

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

Roger M. Poston
District #2

Alphonso Bradley
District #3

Mitchell Kirby
District #4

Johnnie D. Rodgers, Jr.
District #5

Russell W. Culberson
District #6

Waymon Mumford
District #7

James T. Schofield
District #8

H. Morris Anderson
District #9

AGENDA
FLORENCE COUNTY COUNCIL
REGULAR MEETING
CITY-COUNTY COMPLEX
180 N. IRBY STREET
COUNCIL CHAMBERS, ROOM 803
FLORENCE, SOUTH CAROLINA
THURSDAY, SEPTEMBER 15, 2011
9:00 A. M.

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

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

III. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG:
WAYMON MUMFORD, VICE CHAIRMAN

IV. WELCOME: K. G. RUSTY SMITH, JR., CHAIRMAN

V. MINUTES:

A. AUGUST 9, 2011 SPECIAL MEETING/WORKSESSION **[1]**
Council Is Requested To Approve The Minutes Of The August 9, 2011
Special Meeting/Worksession Of County Council.

B. MINUTES OF THE AUGUST 18, 2011 REGULAR MEETING **[4]**
Council Is Requested To Approve The Minutes Of The August 18, 2011
Regular Meeting Of County Council.

VI. PUBLIC HEARINGS:

[12]

Council will hold public hearing on the following:

A. ORDINANCE NO. 03-2011/12

An Ordinance To Amend Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees And Agencies, To Modify The Structure Of The Senior Center Commission; And Other Matters Related Thereto.

B. ORDINANCE NO. 04-2011/12

An Ordinance To Provide For The Issuance And Sale Of Not Exceeding Five Million Dollars (\$5,000,000) General Obligation Refunding And Improvement Bonds Of Florence County , South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto.

C. ORDINANCE NO. 05-2011/12

An Ordinance Providing For The Issuance And Sale From Time To Time Of Hospitality Tax Revenue Bonds Of Florence County, Providing For The Pledge Of Hospitality Taxes For The Payment Of Such Bonds, Prescribing The Terms And Conditions Under Which Such Bonds May be Issued, Providing For The Payment Thereof, And Other Matters Relating Thereto.

D. ORDINANCE NO. 06-2011/12

An Ordinance Providing For The Issuance And Sale Of Not Exceeding Three Million Nine Hundred Thousand Dollars (\$3,900,000) Hospitality Tax Revenue Bonds Of Florence County To Be Designated Series 2011 And Other Matters Relating Thereto.

E. ORDINANCE NO. 07-2011/12

An Ordinance To Amend Florence County Code Chapter 2, Administration, Article II, Form Of Government, Section 2-18 To Establish Defined Single Member Election Districts For The Election Of Members Of The County Council, And Other Matters Related Thereto.

VII. APPEARANCES:

RON WHITE

[13]

Mr. White Requests To Appear Before Council *“regarding the epidemic of bath salts.”*

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 Roger M. Poston)

August 18, 2011

Public Service Building Space Allocation

Justice & Public Safety

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

January 20, 2011

Litter

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 and Morris Anderson)

Ad Hoc Water Study Committee

(Council members Mitchell Kirby, Russell W. Culberson, and Johnnie D. Rodgers, Jr.)

Ad Hoc City-County Conference Committee

(Council members Alphonso Bradley/Co-Chair, Waymon Mumford, and James Schofield.)

Ad Hoc Search Committee

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

IX. RESOLUTIONS:

A. RESOLUTION NO. 06-2011/12 [15]

A Resolution To Rename Banker's Court, Shown On Florence County Tax Map No. 00150, Block 01, Parcels 095 And 136 To Federal Court, And Other Matters Related Thereto.

*(Planning Commission **Approved 9 – 1.**) (Council District 8)*

B. RESOLUTION NO. 07-2011/12 [20]

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment Of A Portion Of Paisley Road Located In Lake City.

X. ORDINANCES IN POSITION:

A. THIRD READING

There are no Ordinances for Third Reading.

B. SECOND READING

1. ORDINANCE NO. 03-2011/12 (Public Hearing) [25]

An Ordinance To Amend Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees And Agencies, To Modify The Structure Of The Senior Center Commission; And Other Matters Related Thereto.

2. ORDINANCE NO. 04-2011/12 (Public Hearing) [29]

An Ordinance To Provide For The Issuance And Sale Of Not Exceeding Five Million Dollars (\$5,000,000) General Obligation Refunding And Improvement Bonds Of Florence County, South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto.

3. ORDINANCE NO. 05-2011/12 (Public Hearing) [97]

An Ordinance Providing For The Issuance And Sale From Time To Time Of Hospitality ~~Tax~~ Fee Revenue Bonds Of Florence County, Providing For The Pledge Of Hospitality ~~Taxes~~ Fees For The Payment Of Such Bonds, Prescribing The Terms And Conditions Under Which Such Bonds May be Issued, Providing For The Payment Thereof, And Other Matters Relating Thereto.

4. **ORDINANCE NO. 06-2011/12** *(Public Hearing)* [146]
An Ordinance Providing For The Issuance And Sale Of Not Exceeding Three Million Nine Hundred Thousand Dollars (\$3,900,000) Hospitality Tax Fee Revenue Bonds Of Florence County To Be Designated Series 2011 And Other Matters Relating Thereto.
5. **ORDINANCE NO. 07-2011/12** *(Public Hearing)* [159]
An Ordinance To Amend Florence County Code Chapter 2, Administration, Article II, Form Of Government, Section 2-18 To Establish Defined Single Member Election Districts For The Election Of Members Of The County Council, And Other Matters Related Thereto.

C. **INTRODUCTION**

1. **ORDINANCE NO. 08-2011/12** [166]
An Ordinance To Amend The Comprehensive Plan Land Use Map For Property In Florence County Located At 129 And 135 S. Fifth Street, Timmonsville, SC As Shown On Florence County Tax Map No. 00017, Block 04, Parcel 100; Consisting Of 1.69 Acres From Residential Preservation To Rural Preservation And Other Matters Related Thereto.
(Planning Commission Approved 10 – 0.) (Council District 4)
2. **ORDINANCE NO. 09-2011/12** [172]
An Ordinance To Rezone Property Owned By Viola A. Garner Located At 129 And 135 South Fifth Street, Timmonsville, As Shown On Florence County Tax Map No. 00017, Block 04, Parcel 100; Consisting Of 1.69 Acres From R-3, Single-Family Residential District To RU-1, Rural Community District And Other Matters Related Thereto.
(Planning Commission Approved 10 – 0.) (Council District 4)
3. **ORDINANCE NO. 10-2011/12** [180]
An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations, Section 30-210, Relocation Of Billboard Due To Governmental Land Acquisition; And Other Matters Related Thereto.
(Planning Commission Approved 10 – 0.)
4. **ORDINANCE NO. 11-2011/12** [185]
An Ordinance To Amend Florence County Code, Chapter 27, Public Roads And Ways, Article II, Street Naming And Property Numbering, Section 27-21, Street Naming, And Other Matters Related Thereto.
(Planning Commission Approved 10 – 0.)

XI. APPOINTMENTS TO BOARDS & COMMISSIONS:

XII. REPORTS TO COUNCIL:

A. ADMINISTRATION/GRANTS

SC DOT C FUNDS ALLOCATION

[192]

Accept Allocation From The South Carolina Department Of Transportation (SCDOT) Under The Florence County Transportation Committee (FCTC) C Funds Program, PCN #41296 In The Amount Of \$187,125 For The Construction Of A Turning Lane Off Of US-378 At MIT Industrial Complex In Lake City.

B. ECONOMIC DEVELOPMENT/ADMINISTRATION

1. SC COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT

[195]

Accept A Grant Award In The Amount Of \$350,000 From The South Carolina Coordinating Council For Economic Development (SCCED) Set-Aside Grant Program For Infrastructure Costs Associated With The Johnson Controls, Inc. Road Widening Project.

2. SC DEPARTMENT OF COMMERCE GRANT

[196]

Accept A Grant In The Amount Of \$10,500 From The South Carolina Department Of Commerce For Site Certification At The Pee Dee Touchstone Energy Commerce City.

C. EMERGENCY MEDICAL SERVICES (EMS)

NON-EXCLUSIVE AMBULANCE FRANCHISE

[198]

Award A Non-Exclusive Ambulance Franchise To National Transport Ambulance Service.

D. EMS/PROCUREMENT

PURCHASE OF TWO (2) AMBULANCES

[202]

Authorize The Use Of Florida Association Of Counties Bid #10-09-0907 Awarded To Wheeled Coach Industries To Purchase Two (2) Ambulances At A Base Bid Of \$108,227 Each With Needed Options In The Amount Of \$11,367 Additional Per Ambulance From Peach State Ambulance, Inc., Tyrone, Ga., The Authorized Regional Representative For Wheeled Coach Industries (Total Purchase Of \$239,188) As Funded And Approved In The FY12 Budget.

E. PROCUREMENT

DECLARATION OF SURPLUS PROPERTY

[211]

Declare Fifteen (15) Vehicles, One (1) Passenger Van, One (1) Excavator, Two (2) Dump Trucks, And One (1) Tractor As Surplus Property For Disposal Through Public Internet Auction Via GovDeals.

F. RECREATION/PROCUREMENT

AWARD OF BID #2-11/12

[213]

Authorize The County Administrator To Award Bid #2-11/12 – Tour Events To The Low Bidders For Each Individual Trip To Be Funded By The Participants If The Minimum Participation Numbers Are Met (*3 compliant bids received*).

G. SHERIFF'S OFFICE/GRANTS

FY2011 USDOJ EDWARD BYRNE MEMORIAL JUSTICE GRANT

[216]

Accept A FY2011 USDOJ Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation In The Amount Of \$44,023 To Provide Capital/Replacement Equipment For The Florence County Sheriff Office.

XIII. OTHER BUSINESS:

A. INFRASTRUCTURE

1. FLORENCE REGIONAL AIRPORT

[218]

Declare One (1) Vehicle (V1293 A 2002 Ford F750) As Surplus; Authorize The Sale Of The Vehicle To The Florence Regional Airport In The Amount Of \$7,500; And Approve The Funding From Council District's Infrastructure Allocation (Approximately \$833.33 From Each District) For The Purchase Of The Vehicle.

2. TOWN OF SCRANTON

[220]

Approve The Expenditure Of Up To \$1,500 From Council District 1 Infrastructure Funding Allocation To Pay For The Removal Of A Tree (Including Grinding Of The Stump And Removal Of All Debris) For The Town Of Scranton On Fountain Street, A County Maintained Roadway.

3. SHERIFF'S OFFICE

[221]

Approve The Expenditure Of Up To \$4,500 From Council District 4 Infrastructure Funding Allocation To Purchase Four (4) Tasers And Three (3) Crime Watch Signs For The Florence County Sheriff's Office.

4. TIMMONSVILLE MAGISTRATE'S OFFICE

[222]

Approve The Expenditure Of Up To \$1,441.23 From Council District 4 Infrastructure Funding Allocation To Pay For The Carpet To Be Replaced In The Timmons ville Magistrate's Courtroom.

B. INFRASTRUCTURE/UTILITY

SHERIFF'S OFFICE

[225]

Approve The Expenditure Of A Total Amount Not To Exceed \$196,457.08 From Council Districts' Infrastructure/Utility Funding Allocations To Assist The Florence County Sheriff's Office With The Purchase Of Capital Equipment For The Department.

C. UTILITY

1. FLORENCE SCHOOL DISTRICT 2

[226]

Declare One (1) Field Groomer (V8082 A 2003 John Deere 1200A Field Groomer) As Surplus; Authorize The Sale Of The Equipment To Florence School District 2 In The Amount Of \$3,500; And Approve The Funding From Council District 2 Utility Funding Allocation For The Purchase Of The Equipment.

2. W. HAMPTON POINTE DRIVE

[228]

Approve The Expenditure Of Up To \$20,000 From Council District 9 Utility Funding Allocation To Pay For Installing 88 Linear Feet Of 18" RCP And Two Catch Basins On W. Hampton Pointe Drive.

XIV. EXECUTIVE SESSION:

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

- **Personnel Matters:** Sheriff's Office and Museum;
- **Contractual Matters:** Fire Districts, Economic Development and Possible Real Property Transaction;
- **Legal Briefing**

XV. INACTIVE AGENDA:

A. ORDINANCE NO. 13-2010/11

At Its Regular Meeting Of December 9, 2010, Council Voted Unanimously To Move Ordinance No. 13-2010/11 To The Inactive Agenda: An Ordinance To Amend The Agreement For Development Of A Multi-County Industrial And Business Park Dated As Of February 6, 2006, By And Between Florence County And Williamsburg County, South Carolina, Providing For The Development Of A Jointly Owned And Operated Industrial/Business Park So As To Include Additional Property In Florence County As Part Of The Joint County Industrial/Business Park, And Other Matters Relating Thereto.

B. ORDINANCE NO. 02-2011/12

[229]

At the August 18, 2011 regular meeting of County Council, Chairman Smith deferred second reading of this item: An Ordinance To Rezone Property Owned By Katie Barnhill Cook Located At 2214 Alligator Road, Effingham, From R-3, Single-Family Residential District To R-4, Multi-Family Residential District Limited Shown On Florence County Tax Map No. 00126, Block 01, Parcel 401 Consisting Of 0.22 Acres.

*(Planning Commission **Denied 6 – 1.**) (Council District 5)*

XVI. ADJOURN:

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Minutes

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council is requested to approve the minutes of the August 9, 2011 Special Called meeting/Worksession of County Council.

OPTIONS:

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

ATTACHMENTS:

Copy of proposed Minutes.

**SPECIAL CALLED MEETING/WORKSESSION OF THE
FLORENCE COUNTY COUNCIL, TUESDAY, AUGUST 9, 2011, 1:00
P.M., CONFERENCE ROOM, ROOM 802, CITY-COUNTY
COMPLEX, 180 N. IRBY STREET, FLORENCE, SOUTH
CAROLINA**

PRESENT:

K. G. "Rusty" Smith, Jr., Chairman
Waymon Mumford, Vice-Chairman
H. Morris Anderson, Secretary-Chaplain
Mitchell Kirby, Council Member
Russell W. Culberson, Council Member
Johnnie D. Rodgers, Jr., Council Member
Alphonso Bradley, Council Member
James T. Schofield, Council Member
Roger M. Poston, Council Member
Richard A. Starks, County Administrator
D. Malloy McEachin, County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

John Sweeney, Morning News
Tonya Brown, TV15
Concerned Citizens

A notice of the special called meeting/worksession of the Florence County Council appeared in the August 8, 2011 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. Copies were also available at the Doctors Bruce and Lee Foundation Public Library and all branch libraries, 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 and stated the purpose of the meeting was a worksession for Council to begin the discussion on redistricting.

RESOLUTIONS:

RESOLUTION NO. 05-2011/12

Chairman Smith published the title of Resolution No. 05-2011/12: A Resolution To Approve Adoption Of The Criteria For The Development Of 2010 Redistricting Plans. Councilman Anderson made a motion Council approve the Resolution. Councilman Mumford seconded the motion, which was approved unanimously.

(Councilman Rodgers entered the meeting at 1:05 p.m.)

WORKSESSION:

REDISTRICTING

Chairman Smith stated this meeting/worksession would be the impetus to the process for redistricting. Bobby Bowers with the South Carolina Office of Research and Statistics presented information to Council regarding the Benchmark Statistics and offered Plan 1 to begin the redistricting process. Mr. Bowers stated that, based on the 2010 Census data, the ideal district population for Florence County would be 15,209 for each of the nine (9) districts. State law dictates that counties must adopt a population deviation not to exceed 10%, but the ORS recommends decreasing the deviation much less than 10%. Members of Council reviewed the proposed Plan 1 along with the associated map and discussed potential revisions.

(Councilman Bradley left the meeting at 1:54 p.m.)

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

COUNCIL MEETING ADJOURNED AT 2:00 P.M.

H. MORRIS ANDERSON
SECRETARY-CHAPLAIN

CONNIE Y. HASELDEN
CLERK TO COUNTY COUNCIL

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Minutes

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council is requested to approve the minutes of the August 18, 2011 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, AUGUST 18, 2011, 9:00 A.M., COUNCIL CHAMBERS
ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY STREET,
FLORENCE, SOUTH CAROLINA**

PRESENT:

K. G. "Rusty" Smith, Jr., Chairman
Waymon Mumford, Vice-Chairman
H. Morris Anderson, Secretary-Chaplain
Mitchell Kirby, Council Member
Russell W. Culberson, Council Member
Johnnie D. Rodgers, Jr., Council Member
Alphonso Bradley, Council Member
James T. Schofield, Council Member
Roger M. Poston, Council Member
Richard A. Starks, County Administrator
Malloy McEachin, County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

Connie Reel-Shearin, Clerk of Court
Ray McBride, Library Director
Robert Franks, IT Director
Jack Greenan, Solicitor's Office
Barbara Coker, Sheriff's Office
John Sweeney, Morning News

A notice of the regular meeting of the Florence County Council appeared in the August 17, 2011 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 all branch libraries, 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.

APPROVAL OF MINUTES:

Councilman Anderson made a motion Council approve the minutes of the July 21, 2011 regular meeting of County Council. Councilman Rodgers seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

There were no public hearings required or scheduled.

APPEARANCES:

RAY MCBRIDE, DIRECTOR – FLORENCE COUNTY LIBRARY SYSTEM

Mr. McBride Appeared Before Council To Present The Florence County Library System Annual Report. Statistics for the library overall were up and the three (3) newest libraries (Timmonsville, Olanta, Johnsonville) were up nearly 300%. Mr. McBride was elected to a second two-year term as Chairman of the Executive Board for SC LENDS, a consortium of 15 county library systems and the State Library, with over 2.7 million items in the online catalog, circulating 8.2 items since the consortium began. This partnership enables libraries to share materials among the libraries, which offers to patrons accessibility to material that would not be available due to the cuts in State Aid to Libraries (70% decline).

ARTICLE “STATE SUPREME COURT RULES AGAINST ONLINE TRAVEL COMPANY”

Chairman Smith provided members of Council with a copy of an article entitled “*State Supreme Court Rules Against Online Travel Company*.” He requested that the County Attorney and County Administrator look into the matter, which deals with online booking companies that don’t collect accommodations tax.

COMMITTEE REPORTS:

AD HOC SEARCH COMMITTEE

Committee Chairman Mumford stated the Committee didn’t have a report but that the process for the search for a county administrator was going along very smoothly.

RESOLUTIONS:

No Resolutions were presented.

ORDINANCES IN POSITION:

ORDINANCE NO. 29-2010/11 – THIRD READING

The Clerk published the title of Ordinance No. 29-2010/11: An Ordinance To Amend The Comprehensive Plan Land Use Map For Property In Florence County Located At 224 E. Carolyn Avenue, Florence SC From Commercial Growth And Preservation To Suburban Development As Shown On Florence County Tax Map No. 90095, Block 01, Parcel 042 Consisting Of .52 Acres. Councilman Mumford made a motion Council approve third reading of the Ordinance. Councilman Rodgers seconded the motion, which was approved unanimously.

ORDINANCE NO. 30-2010/11 – THIRD READING

The Clerk published the title of Ordinance No. 30-2010/11: An Ordinance To Rezone Property Owned By Doulaveris Holdings, LLC Located At 224 Carolyn Avenue, Florence County From B-3, General Commercial District To R-4, Multi-Family Residential District, Limited Shown On Florence County Tax Map No. 90095, Block 01, Parcel 042 Consisting Of 0.52 Acres. Councilman Schofield made a motion Council approve third reading of the Ordinance. Councilman Anderson seconded the motion, which was approved unanimously.

ORDINANCE NO. 02-2011/12 – SECOND READING DEFERRED

The Chairman stated that unless Council objected, Ordinance No. 02-2011/12 would be deferred: An Ordinance To Rezone Property Owned By Katie Barnhill Cook Located At 2214 Alligator Road, Effingham, From R-3, Single-Family Residential District To R-4, Multi-Family Residential District Limited Shown On Florence County Tax Map No. 00126, Block 01, Parcel 401 Consisting Of 0.22 Acres. There were no objections voiced.

ORDINANCE NO. 03-2011/12 – INTRODUCED BY TITLE ONLY

The Clerk published the title and the Chairman declared Ordinance No. 03-2011/12 introduced by title only: An Ordinance To Amend Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees And Agencies, To Modify The Structure Of The Senior Center Commission; And Other Matters Related Thereto.

ORDINANCE NO. 04-2011/12 – INTRODUCED BY TITLE ONLY

The Clerk published the title and the Chairman declared Ordinance No. 04-2011/12 introduced by title only: An Ordinance To Provide For The Issuance And Sale Of Not Exceeding Five Million Dollars (\$5,000,000) General Obligation Refunding And Improvement Bonds Of Florence County, South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto.

ORDINANCE NO. 05-2011/12 – INTRODUCED BY TITLE ONLY

The Clerk published the title and the Chairman declared Ordinance No. 05-2011/12 introduced by title only: An Ordinance Providing For The Issuance And Sale From Time To Time Of Hospitality Tax Revenue Bonds Of Florence County, Providing For The Pledge Of Hospitality Taxes For The Payment Of Such Bonds, Prescribing The Terms And Conditions Under Which Such Bonds May Be Issued, Providing For The Payment Thereof, And Other Matters Relating Thereto.

ORDINANCE NO. 06-2011/12 – INTRODUCED BY TITLE ONLY

The Clerk published the title and the Chairman declared Ordinance No. 06-2011/12 introduced by title only: An Ordinance Providing For The Issuance And Sale Of Not Exceeding Three Million Nine Hundred Thousand Dollars (\$3,900,000) Hospitality Tax Revenue Bonds Of Florence County To Be Designated Series 2011 And Other Matters Relating Thereto.

ORDINANCE NO. 07-2011/12 – INTRODUCED BY TITLE ONLY

The Clerk published the title and the Chairman declared Ordinance No. 07-2011/12 introduced by title only: An Ordinance To Amend Article II, Section 2-18 Of The Florence County Code Establishing Defined Single Member Election Districts For The Election Of Members Of The County Council And Other Matters Related Thereto.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

LIBRARY BOARD OF TRUSTEES

Council unanimously approved the appointment of Robert Jordan to represent County Council District 2 on the Florence County Library Board of Trustees, with appropriate expiration term.

JOHNSONVILLE FIRE DISTRICT BOARD

Council unanimously approved the reappointment of Jeffrey Humphries to serve on the Johnsonville Fire District Board, with appropriate expiration term.

REPORTS TO COUNCIL:

CONVENTION AND VISITORS BUREAU/ADMINISTRATION

ACCEPT GRANT AWARD – TOURISM PARTNERSHIP FUND

Councilman Rodgers made a motion Council Accept A Tourism Partnership Fund (TPF) Grant From South Carolina Department Of Parks, Recreation And Tourism In The Amount Of \$98,636.40 For Implementation Of The Florence County Marketing Plan In FY12. Councilman Mumford seconded the motion, which was approved unanimously.

EMERGENCY MANAGEMENT/PROCUREMENT

LEASE APPROVAL

Councilman Rodgers made a motion Council Approve An Addendum To An Existing Lease With Farmers Telephone Cooperative, Inc. Allowing Additional Equipment To Be Placed On Florence County's Communication Tower Located In Lake City And Increasing The Monthly Lease Amount To \$1,800. Councilman Culberson seconded the motion, which was approved unanimously.

FINANCE/FACILITIES MANAGEMENT

PUBLIC SERVICE BUILDING SPACE ALLOCATION

Chairman Smith stated unless there was an objection by Council, he would Refer The Issue Of Allocation Of Space In The Public Service Building Which Is Being Vacated By Voter Registration And Election Commission Offices To The Public Services And County Planning Committee Of Council For Review And Recommendation. There was no objection voiced by Council.

INFORMATION TECHNOLOGY

PROGRAMMING – CLERK OF COURT PUBLIC RECORDS

Councilman Rodgers made a motion Council Provide Funding In The Amount Of \$6,000 From FY12 Contingency Funds For Programming Necessary To Annotate Clerk Of Court Public Records To Enhance Search Features On The County Website. Councilman Anderson seconded the motion, which was approved unanimously.

PLANNING & BUILDING/PROCUREMENT

CONTRACT AWARD

Councilman Anderson made a motion Council Approve A Contract With Carolina Clear For Professional Services To Continue With The Next Required Phase Of The Storm Water Management Regulations Required By National Pollutant Discharge Elimination System (NPDES) Regulations In The Amount Of \$75,000 (\$15,000 Annually For Five Years). This would be the second period of the contract. Councilman Rodgers seconded the motion, which was approved unanimously.

SHERIFF'S OFFICE/PROCUREMENT

SURPLUS PROPERTY

Councilman Rodgers made a motion Council Declare Fifteen (15) Kimber Stainless Gold Match 45 ACP Pistols As Surplus Property For The Purpose Of Disposal And Appropriate The Proceeds To Be Utilized For The Procurement Of Replacement Weapons For Florence County Sheriff's Office. Councilman Anderson seconded the motion, which was approved unanimously.

SOLICITOR'S OFFICE/HUMAN RESOURCES

RECLASSIFY TWO POSITIONS

Councilman Rodgers made a motion Council Approve The Reclassification Of Two Assistant Solicitor Positions (Slot 010-411-404-002 From Grade 24 To Grade 30 And Slot 010-411-404-003 From Grade 24 To Grade 15). Councilman Culbertson seconded the motion, which was approved unanimously.

The following item was an addition to the Agenda:

COUNCIL/FINANCE

VETERANS PARK MONUMENT

Councilman Schofield made a motion Council Approve Funds In The Amount Of \$25,000 Toward The Cost Of A Monument At Veterans Park From FY12 Budgeted Funds. Councilman Anderson seconded the motion, which was approved unanimously.

OTHER BUSINESS:

UTILITY

E-RECYCLE CONTAINERS

Councilman Poston made a motion Council Approve The Expenditure Of Up To \$10,600.00 From Council Districts 1 and 2 Utility Funding Allocations For The Purchase Of E-Recycle Containers To Be Placed At The Manned Convenience Center Sites In Lake City And Johnsonville. Councilman Rodgers seconded the motion, which was approved unanimously.

The following items were additions to the Agenda:

OTHER BUSINESS:

INFRASTRUCTURE

SPAULDING HEIGHTS COMMUNITY PARK

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$600.00 From Council District 7 Infrastructure Funding Allocation To Replace The Refrigerator At Spaulding Heights Community Park. Councilman Bradley seconded the motion, which was approved unanimously.

TOWN OF OLANTA

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$1,241.09 From Council District 5 Infrastructure Funding Allocation To Pay For Four (4) Home Of Teen Miss South Carolina 2011 Emily C. Floyd Signs To Be Erected At Entrances Into The Town Of Olanda. Councilman Anderson seconded the motion, which was approved unanimously.

TOWN OF PAMPLICO

Councilman Poston made a motion Council Declare One (1) Vehicle (V0764 A 2005 Ford Crown Vic) As Surplus; Authorize The Sale Of The Vehicle To The Town Of Pamplico In The Amount Of \$4,550; And Approve The Funding From Council District 2 Infrastructure Allocation For The Purchase Of The Vehicle. Councilman Kirby seconded the motion, which was approved unanimously.

UPDATE ON "BLUE LAWS"

Councilman Kirby requested the Chairman provide an update on the "Blue Laws" for the citizens. Chairman Smith stated that the State was in control of the Blue Laws and the County had no control. This shows the effects of what Florence County has done in terms of Economic Development and promotion. For the first time in Florence County, it surpassed the threshold of State accommodations tax, meaning County revenues for the prior fiscal year exceeded \$900,000, which in essence did away with the antiquated 'Blue Laws' in terms of retail sales, but has nothing to do with alcohol sales.

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

COUNCIL MEETING ADJOURNED AT 9:30 A.M.

**H. MORRIS ANDERSON
SECRETARY-CHAPLAIN**

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

FLORENCE COUNTY COUNCIL

September 15, 2011

AGENDA ITEM: Public Hearings

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

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

A. ORDINANCE NO. 03-2011/12

An Ordinance To Amend Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees And Agencies, To Modify The Structure Of The Senior Center Commission; And Other Matters Related Thereto.

B. ORDINANCE NO. 04-2011/12

An Ordinance To Provide For The Issuance And Sale Of Not Exceeding Five Million Dollars (\$5,000,000) General Obligation Refunding And Improvement Bonds Of Florence County, South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto.

C. ORDINANCE NO. 05-2011/12

An Ordinance Providing For The Issuance And Sale From Time To Time Of Hospitality Tax Revenue Bonds Of Florence County, Providing For The Pledge Of Hospitality Taxes For The Payment Of Such Bonds, Prescribing The Terms And Conditions Under Which Such Bonds May be Issued, Providing For The Payment Thereof, And Other Matters Relating Thereto.

D. ORDINANCE NO. 06-2011/12

An Ordinance Providing For The Issuance And Sale Of Not Exceeding Three Million Nine Hundred Thousand Dollars (\$3,900,000) Hospitality Tax Revenue Bonds Of Florence County To Be Designated Series 2011 And Other Matters Relating Thereto.

E. ORDINANCE NO. 07-2011/12

An Ordinance To Amend Florence County Code Chapter 2, Administration, Article II, Form Of Government, Section 2-18 To Establish Defined Single Member Election Districts For The Election Of Members Of The County Council, And Other Matters Related Thereto.

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Appearances Before Council
 Ron White

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Mr. White Requests To Appear Before Council *"regarding the epidemic of bath salts."*

ATTACHMENT:

A Copy of the Request To Appear.

Connie Haselden

From: universalcynic1@aol.com
Sent: Tuesday, August 30, 2011 11:56 AM
To: Connie Haselden
Subject: Request to speak

Ms. Haselden,

As per our phone conversation this morning, I request with all urgency, to speak before the council regarding the epidemic of bath salts at the next county council meeting. I will be representing Pee Dee People Against the Sale of Bath Salts, a group with over 1800 members. This issue is not only a national issue, but as we are seeing in our ER's and on news reports, now a local issue that is spreading like wildfire. One local hospital is reporting 4 cases per day. Our group believes this matter needs to be addressed as soon as possible as we are watching families being destroyed by a product that is easily picked up at corner stores (some even offering free samples) and age is of no matter to these stores. I look forward to hearing from you. If you have any questions, please feel free to contact me at 409-2949 (cell) or 662-4009 (shop). Thank you again.

