance:	See sign-in sheet on file with the Florence County Planning
	Department.

III. Review and Motion of Minutes:

Comm. Kirby made a motion to approve the minutes of the May 25, 2010 meeting. Comm. Lowery seconded the motion. The vote carried unanimously.

Comprehensive Plan Map Amendments/Zoning Map Amendments:

PC#2010-08 Comprehensive Plan Map Amendment to change the Land Use Map designation for properties in Florence County located on Oak St., E. Sixth Ave., Human St., River Rd., and S. Pine St., Pamplico shown more specifically on Tax Map No. 376, 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; Tax Map No. 377, 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; and Tax Map No. 60010, Block 6, Parcels 2-7, 9-12 from Residential Preservation and/or Variable Residential to Suburban Development.

Mr. Kevin Griffin presented the staff report to the Commission. Staff recommends approval of the request.

(copy available at the Florence County Planning Department)

Chairman Knoller opened the floor for public comments.

Mayor of Pamplico, Gene Gainey, came forward and made the following comments:

- Pamplico had zoned R-3 for the area that we just talked about and it had been in place for many years; when Florence County took over, their codes were different than ours and we didn't realize that and we had some complications with several folks that wanted to put singlewide trailer homes in and Florence County codes would not allow it.
- Pamplico Town Council approved this request for the Florence County Planning Commission to take a look at it and return back to the R-3 codes that we had; this would be the same thing that we've been doing for many years; there will actually be no change.
- We've never really had any major complaints; we've had some over the years and I was on the council for about 22 or 23 years and have been the mayor now for five years.
- All we're asking is to go back to the previous zoning.

Ms. Sharon Graham came forward and made the following comments:

- My house is located on Oak Street.
- I want to know if you have a house and these trailers come in, does it lower the value of your house.

Chairman Knoller responded it depends on the houses in the area; it depends on many things; if somebody is a good property owner and looks after their property everything is fine; it mainly depends on if there is a house next door to you and they don't keep it up and its falling apart, your house will then have lower value.

Comm. Lane made a motion to approve the request. Comm. Kirby seconded the motion. The vote carried unanimously.

PC#2010-09 Zoning Map Amendment requested by the Town of Pamplico to amend the zoning district designation for properties located on Oak St., E. Sixth Ave., Human St., River Rd., and S. Pine St., Pamplico shown more specifically on Florence County Tax Map No. 376, 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; Tax Map No. 377, 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 1-4; 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 1-11, 16-19, 21, 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; and Tax Map No. 60010, Block 6, Parcels 2-7, 9-12 from R-5, Multi-Family Residential District to **RU-1, Rural Community District.**

Mr. Kevin Griffin presented the staff report to the Commission. Staff recommends approval of the request.

(copy available at the Florence County Planning Department)

Comm. Borgman stated remind me again when this took place with the Town of Pamplico.

Mr. Griffin responded September of 2009.

Comm. Hobbs asked you mentioned one group of commercial property, do you know what block that's in?

Mr. Griffin responded it's on Main Street.

Comm. Hobbs stated the reason I'm asking is there are two differences in the first one we did and this one; block 13 and block 2 as fat as on the parcels.

Mr. Griffin stated we'll double check that to make sure it's correct.

Chairman Knoller opened the floor for public comments.

Mayor Gene Gainey came forward and made the following comments:

• I'd just like to say on behalf of Town Council and myself that we recommend this change be made.

Mr. Griffin stated I want to clarify Mr. Hobbs question; the prior land use change, the land use does change on the commercial parcels but it still allows the same commercial zoning district and it's commercial zoning will remain.

Ms. Shirley Timmons came forward and made the following comments:

- Based upon your preamble I commend the zoning department for formally addressing this issue.
- I rely upon your knowledge and insight regarding the implications of rezoning a historically African American community from an R-5, Multi-Family Residential District to a RU-1, Rural Community District.
- I oppose this rezoning plan; my rational for the opposition is based in part upon the following four primary factors.
- One, the intent of zone R-5 is incompatible with that of RU-1, there are no identified commercial, service, social or agricultural needs of nearby rural residents that would be met and that would benefit the current residents of this area.
- Two, compared to site built homes, mobile homes allowed by a RU-1 designation typically depreciate in value at a relatively accelerated rate; this depreciation directly affects property values of all homes within the district.
- Specifically, Pamplico has a total population of approximately 1,139 residents; of this total, over ½ is African American; African Americans in Pamplico experience poverty at levels almost five times greater than Caucasian residents; ironically, the majority of African Americans in the Town of Pamplico reside in the area planned for rezoning; these factors alone can only facilitate increased poverty related to deflated property values and further social and political segregation that are also known to promote financial disadvantage.
- Three, mobile home settlements that are situated within mobile home parks where the resident does not own the land on which the home sits depreciates surrounding home values even more drastically.
- Four, mobile homes are not taxed as equitably on their value as traditional site built homes.

Mr. John Graham came forward and made the following comments:

- I have a house in Pamplico in the area that they're talking about.
- Why do they have to go and place trailer houses in this area because I do know for a fact that it's going to lower the value of my property?
- They can look at other areas besides that area.

Ms. Rosalyn Graham came forward and made the following comments:

- I am a property owner on Sixth Ave, in the area in which they are speaking.
- I am opposed to the change in zoning.

Comm. Lane asked can you clarify the difference between RU-1 and R-5?

Mr. Griffin responded basically the RU-1 is a bit broader in its uses; the R-5 does allow mobile homes but it currently only allows doublewide manufactured homes, it does not allow singlewide manufactured homes; the primary difference is that in itself; with the exception of the properties to the south, most manufactured homes are on the interior.

Comm. Lane asked what is the lot size?

Mr. Griffin responded R-5 is actually 6,000 and RU-1 would allow 15,000; it's a more rural zoning so it's a larger lot size.

Comm. Lane responded this seems to be a move in the right direction, more restrictive; wouldn't that actually help property values.

Mr. Griffin responded it would be more restrictive on the lot size.

Comm. Lane responded it would essentially take out multi-family houses and small properties and increase it for the neighborhoods and lot sizes.

Mr. Griffin responded that is possible.

Comm. Borgman asked in RU-1 are mobile home parks not allowed?

Mr. Griffin responded R-5 allows manufactured home parks and RU-1 would not.

Chairman Knoller asked how many singlewides are there already in that area?

Mr. Griffin responded 64 according to the assessor's records.

Chairman Knoller asked and there are approximately 140 lots?

Mr. Griffin responded 205.

Chairman Knoller responded at least 30% with mobile homes on them.

Mr. Griffin responded yes sir.

Comm. D. Lockhart asked Mayor Gainey, in your deliberation and recommendation coming from the Town of Pamplico Council, was there opposition to this extent when you recommended changing the zoning to RU-1?

Mayor Gainey responded there was no opposition; we were trying to get it back to where it was before the consolidation; the RU-1 was the only way we could go to better suit the whole situation to give everybody the opportunity to put singlewides or houses.

Comm. Kirby made a motion to approve the request. Comm. Borgman seconded the motion. The vote was 9 to 1 with Comm. D. Lockhart voting in opposition to the request.

PC#2010-10 Withdrawn per note on following agenda item.

PC#2010-11 Withdrawn per County Attorney opinion and State Law Section 6-29-1145.

Chairman Knoller stated that both of these requests have been withdrawn.

Mr. Griffin stated it was a case on Redbud Lane that had applied for a rezoning and land use change; as part of the discovery process it was brought to staff's attention that there were restrictive covenants on the property; state enabling legislation does not allow us to proceed if there are known restrictive covenants that would not allow the use that's being requested; we forwarded this to the county attorney, Mr. Jim Rushton who concurred the applicant must resolve the civil issue with the restrictive covenants; once remedied, then they may go through due process with the rezoning and the land use amendment request.

PC#2010-12 Zoning Map Amendment requested by the Florence County Planning Commission on behalf of the West Sumter Street Community to amend the zoning district designation for 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 shown on Florence County Tax Map No. 90044, Block 2, Parcels 2-11; Tax Map No. 90044, Block 3, Parcels 2, 4-6, 8-10, 12-15; Tax Map No. 90044, Block 4, Parcels 1-3, 5-21; Tax Map No. 90044, Block 6, Parcels 1-3, 5; Tax Map No. 90044, Block 8, Parcels 2-6, 10; Tax Map No. 90044, Block 9, Parcels 1-21, 25, 26; Tax Map No. 90044, Block 10, Parcels 1-14, 17, 19, 21, 24, 29-43, 45-66; Tax Map No. 90045, Block 2, Parcels 4, 7; Tax Map No. 90059, Block 8, Parcels 7, 10; Tax Map No. 90059, Block 9, Parcels 12, 17; Tax Map No. 90060, Block 8, Parcels 1, 2, 7-11; Tax Map No. 90060, Block 13, Parcels 3, 5, 6; and Tax Map No. 122, Block I, Parcel 97 to R-3A, Single-Family **Residential District.**

Mr. Kevin Griffin presented the staff report to the Commission. Staff recommends approval of the request.

(copy available at the Florence County Planning Department)

Chairman Knoller opened the floor for public comments.

Mr. Wallace McInville came forward with the following question:

• I own a lot in that area and it presently has a singlewide mobile home; if they annex it in, what's going to happen if the mobile home burns or if I want to upgrade?

Chairman Knoller responded it was not an annexation; we are designating a zoning district; if you have a mobile home there and you are replacing it, you have six months to replace with a like mobile home.

Mr. McInville asked so I can replace it?

Chairman Knoller responded so long as you do it within a six month period.

Mr. Gary Dauksch came forward and made the following comments:

- I'm a real estate broker and I'm also a property owner in this area.
- I bought a piece of property that's on the corner of Sumter St. and Alexander St. in June of 2009.
- All the property around my property is either zoned R-4, it's unzoned or it's being used as commercial; there is a funeral home across from my property.
- I bought the property specifically because it was unzoned and it would give me the flexibility to do what I wanted to do; my intent was to put a multi-family property on there.
- I had a builder lined up, I had financing lined up, I had plans, I had a survey done and two months after I purchased the property a moratorium was put on the whole area; I had not heard about it coming so it kind of caught me blind.
- It stopped about a half a million dollar investment in the local community; it stopped us from doing an investment that would generate tax dollars, water tap fees, sewer fees and provide local contractors with work; it does have an economic impact.

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- As a property owner, obviously I oppose this measure because its costing me money, its costing me a delay; economic conditions have changed and I don't know if the financing that I had been able to secure last year is going to be as good whenever this issue is worked out or if this issue is zoned R-3A, I may not be able to do anything with the property and so I've wasted my money investing in it.
- I feel it's a little unfair that a group of people can get together and dictate how my property is used if they don't own or even live in the area.
- As a real estate agent I also have issues with this type of moratorium and rezoning a blanket area; it devalues the property for the property owners; it infringes upon the property rights of the owners; it stifles growth and development in the area.
- I don't think it's a marketable area for a developer to go in and build single-family homes and sell them.
- I think this will set a bad precedence going forward; I think it will give Florence the image of being unfriendly to developers or investors.
- As a realtor I'm going to have to say, "Well, I'd like to sell you this property, its unzoned, but I can't guarantee you that County Council won't just come in and put a block on what you want to do."; for me it kind of puts a bad taste in the mouth of the investor when they are looking at Florence as a possible place to do a project.
- I'm opposed to this proposal but I'm not opposed to making Florence a better area or the West Sumter St. area a better area.
- I would never build anything that was going to be a nuisance property or bring down the value of the properties around me.

Chairman Knoller stated we had two public hearings at R.N., Beck Learning Center.

Mr. Dauksch responded I went to one.

Chairman Knoller asked did you say anything?

Mr. Dauksch responded I spoke to two gentlemen and I wrote a letter which I turned in to the lady that was working; I went to the one on June 10th; you were tied up talking to some other people so I couldn't talk to you.

Comm. Lane asked Mr. Dauksch, I have read over your letter and everything concerning this packet but I didn't see in here which zoning would let you use the property for the intent that you had purchased the property for?

Mr. Dauksch responded R-4 would allow me to do what I want to do and it would match everything that's around where my property is.

Comm. Talbert asked where is your lot again?

Mr. Dauksch responded it's on the corner of Sumter and Alexander St.

Chairman Knoller responded it should be right across the street from the R.N. Beck Learning Center.

Comm. Lane asked Mr. Dauksch, could you point to your property please?

Mr. Dauksch referenced it on the map.

Comm. D. Lockhart asked would it be unreasonable to aggregate that part out of the request and allow the other properties to be R-3A because it is adjacent to the property that is already R-4 on that corner; also, you mentioned that you were looking at putting a duplex on that property, how many units?

Mr. Dauksch responded eight to twelve; I don't think twelve would work so probably eight units or four duplexes; the property is over an acre.

Comm. D. Lockhart asked Mr. Griffin, could you answer that first question for staff?

Mr. Griffin responded this request is sponsored by the Planning Commission so there is some leeway to change the assignments if you deem necessary.

Comm. D. Lockhart responded and let the other ones be R-3A and aggregate that since it's adjacent to the other ones that are R-4 in the city.

Chairman Knoller responded the reason we are sponsoring this, when we got the petition, someone had to do it; we can leave that one out as its going to be comparable to all the surrounding area.

Comm. Borgman asked what if we have another one that's in the middle?

Chairman Knoller responded not in the middle; that would be spot zoning.

Comm. D. Lockhart responded it needs to be adjacent.

Chairman Knoller asked it's within our jurisdiction that we can do this right?

Mr. Griffin responded yes sir.

Mr. Steve Creedman came forward and made the following comments:

- I need to know the distinction between R-3A and R-4; we bought this property with the idea of putting a mobile home in that area; our plans were stopped with the moratorium.
- I understand that this R-3A would not allow mobile homes.

Chairman Knoller responded that is correct.

Mr. Creedman responded in that regard, I would have to oppose it; I think on the adjoining lots, there is a mobile home on one side of me and an abandoned property with an empty concrete structure on the other side; I think to exclude mobile homes is wrong because you can have nice mobile homes that can help people out; the lot is a narrow lot, I don't know what size of a site or stick built structure would fit on it; the design of a mobile home would fit perfectly on that lot.

Ms. Debbie Eaddy came forward and made the following comments:

- If I own property and pay taxes in that area, I think I ought to have as much voice as anyone who lives in that area.
- I am 100% opposed to this rezoning.

Mr. Bryan Dowd came forward and made the following comments:

- I own a substantial amount of property in this area; more than any one individual that lives in that area.
- I am very much opposed to this; seeing the map up here with everything around it being R-4 leads me to believe that if you want congruency in your zoning, then R-4 should be the correct zoning.
- Also, I attended one of those meetings; one of the major complaints from people in that area is they think crime comes out of these duplexes; I can promise you that is not the case; I welcome for you to check with the Sheriff's Department with all the properties that I own to see how many times they have to go; out of the five years that I've owned property there, I can only remember one time.

Ms. Geraldine Timmons came forward and made the following comments:

- I live in West Florence and we have a lot of crime; it's right from Carver St., Ingram St., Alexander St., Dixie St. and Sumter St.
- They're packing so many people on these small lots that the crime has grown.
- I live at 1200 Dixie St.; I can sit and look out my window; the police stay over there because of fighting, crime and drugs.
- You're talking about putting a duplex on the corner of Alexander and Sumter St.; that's piling in more people; West Florence really needs building up but build some decent homes where people can buy them from you.
- They're not putting anything but apartments in there; the people move in and only stay two or three months.
- On the 1100 block of Dixie St. there is about 50 apartment houses; just take a ride and look; every other month people are being put out of the houses.
- You said there is no crime; you need to check with the police department and find out what's going on because they're selling drugs like candy.
- Don't push all these homes in there.

Ms. Teresa Ervin came forward and made the following comments:

- If you live in the community you would understand that when you come down Alexander St. you have part of the area that's actually in the city; the city has a problem with the present R-4 being zoned that way and that's why we're fighting in the city trying to get the zoning changed there.
- The R.N. Beck Center is the original Carver school, it's historical; this is a precious site in the community; then you've got Dimery Rogers Funeral Home that's been there since I was a little girl; that's a part of the historical part of the community.
- When you go down Sumter St., you say the people don't own the property but they are paying the money to live there; some of these homes are single-family homes that are being rented.
- I firmly do not want to drive down Alexander and see eight houses packed on a corner; when you go down Sumter St. now, turn over to your left; you've got a development right now that has duplexes in it; when it comes to crime, you may not see it in the city but you'll see it on the part of the Sheriff's having to come out and they have to come out so regular that you have people moving in and then they want to get out; there is a big problem with crime.
- I own my home there, I don't plan to move and I don't want to be chased out by somebody who's going to come rent a home for a short time.
- These duplexes will bring down the property value.