Sincerely,

Ron White

FLORENCE COUNTY COUNCIL MEETING
Thursday, September 15, 2011

AGENDA ITEM: Resolution No. 06-2011/12

DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[A Resolution To Rename Banker's Court, Shown On Florence County Tax Map No. 00150, Block 01, Parcels 095 And 136 To Federal Court, And Other Matters Related Thereto.] *(Planning Commission approved 9-1; Council District 8)*

POINTS TO CONSIDER:

1. All landowners that have property that abut the proposed road have signed the required petition.
2. All required fees have been paid.
3. The road name meets standards set by the county code.

OPTIONS:

1. *(Recommended)* Approve As Presented.
2. Provide An Alternate Directive.

ATTACHMENTS:

Copies of the following are attached:

1. Resolution No. 06-2011/12
2. Staff report for PC#2011-16
3. Final Plat
4. Aerial photograph

Sponsor(s) : Planning Commission
Planning Commission Consideration : August 23, 2011
Planning Commission Public Hearing : August 23, 2011
Planning Commission Recommendation : August 23, 2011
Adopted : September 15, 2011

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

RESOLUTION NO. 06-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[A Resolution To Rename Banker's Court, Shown On Florence County Tax Map No. 00150, Block 01, Parcels 095 And 136 To Federal Court, And Other Matters Related Thereto.]

WHEREAS:

1. All county and private roads that exist in Florence County are named based on criteria as set forth by the Florence County Naming/Renaming Ordinance; and
2. The Florence County Planning Commission held the Public Hearing for the road renaming on August 23, 2011.

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

1. Banker's Court, shown on Tax Map Number 00150, Block 01, Parcels 095 and 136, is hereby renamed Federal Court.
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

SIGNED:

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
AUGUST 23, 2011
PC#2011-16
RESOLUTION NO. 06-2011/12**

Subject: Road Renaming of Banker's Court to Federal Court

Location: Off of South Irby St., Florence County

Tax Map Number: 00150, Block 01, Parcels 095 and 136

Council District: 8; County Council

Applicant(s): Dixie Federal Credit Union (Scott Eagerton), Jo Dorrell

Staff Analysis:

The applicant(s) are proposing to rename Banker's Court, an existing road located in Florence County to Federal Court.

This road is a County-maintained road located off of South Irby Street in Florence County

The road is shown to exist between Florence County Tax Map No. 00150, Block 01, Parcels 095 and 136.

Findings:

1. The request was made by the property owner(s) or their representatives.
2. The applicant was advised of the minimum requirements to name a road.
3. Road names are not duplicates of existing road names in the County of Florence.
4. All landowners with property abutting the proposed road(s) have signed the petition.
5. The road name has been approved by the County addressing office.

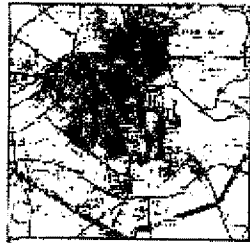
Florence County Planning Commission Action-July 26, 2011:

Five Planning Commission members were in attendance at the meeting held on July 26, 2011.

Due to the lack of a quorum, the meeting was cancelled and all items on the agenda were deferred and rescheduled for appearance at the meeting to be held on Tuesday, August 23, 2011.

Florence County Planning Commission Action August 23, 2011:

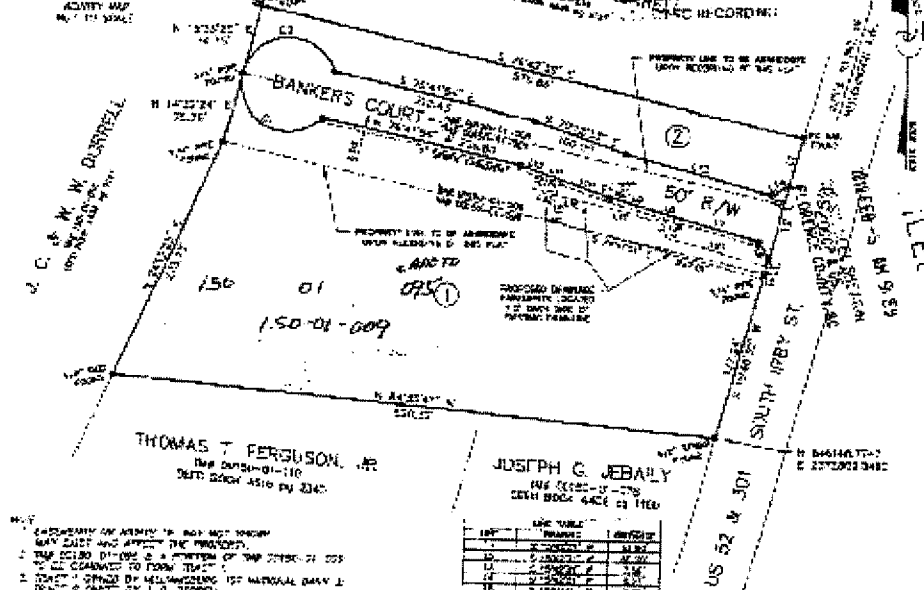
The ten Planning Commission members approved the road renaming request with a vote of nine in favor and one in opposition at the meeting held on Tuesday, August 23, 2011.



| CURVE TABLE | | | | | |
|-------------|--------|---------|--------|---------|--------|
| CHORD | DELTA | CHORD'S | LENGTH | CHORD'S | LENGTH |
| 100 | 1.0472 | 50.00 | 100.00 | 100.00 | 100.00 |
| 150 | 1.5708 | 75.00 | 150.00 | 150.00 | 150.00 |

TAB 2

THIS PROPERTY DESIGNATED AS
MAP 150-01-008 PARCEL 136
FLORENCE COUNTY, GEORGIA
REL. FROM 150-01-008
FLORENCE COUNTY TAX MAP BOOK
DO NOT BE CHANGED
DO NOT BE CHANGED

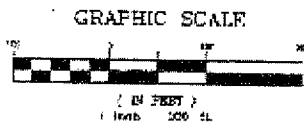


1. PROPERTY OF ARMY TO BE NOTED AND MUST BE APPROVED BY THE ARMY.
2. THE 150-01-008 IS A PART OF THE 150-01-008.
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9. THE 150-01-008 IS A PART OF THE 150-01-008.
10. THE 150-01-008 IS A PART OF THE 150-01-008.

| LOT | AREA | AREA |
|-----|--------|--------|
| 1 | 1.0000 | 1.0000 |
| 2 | 1.0000 | 1.0000 |
| 3 | 1.0000 | 1.0000 |
| 4 | 1.0000 | 1.0000 |
| 5 | 1.0000 | 1.0000 |
| 6 | 1.0000 | 1.0000 |
| 7 | 1.0000 | 1.0000 |
| 8 | 1.0000 | 1.0000 |
| 9 | 1.0000 | 1.0000 |
| 10 | 1.0000 | 1.0000 |
| 11 | 1.0000 | 1.0000 |
| 12 | 1.0000 | 1.0000 |
| 13 | 1.0000 | 1.0000 |
| 14 | 1.0000 | 1.0000 |
| 15 | 1.0000 | 1.0000 |
| 16 | 1.0000 | 1.0000 |
| 17 | 1.0000 | 1.0000 |
| 18 | 1.0000 | 1.0000 |
| 19 | 1.0000 | 1.0000 |
| 20 | 1.0000 | 1.0000 |

LOT AREAS:
1-3.84 ACRES
2-0.70 ACRES

TAX PARCELS
150-01-008, 009 & 090
FLORENCE COUNTY
SOUTH CAROLINA



FINAL PLAT OF LAND LOCATED APPROXIMATELY ONE (1) MILE SOUTH OF THE CITY OF FLORENCE, SURVEYED AT THE REQUEST OF WILLIAMSBURG FIRST NATIONAL BANK



SURVEYED
JULY 18, 2004
REVISED
MARCH 31, 2008
REVISED
APRIL 21, 2008

STATEMENT
I, WILLIAM N. KELLAHAN, JR., ENGINEER AND SURVEYOR, INC., DO HEREBY STATE THAT THE ABOVE IS A TRUE AND CORRECT STATEMENT OF THE SURVEYED LAND AND THAT I AM A LICENSED ENGINEER AND SURVEYOR IN THE STATE OF SOUTH CAROLINA.

KELLAHAN & ASSOCIATES

ENGINEERS and SURVEYORS, INC.
ONE A JACKSON STREET, FLORENCE, S.C. 29502
WORKING OFFICE: 800-445-4455

WILLIAM N. KELLAHAN, JR.
SOUTH CAROLINA #52823

96-340



FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Resolution No. 07-2011/12

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

(A Resolution Authorizing The Cessation Of Maintenance On And Abandonment Of A Portion Of Paisley Road Located In Lake City.)

OPTIONS:

1. *(Recommended)* Approve Resolution No. 07-2011/12.
2. Provide an alternate directive.

ATTACHMENTS:

1. Resolution No. 07-2011/12.
2. Correspondence from Tommy McClam and Dorothy McClam requesting abandonment of the road.
3. Map depicting subject road.

Sponsor(s)/Department : County Council
Adopted : September 15, 2011
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 07-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(Authorizing The Cessation Of Maintenance On And Abandonment Of A Portion Of Paisley Road Located In Lake City.)

WHEREAS:

1. Paisley Road is located in the Lake City area of the County; and
2. Paisley Road is maintained by the Public Works Department of Florence County through a prescriptive right of way; and
3. Council is requested to abandon and cease maintenance on a portion of Paisley Road.

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

A portion of Paisley Road, beginning after the South Carolina State right-of-way at the intersection of McClam Road and Paisley Road, continuing in a southeasterly direction to the end of the county maintained portion of said road is hereby abandoned and removed from the Florence County Road Maintenance System and its use as a prescriptive right of way and all maintenance thereof by Florence County is hereby discontinued.

ATTEST:

Connie Y. Haselden, Council Clerk

SIGNED:

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

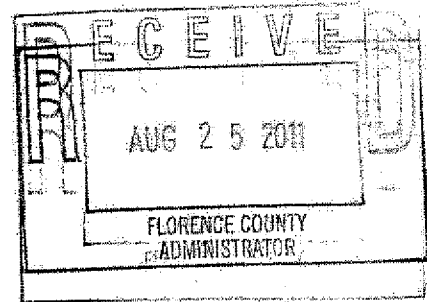
OPPOSED:

ABSENT:

23 Aug 2011

Tommy McClam
314 King Charles Circle
Summerville, SC 29485
843-875-6877

Richard A. Starks
Florence County Administrator
180 North Irby Street MSC-G
Florence SC 29501



Subject: Removal of Road from County Maintenance and Closed

Dear Mr. Starks,

Request the removal of East Paisley Road from county plowing maintenance and closed to general traffic. East Paisley road is on the east side of McClam road (state road S-21-730) located east of Lake City. The road is approximately 125 yards long and dead ends at our pond and a storage house. The pond and storage house have been vandalized and all items of value stolen. Additionally, we have farm equipment parked under a shed on the right side of the road...equipment has been stolen off the tractors because of the easy access the road provides. A car was also stolen that was stored under the shed.

The area around the house and pond has become a late night gathering spot for what appears to be illegal activity. The Florence County Sheriffs office has responded to numerous thefts from the storage house and equipment shed.

In the interest of safety and property security request the road be closed and **temporary county road closed sign be placed at the entrance**. Once the road is closed, we plan to put a chain gate up to keep unauthorized people out of the area.

The county will save money by not having to plow and maintain a 125 yard dead end road.

The pond at the end of East Paisley Road is no longer used by the fire department as a water point.

The property owners...Dorothy McClam, Tommy McClam and David McClam...all agree to this request. Dorothy McClam lives at 539 McClam Road. David McClam can be reached at 843-598-0143.

If you need additional information please contact me.

Best Regards,

Tommy McClam
314 King Charles Circle
Summerville, SC 29485
843-875-6877

Atch: Map with Highlighted Road



FLORENCE COUNTY
Public Works Department

Arthur C. Gregg, Jr.
Public Works Director

August 25, 2011

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

I agree with the abandonment of East Paisley Road by Florence County.

I understand that there are no avenues to re-establish maintenance on East Paisley Road once this action is taken.

| <u>Tax Map</u> | <u>Block</u> | <u>Parcel</u> |
|----------------|--------------|---------------|
| 230 | 31 | 004 |

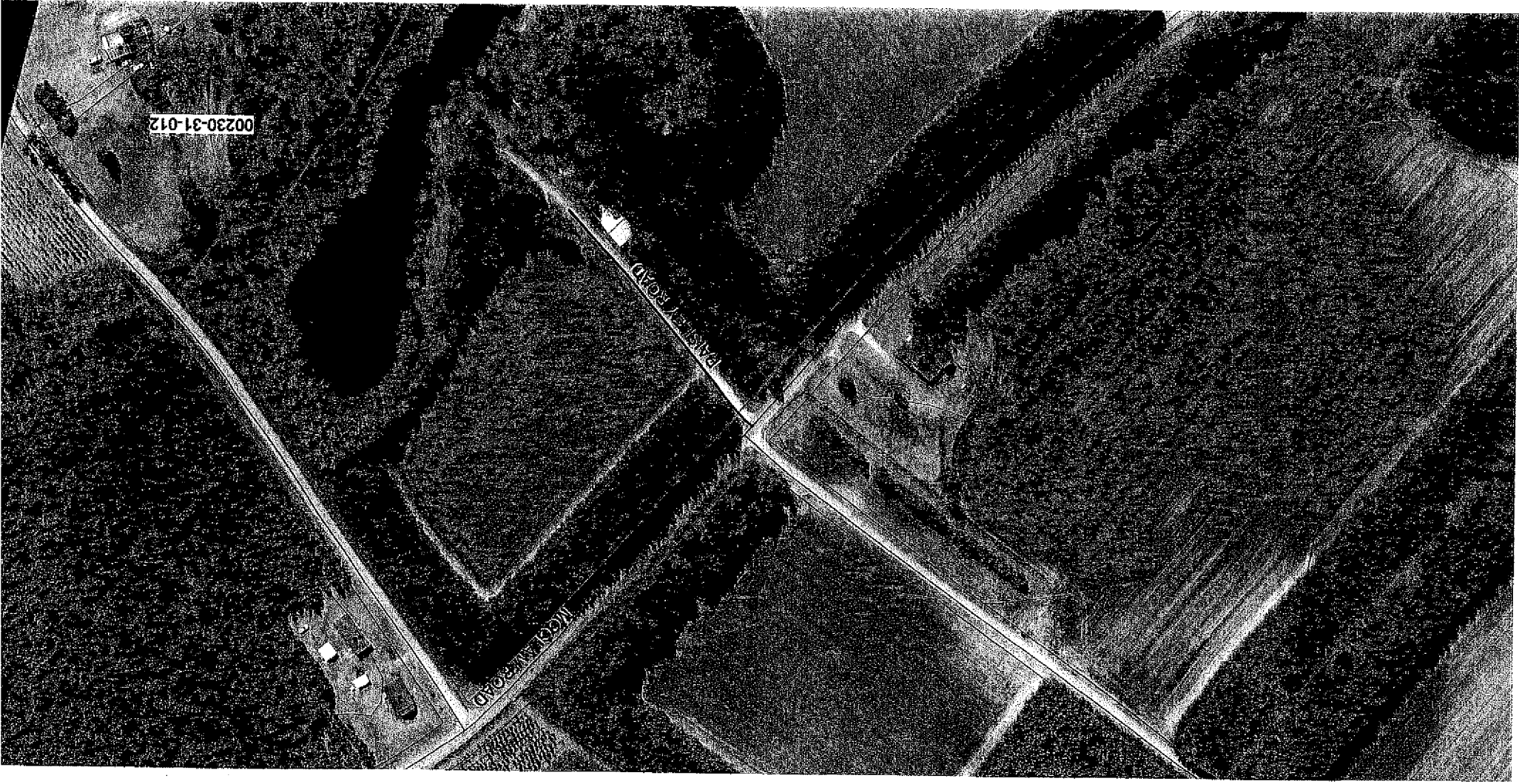
Sincerely,

Dorothy S. McClam
539 N. McClam Road
Lake City, SC 29560

WITNESSED BY:

Paisley Rd - Dist. #1

6746 Friendfield Road • Post Office Box 38 • Effingham, South Carolina 29541
Phone: (843) 665-3022 • Fax: (843) 676-8625



00230-31-012

PARKER ROAD

WOODLAND ROAD



FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Second Reading - Ordinance No. 03-2011/12

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

(An Ordinance To Amend Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees And Agencies, To Modify The Structure Of The Senior Center Commission; And Other Matters Related Thereto.)

OPTIONS:

1. *(Recommended)* Approve Second Reading of Ordinance No. 03-2011/12.
2. Provide an Alternate Directive.

ATTACHMENTS:

1. Ordinance No. 03-2011/12.
2. Current text – Florence County Code Section 2-202.

Sponsor(s) : County Council
First Reading/Introduction : August 18, 2011
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Public Hearing : September 15, 2011
Second Reading : September 15, 2011
Third Reading :
Effective Date : Immediately

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

ORDINANCE NO. 03-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Amend Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees And Agencies, To Modify The Structure Of The Senior Center Commission; And Other Matters Related Thereto.)

WHEREAS:

The Florence County Council has determined that it is desirable to modernize the structure of the Senior Center Commission similar to other County commissions and boards.

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

1. Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees and Agencies, Division 12, Senior Center Commission, Section 2-202, Creation of Senior Center Commission; Membership of Commission; terms of members, subsections (a) and (b) are hereby amended to read as follows:
 - (a) *Creation of commission.* There is hereby created the Florence County Senior Center Commission (the "commission"), which shall consist of nine voting members.
 - (b) *Membership of commission.* All members of the commission shall be residents of Florence County. The commission shall consist of nine members to be appointed by the Florence County Council. Each county council member shall nominate one of the nine members for consideration as follows:
 - The initial term of three appointees from Districts 1, 4, and 7 shall be effective July 1, 2011, expiring on June 30, 2015.
 - The initial term of three appointees from Districts 2, 5, and 8 shall be effective July 1, 2011, expiring on June 30, 2014.
 - The initial term of three appointees from Districts 3, 6, and 9 shall be effective July 1, 2011, expiring on June 30, 2013.
2. Florence County Code Chapter 2, Administration, Article V, Boards, Commissions, Committees and Agencies, Section 2-202, Creation of Senior Center Commission; Membership of Commission;

Terms of Members, subsection (c) is hereby deleted in its entirety and replaced with the following language:

(c) *Terms of office.* Terms of office for members of the commission shall be for four years and until successors are appointed and qualified, except those initially appointed. Vacancies on the commission shall be filled in the manner of original appointment for the unexpired term. Members shall be eligible to serve on the commission for two consecutive terms. The members of the commission shall not receive compensation for their services but may be reimbursed for their actual expenses incurred as members of the commission from any funds appropriated for that purpose.

3. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
4. 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:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

Approved as to Form and Content
D. Malloy McEachin, Jr., County Attorney

COUNCIL VOTE:
OPPOSED:
ABSENT:

Sec. 2-202. - Creation of senior center commission; membership of commission; terms of members.

(a)

Creation of commission. There is hereby created the Florence County Senior Center Commission (the "commission"), which shall consist of seven voting members and four ex-officio, nonvoting members.

(b)

Membership of commission. All members of the commission shall be residents of Florence County. The voting members shall be as follows: Three members shall be appointed by the corporation, and four members shall be appointed by the Florence County Council. At least one of the appointees of the county council will be a member of the Florence County AARP. The chairman of council, the Director of the Florence County Parks and Recreation Department, the executive director of the corporation and the president of the corporation shall serve as ex-officio, non-voting members.

(c)

Terms of office. Term of office for voting members appointed by the council shall be for four years and until successors are appointed and qualify, except those initially appointed, two members shall be appointed for two-year terms, and two shall be appointed for four-year terms. The terms of office for the voting members appointed by the corporation shall be for four years and until successors are appointed and qualify, except those initially appointed, two members shall be appointed for four-year terms, and one shall be appointed for a two-year term. Vacancies on the commission shall be filled in the manner of original appointment for the unexpired term. Members shall be eligible to serve on the commission for two consecutive terms. The members of the commission shall not receive compensation for their services but may be reimbursed for their actual expenses incurred as members of the commission from any funds appropriated for that purpose.

(Ord. No. 10-2003/04, art. II, 10-16-03)

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Approval of Second Reading of Ordinance No. 04-2011/12

DEPARTMENT: Finance

ISSUE UNDER CONSIDERATION:

(An Ordinance To Provide For The Issuance And Sale Of Not Exceeding Five Million Dollars (\$5,000,000) General Obligation Refunding And Improvement Bonds Of Florence County , South Carolina, To Prescribe The Purposes For Which The Proceeds Shall Be Expended, To Provide For The Payment Thereof, And Other Matters Relating Thereto.)

POINTS TO CONSIDER:

1. The refunding portion of this bond (\$3,800,000) will be used to refund the remaining balance of the County's 2002 General Obligation Bond, generating savings in excess of \$300,000.
2. The improvement portion of this bond will be used to fund the purchase and installation of new generators for the City-County Complex and the County Planning Building, along with other associated costs, as well as fund the issuance costs of these bonds.

FUNDING FACTORS:

The principal and interest payments on these new bonds will be funded entirely from the property tax millage currently used for the existing bonds that will be refunded. The maturity on the new bonds will be three years longer than the existing bonds; therefore, no increase in millage will be required for these new bonds.

OPTIONS:

1. *(Recommended)* Approve Second Reading of Ordinance No. 04-2011/12.
2. Provide An Alternate Directive.

ATTACHMENT:

1. Copy of Ordinance No. 04-2011/12

Sponsor(s) : County Council
First Reading : August 18, 2011
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Public Hearing : September 15, 2011
Second Reading : September 15, 2011
Third Reading :
Effective Date :

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

ORDINANCE NO. 04-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING FIVE MILLION DOLLARS (\$5,000,000) GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS OF FLORENCE COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

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BE IT RESOLVED BY THE FLORENCE COUNTY COUNCIL IN MEETING DULY ASSEMBLED:

ARTICLE I

FINDINGS OF FACT

As an incident to the adoption of this Ordinance and the issuance of the bonds provided for herein, 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 true and correct:

Section 1.01 Objectives of Expenditures.

On July 17, 2002, the County delivered its \$10,000,000 General Obligation Bonds, Series 2002 dated July 1, 2002 (the "2002 Bonds"), for the purpose of providing funds to acquire, construct, furnish, and equip a new County Library Headquarters. The 2002 Bonds are currently outstanding in the principal amount of \$3,760,000, and are subject to redemption at the option of the County at any time on or after March 1, 2011 without penalty.

The Council has made an assessment of market conditions now prevailing, and has determined that a savings in the debt service of the 2002 Bonds can be achieved through the refunding of the 2002 Bonds at current rates in the tax-exempt municipal market. Council has also been advised that a need exists for the acquisition and installation of and improvements related to a new electrical generator for the County's facilities in the City-County Complex (the "Improvements"). The total cost of the Improvements is estimated to be \$1,240,000.

In order to raise the moneys necessary to refund the 2002 Bonds, to finance a portion of the Improvements, and to pay the costs of issuance to be incurred in connection therewith, the Council has determined to issue general obligation bonds of the County in the principal amount of not exceeding \$5,000,000 (the "Bonds") and to use the proceeds of the sale of the Bonds for such purposes.

Section 1.02 Recital of Statutory and Constitutional Authorization.

Section 14 of Article X of the Constitution of the State of South Carolina (the "Constitution")

provides that the counties of the State may issue bonded indebtedness in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein, and provides further that no bonded indebtedness incurred on or prior to November 30, 1977, shall be charged against such eight percent (8%) debt limitation. Paragraph (6) of Section 14 of Article X of the Constitution further provides that general obligation debt authorized by a majority of the qualified electors of the issuer may be issued without consideration of the eight percent (8%) limit otherwise imposed by Section 14 of Article X. The assessed value of all taxable property located within the County (including merchants' inventory, but net of property subject to a fee in lieu of tax) as certified by the County Auditor for the year 2010, which is the last completed assessment thereof, is a sum of not less than \$435,844,252, and thus the eight percent (8%) debt limit of the County is not less than \$34,847,143. The County has outstanding \$14,115,000 aggregate principal amount of general obligation debt which chargeable against the eight percent (8%) limit. Thus, the Council may issue the sum of \$1,240,000 general obligation debt to finance the cost of the Improvements at the present time without the authorization required by Section 14(6) of the Constitution.

Pursuant to the provisions of Sections 11-21-10 through 11-21-80, inclusive, incorporating Sections 11-15-410 through 11-15-600, inclusive, Code of Laws of South Carolina, 1976, as amended, and as amended and supplemented by Act No. 113 of the Acts and Joint Resolutions of 1999 of the General Assembly of South Carolina, the County is authorized to issue general obligation bonds, the proceeds of which are used to redeem outstanding general obligation bonds of the County, provided a savings in debt service results and such refunding general obligation bonds are issued more than six months prior to the dates such refunded bonds are called for payment and redemption.

The debt created by that portion of the Bonds authorized hereby which will be used to refund the 2002 Bonds is not a new indebtedness, but merely a continuation of indebtedness already incurred. Accordingly, the principal of the Bonds in the amount necessary to refund the Series 2002 Bonds is not further chargeable against the County's debt limit.

Section 1.03 Notice Pursuant to Section 11-27-40.

The Council is mindful of the fact that Section 4-19-1220 of the Code of Laws of South Carolina, 1976, as amended (the "S.C. Code"), applies to the provisions of this Ordinance. In the event that the Chairman determines in his sole discretion that it is necessary to proceed as soon as possible to issue and deliver the bond authorized hereby, the County may avail itself of the provisions of Paragraph 8 of Section 11-27-40 of the S.C. Code. In such case, notice shall be published in substantially in the form attached hereto as Exhibit A.

[End of Article I]

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ARTICLE II

DEFINITIONS AND CONSTRUCTION

Section 2.01 Definitions.

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

"2002 Bonds" means the \$10,000,000 General Obligation Bonds, Series 2002, of the County, dated July 1, 2002.

"Authorized Investments" mean and include such investments as are approved for political subdivision of the State pursuant to Sections 6-5-10 and 6-6-30, Code of Laws of South Carolina, 1976, as amended.

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

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

"Bond or Bonds" means any of the Bonds of the County authorized by this ordinance, and shall mean, as appropriate, Bonds of a particular Series issued under the authorization of this ordinance.

"Bond Counsel" means a firm of nationally recognized attorneys practicing in the field of municipal finance law retained by the County to serve as Counsel with respect to the issuance of the Bonds.

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

"Bond Payment Date" means each March 1 and September 1 on which interest on any of the Bonds shall be payable or on which both the Principal Installment or Redemption Price and interest shall be payable on any of the Bonds.

"Chairman" means the Chairman of the Council or, in his absence, the Vice Chairman.

"Continuing Disclosure Certificate" means that certificate, the form of which appears attached hereto as Exhibit D, which is to be executed by an Authorized Official and delivered at or prior to the closing of the Bonds as required by Securities and Exchange Commission Rule 15c2-12, as amended.

"Corporate Trust Office," when used with respect to any Paying Agent or Registrar, means the office at which its principal corporate trust business shall be administered.

"County" means Florence County, South Carolina.

"County Administrator" means the individual hired by the Council to fulfill the duties of the County Administrator.

"County Request" means a written request of the County signed by an Authorized Officer.

"Enabling Act" means, as applicable, Chapter 15, Title 4, Code of Laws of South Carolina, 1976, as amended and supplemented by Title 11, Chapter 27, Code of Laws of South Carolina, 1976, as amended, and Sections 11-21-10 through 11-21-80, inclusive, incorporating Sections 11-15-410 through 11-15-600, inclusive, Code of Laws of South Carolina, 1976, as amended, and as amended and supplemented by Act No. 113 of the Acts and Joint Resolutions of 1999 of the General Assembly of South Carolina.

"Fiduciary" means the Paying Agent, the Registrar and their successors and assigns.

"Financial Advisor" is an investment bank or other financial institution selected by the County to assist it with the issuance of the Bonds.

"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.

"Improvements" shall have the meaning given in Section 1.01 herein.

"Ordinance" means this Ordinance as the same may be amended or supplemented from time to time in accordance with the terms hereof.

"Outstanding," when used in this Ordinance with respect to Bonds means, as of any date, all Bonds theretofore authenticated and delivered pursuant to this ordinance except:

- (i) any Bond cancelled or delivered to the Registrar for cancellation on or before such date;
- (ii) any Bond (or any portion thereof) deemed to have been paid in accordance with the provisions of Section 7.01 hereof; and
- (iii) any Bond in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to Section 3.11 of the Ordinance.

"Paying Agent" means any bank, trust company or national banking association which is authorized, to pay the principal of or interest on a Series of Bonds and having the duties, responsibilities and rights provided for in this Ordinance, and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Paying Agent may also act as Registrar.

"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.

"Principal Installment" means, as of any date of calculation, the principal amount of all Bonds due on a specified date.

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

"Redemption Dates" means the dates upon which Bonds shall be subject to redemption.

"Redemption Price" when used with respect to a Bond or portion thereof to be redeemed, means the principal amount of such Bond or such portion thereof plus the applicable premium, if any, payable upon redemption thereof pursuant to this Ordinance.

"Registrar" means any bank, trust company, or national banking association which is authorized to maintain an accurate list of those who from time to time shall be the Holders of the Bonds of a Series and shall effect the exchange and transfer of Bonds in accordance with the provisions of this Ordinance and having the duties, responsibilities, and rights provided for in this Ordinance and its successor or successors

and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Registrar may also act as Paying Agent.

"Series" or "Series of Bonds" shall mean all of the Bonds authenticated and delivered on original issuance in a simultaneous transaction and designated as a single Series by the Chairman and County Administrator, and any Bonds thereafter authenticated and delivered in lieu of or in substitution for (but not to refund) such Bonds as herein provided, regardless of variations in maturity, interest rate or other provisions.

Section 2.02 Construction.

In this Ordinance, unless the context otherwise requires:

(a) Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.

(b) 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.

(c) 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.

(d) 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.

[End of Article II]

ARTICLE III
ISSUANCE OF BONDS

Section 3.01 Ordering the Issuance of Bonds.

Pursuant to the provisions of the Enabling Act, and for the purpose of obtaining funds to redeem 2002 Bonds, to finance a portion of the costs of the Improvements, and to pay costs of issuance, there shall be issued not exceeding in the aggregate Five Million Dollars (\$5,000,000) of general obligation refunding and improvement bonds of the County. The principal amount, description and series designation of the Bonds shall be determined by the Chairman and County Administrator. The Bonds may be issued as a single series or as several series simultaneously or from time to time as determined by the Chairman and the County Administrator.

Section 3.02 Maturity Schedule of Bonds.

The Bonds shall bear interest at rates determined in the manner prescribed by Section 3.15 hereof. The Chairman and the County Administrator are hereby authorized to establish a maturity schedule for each Series, upon advice of the County's Financial Advisor and Bond Counsel, provided, however, that (i) the aggregate principal amount of the Bonds shall not exceed \$5,000,000, (ii) the maximum term of a Series does not exceed 20 years from the date of issuance thereof, and (iii) the first Bond Payment Date applicable to a Series is not more than 12 months from the date of issuance of such Series.

Section 3.03 Provision for Payment of Interest on the Bonds.

The Bonds shall be authenticated on such dates as they shall, in each case, be delivered. The original issue date of the Bonds shall be at the election of the Chairman either the date of delivery of the Bonds or the first or fifteenth day of the calendar month in which the Bonds are delivered. The Bonds shall bear interest from the May 1 or the November 1 to which interest has been paid next preceding the authentication date thereof, unless the authentication date thereof is a March 1 or a September 1, in which case, from such authentication date, or if dated prior to the first Bond Payment Date applicable thereto, then from the original issue date of the Bonds. The interest to be paid on any May 1 or November 1 shall be paid

to the Person in whose name such Bond is registered at the close of business on the Record Date next preceding such May 1 or November 1.

Section 3.04 Medium of Payment; Form and Denomination of Bonds; Place of Payment of Principal.

(a) The Bonds shall be payable as to Principal Installment or Redemption Price and interest at the rates per annum determined in the manner prescribed by Section 3.15 hereof (on the basis of a 360-day year of twelve 30-day months) 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 Bonds shall be issued in the form of fully registered Bonds. The Bonds shall be issued in the denomination of \$5,000 or any whole multiple thereof, not exceeding the principal amount of the Bonds maturing in such year. The Bonds shall be numbered from 1 upwards in such fashion as to maintain a proper record thereof.

(c) The Principal Installment or Redemption Price of all Bonds shall be payable at the Corporate Trust Office of the Paying Agent and payment of the interest on each Bond shall be made by the Paying Agent to the Person appearing on each Record Date on the registration books of the County, which books shall be held by the Registrar as provided in Section 3.08 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 Date. Payment of the Principal Installment or Redemption Price of all Bonds shall be made upon the presentation and surrender for cancellation of such Bonds as the same shall become due and payable.

Section 3.05 Agreement to Maintain Registrar and Paying Agent.

As long as any of the Bonds remain Outstanding there shall be a Registrar and a Paying Agent each of which shall be a financial institution maintaining Corporate Trust Offices where (i) the Bonds may be presented for registration of transfers and exchanges, (ii) notices and demands to or upon the County in respect of the Bonds may be served, and (iii) the Bonds may be presented for payment, exchange and transfer. Initially, the financial institution agreed upon by the County and the successful bidder at the sale of

the Bonds shall act as both Paying Agent and Registrar. In the event of a failure to agree, a financial institution designated by the County shall act as Paying Agent and Registrar. The single institution so chosen shall exercise both the functions of the Paying Agent and the Registrar.

Section 3.06 Execution and Authentication.

(a) The Bonds shall be executed in the name and on behalf of the County by the manual signature of an Authorized Officer, with its corporate seal impressed thereon, and attested by the manual signature of its Clerk to Council or other Authorized Officer (other than the officer executing such Bonds). Bonds bearing the manual signature of any Person who shall have been such an Authorized Officer at the time such Bonds were so executed shall bind the County notwithstanding the fact that he may have ceased to be such Authorized Officer prior to the authentication and delivery of such Bonds or was not such Authorized Officer at the date of the authentication and delivery of the Bonds.

(b) No Bond shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless there shall be endorsed on such Bond a certificate of authentication in the form set forth in the Ordinance, duly executed by the manual signature of the Registrar and such certificate of authentication upon any Bond executed on behalf of the County shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of the Ordinance.

Section 3.07 Exchange of Bonds.

Bonds may, 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, at the option of the registered Holder thereof, be exchanged for an equal aggregate principal amount of Bonds in authorized denominations of the same interest rate and maturity. So long as any of the Bonds remain Outstanding, the County shall make all necessary provisions to permit the exchange of Bonds at the Corporate Trust Office of the Registrar.

Section 3.08 Transferability and Registry.

All Bonds shall at all times, when the same are Outstanding, be payable, both as to Principal Installment, Redemption Price and interest to a Person, and shall be transferable only in accordance with the provisions for registration and transfer contained in the Ordinance and in the Bonds. So long as any of the Bonds remain Outstanding, the County shall maintain and keep, at the office of the Registrar, books for the registration and transfer of Bonds, and, upon presentation thereof for such purpose at the Corporate Trust Office of the Registrar, the County shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it or the Registrar may prescribe, any Bond, except that under no circumstances shall any Bond be registered or transferred to bearer. So long as any of the Bonds remain Outstanding, the County shall make all necessary provisions to permit the transfer of Bonds at the Corporate Trust Office of the Registrar.

Section 3.09 Transfer of Bonds.

Each Bond shall be transferable only upon the books of the County, which shall be kept for such purpose at the Corporate Trust Office of the Registrar which shall be maintained for such purpose by the Registrar, upon presentation and surrender thereof by the Holder of such 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 any such Bond, the County shall execute and the Registrar shall authenticate and deliver, in the name of the Person who is the transferee, one or more new Bonds of the same aggregate principal amount and maturity and rate of interest as the surrendered Bond. All action taken by the Registrar pursuant to this section shall be deemed to be the action of the County.

Section 3.10 Regulations with Respect to Exchanges and Transfers.

All Bonds surrendered in any exchanges or transfers shall forthwith be cancelled by the Registrar. For each such exchange or transfer of Bonds, the County or the Registrar may make a charge sufficient to reimburse it or them 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 (i) issue, exchange or transfer any Bond during the 15 days next preceding any Bond Payment Date, (ii) issue, exchange or transfer any Bond during a period beginning at the opening of business 15 days next preceding any selection of Bonds to be redeemed and ending at the close of business on the date of the mailing of notice of such redemption, or (iii) transfer or exchange any Bonds called or being called for redemption in whole or in part

Section 3.11 Mutilated, Destroyed, Lost and Stolen Bonds.

(a) If any mutilated Bond is surrendered to the Registrar and the Registrar or the County receive evidence to their satisfaction of the destruction, loss or theft of any Bond, and there is delivered to the Registrar or the County such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice that such Bond has been acquired by a bona fide purchaser, the County shall execute, and upon County Request, the Registrar shall authenticate and deliver, in exchange for any such mutilated Bond or in lieu of any such destroyed, lost or stolen Bond, a new Bond of like tenor, principal amount and redemption provisions, bearing a number unlike that of a Bond contemporaneously Outstanding. The Registrar shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the County in its discretion may, instead of issuing a new Bond, pay such Bond.

(b) Upon the issuance of any new Bond under this Section 3.11, 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 any and all other Bonds duly issued pursuant to the Ordinance. All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds or securities.

Section 3.12 Holder As Owner of Bond.

The County, the Registrar and any Paying Agent may treat the Holder of any Bond as the absolute owner thereof, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Principal Installment or Redemption Price of and interest on such Bond and for all other purposes, and payment of the Principal Installment or Redemption Price and interest 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 such Bond to the extent of the sum or sums so paid, and neither the County nor any Paying Agent shall be affected by any notice to the contrary.

Section 3.13 Cancellation of Bonds.

The Registrar shall destroy all Bonds surrendered to it for cancellation and shall deliver a certificate to that effect to the County. No such Bonds shall be deemed Outstanding under the Ordinance and no Bonds shall be issued in lieu thereof.

Section 3.14 Payments Due on Saturdays, Sundays and Holidays.

In any case where the Bond Payment Date or Redemption 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 Redemption Price, interest on or Principal Installment of the Bonds 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 3.15 Conditions Relating to Naming of Interest Rates.

The Bonds shall bear such rate or rates of interest as shall at the sale of such Bonds reflect the lowest true interest cost (TIC) or net interest cost (NIC) to the County, as determined by the Chairman and the County Administrator, upon advice of the Financial Advisor and Bond Counsel, at a price of not less than par, and further provided that:

- (a) all Bonds of the same maturity shall bear the same rate of interest;
- (b) no rate of interest named shall be more than two per centum (2%) higher than the lowest rate of interest named, nor (unless determined otherwise by the Chairman and County Administrator, upon advice of the Financial Advisor) shall any rate of interest named be less than any rate of interest named for Bonds of an earlier maturity if such bonds are subject to optional redemption, if the Chairman and County Administrator are so advised by the Financial Advisor;
- (c) each interest rate named shall be a multiple of 1/8th or 1/20th of one per centum (1%); and
- (d) any premium offered must be paid in cash as a part of the purchase price.

Section 3.16 Tax Exemption in South Carolina.

Both the Principal Installment or Redemption Price and interest on said Bonds 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 3.17 Order of Tax Levy to Pay Principal and Interest of Bonds.

For the payment of the Principal Installment and interest on the Bonds as the same respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, taxing power and resources of the County are hereby irrevocably pledged, and there shall be levied annually by the Auditor of Florence County and collected by the Treasurer of Florence County a tax on all taxable property

in said County, sufficient to pay the Principal Installment and interest on such Bonds as they respectively mature, and to create such sinking fund as may be necessary therefor.

Section 3.18 Notice to Auditor and Treasurer to Levy Tax.

The Auditor and Treasurer of Florence County shall each be notified of this issue of Bonds and directed to levy and collect upon all taxable property in said County an annual tax sufficient to meet the payment of the Principal Installment and interest on said Bonds, as the same respectively mature, and to create such sinking fund as may be necessary therefor.

Section 3.19 Bonds Issued in Book-Entry Only Form.

(a) Notwithstanding any provision of this Ordinance to the contrary, the Bonds will initially be issued under the DTC Book-Entry-Only System in fully registered form, registered in the name of Cede & Co. as the registered owner and securities depository nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as initial securities depository for the Bonds. Notwithstanding anything to the contrary herein, so long as the Bonds are being held under a book-entry system of a securities depository, transfers of beneficial ownership of the Bonds will be effected pursuant to rules and procedures established by such securities depository. DTC and any successor securities depositories are hereinafter referred to as the "Securities Depository." Cede & Co. and successor securities depository nominees are hereinafter referred to as the "Securities Depository Nominee."

(b) Notwithstanding any other provision of this Ordinance, as long as a book-entry system is in effect for the Bonds, the Securities Depository Nominee will be recognized as the holder of the Bonds for the purposes of (i) paying the principal, interest and redemption premium, if any, on such Bonds, (ii) if Bonds are to be redeemed in part, selecting the portions of such Bonds to be redeemed, (iii) giving any notice permitted or required to be given to Bondholders under this ordinance, (iv) registering the transfer of Bonds, and (v) requesting any consent or other action to be taken by the holders of such Bonds, and for all other purposes whatsoever, and the County shall not be affected by any notice to the contrary.

(c) The County shall not have any responsibility or obligation to any participant, any beneficial owner or any other person claiming a beneficial ownership in any Bonds which are registered to a Securities Depository Nominee under or through the Securities Depository with respect to any action taken by the Securities Depository as holder of such Bonds.

(d) The County shall pay all principal, interest and redemption premium, if any, on Bonds issued under a book-entry system only to the Securities Depository or the Securities Depository Nominee, as the case may be, for such Bonds, and all such payments shall be valid and effectual to fully satisfy and discharge the obligations with respect to the principal of and redemption premium, if any, and interest on such Bonds.

(e) In the event that the Securities Depository for the Bonds discontinues providing its services, the County shall either engage the services of another Securities Depository or direct the Registrar and Paying Agent to authenticate, register and deliver physical certificates for the Bonds in exchange for the Bonds registered in the name of the Securities Depository Nominee in the manner prescribed in this Article III.

(f) In connection with any notice or other communication to be provided to the holders of Bonds by the County or by the Registrar and Paying Agent with respect to any consent or other action to be taken by the holders of Bonds, the County or the Registrar and Paying Agent, as the case may be, shall establish a record date for such consent or other action and give the Securities Depository Nominee notice of such record date not less than 15 days in advance of such record date to the extent possible.

(g) The closing of the Bonds may be accomplished under DTC's "FAST" procedures, in which circumstance delivery of the Bonds at closing shall be made to the Paying Agent for the Bonds.

(h) For as long as the Bonds are being held under a book-entry system of a securities depository, the County shall remit to the Paying Agent and Registrar by 1:00 p.m. New York Time on each Bond Payment Date funds for all principal and interest payments due thereupon, or at such earlier time as required by the Paying Agent and Registrar to guarantee that DTC or successor Securities Depository will

receive payment in same-day funds by 2:30 p.m. New York time on such Bond Payment Date. In addition, automated payment details receipt shall be provided by the Paying Agent by 12:00 noon New York time of each Bond Payment Date for interest payments.

Section 3.20 Form of Bonds.

The form of the Bonds, 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.

Section 3.21 Bonds Issued as Single Instrument

Notwithstanding any provision of this Ordinance to the contrary, the Bonds authorized hereby, if so determined by the Chairman upon advice of the Financial Advisor, may be issued in the form of a single Bond. In the event the Bond is issued as a single Bond, the following shall apply:

- (a) The dated date of the Bond shall be the date of its delivery, and the Bond shall bear interest from such date;
- (b) The Chairman may require that the Bond bear a single, fixed rate of interest.
- (c) No bidder shall be required to submit a good faith check with its bid;
- (d) The form of the Bond as set forth in Exhibit B hereto and the Notice of Sale as set forth in Exhibit C hereto shall be appropriately modified, and any advertisement of the sale of the Bond required by the Enabling Act and Section 5.01 hereof may be published in any newspaper of general circulation in the State of South Carolina;
- (e) The County Treasurer of Florence County shall serve as Paying Agent for the Bond and the County, acting through the Clerk to Council, shall serve as Registrar for the Bond, provided that neither the County Treasurer of Florence County nor the Clerk to Council shall be deemed to be a Fiduciary within the meaning of Article VIII herein;
- (f) If so determined by the Chairman, the Bond shall not be issued in book-entry only form, and, in lieu thereof, shall be registered in the name of the Holder as directed by the purchaser thereof.
- (g) An official statement need not be prepared in connection with the sale of the Bond pursuant

to this Section 3.21, and, in which case, the delivery of the Bond shall be conditioned upon the delivery by the purchaser thereof at closing of a certificate in form satisfactory to Bond Counsel regarding the suitability of the purchaser and restrictions on transfer of the Bond. The County shall not in such case be obligated to deliver a continuing disclosure certificate as otherwise provided in Exhibit D hereto.

[End of Article III]

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ARTICLE IV

REDEMPTION OF BONDS

Section 4.01 Bonds Subject to Redemption.

One or more Series of Bonds may be made subject to redemption if so determined by the Chairman and County Administrator, upon advice of the Financial Advisor. In such case, the Chairman and County Administrator shall establish the Redemption Dates upon which such Bonds shall be subject to redemption and the Redemption Prices, not to exceed 102% of par, which shall be paid to Holders upon redemption.

Section 4.02 County's Election to Redeem

In the event that the County shall, in accordance with the provisions of Section 4.01, elect to redeem Bonds, it shall give notice by County Request to the Registrar and Paying Agent of each optional redemption. Each County Request shall specify the date fixed for redemption and the Bonds which are to be redeemed. Such notice shall be given at least 60 days prior to the date fixed for redemption or such lesser number of days as shall be acceptable to the Registrar.

Section 4.03 Notice of Redemption.

(a) When any Bonds are to be redeemed, the Registrar shall give notice of the redemption of the Bonds in the name of the County specifying (i) the Series of Bonds and maturities thereof to be redeemed; (ii) the Redemption Date; (iii) the Redemption Price; (iv) the numbers and other distinguishing marks of the Bonds to be redeemed unless all of the Bonds Outstanding are to be redeemed; (v) the place or places where amounts due upon such redemption will be payable; and (vi) in the case of Bonds to be redeemed in part only, the respective portions of the principal thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the Redemption Price thereof, together with interest accrued to the redemption date, and that, from and after such date, interest thereon shall cease to accrue. The Registrar shall mail by registered mail a copy of such notice, postage prepaid, not less than 30 days before the redemption

date to the registered Holders of all Bonds or portions of Bonds which are to be redeemed at their addresses which appear upon the registration books, but failure to so mail any such notice to any of such Holders shall not affect the validity of the proceedings for the redemption of Bonds held by Holders to whom written notice has been mailed. The obligation of the Registrar to give the notice required by this Section shall not be conditioned upon the prior payment to the Paying Agent of money or the delivery to the Paying Agent of Authorized Investments or Government Obligations sufficient to pay the Redemption Price of the Bonds to which such notice relates or the interest thereon to the redemption date. Interest on the Bonds to be redeemed shall cease to accrue from and after the redemption date specified in such notice, unless the County defaults in making due provision for the payment of the redemption price thereof.

(b) Notice of redemption having been given as provided in subsection (a) hereof, the Bonds or portions thereof so to be redeemed shall, on the date fixed for redemption, become due and payable at the Redemption Price specified therein plus accrued interest to the redemption date, and upon presentation and surrender thereof at the place specified in such notice, such Bonds or portions thereof shall be paid at the Redemption Price, plus accrued interest to the redemption date. On and after the redemption date (unless the County shall default in the payment of the Redemption Price and accrued interest), such Bonds shall cease to bear interest, and such Bonds shall no longer be considered as Outstanding hereunder. If money sufficient to pay the Redemption Price and accrued interest has not been made available by the County to the Paying Agent on the redemption date, such Bonds shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption until the same shall have been paid.

Section 4.04 Selection by Registrar of Bonds to Be Redeemed.

(a) If less than all of the Bonds of like maturity are to be redeemed, the particular Bonds or portions of Bonds to be redeemed shall be selected, not less than 45 days prior to the date fixed for redemption, by the Registrar by lot or in such other manner as the Registrar may deem to be appropriate,

provided, however, that for so long as the Bonds are held in book-entry only form, the selection of Bonds to be redeemed hereunder shall be in accordance with the rules of the Securities Depository.

(b) In making such selection, the Registrar shall treat each Bond to be redeemed as representing that number of Bonds of the lowest authorized denomination as is obtained by dividing the principal amount of such Bond by such denomination. If any Bond is to be redeemed in part, the portion to be so redeemed shall be in a principal amount of an authorized denomination.

(c) The Registrar shall promptly notify the County in writing of the Bonds so selected for redemption.

Section 4.05 Deposit of Redemption Price.

On or before any date fixed for redemption of any Bonds, cash and/or a principal amount of non-callable Government Obligations maturing or redeemable at the option of the Holder thereof not later than the date fixed for redemption which, together with income to be earned on such Government Obligations prior to such date fixed for redemption, will be sufficient to provide cash to pay the Redemption Price of and accrued interest on all Bonds or portions thereof which are to be redeemed on such date, shall be deposited with the Paying Agent unless such amount shall have been previously deposited with the Paying Agent.

Section 4.06 Partial Redemption of Bonds.

In the event part but not all of a Bond Outstanding shall be selected for redemption, upon presentation and surrender of such Bond by the Holder thereof or his attorney duly authorized in writing (with, if the County or the Registrar so requires, due endorsement by, or a written instrument of transfer in form satisfactory to the County and the Registrar duly executed by, the Holder thereof or his attorney duly authorized in writing) to the Registrar, the County shall execute and the Registrar shall authenticate and deliver to or upon the order of such Holder, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of any authorized denomination of

like tenor. Bonds so presented and surrendered shall be cancelled in accordance with Section 3.13 hereof.

Section 4.07 Purchases of Bonds Outstanding.

Purchases of Bonds Outstanding may also be made by the County at any time with money available to it from any source. Upon any such purchase the County shall deliver such Bonds to the Registrar for cancellation.

[End of Article IV]

ARTICLE V

SALE OF BONDS

Section 5.01 Determination of Time to Receive Bids - Form of Notice of Sale.

The Bonds shall be sold at public sale, at not less than par and accrued interest to the date of delivery. Bids shall be received until 11:00 a.m. (local time) on a date to be selected by the Chairman and County Administrator. The said Bonds shall be advertised for sale in *THE BOND BUYER*, which advertisement shall appear at least once, not less than seven (7) days before the date set for said sale. The form of the Official Notice of Sale as to the Bonds and the conditions of sale shall be substantially those set forth in Exhibit C attached hereto and made a part and parcel hereof; provided, however, that a summary of that appearing as Exhibit C may be published at the election of the Chairman and County Administrator in lieu of publication of the full Notice.

Section 5.02 Award of Bonds.

Upon receipt of bids for the Bonds, the County Administrator is authorized to award the Bonds to the bidder offering the lowest true interest cost or net interest cost therefore, as the case may be, provided, however, that Bonds may be only awarded to a bidder if a net present value savings results from refunding the 2002 Bonds upon the terms offered by such bidder. The County Administrator is further authorized to name the Registrar and the Paying Agent of the Bonds in accordance with Section 3.05.

Section 5.03 Official Statement.

The County Administrator is authorized to prepare and cause to be distributed in connection with the sale of the Bonds an Official Statement, and he is further authorized to "deem final" a preliminary Official Statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission and cause the same to be distributed prior to the sale of the Bonds. The preliminary Official Statement may be distributed in electronic format.

ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BONDS

Section 6.01 Disposition of Bond Proceeds including Temporary Investments.

The proceeds derived from the sale of the Bonds issued pursuant to this Ordinance shall be expended and made use of by the Council as follows:

- (a) any accrued interest shall be paid to the Treasurer of Florence County, South Carolina, to be deposited in a debt service fund for the Bonds and applied to the payment of the first installment of interest to become due on the Bonds;
- (b) any premium shall be applied, ratably, to the redemption of the 2002 Bonds and to costs of issuance;
- (c) the sums necessary to effect the redemption of the 2002 Bonds, along with any amounts applicable thereto in the sinking fund established therefor, shall be paid immediately upon receipt to holder of the 2002 Bonds in order to refund such 2002 Bonds, or, if such action is deemed advisable by the Chairman and County Administrator, deposited immediately upon receipt with the Escrow Agent in a special trust fund established for the redemption of the 2002 Bonds pursuant to the provisions of the Escrow Deposit Agreement described below;
- (d) the remaining proceeds shall be expended and made use of by the Council to defray the costs of issuance of the Bonds and for the Improvements. Pending the use of proceeds for such purposes, the same shall be invested and reinvested by the Treasurer of Florence County, South Carolina, in Authorized Investments. All earnings from such investments determined by the Council to be not necessary to defray the cost of the undertakings as set forth above shall be applied to the interest due on the Bonds at their maturity;
- (e) if any balance remains, it shall be held by the Treasurer of Florence County, South Carolina, in the debt service fund for the Bonds and used to effect the retirement thereof.

Neither the purchaser nor any Holder of the Bonds shall be liable for the proper application of the

proceeds thereof.

Section 6.02 Authorization for Escrow Deposit Agreement.

If the Chairman and County Administrator determine to effect the refunding of the 2002 Bonds by means of a defeasance thereof pursuant to a deposit of amounts necessary to redeem and defease the 2002 Bonds into an Escrow Deposit Agreement established for such purpose, the Escrow Agent under such Escrow Deposit Agreement shall act as the holder of an escrow account or accounts for the purpose of paying the principal and interest on the 2002 Bonds on the first permissible call date therefor. The Escrow Agent shall signify its acceptance of the duties of escrow holder by execution of an Escrow Deposit Agreement or Agreements that comports with the requirements of the Enabling Act and with the requirements of the Ordinance adopted by the Council pursuant to which the 2002 Bonds were issued. The proceeds of the Bonds deposited with the Escrow Agent shall be invested in Government Obligations or held as cash. The execution of such Escrow Deposit Agreement by the Chairman on behalf of the Council is hereby approved and authorized.

Section 6.03 Defeasance of the 2002 Bonds.

The Council hereby irrevocably elects, but subject to the sale and delivery of Bonds for such purposes, to defease and redeem the 2002 Bonds, and authorizes the Chairman, the County Administrator, or the Escrow Agent to give notices of such defeasance and redemption in the name of the County.

[End of Article VI]

ARTICLE VII

DEFEASANCE OF BONDS

Section 7.01 Discharge of Ordinance - Where and How Bonds are Deemed to Have Been Paid and Defeased.

If all of the said Bonds issued pursuant to this Ordinance and all 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 Bonds shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances, viz:

- (1) The Paying Agent shall hold, at the stated maturities of the Bonds, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the Principal Installment and interest thereof; or
- (2) If default in the payment of the principal of the Bonds or the interest thereon shall have occurred on any Bond Payment Date, and thereafter tender of such payment shall have been made, and at such time as the Paying Agent 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 Bonds prior to their stated maturities and shall have deposited with the Paying Agent 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 said Paying Agent at the same time, shall be sufficient to pay when due the Principal Installment or Redemption Price and interest due and to become due on the Bonds on and prior to their maturity dates or redemption dates, as the case may be. In the event that the County shall elect to redeem Bonds prior to their stated maturities, the County shall proceed in the manner prescribed by Article IV hereof, subject to the provisions of Section 3.19 in the event that at the time of such election the Bonds Outstanding are issued in book-entry only form.

Neither the Government Obligations nor moneys deposited with the Paying Agent pursuant to this Section nor the principal or interest payments thereon shall be withdrawn or used for any purpose

other than, and shall be held in trust for, the payment of the Principal Installment or Redemption Price, and interest on said Bonds; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Paying Agent, 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 Principal Installment or Redemption Price, and interest to become due on said Bonds on and prior to the maturity date or redemption date thereof, as the case may be, and interest earned from such reinvestments not required for the payment of the Principal Installment or Redemption Price, and interest may be paid over to the County, as received by the Paying Agent, free and clear of any trust, lien or pledge.

[End of Article VII]

ARTICLE VIII
CONCERNING THE FIDUCIARIES

Section 8.01 Fiduciary: Appointment and Acceptance of Duties.

The financial institution chosen pursuant to Section 3.05 hereof to act initially as Paying Agent and Registrar hereunder shall accept the duties and trusts imposed upon it by the Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article VIII. Similarly, each financial institution appointed as a successor Registrar or as a successor Paying Agent shall signify its acceptance of the duties and trusts imposed by the Ordinance by a written acceptance.

Section 8.02 Responsibilities of Fiduciaries.

The recitals of fact herein and in the Bonds contained shall be taken as the statements of the County and no Fiduciary assumes any responsibility for the correctness of the same except in respect of the authentication certificate of the Registrar endorsed on the Bonds. No Fiduciary makes any representations as to the validity or sufficiency of the Ordinance or of any Bonds or as to the security afforded by the Ordinance, and no Fiduciary shall incur any liability in respect thereof. No Fiduciary shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiduciary. No Fiduciary shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiduciary shall be liable in connection with the performance of its duties hereunder except for its own negligence or willful misconduct.

Section 8.03 Evidence on Which Fiduciaries May Act.

(a) Each Fiduciary, upon receipt of any notice, Ordinance, request, consent order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of the Ordinance, shall examine such instrument to determine whether it conforms to the requirements of the Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiduciary may consult with counsel, who may or may not

be of counsel to the County, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under the Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiduciary shall deem it necessary or desirable that a matter to be proved or established prior to taking or suffering any action under the Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of an Authorized Officer, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of the Ordinance upon the faith thereof; but in its discretion the Fiduciary may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as to it may deem reasonable.

(c) Except as otherwise expressly provided in the Ordinance any request, order, notice or other direction required or permitted to be furnished pursuant to any provision thereof by the County to any Fiduciary shall be sufficiently executed if executed in the name of the County by an Authorized Officer.

Section 8.04 Compensation.

The County shall pay to each Fiduciary from time to time reasonable compensation based on the then standard fee schedule of the Fiduciary for all services rendered under the Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under the Ordinance. Subject to the provisions of Section 8.02 hereof, the County further agrees to indemnify and save each Fiduciary harmless against any liabilities which it may incur in the exercise and performance of its powers and duties hereunder and which are not due to its negligence or willful misconduct; provided, however, that any specific agreement between the County and a Fiduciary with respect to the compensation of such Fiduciary shall control the compensation to be paid to such Fiduciary.

Section 8.05 Certain Permitted Acts.

Any Fiduciary may become the owner or underwriter of any Bonds, notes or other obligations of the County or conduct any banking activities with respect to the County, with the same rights it would have if it were not a Fiduciary. To the extent permitted by law, any Fiduciary may act as depositary for, and permit any of its officers or directors to effect or aid in any reorganization growing out of the enforcement of the Bonds or the Ordinance.

Section 8.06 Resignation of Any Fiduciary.

Any Fiduciary may at any time resign and be discharged of the duties and obligations created by the Ordinance by giving not less than 60 days written notice to the County and not less than 30 days written notice to the Holders of the Bonds as established by the books of registration prior to the next succeeding Bond Payment Date and such resignation shall take effect upon the date specified in such notice unless previously a successor shall have been appointed by the County pursuant to Section 8.08 hereof in which event such resignation shall take effect immediately on the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 8.07 Removal of Fiduciary.