Mr. Joey McMillan came forward and made the following comments:

- I'm the immediate past chair of the Pee Dee Realtors Association.
- The concern that I have with this is a blanket moratorium where if a broker sells a piece of property to somebody and says it is zoned for this and you can do this with it and all of the sudden there is a moratorium and he can't do with the property what he bought it for.
- This is a great concern to our brokers because if we have somebody coming in from out of town and they buy a piece of property that is zoned to do a certain thing and we sell it to them and the next day its not and they can't do it and then we have to wait for the moratorium; they're going to come back to us or the commission and say that you told us we could do this and now we can't do it; are they going to sue us; its not right to sell somebody a piece of property and say you can do one thing with it and the next day you can't do something with it.
- If it's okay with the Chairman, can the people that are opposed stand up?

Chairman Knoller responded in the affirmative.

Approximately eight people stood up in opposition to the request.

Comm. Borgman stated I went to the first Sumter St. meeting and there were many homeowners or people that live in that area that asked why don't they have an opportunity to buy the property; they said that they don't even know property is for sale and all the sudden its sold; I'm wondering how that could be.

Mr. McMillan responded I'm wondering how that could be myself because I spend about \$2,000 a month letting people know that property is for sale.

Comm. Borgman responded I heard that more than once.

Chairman Knoller responded we heard that several times from several people and I know you realtors like to put signs out there but they have obviously never seen a sign.

Mr. McMillan responded I just get the sense that you think the realtors are out there to bring down communities and I can tell you that is not the case; we want Florence to raise up and be the city it can be; we're not going to get people to come in from other areas to buy property to improve it if they're not sure what they're going to get.

Comm. Hobbs stated it is true that you possibly sold something to somebody and told them you can do this, that and the other with that property but it was never zoned; none of these properties were zoned and we're changing the zoning.

Mr. McMillan responded but you put a moratorium where they couldn't do anything to it until it was zoned.

Comm. Hobbs responded I understand that but when you bought it and you told anybody anything about the property, it has never been zoned.

Comm. Lane made a motion for a continuance until we can get the property owners to identify their property and what they would like to see their current unzoned property zoned to and to see if we can get a consensus of people being satisfied with property they currently own; maybe it would be

adjacent to and we could suffice everyone; this has gone on long enough and its important enough to the community that we do it right and I think if you own property that you need to have that say so.

Vice-Chairman Lockhart asked if you own property in that unzoned district, can you option out of the new zoning?

Mr. Griffin responded that's up to Planning Commission for recommendation.

Comm. Talbert asked what are the setbacks on R-3A?

Mr. Griffin responded it's the same as R-3; lot width would be 50 feet, front yard setbacks 25, side yard would be 5, the rear yard is 25 and then 50 for non-residential in that area.

Chairman Knoller asked I have a motion, do I have a second?

Comm. Greene seconded the motion.

Chairman Knoller stated the motion is made that we take a continuance on this and we ask staff to get in touch with all of the property owners in this area.

Comm. Borgman asked about what we discussed with the one property owner who is on that corner, is that going to be any consideration at all?

Comm. Hobbs responded he'll be on that list.

Chairman Knoller responded he could say I don't want to be in there, which is perfectly legal.

Vice-Chairman Lockhart asked anybody can do that?

Chairman Knoller asked if we option to let that one property owner opposite of the R.N. Beck Center get out of this, can any other property owner get out of it if they don't want to be zoned?

Mr. Griffin responded that would be up to Planning Commission; this is the scope of the request that we had earlier and if we do adjustments to the map, the way we'll likely do it is to notify that the property has been proposed for zoning to an R-3A and if you would like to make comments or propose a different district then you can come in and do such.

Chairman Knoller asked if half a dozen property owners say they don't want to be zoned, are we allowed to approve that because that's almost like spot zoning isn't it?

Mr. Griffin responded Planning Commission is sponsoring this zoning assignment, this is actually not a rezoning but a zoning assignment because there currently is not a zoning on the property so you have broad deference there as to how you want to handle this request.

Vice-Chairman Lockhart asked so you're going to defer it anyway?

Mr. Griffin responded with the current motion we would have to.

Comm. Hobbs responded I agree with Jody, I know what the residents and property owners are trying to accomplish; maximize the money for the owners of the property and of course the people that live

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there, they don't want certain things to go on in that area; two differences in the properties that we're talking about, that biggest piece of property, I don't see anybody that would buy that piece of property and put one house on it; the smaller properties, they probably can't do anything else with the property; what Jody's proposing I think is the best alternative; not that we would necessarily agree with all of them but just to throw a blanket over that one area, it doesn't fit.

Comm. Kirby asked in the notification process that was done for this public hearing and for the previous public meetings, were the property owners not notified?

Mr. Griffin responded each one was notified within the community and the petitioners; signs were also placed in the community.

Comm. Kirby asked what are we proposing to do now?

Chairman Knoller responded we're now proposing to actually send letters to the people asking them to please tell us what they want.

Comm. Kirby responded I have several concerns; many of my concerns have to do with precedent; this is obviously a very emotional issue for a lot of people; we have certain sets of protocol we follow through all of our planning and zoning requests; based on what our staff reports have been, those have been followed to this point; it doesn't make it a less emotional issue; we've got two sides, both pitting against each other and really everybody wants the same thing; everybody wants a better community; we are trying to handle law enforcement issues with zoning; that in my opinion is misguided; we take community issues in this case that are obviously very heartfelt from both sides and put a moratorium on development; I don't really understand that process; it takes away the public hearing side of peoples opinions and arguments; this is a very complicated issue that everybody has chosen to draw a line in the sand on and we have an opportunity to either move forward with what's been placed in front of us or walk away from it; I don't see us as a commission, taking this or any other situation and creating special circumstances for ourselves in order to resolve it; every volatile issue we'll have going forward we would say "well, we've had our public hearings and now we're going to write letters to people that some did or didn't respond"; I just think we're setting a very bad precedent to do that.

Comm. D. Lockhart responded obviously the opposition came up and said no we do not want it and I will go along with the recommendation of staff with that regard.

Comm. Talbert asked when was the moratorium put on building and who approves that?

Mr. Griffin responded the Planning Commission cannot place a moratorium on property; that was done August of this past year; County Council put a moratorium on the property for one year and remanded it to the Planning Commission to study for a zoning assignment; primarily from my understanding was because of complaints of the type development that was being proposed in the community.

Vice-Chairman Lockhart stated I don't see having a third meeting when we've already gone through this twice and if they don't show up for the third meeting are we going to have another meeting.

The vote was four yeas and six nays, with Commissioners Jody Lane, Ted Greene, David Hobbs and King Lowery voting in favor of the motion. Chairman Peter Knoller, Vice-Chairman Bill Lockhart,

Commissioners Linda Borgman, Doris Lockhart, Roger Kirby and Virginia Talbert voted against the motion. Motion failed.

Comm. D. Lockhart made a motion to approve the request.

Comm. Borgman seconded the motion.

Comm. Lane stated I just don't see how we can move forward zoning it as staff has proposed it with the opposition that we've seen and not truly knowing what the property owners want to do with their property; I understand we need to move forward, I just think we're not moving forward with the consensus of the property owners.

Comm. Hobbs stated I believe we're going to be right back in here again with the ones that do oppose it if we do it that way, so either way you're going to be spending time on this in my opinion.

Comm. D. Lockhart stated I think that we have allowed staff to do due diligence in providing enough forum for opposition as well as support over the course of the moratorium; if we ask staff again, will we still be at a limbo stage without making a decision; at this point we need to move forward; if we look at the list of who showed up in opposition and staff did say that everybody was notified, so what do we do, we ask them to notify them again and we still don't get a balance.

Comm. Talbert asked the petition that initiated all of this, are they the ones that requested the R-3A or did you recommend the R-3A?

Mr. Griffin responded the original petition requested the R-3A.

The vote was four yeas and six nays, with Chairman Peter Knoller, Commissioners Doris Lockhart, King Lowery and Linda Borgman voting in favor of the motion. Vice-Chairman Bill Lockhart, Commissioners David Hobbs, Roger Kirby, Jody Lane, Ted Greene and Virginia Talbert voted against the motion. Motion failed.