Any Fiduciary may be removed at any time by an instrument or concurrent instruments in writing, filed with the County and such Fiduciary, and signed by the Bondholders representing a majority in principal amount of the Bonds then Outstanding or their attorneys in fact duly authorized, excluding any Bonds held by or for the account of the County.

Section 8.08 Appointment of Successor Fiduciaries.

In case any Fiduciary hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the County. Every such Fiduciary appointed pursuant to the provisions of this Section shall be a trust company or bank organized under the laws of the United States of America or any state

thereof and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$50,000,000 if there be such an institution willing, qualified and able to accept the trust upon reasonable and customary terms.

If in a proper case no appointment of a successor Fiduciary shall be made by the County pursuant to the foregoing provisions of this Section within 45 days after any Fiduciary shall have given to the County written notice as provided in Section 8.06 hereof or after a vacancy in the office of such Fiduciary shall have occurred by reason of its removal or inability to act, the former Fiduciary or any Bondholder may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after such notice, if any, as such court may deem proper, appoint a successor.

Section 8.09 Transfer of Rights and Property to Successor.

Any successor Fiduciary appointed under the Ordinance shall execute, acknowledge and deliver to its predecessor, and also to the County, an instrument accepting such appointment, and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of such predecessor Fiduciary, with like effect as if originally named in such capacity; but the Fiduciary ceasing to act shall nevertheless, on the written request of the County, or of the successor, execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor all the right, title and interest of the predecessor Fiduciary in and to any property held by it under the Ordinance, and shall pay over, assign and deliver to the successor Fiduciary any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the County be required by such successor Fiduciary for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers and duties, any and all such deeds, conveyances and instruments in writing shall, on request, and so far as may be authorized by law, be executed, acknowledged and delivered by the County. Any such successor Fiduciary shall promptly notify the Paying Agent and Depositories, if any, of its appointment as Fiduciary.

Section 8.10 Merger or Consolidation.

Any company into which any Fiduciary may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it may be party or any company to which any Fiduciary may sell or transfer all or substantially all of its corporate trust business, provided such company shall be a bank or trust company organized under the laws of any state of the United States or a national banking association, and shall be authorized by law to perform all the duties imposed upon it by the Ordinance, shall be the successor to such Fiduciary without the execution or filing of any paper or the performance of any further act.

Section 8.11 Adoption of Authentication.

In case any of the Bonds contemplated to be issued under the Ordinance shall have been authenticated but not delivered, any successor Registrar may adopt the certificate of authentication of any predecessor Registrar so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Registrar may authenticate such Bonds in the name of the predecessor Registrar or in the name of the successor Registrar, and in all such cases such certificate shall be of full force and effect.

[End of Article VIII]

ARTICLE IX

FEDERAL TAX CONSIDERATIONS

Section 9.01 Compliance with the Code.

The County will comply with all requirements of the Code in order to preserve the tax-exempt status of the Bonds, including without limitation, the requirement to file the information report 8038-G with the Internal Revenue Service. In this connection, the County covenants to execute any and all agreements, certificates and other documentation as it may be advised by bond counsel will enable it to comply with this Section, and such agreements, certificates and other documentation may be executed by an Authorized Officer and by the County Administrator or either of them.

The County hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds 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 Bonds. Without limiting the generality of the foregoing, the County represents and covenants that:

(a) All property provided or refinanced by the net proceeds of the Bonds will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.

(b) The County shall not permit the proceeds of the Bonds or any facility refinanced with the proceeds of the Bonds 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.

(c) 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 refinanced with the proceeds of the Bonds that do not conform to the

guidelines set forth in Revenue Procedure 97-13, as may be subsequently modified by applicable pronouncements of the United States Treasury Department.

(d) The County will not sell or lease any property refinanced by the Bonds 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 Bonds.

(e) The Bonds will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County has not entered into any leases or sales or service contract with any federal government agency 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 Bonds.

Section 9.02 Ability to Meet Arbitrage Requirements.

Careful consideration has been given to the time in which the expenditures will be made. It has been ascertained that all of the money received from the proceeds of the Bonds will be expended within the limitations imposed by Section 148 of the Code and the Treasury regulations promulgated pursuant thereto. Accordingly, the Council will be able to certify upon reasonable grounds that the Bonds herein provided for are not "arbitrage bonds" within the meaning of Section 148 of the Code.

Section 9.03 Qualified Tax-Exempt Obligations.

The Council reasonably expects that the County and all entities subordinate thereto will not issue tax-exempt obligations in calendar year 2011 in principal amount exceeding \$10,000,000; accordingly, the County hereby designates the Bonds as "qualified tax exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code.

[End of Article IX]

ARTICLE X

MISCELLANEOUS

Section 10.01 Failure to Present Bonds.

Anything in this Ordinance to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of any of the Bonds, or the interest thereon, which remains unclaimed for such period of time, after the date when such Bonds have become due and payable, either at their stated maturity dates or by call for earlier redemption, that the Holder thereof shall no longer be able to enforce the payment thereof, the Paying Agent shall at the written request of the County pay such money to the County as its absolute property and free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Bondholders shall look only to the County for the payment of such Bonds; provided, however, the Paying Agent shall forward to the County all moneys which remain unclaimed during a period five (5) years from a Bond Payment Date, provided, however, that before being required to make any such payment to the County, the Paying Agent, at the expense of the County, may conduct such investigations as may in the opinion of the Paying Agent be necessary to locate the Holders of those who would take if the Holder shall have died.

Section 10.02 Severability of Invalid Provisions.

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 10.03 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 10.04 Ordinance to Constitute Contract.

In consideration of the purchase and acceptance of the Bonds 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 Holder from time to time of the Bonds, 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 equal benefit, protection, and security of the Holders of any and all of the Bonds, all of which shall be of equal rank without preference, priority or distinction of any Bonds over any other Bonds.

Section 10.05 Continuing Disclosure.

(a) In accordance with Act No. 442 of the Acts and Joint Ordinances of the General Assembly of the State of South Carolina, 1994, the County hereby represents and covenants that it will file with the EMMA System maintained by the Municipal Securities Rulemaking Board or any successor thereto, a copy of its annual independent audit within thirty (30) days of its receipt and acceptance, and event-specific information within thirty (30) days of an event adversely affecting more than five percent (5%) of the County's revenues or five percent (5%) of its tax base.

(b) Council hereby covenants and agrees that it will comply with the requirements of (i) Rule 15c2-12 promulgated by the Securities and Exchange Commission. In this regard, the Chairman is hereby authorized to execute and deliver on behalf of the County a Disclosure Dissemination Agreement in substantially the Form of Exhibit D hereto, with such changes as may be approved by the Chairman, his approval to be evidenced by his execution thereof.

The only remedy for failure by the County to comply with the covenant in this Section 10.05 shall be an action for specific performance of this covenant. The Council specifically reserves the right to amend this covenant to reflect any change in Act 442 without the consent of any Bondholder.

Section 10.06 Filing of Copies of Ordinance.

Copies of this Ordinance shall be filed in the offices of the Council, the office of the Clerk of Court for Florence County, South Carolina (as a part of the Transcript of Proceedings) and at the offices of each of the Paying Agent and Registrar.

Section 10.07 Ordinance Effective.

This Ordinance shall be effective after third and final reading thereof.

ATTEST:

SIGNED:

Connie Y. Haselden, Clerk to County Council

K.G. "Rusty" Smith, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

Approved as to Form and Content
D. Malloy McEachin, Jr., County Attorney

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 October 20, 2011. The Ordinance was read at three public meetings of the County Council on three separate days, August 18, 2011, September 15, 2011 and October 20, 2011. 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 August 18, 2011, September 15, 2011 and October 20, 2011 were each a regular meeting 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 _____, 2011.

(SEAL)

Clerk to Florence County Council, South Carolina

NOTICE OF ADOPTION OF AN ORDINANCE ENTITLED "AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING FIVE MILLION DOLLARS (\$5,000,000) GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS OF FLORENCE COUNTY, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO."

Notice is hereby given that by Ordinance effective October __, 2011, Florence County Council, the governing body of Florence County, South Carolina, adopted an ordinance providing for the issuance of not exceeding Five Million Dollars (\$5,000,000) General Obligation Refunding and Improvement Bonds, Series 2011 (the "Bonds"). The Bonds will be general obligations of Florence County, secured by the full faith, credit and taxing power thereof, payable by way of an ad valorem tax on all taxable property within the County.

Notice is further given that the provisions of Section 4-9-1220, Code of Laws of South Carolina, 1976, permitting the filing of a petition seeking a referendum to effect the repeal of the foregoing Ordinance will not be applicable, unless as provided by paragraph 8 of Section 11-27-40 of the Code of Laws of South Carolina, 1976, notice of intention to seek such a referendum signed by not less than five qualified electors shall be filed with the Clerk of Court for Florence County and with the Clerk to Florence County Council within twenty (20) days from the date of publication of this Notice.

By order of Florence County Council, South Carolina.

/s/ Chairman, Florence County Council,
South Carolina

(FORM OF BOND)

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
FLORENCE COUNTY
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS
SERIES 2011

No. _____ \$ _____

| | | | |
|----------------------|----------------------|----------------------------|--------------|
| <u>INTEREST RATE</u> | <u>MATURITY DATE</u> | <u>ORIGINAL ISSUE DATE</u> | <u>CUSIP</u> |
| | | _____, 2011 | |

Registered Holder:

Principal Amount: _____ DOLLARS

KNOW ALL MEN BY THESE PRESENTS THAT FLORENCE COUNTY, SOUTH CAROLINA (the "County") is justly indebted and, for value received, hereby promises to pay to the registered owner named above, or registered assigns, the principal amount shown above on the maturity date shown above, upon presentation and surrender of this bond at the office of _____ in the City of _____, State of _____ (the "Registrar/Paying Agent"), and to pay interest on such principal sum from the date hereof at the interest rate per annum shown above until the County's obligation with respect to the payment of such principal sum shall be discharged. Interest on this bond is payable semiannually on March 1 and September 1 of each year commencing _____, until this bond matures, and shall be payable by check or draft mailed to the person in whose name this bond is registered on the registration books of the County maintained by the Registrar/Paying Agent at the close of business on the 15th day next preceding each semiannual interest payment date. The principal and interest on this bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts, provided, however, that interest on this fully registered bond shall be paid by check or draft as set forth above.

[This bond is subject to redemption prior to its maturity as follows:]

This bond shall not be valid or obligatory for any purpose, until the Certificate of Authentication hereon shall have been duly executed by the Registrar/Paying Agent.

This bond is one of a series of bonds (the "Bonds") of like date of original issue, tenor and effect, except as to number, date of maturity, denomination and rate of interest, issued in an original aggregate principal amount of \$ _____, pursuant to and in accordance with the Constitution and laws of the State of South Carolina, and a Ordinance duly adopted by the Florence County Council on _____, 2011 (the "Ordinance"). Capitalized terms used but not defined herein shall have the meanings ascribed to them by the Ordinance.

The Bonds are being issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as provided in the Ordinance. One bond certificate with respect to

each date on which the Bonds are stated to mature, registered in the name of the Securities Depository Nominee, is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the Securities Depository's Participants, beneficial ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof being evidenced in the records of such Participants. Transfers of ownership shall be effected on the records of the Securities Depository and its Participants pursuant to rules and procedures established by the Securities Depository and its Participants. The County and the Registrar/Paying Agent will recognize the Securities Depository Nominee, while the registered owner of this bond, as the owner of this bond for all purposes, including payments of principal of interest on this bond, notices and voting. Transfer of principal and interest payments to Participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal and interest payments to beneficial owners of the Bonds by Participants of the Securities Depository will be the responsibility of such Participants and other nominees of such beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by the Securities Depository, the Securities Depository Nominee, its Participants or persons acting through such Participants. While the Securities Depository Nominee is the owner of this bond, notwithstanding the provision hereinabove contained, payments of principal of and interest on this bond shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Ordinance and the Securities Depository.

This bond is transferable only upon the books of the County kept for that purpose at the principal office of the Registrar/Paying Agent by the registered owner hereof in person or by his duly authorized attorney upon surrender of this bond together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond or Bonds of the same aggregate principal amount, interest rate, and maturity shall be issued to the transferee in exchange herefor as provided in the Ordinance. The County and the Registrar/Paying Agent 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 or on account of the principal hereof and interest due hereon and for all other purposes. The County shall not be obligated to issue, exchange or transfer any Bond during the 15 days next preceding any Bond Payment Date.

For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit, taxing power and resources of the County are irrevocably pledged.

Under the laws of the State of South Carolina, this bond and the interest hereon are exempt from all state, county, school district, municipal and all other taxes or assessments of the State of South Carolina, except inheritance, estate, transfer taxes or certain franchise taxes.

For every exchange or transfer of the Bonds, the County and the Registrar/Paying Agent 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 by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this bond, together with all other general obligation and bonded indebtedness of the County does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal and interest of the bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, the Florence County Council, the governing body of Florence County, South Carolina, has caused this Bond to be signed by the manual signature of its Chairman and its corporate seal to be hereunto impressed and attested to by the manual signature of its Clerk to Council.

(SEAL)

FLORENCE COUNTY, SOUTH CAROLINA

By: _____
Chairman, Florence County Council

Attest:

Clerk to Florence County Council

CERTIFICATE OF AUTHENTICATION

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

Registrar/Paying Agent

By: _____
Authorized Officer

Date of Authentication: _____, 2011

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 Gifts to Minors Act _____
(state)

Additional abbreviations may also be used though not in above list.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Transferee)

_____ the within bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

Signature Guaranteed

(Authorized Officer)

(Signature must be guaranteed by a participant in the Securities Transfer Agent Medallion Program (STAMP))

Notice: The signature to the assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

OFFICIAL NOTICE OF SALE
\$5,000,000
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS,
SERIES 2011,
OF FLORENCE COUNTY

SEALED PROPOSALS, addressed to the undersigned, will be received by the Florence County Council, until 11:00 a.m. (local time) on _____, 2011, at which time said proposals will be publicly opened in the Administrator's Office of Florence County, South Carolina, 180 N. Irby Street, Florence, South Carolina, for the purchase of \$5,000,000 General Obligation Refunding and Improvement Bonds, Series 2011 (the "Bonds"). The Bonds will be issued as fully registered Bonds in the denominations of \$5,000 or any whole multiple thereof not exceeding the principal amount maturing in any year. The Bonds will mature in the years and amounts as follows:

| <u>March 1</u> <u>of the Year</u> | <u>Principal</u> <u>Amount</u> |
|--------------------------------------|-----------------------------------|
|--------------------------------------|-----------------------------------|

The Bonds will be dated _____, 2011, and will bear interest from the date thereof, on the basis of a 360-day year consisting of twelve (12) months of thirty (30) days each, payable on each March 1 and September 1, beginning on March 1, 2012, until they respectively mature. Both principal and interest will 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. The Paying Agent and Registrar for the Bonds shall be a financial institution maintaining corporate trust offices as agreed to by the initial purchaser of the Bonds and the County, or, in the event of a failure to agree, as named by the County.

Bank Qualification:

Redemption Provisions:

Bid Requirements: A bid for less than all the Bonds or a bid at a price less than par will not be considered. Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20th or 1/8th of 1% with no greater difference than 2% between the highest and lowest rates of interest named by a bidder, (and with no rate named less than a rate named for a Bond of an earlier maturity.) Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for the Bonds of that maturity from their

date to such maturity date. Any premium offered, which must not exceed \$_____, must be paid in cash as a part of the purchase price for the Bonds. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bonds: The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest (true/net) interest cost ((T/N)IC) to the County calculated based on the dated/delivery date of the Bonds without regard to accrued interest. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

Adjustment of Par Amount of Bonds: The aggregate principal amount and the principal amount of each maturity of the Bonds are subject to adjustment, both before and after the receipt and opening of sealed bids for their purchase; provided that in no event shall the aggregate principal amount of the Bonds exceed \$_____. Changes to be made prior to the sale will be published on Munifacts not later than 9:30 a.m. EST on the date of sale.

If, after final computation of the proposals, the County determines in its sole discretion that the funds necessary to accomplish the purposes for which the Bonds are being issued are either more or less than the proceeds of the sale of the amount of the Bonds as shown in this Notice of Sale, it reserves the right either to decrease or increase the principal amount of the Bonds of any maturity (all calculations to be rounded to the nearest \$5,000), provided that any such decrease or increase shall not exceed 10% of the principal amounts shown above. Such adjustment(s), if any, shall be made within twenty-four (24) hours of the award of the Bonds. In order to calculate the yield on the Bonds for federal tax law purposes and as a condition precedent to the award of the Bonds, bidders must disclose to the County in connection with their respective bids the price (or yield to maturity) at which each maturity of the Bonds will be reoffered to the public.

In the event of any adjustment of the maturity schedule for the Bonds as described herein, no rebidding or recalculation of the proposals submitted will be required or permitted. The total purchase price of the Bonds will be increased or decreased in the direct proportion that the adjustment bears to the aggregate principal amount of the Bonds specified herein; and the Bonds of each maturity, as adjusted, will bear interest at the same rate and must have the same reoffering yield as are specified by the successful bidder for the Bonds of that maturity. Nevertheless, the award of the Bonds will be made to the bidder whose proposal produces the lowest true interest cost solely on the basis of the Bonds offered, without taking into account any adjustment in the amount of the Bonds pursuant to this paragraph.

Bid Submission: Proposals for the Bonds should be marked "Proposal for \$5,000,000 General Obligation Refunding and Improvement Bonds of Florence County, South Carolina, Series 2011" and should be directed to the undersigned at the address in the first paragraph hereof.

If a bidder for the Bonds desires to have the Bonds insured, the bidder shall specify in its bid whether bond insurance will be purchased and the premium of such bond insurance must be paid at or prior to closing by the successful bidder.

Proposals may be delivered by hand, by mail, by facsimile transmission or by electronic bidding system, but no proposal shall be considered which is not actually received by the County at the place, date and time appointed and the County shall not be responsible for any delay, failure, misdirection or error in the means of transmission selected by any bidder. No agent or employee of the County will undertake to receive proposals by means of oral communication.

Electronic bids must be submitted to the Parity Electronic Bid Submission System ("PARITY"). No other form of bid or provider of electronic bidding services will be accepted. Such bids are to be publicly opened and read at such time and place on said day. For the purposes of both the written sealed bid process and the electronic bidding process, the time as maintained by PARITY shall constitute the official time with respect to all bids submitted.

If any provisions of this Official Notice of Sale conflict with information provided by PARITY as the approved provider of electronic bidding services, this Official Notice of Sale shall control. Further information about PARITY may be obtained from PARITY, 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 843-5021.

Written bids must be submitted on the Official Bid Form included with the Preliminary Official Statement or on a reasonable facsimile thereof. Electronic bids must be submitted to PARITY. Both written bids and electronic bids must be unconditional and received by the County and/or PARITY, respectively, before the time stated above. Each bid must be accompanied by a Good Faith Deposit or Financial Surety Bond (see below). The County is not liable for any costs incurred in the preparation, delivery, acceptance or rejection of any bid, including, without limitation, the providing of a bid security deposit.

Good Faith Deposit: Each proposal for purchase of the Bonds shall be accompanied by a certified check or cashier's check drawn upon an incorporated bank or trust company in the amount of \$_____ payable unconditionally to the County. The check of the successful bidder shall be applied as payment for the Bonds or to secure the County for any loss due to the failure of such bidder to comply with the terms of its bid. Checks of unsuccessful bidders will be returned promptly. In lieu of a good faith check, bidders may submit a Financial Surety Bond from an insurance company licensed to issue such a bond in the State of South Carolina, and such bond must be submitted to Bond Counsel prior to the opening of bids. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a bidder utilizing a Financial Surety Bond, then that purchaser is required to submit its deposit to the County in the form of a cashier's check or wire transfer such amount as instructed by bond counsel not later than 3:30 p.m. EST on the next business day following the award of the Bonds. If such deposit is not received by that time, the Financial Surety Bond may be drawn by the County to satisfy the good faith check requirement. The check or other deposit of the successful bidder will be applied in part payment for the Bonds or to secure the County from any loss resulting from the failure of such bidder to comply with the terms of his bid. The good faith deposit will be returned to the successful bidder if the County fails to deliver the Bonds. No interest will be allowed on the good faith deposit.

Purpose: The Bonds are issued for the purposes of refunding certain outstanding general obligation indebtedness of the County and of paying costs of issuance of the Bonds.

Security: The Bonds shall constitute binding general obligations of the County, and the full faith, credit, taxing power, and resources of the County are irrevocably pledged for the payment of the Bonds. There shall be levied and collected annually in the same manner as county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Official Statement: The Preliminary Official Statement dated _____, 2011, has been deemed final by the County for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") but is subject to revision, amendment and completion in a final Official Statement as provided in the Rule.

The Preliminary Official Statement is available at _____. The County will furnish the successful bidder with a sufficient number of copies of the final Official Statement in order to allow the bidder to comply with the Rule, without charge, within seven working days of the acceptance of a bid for the Bonds.

Continuing Disclosure: In order to assist bidders in complying with SEC Rule 15c2-12, the County will undertake, pursuant to the bond ordinance authorizing the issuance of the Bonds and a Continuing Disclosure Certificate, to annually file a report containing its audited financial statements and certain financial information and operating data, and, in addition, to provide notice of certain material events. A description of this undertaking is set forth in the preliminary Official Statement and will also be set forth in the final Official Statement.

Legal Opinion: The County shall furnish upon delivery of the Bonds the final approving opinion of Haynsworth Sinkler Boyd, P.A., Bond Counsel, Florence, South Carolina, which opinion shall be attached to each Bond, together with the usual closing documents, including a certificate that no litigation is pending affecting the Bonds.

Certificate as to Issue Price: The successful bidder for the Bonds must provide a certificate to Florence County not later than two business days following the sale date, and confirmed by a certificate delivered at closing, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in form satisfactory to Bond Counsel.

Delivery: The Bonds will be delivered within 30 days of the date of sale, through the facilities of DTC at the expense of the County, or at such other place as may be agreed upon with the purchasers at the expense of the purchaser. The balance of the purchase price then due (including the amount of accrued interest) must be paid in Federal funds or other immediately available funds. The cost of preparing the Bonds will be borne by the County.

CUSIP Numbers: It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of its proposal. All expenses in relation to the printing of CUSIP identification numbers on the Bonds shall be paid for by the County; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder.

Persons seeking further fiscal information relative to the County should communicate with the Finance Director, Kevin V. Yokim. Persons seeking additional information should communicate with the County's Bond Counsel, Haynsworth Sinkler Boyd, P.A., Florence, South Carolina, or the County's Financial Advisor, _____.

This Notice is given to evidence the County's intent to receive bids for and award the Bonds on the date stated above. Such sale may be postponed upon no less than twelve hours prior to the time bids are to be received through Thomson Municipal Market Monitor, Bloomberg, or other electronic information service. If canceled, the sale may be thereafter rescheduled within 60 days of the date of the publication of this Official Notice of Sale, and notice of such rescheduled date of sale will be posted at least 48 hours prior to the time for receipt of bids through Thomson Municipal Market Monitor, Bloomberg, or other electronic information service.

Chairman, Florence County Council, South Carolina

DRAFT

DISCLOSURE DISSEMINATION AGREEMENT

This Disclosure Dissemination Agent Agreement (the "Disclosure Agreement"), dated as of _____, 2011, is executed and delivered by Florence County, South Carolina (the "Issuer") and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the "Disclosure Dissemination Agent" or "DAC") for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the "Rule").

The services provided under this Disclosure Agreement solely relate to the execution of instructions received from the Issuer through use of the DAC system and do not constitute "advice" within the meaning of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Act"). DAC will not provide any advice or recommendation to the Issuer or anyone on the Issuer's behalf regarding the "issuance of municipal securities" or any "municipal financial product" as defined in the Act and nothing in this Disclosure Agreement shall be interpreted to the contrary.

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

"Annual Report" means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

"Annual Filing Date" means the date, set in Section 2(a) and Section 2(f), by which the Annual Report is to be filed with the MSRB.

"Annual Financial Information" means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

"Audited Financial Statements" means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

"Bonds" means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

"Certification" means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure required to be submitted to the MSRB under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

"Disclosure Representative" means the Florence County Administrator, the senior member of the Issuer or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

"Disclosure Dissemination Agent" means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

"Failure to File Event" means the Issuer's failure to file an Annual Report on or before the Annual Filing Date.

"Force Majeure Event" means: (i) acts of God, war, or terrorist action; (ii) failure or shut-down of the Electronic Municipal Market Access system maintained by the MSRB; or (iii) to the extent beyond the Disclosure Dissemination Agent's reasonable control, interruptions in telecommunications or utilities services, failure, malfunction or error of any telecommunications, computer or other electrical, mechanical or technological application, service or system, computer virus, interruptions in Internet service or telephone service (including due to a virus, electrical delivery problem or similar occurrence) that affect Internet users generally, or in the local area in which the Disclosure Dissemination Agent or the MSRB is located, or acts of any government, regulatory or any other competent authority the effect of which is to prohibit the Disclosure Dissemination Agent from performance of its obligations under this Disclosure Agreement.

"Holder" means any person (i) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (ii) treated as the owner of any Bonds for federal income tax purposes.

"Information" means, collectively, the Annual Reports, the Audited Financial Statements (if any), the Notice Event notices, the Failure to File Event notices, the Voluntary Event Disclosures and the Voluntary Financial Disclosures.

"MSRB" means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

"Notice Event" means any of the events enumerated in paragraph (b)(5)(i)(C) of the Rule and listed in Section 4(a) of this Disclosure Agreement.

"Obligated Person" means any person, including the Issuer, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all, or part of the obligations on the Bonds (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities).

"Official Statement" means that Official Statement prepared by the Issuer in connection with the Bonds, as listed on Exhibit A.

"Voluntary Event Disclosure" means information of the category specified in any of subsections (e)(vi)(1) through (e)(vi)(11) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(a) of this Disclosure Agreement.

"Voluntary Financial Disclosure" means information of the category specified in any of subsections (e)(vii)(1) through (e)(vii)(9) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(b) of this Disclosure Agreement.

SECTION 2. Provision of Annual Reports and Other Disclosures.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent not later than the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than 210 days after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2012. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Failure to File Event has occurred and to immediately send a notice to the MSRB in substantially the form attached as Exhibit B.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Failure to File Event shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the MSRB in substantially the form attached as Exhibit B, without reference to the anticipated filing date for the Annual Report.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certification, for filing with the MSRB.

(e) The Disclosure Dissemination Agent shall:

- (i) verify the filing specifications of the MSRB each year prior to the Annual Filing Date;
- (ii) upon receipt, promptly file each Annual Report received under Sections 2(a) and 2(b) with the MSRB;
- (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the MSRB;

- (iv) upon receipt, promptly file the text of each Notice Event received under Sections 4(a) and 4(b)(ii) with the MSRB, identifying the Notice Event as instructed by the Issuer pursuant to Section 4(a) or 4(b)(ii) (being any of the categories set forth below) when filing pursuant to Section 4(c) of this Disclosure Agreement:

1. "Principal and interest payment delinquencies;"
2. "Non-Payment related defaults, if material;"
3. "Unscheduled draws on debt service reserves reflecting financial difficulties;"
4. "Unscheduled draws on credit enhancements reflecting financial difficulties;"
5. "Substitution of credit or liquidity providers, or their failure to perform;"
6. "Adverse tax opinions, IRS notices or events affecting the tax status of the security;"
7. "Modifications to rights of securities holders, if material;"
8. "Bond calls, if material;"
9. "Defeasances;"
10. "Release, substitution, or sale of property securing repayment of the securities, if material;"
11. "Rating changes;"
12. "Tender offers;"
13. "Bankruptcy, insolvency, receivership or similar event of the obligated person;"
14. "Merger, consolidation, or acquisition of the obligated person, if material;" and
15. "Appointment of a successor or additional trustee, or the change of name of a trustee, if material;"

- (v) upon receipt (or irrevocable direction pursuant to Section 2(c) of this Disclosure Agreement, as applicable), promptly file a completed copy of Exhibit B to this Disclosure Agreement with the MSRB, identifying the filing as "Failure to provide annual financial information as required" when filing pursuant to Section 2(b)(ii) or Section 2(c) of this Disclosure Agreement;

(vi) upon receipt, promptly file the text of each Voluntary Event Disclosure received under Section 7(a) with the MSRB, identifying the Voluntary Event Disclosure as instructed by the Issuer pursuant to Section 7(a) (being any of the categories set forth below) when filing pursuant to Section 7(a) of this Disclosure Agreement:

1. "amendment to continuing disclosure undertaking;"
2. "change in obligated person;"
3. "notice to investors pursuant to bond documents;"
4. "certain communications from the Internal Revenue Service;"
5. "secondary market purchases;"
6. "bid for auction rate or other securities;"
7. "capital or other financing plan;"
8. "litigation/enforcement action;"
9. "change of tender agent, remarketing agent, or other on-going party;"
10. "derivative or other similar transaction;" and
11. "other event-based disclosures;"

(vii) upon receipt, promptly file the text of each Voluntary Financial Disclosure received under Section 7(b) with the MSRB, identifying the Voluntary Financial Disclosure as instructed by the Issuer pursuant to Section 7(b) (being any of the categories set forth below) when filing pursuant to Section 7(b) of this Disclosure Agreement:

1. "quarterly/monthly financial information;"
2. "change in fiscal year/timing of annual disclosure;"
3. "change in accounting standard;"
4. "interim/additional financial information/operating data;"
5. "budget;"
6. "investment/debt/financial policy;"
7. "information provided to rating agency, credit/liquidity provider or other third party;"
8. "consultant reports;" and

9. "other financial/operating data."