Chairman Knoller stated that the request would go forward to County Council with a recommendation of disapproval.

Text Amendments:

None

V. Requests for Plat/Plan Approval:

None

VI. Other Business:

PC#2010-07 Adoption of a Resolution recommending the new Transportation Element of the Comprehensive Plan.

Mr. Scott Park stated nothing has changed since the last presentation; I received a list of grammatical updates from Vice-Chairman Lockhart; other than that, there have been no additional comments. Staff recommends approval of the request.

(copy available at the Florence County Planning Department)

Comm. Borgman made a motion to approve the request. Comm. Lane seconded the motion. The vote carried unanimously.

VII. Director's Report:

Mr. Griffin's comments were as follows:

> Summary Plats

We had a total number of 27 plats for the month of May; total number of lots was 42; total acreage was 119.

Building Report

Permits have been steady; we have a few rather large commercial projects on the horizon.

Priority Investment Element

We will begin review on this element shortly.

> Portable Sign Meeting

The Public Services and County Planning Committee will have a meeting on July 20th.

VIII. Adjournment:

Comm. Lane made a motion to adjourn the meeting. Comm. Hobbs seconded the motion. The vote carried unanimously. Chairman Knoller declared the meeting adjourned at 8:12 p.m.

Respectfully submitted,

Angela C. Thomas Secretary

Approved by:

J. Kevin Griffin Planning Director

Approved by:

Peter M. Knoller Chairman, Florence County Planning Commission

*These minutes reflect only actions taken and do not represent a true verbatim transcript of the meeting.

FLORENCE COUNTY COUNCIL MEETING August 19, 2010

AGENDA ITEM: Introduction - Ordinance No. 06-2010/11

<u>DEPARTMENT</u>: County Council

ISSUE UNDER CONSIDERATION:

(An Ordinance To Amend Florence County Code Chapter 6, Animal Care And Control, Section 6-2, Animal Cruelty, To Provide Regulations For The Practice Of Tethering Of Dogs And Other Matters Related Thereto.)

OPTIONS:

- 1. (Recommended) Introduce Ordinance No. 06-2010/11.
- 2. Provide an Alternate Directive.

ATTACHMENTS:

Ordinance No. 06-2010-11.

Sponsor(s)	: County Council
First Reading/Introduction	: August 19, 2010
Committee Referral	:
Committee Consideration Date	:
Committee Recommendation	:
Public Hearing	:
Second Reading	:
Third Reading	:
Effective Date	: Immediately

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

ORDINANCE NO. 06-2010/11

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Amend Florence County Code Chapter 6, Animal Care And Control, Section 6-2, Animal Cruelty, To Provide Regulations For The Practice Of Tethering Of Dogs And Other Matters Related Thereto.)

WHEREAS:

- 1. Section 47-3-20 of the Code of Laws of South Carolina, 1976, as amended, grants authority to Florence County to enact an ordinance for the care and control of dogs, cats, and other animals and to prescribe penalties for violations; and
- 2. Florence County recognizes the need for regulations to provide for the humane treatment of dogs that are tethered and/or chained.

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

- 1. Florence County Code, Chapter 6, Animal Care and Control, Section 6-2, Animal Cruelty, is hereby amended with the insertion of language attached hereto and incorporated by reference.
- 2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
- 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect with the invalid provision or application and to this end, the provisions of this Ordinance is severable.

ATTEST:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: OPPOSED: ABSENT:

SIGNED:

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

Sec. 6-2. Animal Cruelty.

(n) Tethering of Dogs.

"Tethered" or "tethering" means attaching an animal to a stationary object by means of a chain, cable, rope, running line, harness or similar device. Tethering shall not include the use of an appropriate leash to walk a dog.

- (1) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or otherwise cause a dog to be fastened, chained, tied or restrained, without limitation to houses, trees, garages, or other stationary or immobile objects by means of a chain, cable, rope, running line, harness or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:
 - (a) The tether must be attached to a properly fitting harness or collar and not directly to the dog's neck. The tether must be at least twelve (12) feet in length and positioned so that at its greatest length it prevents injury, strangulation or entanglement with any obstruction, man-made or natural.
 - (b) The tether, assembly or attachments shall not exceed one-tenth (1/10) of the dog's body weight so as to inhibit the free movement of a dog within the area tethered.
 - (c) Tethering of dogs for more than one (1) hour at a time and more than three (3) total hours in any twenty-four (24) hour period is prohibited. Dogs must be taken off of a tether for at least three (3) continuous hours between tethering periods.
 - (d) A dog is not to be tethered outside during extreme weather, including, but not limited to extreme heat or near-freezing temperatures, thunderstorms or floods.
 - (e) A tethered dog must have access to adequate shade, shelter, food and water.
 - (f) The dog must be at least fifteen (15) feet from the edge of any public road or sidewalk and not in an area open to teasing or attacks, or where the ground becomes wet or muddy. The dog must be tethered in a manner that will prevent the animal from leaving any part of the owner's property.
 - (g) The dog must be six (6) months of age or older
 - (h) The dog must not be sick or injured.
 - (i) If there are multiple dogs, each dog must be tethered separately.
- (2) Any person in violation of this section shall be subject to a civil fine in accordance with Section 6.2(j) of this chapter.

FLORENCE COUNTY COUNCIL MEETING August 19, 2010

AGENDA ITEM: Report to Council

DEPARTMENT: Administration

ISSUE UNDER CONSIDERATION:

Authorize The County Administrator To Execute An Agreement For A Lease Termination Settlement With Waste Management Of Carolinas, Inc. For Property Located On Paper Mill Road.

POINTS TO CONSIDER:

- 1. Waste Management has requested a termination of the Lease Agreement for property located on Paper Mill Road.
- 2. Waste Management will pay a settlement in the amount of \$210,186.50 for the surrender of the premises and termination of the lease, and to cover damages to the property.

OPTIONS:

- 1. (Recommended) Approve as presented.
- 2. Provide an alternative directive.

ATTACHMENTS:

Copy of proposed Mutual Release Agreement.

MUTUAL RELEASE AGREEMENT

This Mutual Release Agreement (hereafter "Agreement") is made on this ______ day of August, 2010, by and between the Florence County, a body politic and corporate and a political subdivision of the State of South Carolina, by and through the Florence County Council, with offices at 180 North Irby Street MSC-G, Florence, SC 29501 (the "County") and Waste Management of Carolinas, Inc., successor in interest to ARS-Waste Management, Ltd. aka American Refuse Systems-Waste Management, Ltd., with offices at 2620 Saint Beulah Road, Florence SC 29506 ("WMC") (referred to collectively as "the Parties").

WITNESSETH

WHEREAS, the County and WMC are parties to that certain Lease Agreement, Solid Waste Complex Building, dated October 20, 1989, by which the County leased to WMC certain premises located on Paper Mill Road in Florence County, SC (the "Lease"); and

WHEREAS, the Parties now wish to voluntarily terminate the Lease on an amicable basis, and to provide a mutual general release to each other on the terms and conditions stated herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

1. Surrender of Premises and Lease Termination.

Pursuant to Lease Section 14, WMC has surrendered the premises, and hereby agrees to pay to the County, within thirty (30) days of the execution of this Agreement, the sum of Two Hundred Ten Thousand, One Hundred Eighty-Six and 50/100 Dollars (\$210,186.50), in full satisfaction of WMC's payment and performance obligations under the Lease, including but not limited to Lease Section 14. Upon payment of the foregoing sum, the Lease shall be deemed terminated.

2. <u>Mutual Release</u>

In exchange for the performance of the obligations identified in this Agreement, the County, and each of its elected and appointed officials, officers, directors, employees, agents, predecessors, successors and assigns (the "County Parties"), does hereby fully, finally and completely remise, release and discharge WMC and its parents, subsidiaries, affiliates, and each of their respective officers, directors, employees, agents, predecessors, successors and assigns (the "WMC Parties"), and WMC, on behalf of itself and the WMC Parties, likewise hereby fully, finally and completely remises, releases and discharges the County Parties, of and from all manner of claims, actions, causes of action, suits, debts, obligations, promises, expenses, bills, notes, accounts, lien claims, liabilities, damages, refunds, losses, fees, judgments and demands whatsoever, whether based upon statute, at common law or in equity, whether known or unknown, accrued or unaccrued, which they had, now have, or may have in the future, related to or arising in any way from the Lease.

3. <u>Miscellaneous Terms</u>

(a) This Agreement may be executed in one or more counterparts, all of which together shall be one instrument, and all of which shall be considered duplicate originals.

(b) This Agreement shall be interpreted, governed and construed in accordance with the laws of the State of South Carolina.

(c) All signatories hereto state and affirm that they have authority to execute this Agreement and thereby to bind the Party(ies) which they purport to represent.

(d) This Settlement Agreement shall be binding upon, and inure to the benefit of, the Parties' respective heirs, successors and assigns.

(e) The Parties hereto represent and warrant that they have not sold, assigned or transferred any claims, in whole or in part, which are the subject of the Mutual Release contained in paragraph 2 hereof.

IN WITNESS WHEREOF, and intending to be legally bound, the parties have executed this Mutual Release Agreement, the day and year first written above.

A

FLORENCE C	OUNTY, SC	WASTE MANAGEMENT OF
		CAROLINAS, INC.
By:		By:
Print Name:		Print Name:
Title:		Title:
WITNESS:		WITNESS:

FLORENCE COUNTY COUNCIL MEETING August 19, 2010

AGENDA ITEM: Reports to Council

DEPARTMENT: EMS Department Procurement Department

ISSUE UNDER CONSIDERATION: Authorize the use of Florida Association of Counties Bid # 08-08-0909 awarded to Wheeled Coach Industries to purchase two (2) ambulances at a base bid of \$116,666 each with needed options in the amount of \$7,581 additional per ambulance from Peach State Ambulance, Inc., Tyrone, Ga, the authorized regional representative for Wheeled Coach Industries (total purchase of \$248,494) as funded and approved in the FY11 budget.

POINTS TO CONSIDER:

- 1) Florida Association of Counties and the Florida Sheriff's Association publicly offered Bid # 08-08-0909 for fire/rescue vehicles and other fleet equipment.
- 2) Governmental entities located outside the State of Florida are allowed to purchase under the terms and conditions of the contract resulting from the bid.
- 3) The EMS Director recommends this award.
- 4) The bid expires September 30, 2010.

FUNDING FACTORS:

- \$233,332 = Total base cost for two (2) ambulances to be funded from budgeted FY 11 EMS Department Funds.
- \$15,162 = Total cost of additional options for two (2) ambulances to be funded from budgeted FY 11 EMS Department Funds.

OPTIONS:

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

ATTACHMENTS:

- 1) Quote from Peach State Ambulance, Inc.
- 2) Letter from Wheeled Coach Industries dated September 2, 2009.
- 3) Letter of Recommendation from EMS Director.



Peach State Ambulance, Inc.

Sales and Service

130 Peach State Court Tyrone (Atlanta), Georgia 30269 *800-553-7724*



WHEELED COACH 165" G4500 TYPE III 4X2 AMBULANCE

PURCHASER: Florence County EMS 527 S. Church St. Florence, S.C. 29526 SELLER:

Peach State Ambulance Inc. 130 Peach State Court Tyrone, GA 30290

CONTACT: Ryon Watkins PHONE: 843-665-3038 FAX: CONTACT: Rick Franklin PHONE: 770-486-7410 FAX: 770-631-1830

2011 CHEVROLET G4500 CAB CHASSIS WHEELED COACH TYPE III 165" X 95" 4X2 "WALK THROUGH" MODULAR AMBULANCE

2011 CHEVROLET G4500 CAB CHASSIS 159.0" WHEELBASE 100" CAB TO AXLE **2 WHEEL DRIVE, DUAL REAR WHEEL** 14,200 LBS GVWR AMBULANCE BUILDERS PREP PACKAGE SL TRIM PACKAGE **4-WHEEL ANTI-LOCK BRAKE SYSTEM** POWER BRAKES/ POWER STEERING INSULATED, BLACK RUBBER FLOOR MAT IN CAB TILT STEERING CRUISE CONTROL ETR AM/FM STEREO & CD WITH BUILT-IN CLOCK **4-SPEED AUTOMATIC TRANSMISSION WITH OVERDRIVE** HEAVY DUTY SHOCKS/ SUSPENSION 6.6 DURAMAX TURBO V-8 DIESEL ENGINE ALL SEASON RADIAL TIRES FACTORY AIR CONDITIONING DUAL 145 AMP RATED ALTERNATORS FULL INSTRUMENTATION OEM CLOTH HIGH BACK CAPTAINS SEATS 3.73 REAR AXLE RATIO (limited slip differential) EXTRA ENGINE COOLING PACKAGE HEAVY DUTY RADIATOR ENGINE OIL COOLER TWO (2) 850 CCA BATTERIES UNDERHOOD SUPER ENGINE COOLING FRONT AND REAR STABILIZER BARS DUAL AIR BAGS WHITE-EXTERIOR CLEARCOAT PAINT AUXILIARY POWER TRAIN CONTROL DELUXE INSULATION PACKAGE

HEAVY DUTY AIRCONDITIONING/HEATING POWER WINDOWS & DOOR LOCKS CUSTOM RADIO CONSOLE FOR FRONT CAB (SIMULAR TO LAST YEAR WITH GLOVE BOX HOULDER AREA TO BE ½" LONGER) MINIMUM STANDARD PAYLOAD -1,750 LBS. BLOCK HEATER: BLOCK HEATER TO BE WIRED TO SHORELINE WITH A SWITCH LOCATED ON FRONT CONSOLE GAMBER JOHNSON COMPUTER MOUNT (TO BE SHIPPED LOOSE)

BODY FEATURES

Dimensions: 165" x 95" x 72" Interior

COMPARTMENT LATCHES: LOCKING CHROME TRIMARK MUD FLAPS: REAR RUBBER FOR DRW MODULAR ENTRY DOOR LATCHES: CHROME TRIMARK, LOCKING, INSIDE & OUTSIDE EXTERIOR COMPARTMENTS: (7) #1-20.5" x 78.75" x 18.75", #2-34" x 38.25" x 18.75", #4 -32.5" x 38.25" x 18.75", #5 -8" x 78.75" x 20.75"WITH A VERTICAL DIVIDER; #6 – 24" x 26.75" x 18.75"; #8 – 21.5" x 53.5" x 30.5"WITH A VERTICAL DIVIDER; #9 (Battery Compt) 20" x 12" x

18.75"

FUEL FILL GUARD: CAST ALUMINUM INTERIOR HEIGHT: MINIMUM OF 72" OF HEADROOM MIRRORS: BLACK PLASTIC SHROUD ELECTRIC LOW MOUNT RV TYPE WITH BUILT CONVEX REAR ENTRY DOORS: 54" X 57" REAR ENTRY DOOR HOLD OPENS: CAST ALUMINUM "GRABBER" STYLE REAR STEP BUMPER: ALUMINUM FLIP UP WITH OPEN GRATE IN CENTER SECTION WTH RUBBER DOCK BUMPERS RUB RAILS: ALUMINUM DIAMOND PLATE

RUB KAILS: ALUMINUM DIAMOND PLATE RUNNING BOARDS: ALUMINUM DIAMOND PLATE STONE GUARDS: FRONT AND REAR 11" UP, ALUMINUM DIAMOND PLATE SIDE ENTRY DOOR: 31" X 66" WITH EXTERIOR GRAB HANDLE SPARE TIRE: SHIP LOOSE STATIC VENT, FRESH AIR INTAKE: LOCATED ABOVE ALS CABINET

UNDERCOATING: IN ACCORDANCE WITH CHASSIS MANUFACTURER'S RECOMMENDATIONS

WHEEL COVERS: STAINLESS STEEL WHEEL SIMULATORS WITH BRAIDED CHROME FILL TUBES

WHEEL WELL TRIM: DIAMOND PLATE SURROUNDING WHEELWELL OPENING AND ROLLED RUBBER FENDERETTES

WINDOWS: (1) SLIDER IN SIDE ENTRY DOOR 19.5"H X 17.5"W WITH STANDARD TINT WINDOWS: (1) FIXED IN EACH REAR ENTRY DOOR 19.5"H X 17.5"W WITH STANDARD TINT

VEHICLE FEATURES

ANTENNA COAX: TWO; (3) RUNS FROM CEILING OF MODULE TO BEHIND DRIVER'S SEAT & (2) RUN FROM CEILING OF MODULE TO BEHIND ACTION AREA. (TOTAL OF FIVE COAX RUNS)