- (viii) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent and the MSRB, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

(g) Any Information received by the Disclosure Dissemination Agent before 6:00 p.m. Eastern time on any business day that it is required to file with the MSRB pursuant to the terms of this Disclosure Agreement and that is accompanied by a Certification and all other information required by the terms of this Disclosure Agreement will be filed by the Disclosure Dissemination Agent with the MSRB no later than 11:59 p.m. Eastern time on the same business day; provided, however, the Disclosure Dissemination Agent shall have no liability for any delay in filing with the MSRB if such delay is caused by a Force Majeure Event provided that the Disclosure Dissemination Agent uses reasonable efforts to make any such filing as soon as possible.

SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement under the headings: "THE COUNTY-Five Year Summary of General Fund Operations"; "THE BONDS-Additional Security for the Bonds"; "THE COUNTY-Market Value/Assessment Summary of the County"; "THE COUNTY-Exempt Manufacturing Property"; "THE COUNTY-Tax Collections for the County"; "THE COUNTY-Ten Largest Taxpayers"; "THE COUNTY-Millage History"; and "THE COUNTY-General Fund Budget".

(b) Audited Financial Statements prepared in accordance with generally accepted accounting principles ("GAAP") as described in the Official Statement will be included in the Annual Report. If audited financial statements are not available, then, unaudited financial statements, prepared in accordance with GAAP as described in the Official Statement will be included in the Annual Report. Audited Financial Statements (if any) will be provided pursuant to Section 2(d).

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues with respect to which the Issuer is an Obligated Person, which have been previously filed with the Securities and Exchange Commission or available to the public on the MSRB Internet website. If the document incorporated by reference is a final official statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

Any Annual Financial Information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events with respect to the Bonds constitutes a Notice Event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of Bond holders, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the Obligated Person;

Note to subsection (a)(12) of this Section 4: For the purposes of the event described in subsection (a)(12) of this Section 4, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

13. The consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Issuer shall, in a timely manner not in excess of ten business days after its occurrence, notify the Disclosure Dissemination Agent in writing of the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c) and shall

be accompanied by a Certification. Such notice or Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within two business days of receipt of such notice (but in any event not later than the tenth business day after the occurrence of the Notice Event, if the Issuer determines that a Notice Event has occurred), instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c) of this Section 4, together with a Certification. Such Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with the MSRB in accordance with Section 2(e)(iv) hereof.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, Notice Event notices, Failure to File Event notices, Voluntary Event Disclosures and Voluntary Financial Disclosures, the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the failure of the Disclosure Dissemination Agent to so advise the Issuer shall not constitute a breach by the Disclosure Dissemination Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Filings.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Event Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Event Disclosure (which shall be any of the categories set forth in Section 2(e)(vi) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the

Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(a) to file a Voluntary Event Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Event Disclosure with the MSRB in accordance with Section 2(e)(vi) hereof.

(b) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Financial Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Financial Disclosure (which shall be any of the categories set forth in Section 2(e)(vii) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(b) to file a Voluntary Financial Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Financial Disclosure with the MSRB in accordance with Section 2(e)(vii) hereof.

(c) The parties hereto acknowledge that the Issuer is not obligated pursuant to the terms of this Disclosure Agreement to file any Voluntary Event Disclosure pursuant to Section 7(a) hereof or any Voluntary Financial Disclosure pursuant to Section 7(b) hereof.

(d) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds when the Issuer is no longer an Obligated Person, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of nationally recognized bond counsel to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable, until payment in full, for any and all sums owed and payable to the Disclosure Dissemination Agent. The

Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Disclosure Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon certifications of the Issuer at all times.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and shall not incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The reasonable fees and expenses of such counsel shall be payable by the Issuer.

(c) All documents, reports, notices, statements, information and other materials provided to the MSRB under this Disclosure Agreement shall be provided in an electronic format and accompanied by identifying information as prescribed by the MSRB.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer nor

the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days prior written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of New York (other than with respect to conflicts of laws).

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Dissemination Agent Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C., as
Disclosure Dissemination Agent

By: _____
Name: _____
Title: _____

FLORENCE COUNTY, SOUTH CAROLINA
as Issuer

By: _____
Name: K. G. "Rusty" Smith
Title: Chairman, County Council

EXHIBIT A
NAME AND CUSIP NUMBERS OF BONDS

| | |
|-----------------------------|---------------------------------|
| Name of Issuer: | Florence County, South Carolina |
| Name of Bond Issue: | _____ |
| Date of Issuance: | _____ |
| Date of Official Statement: | _____ |

CUSIP Number: _____
CUSIP Number: _____
CUSIP Number: _____
CUSIP Number: _____
CUSIP Number: _____
CUSIP Number: _____
CUSIP Number: _____

DRAFT

EXHIBIT B
NOTICE TO MSRB OF FAILURE TO FILE ANNUAL REPORT

Issuer:

Florence County, South Carolina

Name of Bond Issue:

Date of Issuance:

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Dissemination Agent Agreement between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

Digital Assurance Certification, L.L.C., as Disclosure
Dissemination Agent, on behalf of the Issuer

cc: Issuer

New Generators Project Funded by Proposed General Obligation Bond

City-County Complex

Issue: The City-County Complex incurred a few electrical service disruptions during the summer of 2011 as a result of peak-load and power grid design issues experienced by the building's utility provider. In addition, the County's Information Technology room, currently located on the 8th floor, is not connected to the building generator. (The building's current generator is only 150kW and services only certain portions of the building.) As a result of these two issues, the servers located in this room repeated went off-line and caused loss of computer network access for many of the County's users.

Solution: The Building Commission has contracted with the electrical engineer firm GWA, Inc. of Columbia to design a generator solution for the entire building. After analyzing the building's electrical needs, the engineer has recommended the installation of a 500kW diesel generator to be placed behind the building near the jail entrance. The engineer's cost estimate for this project breaks down as follows:

| | |
|--|------------------|
| Generator, Automatic Transfer Switch, and related panels | \$450,000 |
| Electric Switchboard | 280,000 |
| Masonry Screen Wall | 50,000 |
| General Conditions | 78,000 |
| Contingency | <u>15,000</u> |
| Total | <u>\$873,000</u> |

In addition, at the County's request, the engineer has provided a cost estimate for a dedicated generator to the County's IT room upon its planned move to the basement. This generator would be connected to a three source automatic transfer switch and would run only if the main building generator failed. The engineer's cost estimate is \$204,000 and includes a 100kW generator, the automatic transfer switch, a 75 kVA transformer, and related panel boards.

Planning Building

Issue: A few offices in the Planning Building have experienced intermittent brownouts that are unrelated to any power supply issues from the utility provider. Also, the electricity to this building is fed through Federal Pacific circuit breakers which are subject to failure and for which no replacement parts are being made. In addition, this building serves as one of the County's three locations for its virtualized computer network system; however, this building has no generator backup system whatsoever.

Solution: The Planning Director has analyzed the electrical service to this building. Based on this analysis, his conceptual plan includes installing a new switchboard on the exterior of the building, with new feeders into the existing switchboard, thereby bypassing the existing Federal Pacific circuit breakers. The plan also includes the installation of a 200kW diesel generator, automatic transfer switch, and related panel boards to serve the first and fourth floors of this building. His opinion of probable cost for this plan breaks down as follows:

| | |
|--|------------------|
| Switchboard, conduit, & wiring | \$150,000 |
| Generator, Automatic Transfer Switch, and related panels | 218,500 |
| Architect & Engineer Fees | 42,700 |
| Contingency | <u>36,850</u> |
| Total | <u>\$448,050</u> |

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Second Reading - Ordinance No. 05-2011/12

DEPARTMENT: Finance

ISSUE UNDER CONSIDERATION:

(An Ordinance Providing For The Issuance And Sale From Time To Time Of Hospitality ~~Tax~~ Fee Revenue Bonds Of Florence County, Providing For The Pledge Of Hospitality ~~Taxes~~ Fees For The Payment Of Such Bonds, Prescribing The Terms And Conditions Under Which Such Bonds May be Issued, Providing For The Payment Thereof, And Other Matters Relating Thereto.)

POINTS TO CONSIDER:

This ordinance serves as a master ordinance which enables Florence County to issue specific revenue bonds currently and in the future, including a bond for the County's portion of the Florence County Museum project.

FUNDING FACTORS:

The principal and interest payments on any bonds issued under this master ordinance will be funded entirely from local hospitality tax revenues and will not require the use or pledge of any property tax millage.

OPTIONS:

1. *(Recommended)* Approve Second Reading of Ordinance No. 05-2011/12.
2. Provide An Alternate Directive.

ATTACHMENT:

Copy of Ordinance No. 05-2011/12.

Sponsor(s) : Finance
First Reading : August 18, 2011
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Public Hearing : September 15, 2011
Second Reading : September 15, 2011
Third Reading :
Effective Date : Immediately

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

ORDINANCE NO. 05-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

GENERAL BOND ORDINANCE

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE FROM TIME TO TIME OF HOSPITALITY TAX FEE REVENUE BONDS OF FLORENCE COUNTY, PROVIDING FOR THE PLEDGE OF HOSPITALITY TAX FEES FOR THE PAYMENT OF SUCH BONDS, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SUCH BONDS MAY BE ISSUED, PROVIDING FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

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(This Table of Contents for the Ordinance is for convenience of reference only and is not intended to define, limit, or describe the scope or intent of any provision of the Ordinance)

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BE IT ORDAINED BY THE FLORENCE COUNTY COUNCIL, THE GOVERNING
BODY OF FLORENCE COUNTY, SOUTH CAROLINA, AS FOLLOWS:

ARTICLE I
FINDINGS AND DETERMINATIONS

Section 1.01 Findings and Determinations. As an incident to the enactment of this ordinance (the "**Ordinance**") and the issuance of the Bonds (as defined below) provided for herein, 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 I exist, and the following statements are in all respects true and correct:

(a) The County is a body politic and corporate and a county organized under the laws of the State of South Carolina (the "**State**"), and as such, possesses all powers granted to counties by the Constitution and general laws of the State.

(b) The County, pursuant to Title 6, Chapter 1, Article 7 of the Code of Laws of South Carolina, 1976, as amended, imposed a local hospitality fee, also known as a local hospitality tax (the "**Hospitality Fee**") by ordinance effective October 20, 2011.

(c) Article X, Section 14, of the Constitution of the State of South Carolina, 1895, as amended (the "**Constitution**"), provides that a political subdivision may incur indebtedness payable solely from a revenue-producing project or from a special source which source does not involve revenues from any tax or license. Pursuant to Title 6, Chapter 17 and Section 6-1-760 of the Code of Laws of South Carolina, 1976, as amended (collectively, the "**Enabling Act**"), the County may issue revenue bonds to defray the cost of tourist-related projects as enumerated in Title 6, Chapter 1, Article 7 of the Code of Laws of South Carolina, 1976, as amended, secured by a pledge of the Hospitality Fee Revenues (as defined below).

(d) The Council has determined that it is in the best interest of the County that it acquire, construct, furnish, and equip a new County Museum building (the "**Improvements**"). The estimated cost of the Improvements, together with certain costs of issuance, is approximately \$3,900,000.

(e) The Council has, after due investigation, determined that the Improvements are capital projects that attract tourists within the meaning of Section 6-1-760, inasmuch as such improvements are designed, marketed, and used in such fashion to attract regional and state-wide tourism to the County.

(f) It is now in the best interest of the County for the Council to provide for the issuance and sale of Bonds of the County, including but not limited to Bonds for the purposes of financing the costs of the Improvements, pursuant to the aforesaid provisions of the Constitution and laws of the State.

ARTICLE II DEFINITIONS AND INTERPRETATIONS

Section 2.01 Defined Terms. The terms defined in this **Section 2.01** (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Ordinance shall have the respective meanings specified in this **Section 2.01**.

"Authorized Representative" shall mean the Chairman or the County Administrator and any other Person or Persons designated to act on behalf of the County by written certificate of the County Administrator furnished to the Trustee.

"Balloon Indebtedness" shall mean indebtedness in the form of Bonds 25% or more of the principal payments of which are due in a single year, which portion of the principal is not required by the instrument authorizing the issuance of such indebtedness to be amortized by redemption prior to such maturity date.

"Bond" or **"Bonds"** shall mean all bonds and other obligations of the County issued pursuant to and under the authority of **Sections 3.02, 3.03 and 3.04** hereof (excluding Junior Bonds) and Outstanding from time to time.

"Bond Counsel" shall mean any attorney or firm of attorneys of nationally recognized standing in the matters pertaining to the federal tax exemption of interest on bonds issued by states and political subdivisions, and duly admitted to practice law before the highest court of any state of the United States of America.

"Bond Holders," "Bondholders," "Holders," or the term **"Registered Holders,"** or any similar term, shall mean the registered owner of any Outstanding Bond or Bonds.

"Bond Redemption Account" shall mean the account by that name established in the Debt Service Fund.

"Books of Registry" shall mean the registration books maintained by the Trustee as bond registrar in accordance with **Section 4.04** hereof.

"Capital Lease" shall mean any lease of property that, in accordance with generally accepted accounting principles, has been or should be capitalized on the lessee's balance sheet or for which the amount of the asset and liability thereunder as if so capitalized should be disclosed in a note to the balance sheet.

"Chairman" shall mean the Chairman of the Council, or in his absence, the Vice Chairman of the Council.

"County" shall mean Florence County, South Carolina, a body politic and corporate and a county organized and existing under the laws of the State.

"County Administrator" shall mean the County Administrator of the County or the Acting County Administrator or Interim County Administrator, as the case may be, or his designee.

"Clerk" shall mean the Clerk to Council or, in his absence, any Assistant or Acting Clerk to Council.

"Code" shall mean the Internal Revenue Code of 1986, as amended, any successor provision of law, and regulations promulgated thereunder.

"Construction Fund" shall mean any fund established with and maintained with the County, or at the option of the County, the Trustee, and funded with certain of the proceeds of the sale of any Series of Bonds and intended to defray Project Costs in connection therewith and the Costs of Issuance in connection with that Series of Bonds, all as established in a Series Ordinance authorizing the issuance of any Series of Bonds.

"Costs of Issuance" shall mean all items of expense, directly or indirectly payable or reimbursable by or to the County and related to the authorization, sale, and issuance of Bonds; including, but not limited to, printing costs; costs of preparation and reproduction of documents; filing and recording fees; initial fees and charges of any Trustee or Custodian; legal fees and charges; fees and disbursements of financial advisors, consultants and professionals; costs of credit ratings; fees and charges for preparation, execution, transportation, and safekeeping of Bonds; costs and expenses of refunding of Bonds; premiums or other charges for insurance or other credit enhancement for the payment of Bonds; financing charges; accrued interest with respect to the initial investment of proceeds of Bonds; and any other cost, charge or fee in connection with the original issuance of Bonds.

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

"Custodian" shall mean any bank, trust company, national banking association, or national association selected by the County as a depository of moneys or securities pursuant to this Ordinance.

"Debt Service Fund" shall mean the fund established by the provisions of **Section 6.01(b)** hereof designed to provide for the payment of the principal of, premium, if any, and interest on the Bonds (excluding Junior Bonds), as they respectively fall due.

"Debt Service Reserve Fund" shall mean the fund established by the provisions of **Section 6.01(c)** hereof intended to meet any possible deficiencies in the Debt Service Fund and to be maintained in the amounts, if any, and in separate accounts established with respect to each Series of Bonds as set forth in the Series Ordinance providing for the issuance of that Series of Bonds. A separate account within the Debt Service Reserve Fund shall be established for each Series of Bonds for which there is a Debt Service Reserve Fund Requirement.

"Debt Service Reserve Fund Requirement" shall mean that amount, if any, with respect to each Series of Bonds as set forth in the Series Ordinance providing for the issuance of that Series of Bonds. This amount may be satisfied by the delivery of a surety bond in accordance with **Section 6.04** hereof.

"Default" or **"Event of Default"** shall mean any of those defaults specified in and defined by **Article X** hereof.

"Enabling Act" shall mean Title 6, Chapter 17 and Section 6-1-760, of the Code of Laws of South Carolina 1976, as amended, and as such may be further amended from time to time.

"Finance Director" shall mean the Finance Director of the County.

"Fiscal Year" shall mean the period of twelve (12) calendar months, beginning on the first day of July of each year and ending with the 30th day of June of the following year, until changed to a different twelve month period by ordinance of the Council.

"Hospitality Fee" means fees imposed and collected by the County pursuant to Title 6, Chapter 1, Article 7 of the Code of Laws of South Carolina, 1976, as amended. The term Hospitality Fee is commonly referred to and may be referenced herein as the County's local hospitality tax.

"Hospitality Fee Revenue Fund" shall mean the fund of that name created by **Section 6.01(a)** hereof.

"Hospitality Fee Revenues" shall mean all Hospitality Fees collected by the County.

"Interest Account" shall mean the account by that name established in the Debt Service Fund.

"Investment Obligations" shall mean (i) the South Carolina Pooled Investment Fund established pursuant to the provisions of Chapter 6, Title 6, of the Code of Laws of South Carolina, 1976, as amended; or (ii) any investments now or hereafter permitted under Section 6-5-10 of the Code of Laws of South Carolina, 1976, as amended.

"Junior Bond Debt Service Fund" shall mean such fund authorized by **Section 6.01** hereof to be established in a Series Ordinance with respect to Junior Bonds.

"Junior Bonds" shall mean bonds secured by a pledge of, or, in the case of a Capital Lease, payable from, Hospitality Fee Revenues junior and subordinate in all respects to the pledge securing the Bonds authorized by **Sections 3.02, 3.03 and 3.04**.

"Junior Bond Ordinance" shall mean an ordinance enacted by the Council by which is authorized the issuance of Junior Bonds.

"Ordinance" shall mean this General Bond Ordinance as from time to time amended or supplemented by one or more Series Ordinances.

"Outstanding Bonds" or **"Outstanding"** shall mean all Bonds which have been duly authenticated and delivered by the Trustee hereunder except:

- (a) Bonds theretofore cancelled by the Trustee or theretofore delivered by the Trustee for cancellation;
- (b) Bonds (or portions thereof) deemed to have been redeemed within the meaning of **Sections 5.03 and 5.05** hereof;
- (c) Bonds in lieu of which others have been authenticated, unless proof satisfactory to the Trustee is presented to the Trustee that the Bonds are held by *bona fide* purchasers as that term is defined in Article 8 of the South Carolina Uniform Commercial Code, as amended, in which case the Bond or Bonds so replaced and the Bond or Bonds authenticated and delivered therefor shall both be deemed Outstanding; and
- (d) Bonds (or portions thereof) deemed to have been paid within the meaning of **Section 9.01** hereof.

"Person" shall mean natural persons, firms, associations, corporations, and public bodies.

"Principal Account" shall mean the account by that name established within the Debt Service Fund.

"Principal and Interest Requirements" with respect to any Bonds shall mean the amount required to pay principal of (whether at maturity or pursuant to mandatory redemption requirements applicable thereto), and interest (exclusive of funded interest) on the Bonds during the period of time for which Principal and Interest Requirements are being calculated; provided (i) with respect to Balloon Indebtedness, the amount of the principal which would be payable in such period shall be computed as if such principal were amortized from the date of incurrence thereof over a period of 20 years (or, if the term thereof is less than 20 years, over a period equal to such term) on a level debt service basis at an interest rate equal to the rate borne by such Balloon Indebtedness on the date calculated, except that if the date of calculation is within 12 months of the actual maturity of such Balloon Indebtedness, the full amount of principal payable at maturity shall be included in such calculation; and (ii) the interest on Variable Rate Indebtedness shall be calculated at one hundred percent (100%) of the average rate borne by the Variable Rate Indebtedness during the preceding twelve (12) months, or if the Variable Rate Indebtedness is yet to be incurred, at one hundred percent (100%) of the average rate such Variable Rate Indebtedness would have borne during the preceding twelve (12) months based on the applicable index or other method of determining the interest rate under the terms of the Series Ordinance providing for the incurrence of the Variable Rate Indebtedness.

"Project" or "Projects" shall mean projects that attract tourists within the meaning of Section 6-1-760 of the Code of Laws of South Carolina, 1976, as amended.

"Project Costs" shall mean costs incurred in connection with a Project, the repayment to the County of any funds expended in the acquisition or construction of any Project, and shall include, without limiting the costs permitted under the Enabling Act and Title 6, Chapter 1, Articles 5 and 7 of the Code of Laws of South Carolina, 1976, as amended, the following items to the extent they relate to a Project: (i) all direct costs of such Project described in the plans and specifications for such Project; (ii) all costs of planning, designing, acquiring, constructing, financing and placing such Project in operation; (iii) the cost of any lands or interests therein and all of the properties deemed necessary or convenient for the maintenance and operation of such Project; (iv) all engineering, legal and financial costs and expenses; (v) all expenses for estimates of costs and of revenues; (vi) costs of obtaining governmental and regulatory permits, licenses and approvals; (vii) all fees of special advisors and consultants associated with one or more aspects of such Project; (viii) all amounts required to be paid by this Ordinance or any Series Ordinance authorizing the issuance of Bonds into the Debt Service Fund or Debt Service Reserve Fund upon the issuance of any Series of Bonds; (ix) the payment of all principal, premium, if any, and interest, when due, of any Bonds of any Series or other evidences of indebtedness issued to finance a portion of the cost of such Project, whether at the maturity thereof or at the due date of interest or upon redemption thereof; (x) interest on Bonds of any Series prior to and during construction of such Project for which such Bonds were issued, and for such additional periods as the County may reasonably determine to be necessary for the placing of such Project in operation; and (xi) Costs of Issuance.

"Purchaser" shall mean, with respect to any Series of Bonds, the initial purchaser of that Series of Bonds.

"Record Date" shall mean, with respect to any Series of Bonds, (i) the fifteenth (15th) day (whether or not a business day) of the calendar month immediately preceding an interest payment date in the event that the interest payment date is the first day of a month, (ii) the last day (whether or not a business day) of the calendar month immediately preceding each interest payment date in the event that the interest payment date is the fifteenth (15th) day of a month, or (iii) any other day as may be provided in the Series Ordinance authorizing the issuance of that Series; provided, however, that in the case of a default in the payment of interest due on a Series of Bonds, the Trustee shall establish a special record date for payment of the defaulted interest, notice thereof to be mailed by first class mail, postage prepaid,

by the Trustee to the Holder of that Series of Bonds not less than ten (10) days prior to the special record date.

"Registrar" shall mean the Trustee, or, if so provided by a Series Ordinance as to a Series of Bonds, an official of the County.

"Serial Bonds" shall mean Bonds which are not Term Bonds.

"Series" or **"Series of Bonds"** or **"Bonds of a Series"** shall mean all Bonds designated as being of the same series, issued and delivered on original issuance in a simultaneous transaction, and any Bonds thereafter delivered in lieu thereof or in substitution therefor pursuant to this Ordinance.

"State" means the State of South Carolina.

"Series Ordinance" shall mean any ordinance enacted by the Council providing for the issuance of Bonds and any ordinance enacted by the Council pursuant to and in compliance with the provisions of **Article XI** hereof amending or supplementing the provisions of the Ordinance.

"Term Bond" or **"Term Bonds"** shall mean any Bond designated by the Series Ordinance providing for its issuance as being subject to retirement or redemption from moneys credited to the Bond Redemption Account in the Debt Service Fund or the Junior Bond Debt Service Fund as mandatory redemption requirements.

"Tourism Facilities Capital, Operation and Maintenance Fund" shall mean that fund created pursuant to **Section 6.05** of this Ordinance.

"Trustee" shall mean any bank, trust company, national banking association, or national association selected by the County and any successor Trustee appointed in accordance with **Article VII**.

"Variable Rate Indebtedness" shall mean indebtedness in the form of Bonds that bears interest at a variable, adjustable, or floating rate or indebtedness in the form of Bonds the interest on which is not established at the time of incurrence at a fixed or constant rate until its maturity.

Section 2.02 General Rules of Interpretation.

(a) Articles, sections, and paragraphs mentioned by number are the respective articles, sections, and paragraphs of this Ordinance so numbered.

(b) Except as otherwise expressly provided or unless the context otherwise requires, words importing persons include firms, associations, and corporations, and the masculine includes the feminine and the neuter.

(c) Words importing the redemption or redeeming or calling for redemption of a Bond do not include or connote the payment of the Bond at its stated maturity or the purchase of the Bond.

(d) Words importing the singular number include the plural number and *vice versa*.

ARTICLE III
AUTHORIZATION AND ISSUANCE OF BONDS

Section 3.01 **Authorization of Bonds.** There is hereby authorized to be issued Bonds of the County to be known as "*Hospitality Fee Revenue Bonds*," or as otherwise designated in the Series Ordinance authorizing any Series of Bonds, which Bonds may be issued pursuant to the Ordinance and in accordance with the terms, conditions, and limitations set forth herein, in Series, in the amounts, and from time to time as the Council may from time to time deem to be necessary or advisable for any corporate purpose of the County for which Bonds may be issued under the Ordinance and the Enabling Act.

Section 3.02 **General Provisions for Issuance of Bonds.**

(a) The Bonds shall be issued by means of Series Ordinances enacted by the Council in accordance with the provisions of this **Article III**. The enactment of a Series Ordinance shall not be subject to the consent of the Trustee or Bondholders. Each Series Ordinance shall designate the Bonds provided for thereby by an appropriate Series designation and by any further particular designations, if any, as the Council deems appropriate; and shall, unless or except as is otherwise set forth herein, also specify:

- (i) the maximum authorized principal amount of the Series of Bonds;
- (ii) the purpose or purposes for which the Bonds of the Series are being issued, which shall be one or more of the purposes set forth in **Sections 3.03** and **3.04** hereof;
- (iii) if the Bonds of the Series are being issued for a purpose specified in **Section 3.03** hereof, the Project for which the Bonds are being issued;
- (iv) if the Bonds of the Series are being issued for a purpose specified in **Section 3.03** hereof, an estimate of the Project Costs to be financed by the Series of Bonds;
- (v) the date or dates of the Bonds of the Series;
- (vi) the maturity date or dates of the Bonds of the Series, the principal amounts payable on each maturity date, and the mandatory redemption amounts and due dates, if any, for the Term Bonds of the Series;
- (vii) the interest rate or rates of the Bonds of the Series, or the manner of determining the rate or rates, the initial interest payment date therefor, and the subsequent interest payment dates;
- (viii) the denominations of, and manner of numbering and lettering, the Bonds of the Series;
- (ix) the redemption premium or premiums, if any, or the redemption price or prices to be paid upon the redemption of the Bonds of the Series, the period or periods, if any, during which premiums or prices shall be payable, and the terms and conditions, if any, of redemption;
- (x) the place or places of payment of the Bonds of the Series and interest thereon, and the paying agents therefor;

(xi) the provisions for the sale or other disposition of the Bonds of the Series and the use, application, and investment, if any, of the proceeds of the sale or other disposition, which use, application and investment shall not be inconsistent with the provisions hereof;

(xii) whether there will be a Debt Service Reserve Fund Requirement for such Series;

(xiii) any other provisions which may be required to be included therein by other provisions of the Ordinance; and

(xiv) any other necessary or desirable provisions not inconsistent with the provisions of the Ordinance

(b) The Council may delegate to an Authorized Representative the authority to determine the matters set forth in **Sections 3.02(a)(v) through 3.02(a)(xii)** in the case of a Bond sold to as a single instrument to a financial institution.

Section 3.03 Conditions for the Issuance of Bonds.

(a) At any time and from time to time, one or more Series of Bonds (exclusive of the initial Series of Bonds issued hereunder or Bonds issued pursuant to the provisions of **Section 3.04** hereof) may be issued for any purposes as may be permitted by the Enabling Act upon compliance with the provisions of **Section 3.02** hereof and this **Section 3.03** (except where specifically provided otherwise in this **Section 3.03**) in any principal amounts as may be determined by the Council.

(i) If a Trustee has been appointed, there shall be filed with the Trustee a certificate of the County Administrator stating (A) either (1) that no Default exists in the payment of the principal of or interest on any Bonds or Junior Bonds, and all mandatory redemption requirements, if any, required to have been made or satisfied shall have been made or satisfied, or (2) that the application of the proceeds of the sale of the Series of Bonds to be issued as required by the Series Ordinance authorizing their issuance will cure the Default or permit the making or satisfaction of the redemption requirements; and (B) either (1) that to the knowledge of the County Administrator, the County is not in Default in the performance of any other of its covenants and agreements contained in the Ordinance, or (2) setting forth the circumstances of each Default known to him.

(b) If a certificate filed pursuant to **Section 3.03(a)(i)** should disclose a Default or Defaults hereunder, which have not been cured, there shall be filed with the Trustee an opinion of Bond Counsel that, in the case of any Default disclosed in a certificate filed pursuant to **Section 3.03(a)(i)**, no Default deprives the Bondholders of the security afforded by the Ordinance in any material respect.

(c) For the issuance of Bonds (other than the initial Series of Bonds and Junior Bonds) issued hereunder to finance the Costs of the Project there shall be delivered to the Trustee a certificate of the Authorized Representative, based upon the most recent audited financial statements of the County, to the effect that Hospitality Fee Revenues deposited into the Hospitality Fee Revenue Fund for the most recent Fiscal Year immediately preceding the issuance date of the proposed Bonds for which audited financial statements of the County are available (the "**Test Period**") are not less than 120% of the average annual Principal and Interest Requirements for all Series of Bonds then Outstanding and the additional Bonds then proposed to be issued (with adjustments, if any, for any Bonds that will be discharged upon the issuance of such additional Bonds). Hospitality Fee Revenues may be adjusted for the purpose of the calculation required by this **Section 3.03(c)** to reflect additional Hospitality Fees to be received from establishments which commenced payment of Hospitality Fees during the Test Period. As to such an

establishment, Hospitality Fees may be annualized based upon the average monthly Hospitality Fees paid by such establishment during the Test Period.

(d) The Bonds may be issued to secure funds to defray Project Costs, or to refund any Bonds, Junior Bonds, or any notes, bonds, or other obligations issued to finance or to aid in financing Projects.

(e) There shall be on deposit in the Debt Service Reserve Fund, if such is required by any Series Ordinance, cash and securities (including any insurance policy, surety bond or letter of credit permitted by Series Ordinance) as provided in **Section 6.04** hereof (inclusive of any proceeds of Bonds to be deposited in the Debt Service Reserve Fund), having an aggregate value not less than the Debt Service Reserve Fund Requirement, if any, with respect to each Series of Bonds to be then Outstanding and the Bonds then proposed to be issued.

Section 3.04 Issuance of Refunding Bonds. Upon compliance with the provisions of paragraphs (a), (b), (c) and (e) of **Section 3.03** hereof, the County by means of a Series Ordinance enacted in compliance with the Enabling Act and any other statutory provisions authorizing the issuance of revenue refunding bonds, including advance refunding bonds, may issue hereunder refunding Bonds for the purpose of refunding (including by purchase) Bonds, Junior Lien Bonds, or any other notes, bonds or other obligations issued to finance or to aid in financing of Projects, including amounts to pay principal, redemption premium, and interest to the date of the redemption (or purchase) of the refunded Bonds or any other notes, bonds or other obligations issued to finance or to aid in financing of Projects, and the Costs of Issuance of the refunding Bonds and to fund any necessary reserves or other accounts. In addition, the County by means of a Series Ordinance may issue refunding Bonds for the purpose of refunding Bonds issued to finance or to aid in financing of Projects, without satisfying the conditions for the issuance of Bonds as contained in **Section 3.03(c)** hereof to the extent that the aggregate Principal and Interest Requirements with respect to the refunding Bonds is less than the aggregate Principal and Interest Requirements with respect to the to be refunded.

Section 3.05 Issuance of Junior Bonds. The County may at any time upon the enactment of a Junior Bond Ordinance issue Junior Bonds, including obligations issued in the form of Capital Leases as it may from time to time determine, payable from the Hospitality Fee Revenues; provided that (a) such Junior Bonds are issued to secure funds to defray Project Costs, or to refund Bonds, Junior Bonds, or any notes, bonds, or other obligations issued to finance or to aid in financing Projects; (b) the pledge of Hospitality Fee Revenues securing Junior Bonds shall at all times be subordinate and inferior to the pledge of Hospitality Fee Revenues securing the Bonds such that Junior Bonds shall be payable from Hospitality Fee Revenues held in the Hospitality Fee Revenue Fund after provision has been made for all payments required to be made hereunder with respect to the Bonds, and (c) there shall be delivered to the Trustee a certificate of the County Administrator to the effect that Hospitality Fee Revenues for the Test Period is not less than 100% of the greatest sum for any Fiscal Year obtained by adding the Principal and Interest Requirements for each Fiscal Year for all Bonds Outstanding plus the principal and interest requirements for the Junior Bonds then issued and proposed to be issued. Hospitality Fee Revenues may be adjusted for purpose of such calculation in the manner provided in **Section 3.03(c)**.

ARTICLE IV THE BONDS

Section 4.01 Execution.

(a) Unless or except as is otherwise set forth in the Series Ordinance providing for the issuance of a Series of Bonds, the Bonds shall be executed on behalf of the County by the Chairman by his manual or facsimile signature and the corporate seal of the County or a facsimile thereof shall be impressed or reproduced thereon and attested by the Clerk by his manual or facsimile signature.

(b) In case any officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be that officer before the delivery of the Bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery.

Section 4.02 Authentication. Upon compliance with the provisions of Sections 4.03, 4.04, or 4.05 hereof, as applicable, and upon the written order of the County, the Trustee, or the Clerk if no Trustee shall have been appointed, shall authenticate Bonds authorized to be issued hereunder. Except as otherwise set forth in a Series Ordinance, only those Bonds as shall have endorsed thereon a certificate of authentication duly executed manually by the Trustee or the Clerk shall be entitled to any right or benefit under this Ordinance, and no Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication shall have been duly executed by the Trustee or the Clerk. The executed certificate of the Trustee or the Clerk upon any Bond shall be conclusive evidence that the Bond has been authenticated and delivered. The Trustee's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer of the Trustee, but it shall not be necessary that the same person sign the certificate of authentication on all of the Bonds issued hereunder or on all of the Bonds of a particular Series.

Section 4.03 Mutilated, Lost, Stolen, or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen, or destroyed, the County may execute and the Trustee, or the Clerk if no Trustee has been appointed, may authenticate a new Bond having the same date, maturity, and denomination as that mutilated, lost, stolen, or destroyed; provided that, in the case of any mutilated Bond, it shall first be surrendered to the County and in the case of any lost, stolen, or destroyed Bond, there shall be first furnished to the County and the Trustee evidence of the loss, theft, or destruction satisfactory to the County and the Trustee (if applicable), together with indemnity satisfactory to them; provided that, in the case of a Holder which is a bank or insurance company, the agreement of the bank or insurance company to indemnify shall be sufficient. In the event any Bond shall have matured, instead of issuing a duplicate Bond, the County may pay it without surrender thereof. The County and the Trustee may charge the Holder of the Bond with their reasonable fees and expenses in this connection.

Section 4.04 Registration and Transfer of Bonds; Persons Treated as Owners.

(a) Each Bond shall be fully registered and transferable only upon the Books of Registry of the County which shall be kept for that purpose at the corporate trust office of the Trustee by the Registered Holder thereof or by his attorney, duly authorized in writing, upon surrender thereof, together with a written instrument of transfer satisfactory to the Trustee, duly executed by the Registered Holder or his duly authorized attorney, signature guaranteed. Upon the transfer of any Bond, the County shall issue, subject to the provisions of Section 4.07 hereof, in the name of the transferee, a new Bond or Bonds of

the same Series and of the same aggregate principal amount as the unpaid principal amount of the surrendered Bond. If no Trustee has been appointed, the Clerk will act as Registrar.

(b) Any Bondholder requesting any transfer shall pay any tax or other governmental charge required to be paid with respect thereto. As to any Bond, the person in whose name it shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of or on account of the principal of, premium, if any, and interest on any Bond shall be made only to or upon the order of the Holder thereof, or his duly authorized attorney, and neither the County nor the Trustee shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All the payments made in this manner shall be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums paid.

Section 4.05 Form of Bonds; Denominations; Medium of Payment. Unless or except as is otherwise provided in the Series Ordinance authorizing their issuance, the Bonds: (a) shall be in fully registered form without coupons; (b) shall be issued in denominations of \$5,000, or any integral multiple thereof; provided that, upon partial redemption of a Bond requiring surrender thereof and the issuance of a new Bond, the new Bond may be in the denomination of the unredeemed balance; and (c) shall be payable with respect to principal, interest, and premium, if any, 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. The County may provide in any Series Ordinance for a book entry system for such Series of Bonds.

Section 4.06 Numbers, Date, and Payment Provisions.

(a) The Bonds shall be numbered and designated in any manner as the County, with the concurrence of the Trustee, if any, shall determine. Each Bond of a Series shall bear interest from the interest payment date immediately preceding the date of its authentication, unless authentication shall be upon an interest payment date, in which case, it shall bear interest from its authentication, or unless authentication shall precede the first interest payment date for the Bond, in which case it shall bear interest from the date of its delivery, or as otherwise provided in the Series Ordinance authorizing their issuance; provided, however, that if the date of authentication of any Bond of any Series is after a Record Date and before the corresponding interest payment date therefor, it shall bear interest from the next succeeding interest payment date; notwithstanding the foregoing, if at the time of authentication of any Bond any interest on the Bond is in default, it shall bear interest from the date to which interest on it has been paid or if no interest has been paid, the Bond shall bear interest from the date of delivery thereof or as otherwise provided in the Series Ordinance authorizing the issuance of the Bond.

(b) The principal of and redemption premium, if any, on the Bonds shall be payable when due in lawful money of the United States of America upon presentation and surrender of the Bonds at the office of the Clerk, or if a Trustee has been appointed, the Trustee described in the Series Ordinance authorizing the issuance of the Bonds. Except as otherwise set forth in a Series Ordinance, payment of interest on Bonds shall be made by check or draft drawn upon the County or the Trustee if a Trustee shall then be appointed and mailed to the Registered Holder at his address as it appears upon the Books of Registry; provided that payment to any Bondholder owning \$1,000,000 or more of Bonds may be made by wire transfer to an account in the continental United States of America upon the written request and instructions provided by such Bondholder to the County or the Trustee if a Trustee shall then be appointed no later than the preceding Record Date. The County or the Trustee, as applicable, shall maintain a record of the amount and date of any payment of principal or interest on the Bonds (whether at the maturity date or the redemption date prior to the maturity or upon the maturity thereof by declaration or otherwise).

Section 4.07 **Exchange of Bonds.** Bonds, upon surrender thereof at the office of the Trustee or the Clerk, as applicable, described in the Series Ordinance authorizing the issuance of that Series of Bonds, with a written instrument of transfer satisfactory to the Trustee or the Clerk, duly executed by the Bondholder or his duly authorized attorney, signatures guaranteed, may, at the option of the Bondholder thereof, and upon payment by the Bondholder of any charges which the Trustee may make as provided in **Section 4.08**, be exchanged for a principal amount of Bonds of any other authorized denomination equal to the unpaid principal amount of surrendered Bonds.

Section 4.08 **Regulations with Respect to Exchanges and Transfer.** In all cases in which the privilege of exchanging or transferring Bonds is exercised, the County shall execute and the Trustee or the Clerk, as applicable, shall authenticate and deliver Bonds in accordance with the provisions of the Ordinance. All Bonds surrendered in any exchanges or transfers shall forthwith be cancelled by the Trustee. There shall be no charge to the Bondholder for the exchange or transfer of Bonds except that the Trustee may make a charge sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or transfer. Neither the County nor the Trustee shall be required (a) to exchange or transfer Bonds (i) from the Record Date to the next succeeding interest payment date or (ii) for a period of fifteen (15) days following any selection of Bonds to be redeemed or thereafter until after the first publication or mailing of any notice of redemption, or (b) to transfer any Bonds called for redemption.

Section 4.09 **Temporary Bonds.** Any Series of Bonds may be initially issued in temporary form, exchangeable for definitive Bonds to be delivered as soon as practicable and subject to the agreement of the County and the Purchaser. The temporary Bonds may be printed or typewritten, shall be of any denominations and may be numbered in any manner as may be determined by the County, and may contain reference to any of the provisions of the Ordinance as may be appropriate. Every temporary Bond shall be executed by the County upon the same conditions and in substantially the same manner as the definitive Bonds. If the County issues temporary Bonds, it will execute and furnish definitive Bonds without delay, and thereupon the temporary Bonds shall be surrendered for cancellation at the office of the Clerk or the Trustee, as applicable, and the Trustee or the Clerk shall deliver and exchange for the temporary Bonds an equal, aggregate principal amount of definitive Bonds having the same aggregate principal amount and in authorized denominations of the same Series, maturity or maturities, and interest rate or rates. Until exchanged, the temporary Bonds shall be entitled to the same benefits under the Ordinance as definitive Bonds under the Ordinance.

Section 4.10 **Registrars.** In the Series Ordinance authorizing the issuance of any Series of Bonds, the Clerk may be appointed to serve as Registrar in lieu of the Trustee. In such case, the Clerk as Registrar for such Series shall be authorized to perform the duties and responsibilities of the Trustee set forth in **Sections 4.02, 4.03, 4.04, and 4.07** hereof with respect to the authentication, registration and exchange of Bonds of that Series, the same as is the Trustee pursuant to those Sections. The Clerk in such case shall be required to furnish to the Trustee the names and addresses of the transferors and transferees of any Bonds registered, transferred, or exchanged by it, and the numbers and other identifying symbols of any Bonds cancelled or exchanged by it, and shall comply with all reasonable instructions with respect to the performance of its duties and responsibilities that the Trustee shall give to it.

ARTICLE V REDEMPTION OF BONDS BEFORE MATURITY

Section 5.01 Redemption of Bonds. The Bonds of a Series shall be subject to redemption prior to their stated maturities upon the terms and conditions and at the dates and redemption price or prices or premium or premiums as shall be set forth or provided for in the Series Ordinance pursuant to which that Series is issued, and upon the further terms and condition as are hereinafter set forth.

Section 5.02 Selection of Bonds for Redemption. In the event of the redemption at any time of only part of the Bonds of a Series, the Bonds to be redeemed shall be redeemed in the order as is set forth or provided for in the Series Ordinance providing for the issuance of that Series. Unless otherwise provided by Series Ordinance, if less than all of the Bonds having the same maturity of any Series shall be called for prior redemption, the particular Bonds or portions of Bonds to be redeemed shall be selected as provided in the Series Ordinance; provided, however, that the portion of any Bond of a denomination of more than \$5,000 to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof, and that, in selecting portions of Bonds for redemption, the County or the Trustee, as applicable, shall treat each Bond as representing that number of Bonds of \$5,000 denomination which is obtained by dividing the principal amount of the Bond by \$5,000.

Section 5.03 Notice of Redemption. Unless or except as is otherwise provided in the Series Ordinance authorizing the issuance of the Bonds, the provisions of this **Section 5.03** apply to each Series of Bonds. In the event any of the Bonds or portions thereof are called for redemption, the Clerk or the Trustee, as applicable, shall give notice, in the name of the County, of the redemption of the Bonds to be redeemed, the redemption date, the principal amount of each Bond to be redeemed (if less than all), the redemption price, the place or places where amounts due upon redemption will be payable, and the numbers of the Bonds to be redeemed. The notice shall be given by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days, but not more than sixty (60) days, prior to the date fixed for redemption to the Holder of each Bond or portion thereof to be redeemed at the address shown on the Books of Registry. Failure duly to give notice by mailing, or any defect in the notice, to the Holder of any Bond designated for redemption shall not affect the validity of any proceedings for the redemption of any other Bonds. All Bonds or portions thereof called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption are on deposit with the Trustee or the Clerk on or before such redemption date; and the Bonds shall not be deemed to be Outstanding under the provisions of the Ordinance. If on the date fixed for redemption there is not on deposit with the Trustee or the County funds for redemption, the Trustee or the Clerk, as applicable, shall send a notice to all Holders in the same manner as the notice of redemption canceling such notice of redemption.

If at the time of mailing of the notice of redemption there shall not have been deposited with the Trustee or the County moneys sufficient to redeem all of the Bonds called for redemption, which moneys are or will be available for redemption of Bonds, such notice will state that it is conditional upon the deposit of the redemption moneys with the Trustee or the County not later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

Section 5.04 Partial Redemption of Bond. In the event that only part of the principal sum of a Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of the Bond to the Trustee or the Clerk, as applicable. Upon surrender of the Bond, the County shall execute and the Trustee or the Clerk shall authenticate and deliver to the Holder thereof, at the office of the Trustee or the Clerk, as applicable, or send to the Holder by registered mail at

his request, risk, and expense, a new fully executed Bond or Bonds, of authorized principal sums equal in aggregate principal amount to, and of the same Series, maturity, and interest rate as, the unredeemed portion of the Bond surrendered.

Section 5.05 **Effect of Redemption.** If a Bond is subject by its terms to prior redemption and has been duly called for redemption and notice of the redemption thereof has been duly given as hereinbefore provided and if moneys for the payment of the Bond (or of the principal amount thereof to be redeemed) at the then applicable redemption price or together with the then applicable premium, if any, and the interest to accrue to the redemption date on the Bond (or the principal amount thereof to be redeemed) are held on or before the date fixed for redemption for the purpose of payment by the Trustee or other paying agent or the County for the Series of Bonds of which that Bond is one, then on the redemption date designated in the notice, the Bond (or the principal amount thereof to be redeemed) called for redemption shall become due and payable and interest on the Bond (or the principal amount thereof to be redeemed) called for redemption shall cease to accrue.

Section 5.06 **Cancellation.** All Bonds which have been redeemed shall be cancelled and either maintained or destroyed by the County or the Trustee, as applicable, and shall not be reissued. A counterpart of the certificate of destruction evidencing the destruction shall be furnished by the Trustee to the County upon the request of the County.

Section 5.07 **Purchase of Bonds.** The Trustee shall, if and to the extent practicable, endeavor to purchase Bonds or portions of Bonds at the written direction of the County at the time, in the manner, and at the price as may be specified by the County but in no event greater than the call price first to become available or then prevailing. The Trustee may so purchase Bonds with any moneys then held by the Trustee and available for the redemption or purchase of Bonds; provided that any limitations or restrictions on redemption or purchases contained in the Ordinance shall be complied with. The expenses of purchase shall be deemed an expense of the Trustee under **Section 7.03** hereof. The Trustee shall incur no liability for any purchase made in accordance with this **Section 5.07** or for its inability to purchase Bonds in excess of the redemption price thereof.

ARTICLE VI
ESTABLISHMENT OF FUNDS; PAYMENTS THEREFROM;
INVESTMENT OF MONEYS; SECURITY FOR THE BONDS

Section 6.01 Listing of Funds and Accounts. The following are the funds and accounts established by the Ordinance:

- (a) the Hospitality Fee Revenue Fund;
- (b) the Debt Service Fund, including an Interest Account, a Principal Account, and a Bond Redemption Account;
- (c) the Debt Service Reserve Fund; and
- (d) the Tourism Facilities Capital, Operation and Maintenance Fund;

As long as the Purchaser of the initial Series of Bonds is the sole Holder of all Outstanding Bonds and no Trustee has been appointed by the County pursuant to **Section 7.01** hereof, all funds and accounts established by this Ordinance will be held by the County.

One or more accounts may be established within any of the above funds as are reasonably necessary. It is intended by the Ordinance that the funds referred to in this **Article VI** (other than the Construction Fund) shall remain in existence for so long a time as any sum remains due and payable by way of principal of and interest on the Bonds, and that deposits and withdrawals therefrom be made in the manner herein prescribed and in the order of priority hereinafter set forth in this **Article VI**. The initial implementation of this **Article VI** may, at the option of the County, be postponed until the occasion of initial issuance of Bonds pursuant to the Ordinance. Upon the issuance of any Junior Bonds, the Trustee shall then establish pursuant to the Junior Bond Ordinance a Junior Bond Debt Service Fund. Any debt service due on Junior Bonds shall be paid after all deposits with respect to Bonds have been made into the funds described in (a) through (d) above.

Section 6.02 Hospitality Fee Revenue Fund; Pledge of Hospitality Fee Revenues.

(a) There is hereby established a Hospitality Fee Revenue Fund to be maintained by the County or a Custodian appointed by the County pursuant to **Section 7.12** hereof and into which shall be deposited all Hospitality Fee Revenues as received by the County. Moneys in the Hospitality Fee Revenue Fund shall be withdrawn, and allocation and use therefrom shall be made at the direction of the County but only in the manner specified in this **Article VI** and in the order of priority according to items (b), (c) and (d) of **Section 6.01** hereof. Upon satisfaction on a Fiscal Year basis of all requirements for payments into the Debt Service Fund, the Debt Service Reserve Fund, the Tourism Facilities Capital, Operation and Maintenance Fund, and the Junior Bond Debt Service Fund, all moneys remaining in the Hospitality Fee Revenue Fund shall be transferred by the County, or by the Custodian, if such has been appointed, out of the Hospitality Fee Revenue Fund and into such account as directed by the County Administrator no later than 30 days following the last day of the Fiscal Year and used by the County for any lawful purpose.

(b) The Bonds shall be payable solely from and secured by a lien upon the Hospitality Fee Revenues in the manner provided herein, and the Hospitality Fee Revenues herein made applicable thereto are hereby irrevocably pledged to the payment of the Bonds, and to the payments into the various

funds herein provided for, to the extent and in the manner provided for by the Ordinance. The Bonds shall be equally and ratably secured hereunder by the Hospitality Fee Revenues without priority by reason of Series, number, date of enactment of Series Ordinance providing for the issuance thereof, the purposes or Projects for which the Bonds are issued, the date, date of sale, execution, issuance or delivery of the Bonds, or otherwise, and without regard to which section hereof the Bonds are issued under, except as hereinafter otherwise expressly provided. The pledge and lien securing the Bonds shall constitute a prior and paramount charge and lien on the Hospitality Fee Revenues, subject only to the provisions of the Ordinance restricting or permitting the application thereof for the purposes and on the terms and conditions set forth in the Ordinance. The Hospitality Fee Revenues shall immediately be subject to such lien and pledge without any physical delivery thereafter or further act, and such lien and pledge shall be valid and binding against all parties having claims of any kind, in tort, contract, or otherwise, against the County, whether or not the parties have notice thereof.

(c) The covenants and agreements herein set forth to be performed by the County shall be for the equal and proportionate benefit, security, and protection of all Holders of the Bonds without preference, priority, or distinction as to payment or security or otherwise (except as to maturity) of any of the Bonds or any of the others for any reason or cause whatsoever, except as expressly provided herein or in the Bonds, and, except as aforesaid and with respect to Junior Bonds, all Bonds shall rank *pari passu* and shall be secured equally and ratably hereunder without discrimination or preference whatsoever.

Section 6.03 Debt Service Fund.

(a) There is hereby established a Debt Service Fund to be maintained by the County or, if a Trustee has been appointed, in trust by the Trustee, and within the Debt Service Fund there is hereby established a separate Interest Account, Principal Account, and Bond Redemption Account. This fund is intended to provide for the payment of the principal of, premium, if any, and interest on the Bonds as they respectively fall due. Payments into this fund shall be made in the manner prescribed by the Ordinance and all moneys in the Debt Service Fund shall be used solely to pay the principal of, redemption premium, if any, and interest on the Bonds, and for no other purpose; and withdrawals therefrom shall be made only to effect payment of the principal of, redemption premium, if any, and interest on the Bonds. Earnings on investments of the Debt Service Fund shall become a part of the Debt Service Fund or at the written direction of the Authorized Representative and with an approving opinion of Bond Counsel be used for any lawful purpose related to the Project; provided, however, that by Series Ordinance the County may provide that earnings on moneys in the Debt Service Fund representing capitalized interest on any Series of Bonds may, during the construction period of any Project financed by that Series of Bonds, be transferred to the Construction Fund established for that Series of Bonds.

(b) Each month there shall be transferred (by the Custodian, if appointed) from the Hospitality Fee Revenue Fund (to the Trustee, if appointed) for deposit into the Debt Service Fund sufficient moneys so as to comply with the following provisions for the payment of the Principal and Interest Requirements on the Bonds then Outstanding:

(i) On or before the fifteenth day of each month (provided, that payments with respect to interest on Bonds of a Series need not begin until the month following the month in which the Series is issued and delivered) into the Interest Account of the Debt Service Fund, that amount which, together with equal, successive, monthly deposits in the same amount, will, together with any other funds on deposit from whatever source in the Interest Account of the Debt Service Fund which will be applied to the next interest payment, provide sufficient funds to pay the aggregate amount of interest to become due on the Bonds on the next interest payment date. If any Bonds are issued with provision that the interest rate thereon is subject to adjustment from time to time, the County shall provide in the Series Ordinance pursuant to which the Bonds are

issued for any further and additional or alternate credits to the Interest Account as are necessary to provide for the payment of interest thereon when due, taking into account any other funds as will be available for that payment. In making the transfers required by this paragraph, any amounts credited to the Interest Account representing accrued interest received on the sale of Bonds, interest accruing during the month in which the credit is made from capitalized proceeds of Bonds, and any other transfers and credits otherwise made or required to be made to the Interest Account shall be taken into consideration and allowed for.

(ii) On or before the fifteenth day of the month which precedes the first principal payment date on any Serial Bond by twelve (12) months, or if the first installment of principal of Serial Bonds of that Series shall become due in less than twelve (12) months from the date on which the Series is issued and delivered to the Purchaser thereof, then on or before the fifteenth day of the month immediately succeeding the month in which the Bonds of that Series are issued and delivered, and in any event prior to the date upon which the installment of principal falls due, and on or before the fifteenth day of each succeeding month thereafter, into the Principal Account of the Debt Service Fund, that amount which, together with equal, successive, monthly deposits in the same amount, will, together with any other funds on deposit from whatever source in the Principal Account of the Debt Service Fund which will be applied to the payment of principal next to become due, provide sufficient funds to pay the aggregate amount of the principal of Serial Bonds to become due on the next principal payment date.

(iii) On or before the fifteenth day of the twelfth (12th) month prior to the date upon which a mandatory redemption of Term Bonds of a Series falls due, or if the first mandatory redemption requirement on Term Bonds of that Series shall fall due in less than twelve (12) months from the date on which that Series is issued and delivered to the Purchaser thereof, then on or before the fifteenth day of the month immediately succeeding the month in which the Bonds of that Series are issued and delivered, and in any event prior to the date upon which any mandatory redemption requirement falls due, and on or before the fifteenth day of each succeeding month thereafter, an amount such that, if the same amount were credited to the Bond Redemption Account on the fifteenth day of each month thereafter and prior to the next date upon which a mandatory redemption requirement falls due on the Term Bonds of that Series, the aggregate of the amount so credited to the Bond Redemption Account for the purpose of redeeming the Term Bonds of that Series would on the latter date be equal to the amount (excluding accrued interest) required to redeem the principal amount of those Term Bonds required by the sinking fund installment then falling due on the Term Bonds of that Series.

At any time before Bonds of a Series subject to redemption from amounts deposited pursuant to this paragraph have been selected for redemption, or after the redemption date thereof, the County may, in lieu of making all or any portion of a payment with respect to that Series of Bonds required by this paragraph, deliver to the Clerk or the Trustee, if a Trustee has been appointed, for cancellation Bonds of that Series subject to redemption from amounts so paid, in which event the payments required by this paragraph shall be reduced by the applicable redemption price of the Bonds delivered for cancellation.

The Trustee or the Finance Director, as applicable, shall apply the moneys credited to the Bond Redemption Account to the retirement of the Term Bonds of each Series by redemption in accordance with the Series Ordinance providing for the issuance of that Series of Bonds, without further authorization or direction, on each mandatory redemption date with respect to the Term Bonds of that Series or, if directed in writing by the Authorized Representative, semiannually on both the redemption date and the date six (6) months prior to the redemption date, so that the aggregate amount applied will equal the amounts required to be credited to the Bond Redemption

Account as mandatory redemption requirements for the Term Bonds of that Series on the mandatory redemption date by the Series Ordinance providing for the issuance thereof; provided, however, that if the last mandatory redemption requirement for the Term Bonds becomes due on the stated maturity date thereof, the amount of the mandatory redemption requirement may be applied to the payment thereof at maturity.

The Trustee shall, if so directed in writing by the County, or the County, if no Trustee has been appointed, shall apply the moneys credited to the Bond Redemption Account for the retirement of the Term Bonds of a Series to the purchase of Bonds of such Series at a purchase price (including accrued interest and any brokerage or other charge) not to exceed the redemption price then applicable upon the mandatory redemption of those Bonds, plus accrued interest, in which event the principal amount of the Bonds required to be redeemed on the next ensuing mandatory redemption date shall be reduced by the principal amount of the Bonds purchased; provided, however, that no Bonds of the Series shall be purchased during the interval between the date on which notice of mandatory redemption of the Bonds is given and the mandatory redemption date set forth in the notice, unless the Bonds so purchased are Bonds called for redemption in the notice or are purchased from moneys other than those credited to the Bond Redemption Account.

The Trustee or the Finance Director, as applicable, shall keep and retain accurate records of application of each deposit of funds under this paragraph. The County or the Trustee, in the name and on behalf of the County, shall give notice of all redemptions in accordance with the provisions of **Article V** hereof. The accrued interest to be paid on the purchase or redemption of Bonds shall be paid from the Interest Account. All Bonds purchased or redeemed pursuant to this paragraph shall be cancelled and not reissued.

(iv) If, on any occasion when the payments required by paragraphs (i), (ii), and (iii), *supra*, are to be made, the sum total of the payments required by paragraphs (i), (ii), and (iii), *supra*, plus previous monthly payments and the remaining payments to be made prior to the next succeeding interest or principal and interest payment date, will not provide, together with any other funds in the Debt Service Fund to be applied to the payment of principal and interest, sufficient funds to meet the payment of the next succeeding installment of either principal (whether due at stated maturity or by mandatory redemption) or interest, or both, as the case may be, there shall be added to the payments to be made pursuant to paragraphs (i), (ii), and (iii), *supra*, with respect to any Series of Bonds, from the Hospitality Fee Revenue Fund and the account, if any, in the Debt Service Reserve Fund established with respect to that Series of Bonds, in that order, a sum equal to the deficiency; the effect of this subparagraph (iv) being to ensure that moneys in the Debt Service Fund and the Hospitality Fee Revenue Fund be applied equally and ratably to the payment of Bonds, without priority between Series, but that the moneys, if any, in the Debt Service Reserve Fund account established with respect to any Series of Bonds be applied solely to the payment of debt service on the Bonds of that Series.

(c) If at any time the amounts held in the funds established under this **Article VI** are sufficient to pay principal of, premium, if any, and interest on the Bonds then Outstanding to maturity or prior redemption, together with any amounts due the Trustee, the Trustee shall notify the County, and thereafter the Trustee or the County, if no Trustee has been appointed, shall apply the amounts in the funds to the payment of the principal of, premium, if any, and interest on the Bonds and any amounts due the Trustee and shall be required to pay over any excess moneys to the County.

Section 6.04 Debt Service Reserve Fund.

(a) There is hereby established a Debt Service Reserve Fund to be maintained by the County or, if a Trustee has been appointed, in trust by the Trustee. The Series Ordinance providing for the issuance of each Series of Bonds may provide for the establishment of a separate account, if any, within the Debt Service Reserve Fund with respect to the applicable Series of Bonds, and, if so established, shall specify the applicable Debt Service Reserve Fund Requirement with respect to that Series of Bonds. The Debt Service Reserve Fund account established with respect to any Series of Bonds is intended to ensure the timely payment of the principal of and interest on the Bonds of that Series and to provide for the redemption of Bonds of that Series at or prior to their stated maturities. Moneys in the Debt Service Reserve Fund account established with respect to any Series of Bonds shall be used for the following purposes, and the Trustee is authorized to use such moneys for the following purposes, and for no other:

(i) To prevent a Default in the payment of the principal of or interest on the Bonds of that Series, by reason of the fact that moneys in the Debt Service Fund are insufficient for those purposes.