BACK UP ALARM: 97 DECIBEL RATING WITH MOMENTARY CUT-OFF SWITCH DOOR OPEN: STANDARD ALARM SYSTEM ACTIVATED BY PATIENT ENTRY OR COMPARTMENT DOOR OPEN CONDITION DUAL OEM BATTERIES: 1700 CCA TOTAL MASTER ON-OFF BATTERY SWITCH: ELECTRONIC SELENOID GAUGES: AMMETER AND VOLTMETER, DIGITAL READOUT HEATER/AIR CONDITIONER: COMBINATION PUREAIR HEATER AND AIR CONDITIONER WITH TURBO AIR CEILING DUCKS AND ELECTRONIC THERMOSTAT CONTROL IN PATIENT COMPARTMENT 2nd CONDENSER MOUNTED UNDER UNIT TO PROVIDE ADDITIONAL COOLING 110 VOLT HEATER: HEATER MOUNTED IN ATTENDANTS SEAT BASE WITH 20 AMP AUTO

ANTENNAE PREWIRED WITH POWER AND GROUND WIRES WITH BREAKER

EJECT POWER SOURCE WITH RED COVER

INVERTER: VANNER 20 1050CUL INVERTER WITH TRANSFER SWITCH TO WITH 50 AMP BATTERY CHARGER

SHORELINE: KUSSMAUL SUPER AUTO EJECT 20 AMP YELLOW, KUSSMAUL 20 AMP FOR HEATER, RED

VENT POWER: MARINE STYLE WITH 3 SPEED FAN LOCATED OVER SIDE ENTRY DOOR 115 RECEPTACLES: (3) DUPLEX LIGHTED HOSPITAL GRADE WITH GFI PROTECTION, (1) IN ACTION AREA, (1) IN SECOND ACTION AREA ABOVE SHELF (1) IN ALS CABINET CHECK OUT LIGHTS: CHECK OUT LIGHTS WITH A 15 MINUTE TIMER LOCATED ON THE CURBSIDE WALL

POWER DISTRIBUTION & CONTROL SYSTEM

POWER DISTRIBUTION BOARD: ETCHED TRACE "PRINTED" CIRCUIT BOARD WITH AUTOMOTIVE STYLE BOSCH RELAYS, ON BOARD DIAGNOSTICS, CIRCUIT BREAKERS, AND COMPUTER CABLE INTERFACE WITH CONTROL PANELS. NEMA RATED FR-4, MIL, STDs, 810C: 55110D

ELECTRONIC CONTOL MODULE: ETCHED TRACE "PRINTED" CIRCUIT BOARDS WITH STANDARD 5-MINUTE TIME DELAY FOR MODULE CHECK-OUT LIGHTS. DIRECTS LOW VOLTAGE SWITCHING SIGNALS TO POWER DISTRIBUTION BOARD

FRONT CONTROL SWITCH PANEL: FLUSH MOUNTED IN CAB LOW PROFILE DOGHOUSE CONSOLE. LOW VOLTAGE ROCKER SWITCH CONTROLS FOR EMERGENCY LIGHTING, BLACK-OUT FACE WITH LED INDICATORS, DIGITAL VOLT AND AMMETERS, AUTO-RESET BACK-UP ALARM SWITCH, SIREN CONTROL HEAD, EMERGENCY AND PATIENT COMPARTMENT MASTER SWITCHES, 3-LIGHT INTERCOM, COMPARTMENT & DOOR AJAR LIGHTS, ALL FUNCTION SWITCHES, BATTERY INDICATOR LIGHTS AND "WAIT TO START" LEGEND FOR DIESEL ENGINE

INSTALL 2 BLANK ROCKER SWITCHES IN FRONT CONSOLE FOR FUTURE USE REAR CONTROL SWITCH PANEL: LOW VOLTAGE ROCKER SWITCH CONTROLS FOR INTERIOR LIGHTING AND 3-LIGHT INTERCOM, BLACK-OUT FACE WITH LED INDICATORS, HEAT/AC CONTROLS, EXHAUST FAN.

WARNING LIGHTS

FRONT LIGHT BAR: (5) 900 SERIES SUPER LEDS WITH CHROME FLANGES (R,R,C,R,R) BODY WARNING LIGHTS: (7) WHELEN 900 SERIES LEDS WITH CHROME BEZELS, (2) RED WARNING WITH ADDITIONAL FLASHER TO ALLOW A HYPER FLASH PATERN LIGHTS ON EACH SIDE OF MODULAR BODY (4) RED WARNING LIGHTS ON REAR OF MODULAR BODY, WINDOW LEVEL WARNING LIGHTS TO BE WIRED AS BRAKE LIGHTS WHEN APPLIED AND (1) AMBER ON REAR OVER DOOR GRILLE LIGHTS: (2) WHELEN 700 SERIES RED/CLEAR LEDS MOUNTED ON POLISHED CAST BEZELS IN FRONT GRILLE

INTERSECTION LIGHTS: WHELEN 700 SERIES RED/CLEAR LEDS W/FLANGES LOAD LIGHTS: (2) WHELEN OPTISCENE 900 SERIES OVER REAR DOORS SCENE LIGHTS: (4) WHELEN OPTISCENE 900 SERIES (2) EACH SIDE WITH INTERNAL OPTICS 13 DEGREE SIREN: WHELEN WS-295SLSAI W/NCM LOCATED IN FRONT SWITCH CONSOLE WITH HORN FEATURE FOR SPECIFIED SIREN IS ENABLED

SIREN SPEAKERS: CAST PRODUCTS DUAL SPEAKERS MOUNTED IN THE FRONT BUMPER WITH (2) 100 WATT DRIVERS STOP, TAIL AND TURN SIGNALS: WHEELED COACH LEDS IN CHROME BEZEL

MARKER LIGHTS: LED MARKER WITH FLASHING CORNER CAP LEDS

INTERIOR

ACTION AREA LIGHT: (1) 15" FLUORESCENT BAR LIGHT IN ACTION AREA COT MOUNT: STRYKER DUAL POSITION COT MOUNTS WITH YELLOW COT HOOK INSTALLED AS PER MANUFACTURERS GUIDELINE

DOME LIGHTS: (6) WELDON LED LIGHTS, (2) ROWS OF THREE EACH SIDE WITH EACH SIDE SWITCHED SEPARATELY, DUAL INTENSITY

FLUORESCENT LIGHTS: THREE (3) 18" THINLIGHT FLUORESCENTS FLOORING: SPECIAL HEAVY DUTY, HIGH QUALITY LONPLATE II SAFETY VINYL FLOORING ROLLED UP SIDES 4"

SPOTLIGHT: (1) OPTRONICS HAND-HELD 200,000 CP, HARD WIRED, MOUNTED ON ENGINE COVER, MOMENTARY BUTTON SWITCH STEPWELL LIGHT: (1) INSIDE STEP WELL ACTIVATED WITH SIDE DOOR

OXYGEN, VACUUM & MISCELLANEOUS EQUIPMENT

ASPIRATOR: (1) RICO RS-4X DISPOSABLE ASPIRATOR, HARD PLUMBED TO 12 V ELECTRIC VACUUM PUMP, ASPIRATOR COLLECTION JAR LOCATED IN ACTION AREA
 LAERDAL PORTABLE SUCTION UNIT TO BE INSTALLED IN UPPER ALS (FINAL LOCATION TO BE DETERMINED AT FINAL INSPECTION) TO BE POWERED BY 110V OUTLET IN ALS
 OXYGEN CYLINDER BRACKET: SET OF (2) 3000 # BURST STRENGTH NYLON BANDS, AND ADJUSTABLE STRAP FOR "M" SIZE CYLINDER, LOCATED IN COMPARTMENT #1
 OXYGEN OUTLETS: (3) OHIO QUICK DISCONNECTS; (1) IN ACTION AREA, (1) IN CEILING AND (1) CURBSIDE WALL
 OXYGEN WRENCH: (1) CHAINED IN OXYGEN COMPARTMENT
 VACUUM PUMP: THOMAS 12VDC, MOUNTED ON CEILING IN COMPARTMENT #1
 12 VDC OUTLETS: (3) FOR CIGARETTE LIGHTER STYLE PLUGS
 110 VAC OUTLETS: (3) 110 VOLT OUTLETS