(ii) To pay the principal of, interest on, and redemption premium, if any, of the Bonds of that Series in the event that all Outstanding Bonds of that Series be redeemed as a whole.

(iii) To effect partial redemption of the Bonds of that Series, provided that the redemption be undertaken in accordance with the provisions of the Ordinance permitting a partial redemption of Bonds and the balance remaining in the Debt Service Reserve Fund account following the partial redemption shall not be less than the Debt Service Reserve Fund Requirement, if any, with respect to the Bonds of that Series Outstanding following the partial redemption.

(iv) To effect the retirement of Bonds of that Series through purchase under the conditions herein prescribed.

(b) Whenever the market value of the cash and securities in the Debt Service Reserve Fund account established with respect to any Series of Bonds as determined by the Trustee or the County, if no Trustee has been appointed, in accordance with Section 6.14 hereof shall exceed the Debt Service Reserve Fund Requirement, if any, with respect to that Series of Bonds, the excess may be used at the written direction of the Authorized Representative (i) to repurchase and retire Bonds of that Series at prices not exceeding the call price first to become available or then prevailing; (ii) subject to the provisions of paragraph (h) of this Section 6.04, transferred to the Debt Service Fund to be applied to the payment of debt service on that Series of Bonds; or (iii) with an approving opinion of Bond Counsel, transferred to the County and applied for any lawful purpose. Purchases of Bonds shall be effected by the County or if a Trustee has been appointed through the Trustee. Whenever Bonds shall have been purchased pursuant to this authorization, it shall be the duty of the Trustee to cancel and destroy those Bonds and to deliver certificates evidencing that act to the County.

(c) Other than as provided in paragraphs (b), (e), (g) and (h) of this Section 6.04, withdrawals from the Debt Service Reserve Fund shall be made only to make available to the Trustee or if no Trustee has been appointed to be applied by the County, to effect payment of principal and interest and premium, if any, on the Bonds in accordance with this Section 6.04. Withdrawals shall be made not less than one (1) day nor more than five (5) days prior to the occasion when installments of principal and interest and premium, if any, become due or the applicable redemption or Bond purchase date, as applicable.

(d) Whenever the value of cash and securities (or the equivalent security permitted by Series Ordinance) in the Debt Service Reserve Fund account established with respect to any Series of Bonds as determined by the Trustee or the County, if no Trustee has been appointed, in accordance with **Section 6.14** hereof shall be less than the Debt Service Reserve Fund Requirement, if any, with respect to that Series of Bonds due to decline in market value or a withdrawal pursuant to **Section 6.04(a)(i)**, there shall be deposited, from the Hospitality Fee Revenue Fund after the payments required under **Section 6.03** have been made into the Debt Service Fund on or before the fifteenth day of each month into the Debt Service Reserve Fund account in an amount which, together with equal, successive, monthly deposits in the same amount, will provide cash and securities in the Debt Service Reserve Fund account of a value not less than the Debt Service Reserve Fund Requirement with respect to that Series within twelve (12) months next succeeding the determination.

(e) In lieu of the deposit of moneys into the Debt Service Reserve Fund account established with respect to any Series of Bonds to meet the Debt Service Reserve Fund Requirement with respect to that Series, the County may cause to be credited a surety bond or an insurance policy payable to, or a letter of credit in favor of, the Trustee or the County or other party acceptable to the Purchaser if no Trustee has been appointed, for the benefit of the Holders of the Bonds meeting the standard set forth in the Series Ordinance authorizing that Series of Bonds. The amount of moneys required to be deposited to the Debt Service Reserve Fund account shall be reduced by the amount of the surety bond, insurance policy, or letter of credit. The surety bond, insurance policy, or letter of credit shall be payable (upon the giving of notice as required thereunder) on any interest payment date on which moneys will be required to be withdrawn from the Debt Service Reserve Fund account and applied to the payment of the principal of or interest on any Bonds of that Series but only to the extent that withdrawals cannot be made by amounts then credited to the Debt Service Reserve Fund account.

(f) If the issuer of a surety bond, insurance policy, or letter of credit on deposit in the Debt Service Reserve Fund shall fail to meet the standard set forth with respect thereto in the Series Ordinance, the County shall use reasonable efforts to replace the surety bond, insurance policy, or letter of credit with one issued by an issuer having a rating as described, but shall not be obligated to pay, or commit to pay, increased fees, expenses, or interest in connection with the replacement or to deposit Hospitality Fee Revenues in the Debt Service Reserve Fund in lieu of replacing the surety bond, insurance policy, or letter of credit with another, except as may be provided in such Series Ordinance.

(g) If the County obtains a surety bond, insurance policy, or letter of credit after the deposit of moneys to the Debt Service Reserve Fund account established with respect to any Series of Bonds, excess moneys shall be transferred to the Construction Fund established for that Series of Bonds, or if one does not exist, to the Debt Service Fund and applied to pay debt service on that Series of Bonds; provided that, if, in an opinion of Bond Counsel addressed to the Trustee, the excess moneys do not constitute "proceeds" within the meaning of Section 148(d) of the Code, they shall be transferred to the County for use by the County in any lawful purposes.

(h) Earnings on investment of moneys held in the Debt Service Reserve Fund account established with respect to any Series of Bonds, shall be credited to and become a part of such Debt Service Reserve Fund account.

Section 6.05 Tourism Facilities Capital, Operation and Maintenance Fund.

(a) There is hereby established the Tourism Facilities Capital, Operation and Maintenance Fund. Such fund shall be held and maintained by the County so long as any Bond remains Outstanding. The Tourism Facilities Capital, Operation and Maintenance Fund is intended to provide a source of funds for the operation and maintenance of tourism-related facilities within the County. Monies in the Tourism

Facilities Capital, Operation and Maintenance Fund may be expended only in accordance with Section 6-1-730(A) and Section 6-1-730(B) of the Code of Laws of South Carolina, 1976, as amended. The County shall in each annual budget provide for deposits to the Tourism Facilities Capital, Operation and Maintenance Fund, provided, however, that the County shall not budget for deposit to such fund Hospitality Fees in an amount which is greater than (i) 100% of the Hospitality Revenues deposited in the Hospitality Revenue Fund in the then-ending Fiscal Year minus (ii) that amount which is equal to 120% of all principal of and interest on Bonds and Junior Bonds which shall be due in the Fiscal Year to which such budget is applicable and (iii) the amount, if any, which must be deposited in the Debt Service Reserve Fund pursuant to **Section 6.04(d)** in the Fiscal Year to which such budget is applicable.

(b) In each month, but following the making of such monthly deposits as are required by **Sections 6.03(b)** and **6.04(d)** of this Ordinance, the County may deposit Hospitality Fee Revenues into the Tourism Facilities Capital, Operation and Maintenance Fund. The amount so deposited each month shall not exceed 1/12 of the amount budgeted for such Fund for the then-current Fiscal Year.

(c) The Finance Director shall keep and retain accurate records of the amount and application of each deposit of funds under this **Section 6.05**.

Section 6.06 Establishment of Construction Fund. There shall be created by each Series Ordinance (unless the sole purpose of the Bonds issued thereunder is to refund other obligations as further provided in **Section 3.04** herein) and established with the County, or, at the option of the County, the Trustee, a Construction Fund, the moneys in which shall be used to defray the Costs of the Project and Costs of Issuance with respect to the Projects financed.

Section 6.07 Deposits into Construction Fund. On the occasion of the delivery of any Series of Bonds, other than refunding Bonds, such proceeds, as specified in a Series Ordinance, shall be paid into the Construction Fund established for that Series as set forth in a Series Ordinance authorizing their issue.

Section 6.08 Withdrawals from Construction Fund. Withdrawals from the Construction Fund shall not be made except as provided in the Series Ordinance establishing the Construction Fund.

Section 6.09 Transfer of Surplus Construction Fund Moneys. All funds remaining in any Construction Fund established under a Series Ordinance upon completion of the Projects intended to be financed thereby shall be transferred to the Interest Account, Principal Account or Bond Redemption Account of the Debt Service Fund as directed in writing by the Authorized Representative and shall be used only to pay the principal of, premium, if any, and interest on the Bonds or Junior Bonds of the Series issued under the terms of the Series Ordinance or to acquire Outstanding Bonds of that Series at a price (exclusive of accrued interest) not exceeding the face amount thereof, or other lawful purpose.

Section 6.10 Investment of Funds.

(a) Any moneys held as part of any fund or account created under the Ordinance shall, at the written direction of and as specified by the Authorized Representative, be invested and reinvested by the Trustee or the Custodian of the fund, as the case may be, in Investment Obligations to the extent practicable. Any investments shall be held by or under the control of the Trustee or the Custodian of the fund, as the case may be, and shall be deemed at all times a part of those funds and the interest accruing thereon and any profit realized from investments shall be credited to the fund, and any loss resulting from investments shall be charged to the fund. The Trustee or the Custodian of the fund, as the case may be, is directed to sell and reduce to cash funds a sufficient amount of investments whenever the cash balance in the fund is insufficient to make any necessary transfers or withdrawals from the fund.

(b) No Investment Obligation in any fund or account may mature beyond the latest maturity date of any Bonds Outstanding at the time the Investment Obligation is deposited.

(c) The Authorized Representative may at any time give to the Trustee or the Custodian of the fund, as the case may be, written directions respecting the investment of any moneys required to be invested hereunder subject however to the provisions of this **Section 6.10** and the Trustee or the Custodian of the fund, as the case may be, shall then invest the money under this **Section 6.10** as so directed by the Authorized Representative. The Trustee or the Custodian of the fund, as the case may be, may request in writing direction or authorization of the Authorized Representative with respect to the proposed investment of money under the provisions of the Ordinance. Upon receipt of any request accompanied by a memorandum setting forth details of any proposed investment, the Authorized Representative will either approve the proposed investment or will give written directions to the Trustee or the Custodian of the fund, as the case may be, respecting the investment of the money and in the case of the directions, the Trustee or the Custodian of the fund, as the case may be, shall then, subject to the provisions of this **Section 6.10**, invest the money in accordance with the directions.

(d) The Authorized Representative may enter into or direct the Trustee to enter into financial product agreements with respect to the Construction Fund, the Debt Service Fund, the Junior Bond Debt Service Fund and the Debt Service Reserve Fund provided the proceeds thereof are used for Project Costs; and provided, such financial product agreements must be in form and content acceptable to the Trustee, if any, in its sole discretion and the Trustee may charge reasonable additional legal fees in connection therewith.

Section 6.11 Trustee's and Custodian's Own Bond Department. Subject to **Section 6.10(a)**, the Trustee and any Custodian may make any and all investments permitted under **Section 6.10** through their respective bond departments.

Section 6.12 Trustee's and Custodian's Right to Rely. The Trustee and any Custodian may conclusively rely upon any investment directions given by the Authorized Representative within the limitations set forth hereinabove received pursuant to this **Article VI** and shall not be liable or responsible for (a) any diminution in the value of any investments made pursuant to this **Article VI** or for any loss arising from any sale or other disposition thereof, (b) any violation of any statute or of any policy or rules or regulations of or applicable to the County or of the Internal Revenue Service with respect to "arbitrage bonds," or (c) any requirement to rebate excess earnings earned on any funds established hereunder as provided under the Code.

Section 6.13 Pooled Investment of Moneys Held in Funds. The moneys in the funds established under the Ordinance may be pooled with each other for investment purposes.

Section 6.14 Valuation.

(a) For the purpose of determining the amount on deposit in any fund or account, Investment Obligations in which money in the fund or account is invested shall be valued at the market value of the obligations.

(b) The County or the Trustee, if a Trustee has been appointed, shall value the Investment Obligations in the funds and accounts held by the County or the Trustee, respectively, established under the Ordinance as of each June 30, within 45 days of that date. If a Trustee has been appointed, the County shall value the Investment Obligations in all other funds and accounts established under the Ordinance as of each June 30, within 45 days of that date. In addition, the Investment Obligations held by the Trustee shall be valued by the Trustee at any time requested by the County on reasonable notice to the Trustee;

provided, however, that the Trustee shall not be required to value the Investment Obligations more than once in any calendar quarter.

(c) For purposes of any valuation hereunder, the value of any surety bond, insurance policy, or letter of credit credited to the Debt Service Reserve Fund shall be the amount available to the Trustee or other beneficiary under the instrument as of the time of the calculation.

Section 6.15 **Tax Covenant.** No investment shall be made by the County of any of the funds set forth above which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code; provided, however, that this **Section 6.15** shall not prohibit the issuance of Bonds which are subject to federal income taxation upon their original issuance.

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ARTICLE VII TRUSTEE AND CUSTODIANS

Section 7.01 Appointment of Trustee, Security of Funds.

So long as the Purchaser of the initial Series of Bonds issued under this Ordinance continues to be the Holder of all Outstanding Bonds issued hereunder, no Trustee is required to be appointed. The County may appoint a Trustee by adoption of a resolution at the request of the Purchaser.

Upon the appointment of a Trustee, the Trustee shall signify its acceptance of the powers, duties, and obligations conferred and imposed upon it by this Ordinance, by executing and delivering to the County a written acceptance thereof.

The Trustee, including any successor Trustee shall, at the time of appointment, be a bank or trust company which is a member of the Federal Reserve System with a capital stock, surplus and undivided profits aggregating in excess of Five Hundred Million Dollars (\$500,000,000).

All moneys received by the Trustee shall, until used or applied or invested as herein provided, be held in trust for the purposes for which they were received but need not be segregated from other funds except to the extent required by law or by the Ordinance. Unless the same be secured as trust funds in the manner provided by the regulations of the Comptroller of the Currency as from time to time in effect, all funds or securities in the custody of the Trustee, in excess of the amount of such deposit insured by the Federal Deposit Insurance Corporation, shall be secured and kept secured by direct obligations of the United States of a market value at least equal to the sum on deposit and not insured as aforesaid by the Federal Deposit Insurance Corporation.

All securities which shall be given to secure any fund as required by the provisions of this Article shall be placed in the custody of a duly chartered bank, other than the Trustee, which is a member of the Federal Deposit Insurance Corporation. Such other bank shall have a capital stock, surplus and undivided profits aggregating in excess of \$100,000,000.

Section 7.02 Duties and Obligations of the Trustee. Prior to the occurrence of any Event of Default and after the curing of all such Events of Default that may have occurred, the Trustee shall perform such duties and only such duties of the Trustee as are specifically set forth in this Ordinance and no implied covenants or obligations shall be read into this Ordinance against the Trustee. The duties and obligations of the Trustee are further subject to the following terms and conditions:

(a) The Trustee may execute any of the trusts or powers hereof and perform any of its duties by or through attorneys, agents, receivers, or employees, and shall be entitled to advice of counsel concerning all matters of trusts hereof and the duties hereunder, and may in all cases pay reasonable compensation to all attorneys, agents, receivers, and employees as may be reasonably employed in connection with the trusts hereof. The Trustee shall not be responsible for any misconduct or negligence of any agent or attorney appointed with due care by the Trustee. The Trustee may act upon the opinion or advice of any attorney (who may be the attorney or attorneys for the County) except that with respect to matters involving the exemption from federal income taxes of the interest on the Bonds, any attorneys shall be Bond Counsel. The Trustee shall not be responsible for any loss or damage resulting from any action or non action in good faith in reliance upon the opinion or advice.

(b) The recitals of fact made in this Ordinance and in the Bonds shall be taken as statements of the County, and the Trustee shall not be deemed to have made any representation as to the correctness

of the same, nor shall the Trustee be deemed to have made any representation whatsoever as to the validity or sufficiency of this Ordinance or of the Bonds issued hereunder except with respect to the authentication of any Bonds. Nor shall the Trustee be under responsibility or duty with respect to the issuance of said Bonds, or the application of the proceeds thereof, except to the extent provided for herein. Nor shall the Trustee be liable in connection with the performance of its duties hereunder, except for its own negligence or default.

(c) The Trustee may become the owner of Bonds, secured hereby with the same rights which it would have were it not Trustee. The Trustee may also engage in or be interested in any financial or other transaction with the County.

(d) The Trustee shall be protected in acting under the Ordinance upon any notice, request, consent, certificate, order, affidavit, letter, telegram, or other paper or document believed by it to be genuine and correct and to have been signed or sent by the proper person or persons. Any action taken by the Trustee pursuant to the Ordinance upon the request or authority or consent of any person who at the time of making the request or giving the authority or consent is the Holder of any Bond, shall be conclusive and binding upon all future Holders of the same Bond and of Bonds issued in exchange therefor or in place thereof, regardless of whether or not any notation of making the request or giving the authority or consent is made on the Bond.

(e) As to the existence or non-existence of any act or as to the sufficiency or validity of any instrument, paper or proceeding, the Trustee shall be entitled to rely upon a certificate signed on behalf of the County by the Authorized Representative as sufficient evidence of the facts therein contained and prior to the occurrence of a Default of which the Trustee has been notified as provided in subsection (f) of this **Section 7.02**, or of which by that subsection it is deemed to have notice, may also accept a similar certificate to the effect that any particular dealing, transaction, or action is necessary or expedient, but may, at its discretion, obtain any further evidence deemed necessary or advisable, but shall in no case be bound to obtain it. The Trustee may accept a certificate of the Clerk under the seal of the County to the effect that an ordinance in the form therein set forth has been enacted by the Council as conclusive evidence that the ordinance has been duly enacted and is in full force and effect.

(f) The Trustee shall not be required to take notice or be deemed to have notice of any Default hereunder except failure by the County to cause to be made any of the payments to the Trustee required to be made by **Article VI** hereof, unless the Trustee shall be specifically notified in writing of the Default by the County, or by the Holders of at least twenty five percent (25%) in aggregate principal amount of all Bonds then Outstanding and all notices or other instruments required by the Ordinance to be delivered to the Trustee, must, in order to be effective, be delivered at the principal corporate trust office of the Trustee or at any other address as set forth in a Series Ordinance, and in the absence of notice delivered, the Trustee may conclusively assume there is no Default except as aforesaid.

(g) The Trustee shall not be required to give any bond or surety in respect to the execution of the trusts and powers or otherwise in respect of the premises.

(h) Before taking any action hereunder (with the exception of any required acceleration of Bonds pursuant to **Section 10.02** hereof and any notice required to be given pursuant to **Section 7.04** hereof), the Trustee may require that a satisfactory indemnity bond be furnished for the reimbursement of all expenses to which it may be put and to protect it against all liability, except liability which is adjudicated to have resulted from its negligence or willful default by reason of any action so taken.

(i) The Trustee is not liable with respect to any action taken or omitted to be taken by it in good faith in accordance with the direction of the Bondholders under any provision of this Ordinance

relating to the time, method and place of conducting any proceeding for any remedy available to the Trustee or exercising any trust or power conferred upon the Trustee under this Ordinance.

(j) Whenever in the administration of this Ordinance the Trustee deems it desirable that a matter be proved or established prior to taking, suffering or omitting any action hereunder, the Trustee (unless other evidence thereof is specifically prescribed) may, in the absence of bad faith on its part, rely upon a certificate of an Authorized Representative.

(k) The Trustee's immunities and protections from liability and its right to indemnification in connection with the performance of its duties under this Ordinance shall extend to the Trustee's officers, directors, agents, attorneys and employees. Such immunities and protections and right to indemnification, together with the Trustee's right to compensation, shall survive the Trustee's resignation or removal, the discharge of this Ordinance and final payment of the Bonds.

Section 7.03 Fees, Charges, and Expenses of Trustee. The Trustee shall be entitled to payment or reimbursement for reasonable fees for its services rendered hereunder, and all advances, counsel fees, and other expenses reasonably and necessarily made or incurred by the Trustee in connection with its services and, in the event that it should become necessary that the Trustee perform extraordinary services, it shall be entitled to reasonable extra compensation therefor, and to reimbursement for reasonable and necessary extraordinary expenses in connection therewith; provided, that if extraordinary services or extraordinary expenses are occasioned by the willful neglect or default of the Trustee, it shall not be entitled to compensation or reimbursement therefor.

Section 7.04 Notice to Bondholders if Default Occurs. If a Default occurs of which the Trustee is by **Section 7.02(f)** hereof required to take notice or if notice of Default be given as in **Section 7.02(f)** provided, then the Trustee shall give such notice to the County and the Trustee may give written notice thereof by first class mail to the last known Holders of all Bonds then Outstanding shown by the Books of Registry.

Section 7.05 Merger or Consolidation of Trustee. Any corporation or association into which the Trustee may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any conversion, sale, merger, consolidation, or transfer to which it is a party, *ipso facto*, subject to the approval of the County, shall be and become successor Trustee hereunder and vested with all powers, discretions, immunities, privileges, and all other matters as was its predecessor, without the execution or filing of any instruments or any further act, deed, or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

Section 7.06 Resignation by the Trustee. The Trustee and any successor Trustee may at any time resign from the trusts hereby created by giving ninety (90) days written notice to the County, and by first class mail to each Holder of Bonds then Outstanding shown by the Books of Registry, and the resignation shall take effect upon the appointment of a successor Trustee or successor temporary Trustee by the Bondholders or by the County. The notice to the County may be served personally or sent by registered or certified mail.

Section 7.07 Removal of the Trustee. The Trustee may be removed at any time after thirty (30) days' notice either (a) by an instrument or concurrent instruments in writing delivered to the Trustee and to the County and signed by the Holders of a majority in aggregate principal amount of all Bonds then Outstanding, or (b) unless a Default has occurred and is continuing, by written direction of the Authorized Representative of the County delivered to the Trustee.

Section 7.08 Appointment of Successor Trustee by the County or the Bondholders. In case the Trustee hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor may be appointed (a) by the County so long as the Bonds are not in Default, or (b) by the Holders of a majority in aggregate principal amount of Bonds then Outstanding, by an instrument or concurrent instruments in writing signed by the Holders, or by their attorneys in fact, duly authorized. Every Trustee appointed pursuant to the provisions of this **Section 7.08** must meet all the requirements of **Section 7.01** hereof.

Section 7.09 Concerning Any Successor Trustee.

(a) Upon acceptance of appointment by the successor Trustee as provided in this **Section 7.09**, the County shall give notice of the succession of the Trustee to the trusts hereunder by first class mail to the Holders at the addresses shown on the Books of Registry. Each Trustee appointed hereunder shall signify its acceptance of the duties and obligations imposed upon it by the Ordinance as Trustee by executing and delivering to the County a written acceptance of its duties and obligations.

(b) Every successor Trustee appointed hereunder shall execute, acknowledge, and deliver to its predecessor and also to the County an instrument in writing accepting appointment hereunder, and thereupon the successor, without any further act, deed, or conveyance, shall become fully vested with all the estates, properties, rights, powers, trusts, duties, and obligations of its predecessor; but the predecessor shall, nevertheless, on the written request of the County, or of its successor, and upon payment of all amounts due the predecessor pursuant to **Section 7.03** hereof, execute and deliver an instrument transferring to the successor Trustee all the estates, properties, rights, powers, and trusts of the predecessor hereunder; and every predecessor Trustee shall deliver all securities and moneys held by it as Trustee hereunder to its successor. Should any instrument in writing from the County be required by any successor Trustee for more fully and certainly vesting in the successor the estate, rights, powers, and duties hereby vested or intended to be vested in the predecessor, any instruments in writing, shall, on request, be executed, acknowledged, and delivered by the County. The resignation of any Trustee and the instrument or instruments removing any Trustee and appointing a successor hereunder, together with all other instruments provided for in this **Article VII**, shall be filed or recorded by the successor Trustee in each recording office where the Ordinance shall have been filed or recorded.

Section 7.10 Trustee Protected in Relving upon Ordinances, Etc. The ordinances, resolutions, opinions, certificates, and other instruments provided for in the Ordinance may be accepted by the Trustee as conclusive evidence of the acts and conclusions stated therein and shall be full warrant, protection, and authority to the Trustee for the release of property, the withdrawal of cash, and the taking or refusing to take any other action hereunder.

Section 7.11 Successor Trustee as Trustee of Funds, Paying Agent, and Bond Registrar. In the event of a change in the office of Trustee, the predecessor Trustee which has resigned or has been removed shall cease to be trustee of the fund of which it is trustee, and paying agent for principal of and interest and premium, if any, on the Bonds and bond registrar, and the successor Trustee shall become such trustee, paying agent, and registrar, as the case may be.

Section 7.12 Appointment of Custodians. The Council may appoint a bank, trust company, national banking association, or national association as Custodian of the Hospitality Fee Revenue Fund, if any, and the Custodian shall signify its acceptance of the powers, duties, and obligations conferred and imposed upon it by the Ordinance by executing and delivering to the County a written acceptance thereof.

Section 7.13 Duties and Obligations of Custodians. The recitals of fact made in the Ordinance and in the Bonds shall be taken as statements of the County, and no Custodian shall be deemed to have made any representation as to their correctness, nor shall any Custodian be deemed to have made any representation whatsoever as to the validity or sufficiency of the Ordinance or of the Bonds issued hereunder, nor shall any Custodian be under any responsibility or duty with respect to the issuance of the Bonds or the application of the proceeds thereof, except to the extent provided for herein, nor shall any Custodian be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in response to the Ordinance, or the Bonds issued hereunder, or to advance any of its own moneys, unless properly indemnified to its satisfaction, nor shall any Custodian be liable in connection with the performance of its duties hereunder, except for its own negligence or willful default.

Section 7.14 Custodians Protected in Relving Upon Ordinances, Etc. All Custodians shall at all times be protected in acting upon any action, ordinance, request, consent, order, certificate, statement, opinion, bond, or other paper or document believed to be genuine and to have been signed by the proper party or parties.

Section 7.15 Resignation of Custodians. Any Custodian may at any time resign and be discharged of its duties and obligations hereunder by giving to the County written notice of such resignation, specifying a date (not less than ninety (90) days after the notice) when the resignation shall take effect, and by written notice thereof to the Trustee. The resignation shall take effect upon the date specified in the notice unless previously a successor shall have been appointed, as hereinafter provided, in which event, the resignation shall take effect immediately upon the appointment and qualification of the successor.

Section 7.16 Removal of Custodians. Any Custodian may be removed at any time by the County or by the Holders of not less than fifty percent (50%) of the principal amount of the Bonds at that time Outstanding. In the event any Custodian is removed pursuant to the provisions of this Section 7.16, notice thereof shall be given by the County to the Trustee.

Section 7.17 Appointment of Successor Custodians.

(a) In case any Custodian shall resign or be removed or become incapable of acting, or be adjudged bankrupt or insolvent, or a receiver of its property shall be appointed, or any public officer shall take charge or control of its property or affairs, a successor thereto shall be promptly appointed by the County. The successor shall, in all instances, be a bank, trust company, national banking association, or a national association, and shall have a combined capital and surplus of not less than \$100,000,000.

(b) Immediately following the appointment, the County shall give written notice of the appointment to the Trustee.

(c) If, in a proper case, no appointment of a successor Custodian shall be promptly made pursuant to paragraph (a) above, any Bondholder may make application to any court of competent jurisdiction for the appointment of a successor and the court may thereupon, after any notice as the court may prescribe, appoint a successor.

Section 7.18 Concerning Any Successor Custodians. Any successor Custodian appointed as provided hereunder shall execute and deliver to its predecessor, the Trustee and the County a written acceptance of appointment and, thereupon, the successor, without any further act, deed, or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties, and obligations of its predecessor hereunder, with the same effect as if originally named as Custodian, and its predecessor shall

be obligated to pay over, transfer, assign, and deliver all moneys, securities, or other property held by it to its successor, and, on the written request of the County, the Trustee, or the successor, shall execute, acknowledge, and deliver all instruments of conveyance and further assurance and do all other things as may be reasonably required for the vesting and confirming in the successor all the right, title, and interest of the predecessor in and to any property held by it.

Section 7.19 **Merger of Custodians.** Any bank or trust company into which any Custodian may be merged or with which it may be consolidated, or any bank or trust company resulting from any merger or consolidation to which it shall be a party, or any bank or trust company to which any Custodian may sell or transfer all or substantially all of its business, if the County approves, shall become the successor without the execution or filing of any paper or the performance of any other act.

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ARTICLE VIII COVENANTS

Section 8.01 Condition of County's Obligation; Payment of Principal and Interest.

(a) Each and every covenant herein made, including all covenants made in the various sections of this **Article VIII**, is predicated upon the condition that any obligation for the payment of money incurred by the County shall not create a pecuniary liability of the County or a charge upon its general credit, but shall be payable solely from the Hospitality Fee Revenues which are required to be set apart and transferred to the Debt Service Fund and the Debt Service Reserve Fund, which Hospitality Fee Revenues are hereby specifically pledged to the payment thereof in the manner and to the extent in the Ordinance specified and nothing in the Bonds or in the Ordinance shall be considered as pledging any other funds or assets of the County other than the Hospitality Fee Revenues.

(b) The Bonds, together with interest thereon, shall be limited obligations of the County payable solely from Hospitality Fee Revenues required to be set apart and transferred to the Hospitality Fee Revenue Fund for deposit to the Debt Service Fund and the Debt Service Reserve Fund, if any, and shall be a valid claim of the respective Holders thereof only against the Hospitality Fee Revenues to the extent provided in paragraph (a) of this **Section 8.01**. The Hospitality Fee Revenues are hereby pledged and assigned for the equal and ratable payment of the Bonds and shall be used for no other purposes than to pay the principal of, premium, if any, and interest on the Bonds, except as may be otherwise expressly authorized in the Ordinance. The Bonds do not now and shall never constitute an indebtedness of the County within the meaning of any state constitutional provision or statutory limitation (other than Article X, Section 14, Paragraph 10 of the State Constitution authorizing obligations of political subdivisions payable solely from special sources not involving revenue from any tax or license), and shall never constitute nor give rise to a pecuniary liability of the County or a charge against the general credit or taxing powers of the County, the State or any of its agencies or political subdivisions. No recourse shall be had for the payment of the Bonds, or interest thereon, or any part thereof, against the several funds of the County, except from the Hospitality Fee Revenues in the manner and to the extent provided in the Ordinance. The Bonds, and interest thereon, shall not be a charge, lien, or encumbrance, legal or equitable, upon any property of the County or upon any income, receipts, or revenues of the County other than the Hospitality Fee Revenues that have been pledged to the payment thereof.