CABINETS & HARDWARE

ADJUSTABLE SHELVES: THREE (3); ONE IN COMPARTMENT #2, ONE IN COMPARTMENT #4, AND ONE IN COMPARTMENT #6 ASSIST HANDLES: (3), ONE (1) "L" STYLE HANDLES; ONE (1) ON EACH PATIENT ENTRY DOOR PLUS ONE (1) 10" ON ALS CABINET

ACTION AREA: ANGLED SWITCH PANEL WITH BRUSHED ALUMINUM ON LOWER ACTION AREA WALL

ALS CABINET: (2) ADJUSTABLE SHELVES, OPEN LOWER SECTION, INTERIOR ACCESS ONLY, RETRACTABLE SEATBELTS AT ALL ALS OPENING (NO INTERIOR DOORS ON ALS)

ASSIST RAILS: (1) 64" STAINLESS STEEL CEILING ASSIST RAIL OVER COT AREA

CONTAMINATED "SHARPS" DISPOSAL: REMOVEABLE, LOCATED IN FRONT ACTION AREA IV HOLDERS: (2) DUAL BOTTLE SWING DOWN STYLE, (1) EACH OVER COT AND SQUAD BENCH, CHEST AREA, W/VELCRO RETAINING STRAPS LABELS: (2) "NO SMOKING" SIGNS, (1) IN CAB, AND (1) IN PATIENT COMPARTMENT, (2) "FASTEN SEAT BELT SIGNS, (1) IN CAB, (1) IN PATIENT COMPARTMENT SEAT BELTS: (5) SETS OF AUTOMOTIVE TYPE LAP BELTS; (3) ON SQUAD BENCH, (1) TECHNICAN'S SEAT; (2) MALE END BELTS ON FACE OF SQUAD BENCH FOR SECONDARY PATIENT SQUAD BENCH: SOLID LID WITH RATCHET TYPE HOLD OPEN, FULL CUSHION; STORAGE FOR (2) O2 BOTTLES AT THE END OF SQUAD BENCH AND SAFETY NET AT **END OF SQUAD BENCH** ADDITIONAL OVERHEAD CABINET ABOVE BENCH **RESTOCKING CABINETS: ALL INTERIOR CABINETS TO HAVE RESTOCK DOORS WITH** DOOR LATCHES PLEXIGLASS DOORS: ALL PLEXIGLASS TO BE 3/16"(.1875") THICK, CLEAR, ALL SLIDING DOORS TO HAVE FULL LENGTH ALUMINUM PULL HANDLES STREETSIDE CABINETS: STANDARD PRINT WITH CPR SEAT WITH SHARPS AND TRASH IN ACTION AREA, DROP DOWN TRAY AND SECOND ACTION AREA SPLINT CABINET: SPLINT CABINET LOCATED ABOVE THE SQUAD BENCH TECHNICIAN SEAT: HIGH BACK AUTO STYLE WITH 3 POINT HARNESS AND A BUILT IN CHILD SAFETY SEAT AND 110V HEATER IN CABINET UNDERNEATH UPHOLSTERY: THERMAL VACUUM FORMED SEAMLESS VINYL GLOVE BOX HOLDER (3) BOXES OVER SIDE ENTRY DOOR

PAINT, DECALS, LETTERING

PAINT COLOR: MAIN BODY BRIGHT WHITE <u>GRAPHICS: PAINT AND GRAPHICS TO MATCH EXISTING FLEET</u> STAR OF LIFE DECALS: REFLECTIVE BLUE SCOTCHLITE WITH WHITE BORDER (2) SOL, 4" ON HOOD (10.16cm) (2) SOL, 12" ON REAR (30.48cm) (2) SOL, 16" (1) EACH SIDE (40.64cm) (1) STAR, 32" ON ROOF (81.28cm) (1) AMBULANCE, 4" MIRROR IMAGE ON HOOD (10.16cm) (3) AMBULANCE, 6" (1) ON EACH SIDE AND REAR (15.24cm)

OPTIONS ADDED TO BID PRICE

DOOR LOCKS: ELECTRIC DOORLOCKS ON ALL COMPARTMENT DOORS	WITH HIDE
AWAY SWITCH IN FRONT GRILLE WITH (2) KEY FOBS	\$1200.00
AIR HORNS: BUEL DUAL AIR HORNS MOUNTED IN FRONT BUMPER	\$1270.00
ELECTRIC VELVAC MIRROWS	597.00
GRAPHICS	1400.00
WIG WAGS: MOUNTED IN FRONT HEADLAMPS	
O2 LIFT: ZIAMATIC PORTABLE OXYGEN BOTTLE LIFT	1930.00
FLASHLIGHTS: 2 RECHARGABLE SL-45 FLASHLIGHTS	
FLOWMETERS: (2) OHIO FLOWMETERS	64.00
REGULATOR: (1) ONE O2 REGULATOR	
HUMIDIFIER: (1) ONE HUMIDIFIER	72.00
2 ADDITIONAL KEY FOBS	
ADD 4 PERCO IV CLIPS WITH VELCRO STRAPS	48.00

PRICES, TERMS, WARRANTY, AND DELIVERY INFORMATION

Florida Sheriff's Association bid price	\$1	12,330.0	0
2011 Chassis increase		.\$4,336.4	2
Total Options added to bid price	<u>\$</u>	7,581.0	<u>0</u>
Sub-Total	\$1	124,247.4	2
Delivery to Florence S.C. each unit \$400.00 Total		\$800.0	0
Total Bid Price 2 Units	\$ 2	249,294.8	4

TERMS: BALANCE AT TIME OF DELIVERY

DELIVERY: 120 DAYS A.R.O. CHASSIS

WARRANTY: **CHEVROLET CHASSIS:** AMB. ELECTRICAL AMB. STRUCTURAL 20 YEARS AMB. PAINT 7 YEARS AMBULANCE CONVERSION:

3 YEARS/ 36,000 MILES 6 YEARS/ 72,000 MILES 4 YEARS/48,000 MILES

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SÉLLER

PURCHASER

DATE

08-05-10 DATE



Deterra ...

September 2, 2009

Ryan Watkins, Director Florence County EMS Florence, SC

Ryan:

Peach State Ambulance, Inc. is the authorized dealer for Wheeled Couch ambulances in the state of South Carolina.

All governmental agencies, regardless of the state you are in, unless prohibited by state law or local ordinance, are allowed to purchase off of the Floridu Sheriff's Association vehicle bid. Please see the memo from the Florida Sheriff's Association dated Oct. 1, 2008, paragraph #3, Bid Award Announcement #08-16-0908.

Thank you for your interest in Wheeled Couch ambulances. Please do not besitate to call if you have any further questions or concerns.

Sincerely,

Ed Snider Director of Dealer Development

Corporate Office: 2737 North Forsyth Road, Winter Park, FL 32292 / Post Office: Box 677539, Otlando, FL 32867-7339 800-342-0720 • (497) 677-7777 • For: (607) 679-1337 • Http://www.wheelcdcoach.com

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FLORENCE COUNTY Emergency Medical Services

Ryon A. Watkins Director R. David Exum Operations Manager

August 2, 2010

Suzanne S. King, Director Florence County Administrative Services 180 North Irby Street Florence, SC 29501

Re: Recommendation Regarding Ambulance Purchase

Suzanne,

I'm writing today to recommend that we purchase two ambulances from the FY11 budget from Peach State Ambulance, who is the South Carolina distributor for Wheeled Coach.

Florence County EMS presently operates ten ambulances that were built by Wheeled Coach. I have been pleased with the quality of their product and believe that two more of their units will greatly enhance our fleet.

Unlike some other vendors, the customer service from Peach State Ambulance has been exemplary. When issues with the ambulances arise, they take our concerns seriously and do what ever is necessary to correct problems.

Please contact me if you have any questions regarding this matter.

Yours very truly,

Ryon A. Watkins Director

527 S. Church St. Florence, South Carolina 29506 - Phone (843) 665-3038 - Fax (843) 676-8719

FLORENCE COUNTY COUNCIL MEETING

August 19, 2010

AGENDA ITEM: Reports to Council

DEPARTMENT: Procurement Department

ISSUE UNDER CONSIDERATION:

Request the appointment of a Council member to serve on the Stand-By Debris Management and Removal Services and the Stand-By Debris Monitoring and Recovery Planning Services RFP panel.

FLORENCE COUNTY COUNCIL MEETING August 19, 2010

AGENDA ITEM: Reports to Council Bid Award

DEPARTMENT: Florence County Sheriff Office Procurement Department

ISSUE UNDER CONSIDERATION:

Approve award of Bid # 28-09/10 for the HVAC Duct Work Retrofit At The Florence County Law Enforcement Center to Cayce Company, Florence, SC in the amount of \$118,700 to be funded from the Energy Efficiency Conservation Block Grant (EECBG) and from the Florence County Detention Center budgeted funds. (2 Compliant Bids).

POINTS TO CONSIDER:

- 1) Bid #28-09/10 was publicly offered.
- 2) Two (2) bids were received; Two (2) bids were compliant.
- 3) <u>Cayce Company, Florence, SC was the lowest compliant bidder for the HVAC Duct Work</u> <u>Retrofit.</u>
- 4) Florence County Sheriff and Mechanical Design, Inc. recommend the award.
- 5) The bid expires October 10, 2010.

FUNDING FACTORS:

1) \$118,700 = Total cost of the HVAC Duct Work Retrofit for the Florence County Law Enforcement Center to be funded from an EECBG grant in the amount of \$109,531 and from Florence County Detention Center budgeted funds in the amount of \$9,169.

OPTIONS:

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

ATTACHMENTS:

- 1) Bid Tabulation Sheet.
- 2) Letter of recommendation from Mechanical Design, Inc.
- 3) Letter of recommendation from Florence County Sheriff.

Dept: Florence County LEC HVAC Duct Work Retrofit Invitation-to-Bid #28-09/10				e: Bids Distributed:	June 10, 2010 11:00 AM MN-5/25/10 SCBO-5/27/10 10/10/2010									
Name of Bidder	Base Bid		Bid Expiration Bid Security	Date: Meet Bid	10/10/2010 Total Bid	Total Non-Local								
	-			Requirements		(+2%)								
Cayce Company Florence, SC	\$118,700.00		Yes	Yes	\$118,700.00									
						Contractive and								
Steele's Heating & A/C, Inc. Lancaster, SC	\$123,800.00		Yes	Yes	\$123,800.00									
	entaueren der Biologia			Linna Carro & Contractor										
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Notes:

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



Danny Wilds Manuel C. Hendrix Mike Burgess

(803) 731-9834 (P) (803) 731-9837 (F)

June 12, 2010

Florence County Administration *Suzanne S. King* City-County Complex 180 N. Irby Street, MSC-G Florence, SC 29501

Re: Florence County Jail - Air Handler Modifications Effingham, SC

Dear Suzanne:

After reviewing the bids for this project, we recommend the award of this contract to Cayce Company located in Florence, South Carolina. Cayce Company is the apparent low bidder and is located in close proximity to the site of work. We have worked on many projects in the past with Cayce Company including the construction of the Florence County Jail complex in Effingham, SC which is the site of this proposed work. Mechanical Design, Inc. highly recommends Cayce Company for this project based on past performance and intimate knowledge of the existing building as well as their willingness to work closely with the construction team and the Owner to comply with field coordination regulrements, without issues and more importantly without delays.

Thank you,

Mike Burgess

4403 Broad River Road · Columbia · South Carolina · 29210



FLORENCE COUNTY SHERIFF'S OFFICE

Kenney Boone, Sheriff

August 2, 2010

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

RE: Bid 28-09/10 HVAC Duct Retrofit

Dear Mr. Starks:

Please accept this letter of recommendation for the HVAC base bid of \$118,700 to be awarded to the lowest compliant bidder, Cayce Company. Grant funds will cover of the majority of the cost with the balance of \$9,169 to be paid from current year FCDC Capital line item 8600.

Thank you for your assistance in this matter.

Sincerely un

William K. Boone Florence County Sheriff

6719 Friendfield Road • Effingham, South Carolina 29541 Sheriff (843) 665-2121 • Detention Center (843) 665-9944

Florence County Council Meeting August 19, 2010

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DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of Up To \$11,145.00 From Council Districts' Infrastructure Funding Allocations As Indicated On The Approving Documentation To Assist With Surveillance Equipment At The Florence Career Center.

FUNDING SOURCE:

XXXX Infrastructure	Road System Maintenance	Utility
Requested by Councilmember	:: Alphonso Bradley, District 3 (signatures pending)
Amount: <u>\$</u>	<u>\$</u>	<u>\$</u>
Signed:		
K. G. Rusty Smith, Jr.	Ken Ard	Alphonso Bradley
Amount: <u>\$</u>	<u>\$</u>	<u>\$</u>
Signed:		
Mitchell Kirby	Johnnie D. Rodgers, Jr.	Russell W. Culberson
Amount: <u>\$</u>	<u>\$</u>	<u>\$</u>
Signed:		
Waymon Mumford	James T. Schofield	H. Morris Anderson
Date:		
ATTACHMENTS:		

1. A copy of the quote.

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





4973 Rivers Ave # 300 North Charleston, SC 29406-6301 843-745-0045

Date	Quote #
8/4/2010	4835

Name / Address

Florence School District One ATTN: Accounts Payable 319 South Dargan Street Florence, SC 29506

			·····					
	-	Customer PO	#	Terms	Rep	p	roject/Job	<u></u>
				NET 10	RS	Ca	areer Center	
	ltem	Qty		Descripi	tion		Rate	Total
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		<u> </u>	<u> </u>		Su	btotal		\$10,435.00
	otes valid for 30 ed.	days. Prices do	not include shipping	g, tax or installation unle	ss otherwise Sa	les Tax (8.0'	%)	\$710.00

Ship To

Florence Career Center

Total

PAST DUE ACCOUNTS ARE SUBJECT TO A MONTHLY FINANCE CHARGE. TERMS ARE NET 10.

\$11,145.00

Florence County Council Meeting August 19, 2010

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<u>DEPARTMENT:</u> County Council

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of An Amount Up To \$30,000.00 From Council District 3 Infrastructure Funding Allocation To Assist Williams Middle School With Replacement Of The Air Conditioning System/HVAC System In The Gymnasium And Upgrades To The Floor In The Gymnasium.

FUNDING SOURCE:

XXX Infrastructure

_____ Road System Maintenance

_____ Utility

Signed: <u>verbally approved – signature pending</u> Requested by Councilmember: Alphonso Bradley

Date:

ATTACHMENTS:

1. Letter of Request From Williams Middle School Principal Leon A. McCray, Jr.

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

WILLIAMS MIDDLE SCHOOL 1119 NORTH IRBY STREET FLORENCE, SOUTH CAROLINA 29501 TELEPHONE: (843) 664-8162 FAX (843) 664-8178



Leon A. McCray, Jr., Principal

July 8, 2010

Councilman Al Bradley 403 Wildwood Drive Quinby, South Carolina 29506

Dear Councilman Bradley;

On behalf of Williams Middle School and the children of the constituencies that you serve, I would like to thank you for your support. The bridge with the gate, the paving, the additional dirt and leveling the track has been of great benefit the school and the community.

Several camps for young people have been held in our gym this summer. The heat was unbearable. But there was no alternative.

I am requesting that you provide \$30,000 for us to air condition and repaint the lines on the floor of our gym.

If I can be of any further assistance in this matter or any other, please don't hesitate to call on me. I will assist you in any way that I can.

Again, thank you.

Sincerely, Leon A. Mc Cray, Jr.

Leon A. McCray, Jr. Principal

FLORENCE COUNT I COOPCED MINUTANS

AGENDA ITEM: Other Business Council District #6

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approval of the expenditure of up to \$23,184 00 from Council District #6 funding allocations to pay for resurfacing of Avent Drive from Hannah Drive to Annelle Drive.

The cost estimate was prepared by Florence County Public Works.

Funding availability subject to confirmation by Finance Department.

FUNDING SOURCE:

Infrastructure Road System Maimenance Utility SIGNED: - MANU and

Requested by Councilmember: Russell Culberson

7-16-10 Date:

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

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FLORENCE COUNTY COUNCIL MEETING August 19, 2010

AGENDA ITEM: Other Business Council District #6

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approval of the expenditure of approximately \$570.00 from Council District #6 funding allocations to assist SCDOT with the removal of a pine tree road hazard from within the State right-of-way on Francis Marion Road near the intersection of Francis Marion Road/Claussen Road.

The cost estimate was prepared by Florence County Public Works.

Funding evailability subject to confirmation by Finance Department.

FUNDING SOURCE:

Infrastructure Road System Maintenance Utility SIGNED:

Requested by Councilmember: Russell Culberson

Date ATTACHMENTS

1. 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