Section 8.02 Performance of Covenants; Authority of the County. The County covenants that it will faithfully perform at all times all covenants, undertakings, stipulations and provisions contained in the Enabling Act, in the Ordinance, in the Bonds executed, authenticated, and delivered hereunder, and in all proceedings pertaining thereto. The County covenants that it is duly authorized under the Constitution and laws of the State to issue the Bonds authorized hereby, to enact the Ordinance, and to pledge the Hospitality Fee Revenues in the manner and to the extent herein set forth; that all action on its part for the issuance of the Bonds and the enactment of the Ordinance has been duly and effectively taken; and that the Bonds in the hands of the Holders thereof are and will be valid and enforceable obligations of the County according to the import thereof.

Section 8.03 Inspection of Hospitality Fee Revenue Records and Projects. The County covenants and agrees that all books and documents in its possession relating to the Hospitality Fee Revenues and Projects shall at all times be open to inspection during normal business hours by any accountants or other agents as the Trustee or the Purchaser may from time to time designate.

Section 8.04 Maintenance of Hospitality Fee Imposition. The County hereby covenants that so long as any Bond or Junior Bond remains Outstanding hereunder, it continue to impose the Hospitality Fee in accordance with the law of the State.

Section 8.05 Fiscal Year. Until changed to a different twelve-month period by the Council or by law, the County shall be operated on the basis of a Fiscal Year, which commences on the first day of July of each year and ends on the 30th day of June of the following year.

Section 8.06 Annual Audited Financial Statements and Certificates. The County shall provide the Trustee or the Bondholders, if no Trustee has been appointed, within one hundred twenty (120) days after the close of the Fiscal Year a copy of its audited financial statements during the Fiscal Year.

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ARTICLE IX DEFEASANCE OF BONDS

Section 9.01 Defeasance of Bonds.

(a) If all of the Bonds issued pursuant to the Ordinance shall have been paid and discharged, then the obligations of the County under the Ordinance, the pledge of the Hospitality Fee Revenues made hereby, and all other rights granted hereby shall cease and determine. Bonds shall be deemed to have been paid and discharged within the meaning of this **Article IX** under each of the following circumstances:

(i) If the Trustee, or a Custodian, if no Trustee has been appointed, shall hold, at the stated maturities of the Bonds, in trust and irrevocably appropriated thereto, moneys for the full payment thereof; or

(ii) If default in the payment of the principal of the Bonds or the interest thereon shall have occurred, and thereafter tender of payment shall have been made, and the Trustee or a Custodian, if no Trustee has been appointed, shall hold, in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of the payment; or

(iii) If the County shall elect to redeem Bonds prior to their stated maturities, and shall have irrevocably bound and obligated itself to give notice of redemption thereof in the manner provided by **Section 5.03** hereof, and shall have deposited with the Trustee, or a Custodian maintaining corporate trust powers, if no Trustee has been appointed, in an irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, which are not subject to redemption by the issuer thereof prior to the date of redemption of the Bonds to be defeased, the principal of and interest on which, when due, will provide moneys, which, together with the moneys, if any, deposited with the Trustee at the same time, shall be sufficient to pay, when due, the principal, interest, and redemption premium or premiums, if any, due and to become due on and prior to the redemption date or dates, as the case may be; or

(iv) If there shall have been deposited with the Trustee, or a Custodian maintaining corporate trust powers, if no Trustee has been appointed, either moneys in an amount which shall be sufficient, or direct general obligations of the United States of America, or of the State or its political subdivisions, the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, deposited with the Trustee at the same time, shall be sufficient to pay, when due, the principal and interest due and to become due on the Bonds on the maturity thereof.

(b) In addition to the above requirements of paragraphs (i), (ii), (iii), or (iv) of subsection (a), in order for this Ordinance to be discharged, all other fees, expenses, and charges of the Trustee or Custodian have been paid in full at that time.

Section 9.02 Deposit of Moneys. Any moneys which at any time shall be deposited with the Trustee or Custodian by or on behalf of the County for the purpose of paying and discharging any Bonds shall be and are hereby assigned, transferred, and set over to the Trustee or the Custodian in trust for the respective Holders of the Bonds, and the moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the Holders of the Bonds shall no

longer be entitled to enforce payment of their obligations, then, in that event, it shall be the duty of the Trustee or escrow agent to deposit the funds in the Hospitality Fee Revenue Fund.

Section 9.03 Election to Redeem Bonds. The County covenants and agrees that any moneys which it shall deposit with the Trustee or Custodian shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this **Article IX**, and whenever it shall have elected to redeem Bonds, it will irrevocably bind and obligate itself to give notice of redemption thereof, and will further authorize and empower the Trustee, if any, to cause notice of redemption to be given in its name and on its behalf.

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ARTICLE X
DEFAULT PROVISIONS AND REMEDIES OF TRUSTEE AND BONDHOLDERS

Section 10.01 Events of Default. If any of the following events occurs, it is hereby defined as and declared to be and to constitute an *“Event of Default”* or *“Default”*:

- (a) Failure to pay when due any interest on any Bond; or
- (b) Failure to pay when due the principal of any Bond (or premium, if any), whether at the stated maturity thereof, or upon proceedings for redemption thereof, or upon any mandatory redemption date; or
- (c) Subject to the provisions of **Section 10.10**, failure in the performance or observance of any other of the covenants, agreements, or conditions on the part of the County in the Ordinance or in the Bonds contained; or
- (d) If a court having jurisdiction over the premises shall enter a decree or order for relief in respect of the County in an involuntary case under any applicable bankruptcy, insolvency, reorganization, or other similar law now or hereafter in effect, or appointing a receiver, liquidator, assignee, custodian, trustee, sequestrator, or similar official of the County or for any substantial part of its property, or ordering the winding up or liquidation of its affairs, and the decree or order shall remain unstayed and in effect for a period of ninety (90) consecutive days; or
- (e) If the County shall commence a voluntary case under any applicable bankruptcy, insolvency, reorganization, or other similar law now or hereafter in effect, shall consent to the entry of an order for relief in an involuntary case under any such law, or shall consent to the appointment of or taking possession by a receiver, liquidator, assignee, custodian, trustee, sequestrator, or similar official of the County or for any substantial part of its property, or shall make any general assignment for the benefit of creditors, shall admit in writing its inability to pay its debts that become due, or shall take any action in furtherance of any of the foregoing.

Section 10.02 Acceleration. Upon the occurrence of an Event of Default, the Trustee may, and upon the written request of the Holders of not less than fifty-one percent (51%) in aggregate principal amount of Bonds then Outstanding shall, by notice in writing delivered to the County, declare the principal of all Bonds then Outstanding and the interest accrued thereon immediately due and payable, and the principal and interest shall thereupon become and be immediately due and payable. Upon the occurrence of an Event of Default, if no Trustee has been appointed, the Bonds may be declared immediately due and payable by the Holders of not less than fifty-one percent (51%) in aggregate principal amount of the Bonds Outstanding.

Section 10.03 Additional Remedies.

- (a) Upon the happening and continuance of any Event of Default, the Holders of not less than fifty-one percent (51%) of the Outstanding Bonds, if no Trustee has been appointed, and if a Trustee has been appointed, the Trustee may, and upon the written request to the Trustee of the Holders of not less than fifty-one percent (51%) in aggregate principal amount of Bonds then Outstanding shall, take one or more of the following actions as it may deem advisable:

(i) By mandamus or other suit, action, or proceedings at law or in equity, enforce the rights of the Bondholders against the County, and any of its officers, agents, and employees, and require and compel the County, or any officer, agent, or employee to perform and carry out its or his duties and obligations under the Enabling Act and the Ordinance and its or his covenants or agreements with the Bondholders;

(ii) By action or suit in equity, require the County and the Council to account as if they were the trustee of an express trust;

(iii) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the Bondholders; and

(iv) Bring suit upon the Bonds.

(b) Upon the occurrence of an Event of Default, the Trustee or the requisite Holders as provided in subsection (a) above shall have the power to proceed with any right or remedy granted by the Constitution and laws of the State, as it or they may deem best, including any suit, action, or special proceeding in equity or at law for the specific performance of any covenant or agreement contained herein or for the enforcement of any proper legal or equitable remedy as the Trustee or such requisite Holders shall deem most effectual to protect the rights aforesaid, insofar as such may be authorized by law. The rights herein specified are to be cumulative to all other available rights, remedies, or powers and shall not exclude any such rights, remedies, or powers.

Section 10.04 Rights of Bondholders.

(a) If an Event of Default shall have occurred, and if requested to do so by the Holders of not less than fifty-one percent (51%) in aggregate principal amount of Bonds then Outstanding, and if indemnified as provided in **Section 7.02(b)** hereof, the Trustee shall be obliged to exercise one or more of the rights and powers conferred by **this Article X** as the Trustee, being advised by counsel, shall deem most expedient in the interest of the Bondholders.

(b) No remedy by the terms of the Ordinance conferred upon or reserved to the Trustee (or to the Bondholders) is intended to be exclusive of any other remedy, but each and every remedy shall be cumulative and shall be in addition to any other remedy given to the Trustee or to the Bondholders hereunder or now or hereafter existing at law or in equity or by statute.

(c) No delay or omission in exercising any right or power accruing upon any Default or Event of Default shall impair any right or power or shall be construed to be a waiver of any Default or Event of Default or acquiescence therein and every right and power may be exercised from time to time and as often as may be deemed expedient.

(d) No waiver of any Default or Event of Default hereunder, whether by the Trustee or by the Bondholders, shall extend to or shall affect any subsequent Default or Event of Default or shall impair any rights or remedies consequent thereon.

Section 10.05 Application of Moneys Upon Default.

(a) If an Event of Default shall happen and shall not have been remedied, the County, upon demand of the Trustee or the Bondholder, if no Trustee has been appointed, shall pay or cause to be paid over to the Trustee or Bondholder:

(1) forthwith, all moneys and securities then held by the County which are credited to any account or fund under this Ordinance (specifically including any moneys and securities in the Hospitality Fee Revenue Fund, in any construction fund created with proceeds of Bonds if construction of the Projects to be paid for thereby has been completed or terminated but exclusive of any amounts remaining in such construction fund that are in dispute between the County and any contractor); and

(2) as promptly as practicable after receipt thereof, all Hospitality Fee Revenues.

(b) All moneys received by the Trustee or the Bondholder pursuant to any right given or action taken under the provisions of this **Article X** shall, after payment of the costs and expenses of the proceedings resulting in the collection of the moneys and of the expenses, liabilities, and advances incurred or made by the Trustee or the Bondholders, be applied as follows:

(1) unless the principal of all of the Bonds shall have become or have been declared due and payable,

(i) *first*, to the payment of the persons entitled thereto of all installments of interest on Bonds then due in the order of the maturity of such installments, and, if the amount available shall not be sufficient to pay in full any installment or installments maturing on the same date, then to the payment thereof ratably, according to the amounts due thereon to the persons entitled thereto, without any discrimination or preference;

(ii) *second*, to the payment to the persons entitled thereto of the unpaid principal (and redemption premiums, if any) of any Bonds which shall have become due, whether at maturity or by call for redemption, in the order of their due dates, and if the amounts available shall not be sufficient to pay in full all the Bonds due on any date, then to the payment thereof ratably, according to the amounts of principal (plus redemption premium, if any) due on such date, to the persons entitled thereto, without any discrimination or preference; or

(2) if the principal of all of the Bonds shall have become or have been declared due and payable, to the payment of the principal and interest then due and unpaid upon the Bonds without preference or priority of principal over interest or of interest over principal, or of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal and interest, to the persons entitled thereto without any discrimination or preference except as to any differences as to the respective rates of interest specified in the Bonds;

(3) to the issuers of any surety bond, insurance policy, or letter of credit on deposit in the Debt Service Reserve Fund ratably according to any reimbursement agreements between such issuers and the County;

After payment of all amounts provided above, any amounts in the Junior Bond Debt Service Fund shall be applied in the same order as above but only to the Holders of Junior Bonds.

(c) Whenever moneys are to be applied pursuant to the provisions of this **Section 10.05**, the moneys shall be applied at the times, and from time to time, as the Trustee or the Bondholders holding at least fifty-one percent (51%) of the Bonds Outstanding, if no Trustee has been appointed, shall determine, having due regard to the amount of moneys available for application in the future. Whenever the Trustee or the requisite number of Bondholders required above shall apply funds, the Trustee or such Bondholders

shall fix the date (which shall be an interest payment date unless it shall deem another date more suitable) upon which application is to be made and upon that date interest on the amounts of principal to be paid on that date shall cease to accrue. The Trustee shall give notice as it may deem appropriate of the deposit with it of any moneys and of the fixing of any date, and shall not be required to make payment to the Holder of any Bond until it shall be presented to the Trustee for appropriate endorsement or for cancellation if fully paid.

(d) Whenever all principal of, premium, if any, and interest on all Bonds have been paid under the provisions of this **Section 10.05** and all expenses and charges of the Trustee shall have been paid, any balance remaining in the Debt Service Fund shall be paid to the County.

Section 10.06 Remedies Vested in Trustee. All rights of action (including the right to file proof of claims) under the Ordinance or under any of the Bonds may be enforced by the Trustee or the requisite number of Bondholders required above without the possession of any of the Bonds or the production thereof in any trial or other proceedings relating thereto and any suit or proceeding instituted by the Trustee shall be brought in its name as Trustee, without the necessity of joining as plaintiffs or defendants any Holders of the Bonds, and any recovery of judgment shall be for the equal benefit of the Holders of the Bonds then Outstanding.

Section 10.07 Rights and Remedies of Bondholders. No Bondholder, other than Holders of at least fifty-one percent (51%) of the Bonds Outstanding if no Trustee has been appointed, shall have the right to institute any suit, action, or proceeding in equity or at law for the enforcement of this Ordinance or for the execution of any trust hereof or for the appointment of a receiver or for any other remedy hereunder, unless all of the following conditions have first been satisfied: (i) a Default has occurred of which the Trustee has been notified as provided in **Section 7.02(f)** hereof, or of which by that subsection it is deemed to have notice, (ii) the Default shall occur and the Holders of at least fifty-one percent (51%) in aggregate principal amount of Bonds then Outstanding shall have made written request to the Trustee, and shall have offered reasonable opportunity either to proceed to exercise the powers hereinbefore granted or to institute action, suit, or proceeding in its own name, (iii) the Trustee has been offered indemnity as provided in **Section 7.02(h)** hereof, and (iv) the Trustee shall thereafter fail or refuse to exercise the powers hereinbefore granted, or to institute such action, suit, or proceeding in its, his, or their own name or names; and the notification, request, and offer of indemnity are hereby declared in every case, at the option of the Trustee, to be conditions precedent to the execution of the powers and trusts of the Ordinance, and to any action or cause of action for the enforcement of this Ordinance, or for the appointment of a receiver or for any other remedy hereunder; it being understood and intended that no one or more Holders of the Bonds shall have any right in any manner whatsoever to affect, disturb, or prejudice the lien of the Ordinance by its, his, or their action or to enforce any right hereunder, except in the manner herein provided, and that all proceedings at law or in equity shall be instituted, had, and maintained in the manner herein provided and for the equal benefit of the Holders of all Bonds then Outstanding. Nothing in the Ordinance contained shall, however, affect or impair the right of any Bondholder to enforce the payment of the principal of, premium, if any, and interest on any Bond at and after the maturity thereof, or the obligation of the County to pay, but only from the Hospitality Fee Revenues, the principal of, premium, if any, and interest on each of the Bonds issued hereunder to the respective Holders thereof at the time, place, from the source, and in the manner provided in the Bonds.

Section 10.08 Termination of Proceedings. In case the Trustee shall have proceeded to enforce any right under the Ordinance by the appointment of a receiver, by entry, or otherwise, and such proceedings shall have been discontinued or abandoned for any reason, or shall have been determined adversely, then the County and the Trustee shall be restored to their former positions and rights hereunder, and all rights and remedies and powers of the Trustee shall continue as if no proceedings had been taken.

Section 10.09 Waivers of Events of Default. If no Trustee has been appointed, the Holder of a majority in aggregate principal amount of all Bonds Outstanding, and if the Trustee has been appointed, the Trustee may and shall waive any Event of Default hereunder and its consequences upon the written request of the Holders of a majority in aggregate principal amount of all Bonds then Outstanding; provided, however, that there shall not be waived any Default in the payment of (i) the principal of or premium, if any, on any Bond, whether at the stated maturity thereof, or upon proceedings for redemption thereof, or (ii) any interest when due on any Bond, unless prior to the waiver, all arrears of interest, with interest at the rate of interest borne by the Bonds on overdue installments of interest, and all arrears of payments of principal then due (whether at the stated maturity thereof or upon proceedings for redemption) with interest as aforesaid on the arrears, and all expenses of the Trustee in connection with the Default shall have been paid or provided for, and in case of any waiver, or in case any proceeding taken by the Trustee on account of any Default shall have been discontinued or abandoned or determined adversely, then the County, the Trustee, and the Bondholders shall be restored to their former positions and rights hereunder respectively, but no waiver shall extend to any subsequent or other Default, or impair any right consequent thereon.

Section 10.10 Notice of Defaults: Opportunity of the County to Cure Defaults. No event under **Section 10.01(c)** hereof shall constitute an Event of Default until actual notice of the Default by registered or certified mail shall be given by the Trustee or by the Holders of not less than fifty-one percent (51%) of the aggregate principal amount of Bonds then Outstanding to the County, and the County shall have had thirty (30) days after receipt of the notice to correct the Default or cause it to be corrected, and shall not have corrected it or caused it to be corrected within the applicable period; provided, however, if the Default be such that it cannot be corrected within the applicable period, it shall not constitute an Event of Default if corrective action is instituted by the County as the case may be, within the applicable period, is diligently pursued, and the Default is corrected within ninety (90) days after the notice hereinabove specified has been received.

ARTICLE XI
AMENDING AND SUPPLEMENTING OF ORDINANCE

Section 11.01 Amending and Supplementing of Ordinance Without Consent of Holders of Bonds.

(a) The Council, from time to time and at any time and without the consent or concurrence of any Holder of any Bond, may enact a Supplemental Ordinance, provided the provisions of thereof shall not materially adversely affect the rights of the Holders of the Bonds then Outstanding, for any one or more of the following purposes:

(1) To make any changes or corrections in the Ordinance as to which the County and the Trustee if such has been appointed shall have been advised by counsel are required for the purpose of curing or correcting any ambiguity or defective or inconsistent provision or omission or mistake or manifest error contained in the Ordinance, or to insert in the Ordinance provisions clarifying matters or questions arising under the Ordinance as are necessary or desirable;

(2) To add additional covenants and agreements of the County for the purpose of further securing the payment of the Bonds;

(3) To surrender any right, power, or privilege reserved to or conferred upon the County by the terms of the Ordinance;

(4) To confirm as further assurance any lien, pledge, or charge or the subjection of the Hospitality Fee Revenues to any lien, pledge, or charge, created or to be created by the provisions of the Ordinance;

(5) To grant or confer upon the Bondholders any additional right, remedies, powers, authority, or security that lawfully may be granted to or conferred upon them, or to grant to or to confer upon the Trustee for the benefit of the Holders of the Bonds any additional rights, duties, remedies, powers, authority, or security;

(6) To modify any of the provisions of the Ordinance in any other respects provided that the modification shall not be effective until after the Bonds Outstanding at the time the Supplemental Ordinance is enacted shall cease to be Outstanding, or until the Holders thereof consent thereto pursuant to **Section 11.02** hereof, and any Bonds issued subsequent to any modification shall contain a specific reference to the modifications contained in the Supplemental Ordinance; and

(7) To make such additions, deletions or modifications as may be necessary to assure compliance with Section 148(f) of the Code relating to required rebate to the United States of America or otherwise as may be necessary to assure exemption from federal income taxation of interest on the Bonds.

(b) The County shall not enact any Supplemental Ordinance authorized by the foregoing provisions of this **Section 11.01** unless in the opinion of counsel addressed to the Trustee and the County (which opinion may be combined with the opinion required by **Section 11.04** hereof) the enactment of the Supplemental Ordinance is permitted by the foregoing provisions of this **Section 11.01** and the provisions of the Supplemental Ordinance do not adversely affect the rights of the Holders of the Bonds then

Outstanding and will not affect the tax status of any Bonds then Outstanding, the interest on which is not subject to federal or State income taxation.

Section 11.02 Amending and Supplementing of Ordinance With Consent of Holders of Bonds.

(a) With the consent of the Holders of not less than a majority in principal amount of the Bonds then Outstanding, the Council from time to time and at any time may enact an Ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, the Ordinance, or modifying or amending the rights and obligations of the County under the Ordinance, or modifying or amending in any manner the rights of the Holders of the Bonds then Outstanding; provided, however, that, without the specific consent of the Holder of each Bond which would be affected thereby, no Supplemental Ordinance amending or supplementing the provisions hereof or thereof shall: (i) change the fixed maturity date of any Bond or the dates for the payment of interest thereon or the terms of the redemption thereof, or reduce the principal amount of any Bond or the rate of interest thereon or the redemption price (or the redemption premium) payable upon the redemption or prepayment thereof; (ii) reduce the aforesaid percentage of Bonds, the Holders of which are required to consent to any Supplemental Ordinance amending or supplementing the provisions of the Ordinance; (iii) give to any Bond or Bonds any preference over any other Bond or Bonds secured hereby other than authorized Series with respect to Junior Bonds; (iv) authorize the creation of any pledge of the Hospitality Fee Revenues, prior, superior, or equal to the pledge of and lien and charge thereon created herein for the payment of the Bonds; or (v) deprive any Holder of the Bonds of the lien on the Hospitality Fee Revenues afforded by the Ordinance. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the Holders of the Bonds of the enactment of any Supplemental Ordinance authorized by the provisions of **Section 11.01** hereof.

(b) It shall not be necessary that the consents of the Holders of the Bonds approve the particular form of wording of the proposed amendment or supplement or of the Supplemental Ordinance effecting the amending or supplementing hereof pursuant to this **Section 11.02**. The County shall mail a notice at least once, not more than thirty (30) days after the effective date of any amendment or supplement, of the amendment or supplement postage prepaid, to each Holder of Bonds then Outstanding at his address appearing upon the Books of Registry and to the Trustee, but failure to mail copies of the notice to any of the Holders shall not affect the validity of the Supplemental Ordinance effecting the amendments or supplements or the consents thereto. Nothing in this paragraph contained, however, shall be construed as requiring the giving of notice of any amendment or supplement of the Ordinance authorized by **Section 11.01** hereof. No action or proceeding to set aside or invalidate any Supplemental Ordinance or any of the proceedings for its enactment shall be instituted or maintained unless the action or proceeding is commenced within sixty (60) days after the mailing of the notice required by this paragraph.

(c) The County shall not enact any Supplemental Ordinance authorized by the foregoing provisions of this **Section 11.02** unless in the opinion of counsel addressed to the Trustee, if any, and the County (which opinion may be combined with the opinion required by **Section 11.04** hereof) the enactment of the Supplemental Ordinance is permitted by the foregoing provisions of this **Section 11.02** and the provisions of the Supplemental Ordinance do not adversely affect the rights of the Holders of the Bonds then Outstanding and will not affect the tax status of any Bonds then Outstanding, the interest on which is not subject to federal or State income taxation.

Section 11.03 Notation Upon Bonds: New Bonds Issued Upon Amendments. Bonds delivered after the effective date of any action taken as provided in this **Article XI** may bear a notation as to the action, by endorsement or otherwise and in form approved by the County. In that case, upon

demand of the Holder of any Bond Outstanding after the effective date and upon the presentation of the Bond for that purpose at the office of the Trustee, or if no Trustee is appointed, the Clerk, and at any additional offices as the County may select and designate for that purpose, a suitable notation shall be made on the Bond. If the County shall determine, new Bonds, modified as in the opinion of the County upon the advice of counsel to conform to the amendments or supplements made pursuant to this **Article XI**, shall be prepared, executed, and delivered, and upon demand of the Holder of any Bond then Outstanding shall be exchanged without cost to the Holder for Bonds then Outstanding, upon surrender of the Outstanding Bonds.

Section 11.04 Effectiveness of Supplemental Ordinance. Upon the enactment (pursuant to this **Article XI** and applicable law) by the Council of any Supplemental Ordinance amending or supplementing the provisions of the Ordinance and the delivery to the Trustee of an opinion of Bond Counsel that the Supplemental Ordinance is in due form and has been duly enacted in accordance with the provisions hereof and applicable law and that the provisions thereof are valid and binding upon the County, or upon any later date as may be specified in the Supplemental Ordinance, (a) the Ordinance and the Bonds shall be modified and amended in accordance with the Supplemental Ordinance, (b) the respective rights, limitations of rights, obligations, duties, and immunities under the Ordinance of the County, the Trustee, and the Holders of the Bonds shall thereafter be determined, exercised, and enforced under the Ordinance subject in all respects to the modifications and amendments, and (c) all of the terms and conditions of any Supplemental Ordinance shall be a part of the terms and conditions of the Bonds and of the Ordinance for all purposes.

Section 11.05 Series Ordinance Affecting Trustees. No Supplemental Ordinance changing, amending, or modifying any of the rights, duties, and obligations of any Trustee appointed by or pursuant to the provisions of the Ordinance may be enacted by the Council or be consented to by the Holders of the Bonds without written consent of the Trustee affected thereby.

ARTICLE XII MISCELLANEOUS

Section 12.01 Benefits of Ordinance Limited to the County, the Trustee, and Holders of the Bonds. With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from the Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the County, the Trustee, and the Holders of the Bonds, any legal or equitable right, remedy, or claim under or by reason of or in respect to the Ordinance or any covenant, condition, stipulation, promise, agreement, or provision herein contained. The Ordinance and all of the covenants, conditions, stipulations, promises, agreements, and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the County, the Trustee, and the Holders from time to time of the Bonds as herein and therein provided.

Section 12.02 Ordinance Binding Upon Successors or Assigns of the County. All the terms, provisions, conditions, covenants, warranties, and agreements contained in the Ordinance shall be binding upon the successors and assigns of the County and shall inure to the benefit of the Trustee, its successors or substitutes in trust and assigns, and the Holders of the Bonds.

Section 12.03 No Personal Liability. No recourse shall be had for the enforcement of any obligation, covenant, promise, or agreement of the County contained in the Ordinance or the Bonds, against any member of the Council, any officer or employee, in his individual capacity, past, present, or future, of the County, either directly or through the County, whether by virtue of any constitutional provision, statute, or rule of law, or by the enforcement of any assessment or penalty or otherwise; it being expressly agreed and understood that this Ordinance and the Bonds are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer, or employee, past, present, or future, of the County, either directly or by reason of any of the obligations, covenants, promises, or agreements entered into between the County and the Trustee or the Bondholder or to be implied therefrom as being supplemental hereto or thereto; and that all personal liability of that character against every member, officer, and employee is, by the enactment of the Ordinance and the execution of the Bonds, and as a condition of, and as a part of the consideration for, the enactment of the Ordinance and the execution of the Bonds, expressly waived and released. The immunity of members, officers, and employees of the County under the provisions contained in this Section 12.03 shall survive the completion of any Project and the termination of any Ordinance.

Section 12.04 Effect of Saturdays, Sundays and Legal Holidays. Whenever the Ordinance requires any action to be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State or in any state where the corporate trust office of the Trustee is located, the action shall be taken on the first business day occurring thereafter. Whenever in the Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, or legal holiday or bank holiday in the State or in any state where the corporate trust office of the Trustee is located, the time shall continue to run until midnight on the next succeeding business day.

Section 12.05 Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in the Ordinance on the part of the County, the Trustee, the Custodian or any paying agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, then the covenant or covenants, or the agreement or agreements, or the portions thereof, shall be deemed severable from the remaining covenants and agreements or portions thereof provided in the Ordinance and the invalidity

thereof shall in no way affect the validity of the other provisions of the Ordinance or of the Bonds, but the Holders of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

(b) If any provisions of the Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 12.06 Law and Place of Enforcement of the Ordinance. The Ordinance shall be construed and interpreted in accordance with the laws of the State and all suits and actions arising out of the Ordinance shall be instituted in a court of competent jurisdiction in the State.

Section 12.07 Effect of Article and Section Headings and Table of Contents. The heading or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of the Ordinance.

Section 12.08 Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the County, and any part of any ordinance or resolution, inconsistent with the Ordinance are hereby repealed to the extent of the inconsistency.

Section 12.09 Effectiveness of this Ordinance. This Ordinance shall become effective upon its enactment provided, however, that it shall not be necessary for the County to establish the funds and accounts created in **Article VI** hereof prior to the issuance of any Bonds.

ATTEST:

SIGNED:

Connie Y. Haselden, Clerk to County Council

K.G. "Rusty" Smith, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

Approved as to form and Content
D. Malloy McEachin, Jr., County Attorney

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

CERTIFIED COPY OF ORDINANCE

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

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance enacted by the Council on August 18, 2011. The Ordinance was read at three public meetings of the Council on three separate days, August 18, 2011, September 15, 2011, and October 20, 2011. An interval of at least six days occurred between each reading of the Ordinance. At each such meeting, a quorum of the Council was present and remained present throughout the meeting.

The meetings held on August 18, 2011, September 15, 2011, and October 20, 2011, were duly called regular meetings of the Council. As required by Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended, a notice of said meeting (including the date, time, and place thereof, as well as an agenda) was posted prominently in the City-County Complex of the County at least twenty-four hours prior to said meeting. In addition, the local news media and all persons requesting notification of meetings of the Council were notified of the time, date, and place of such meeting, and were provided with a copy of the agenda therefor at least twenty-four hours in advance of such meeting.

The original of the Ordinance is duly entered in the permanent records of the County, 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 October, 2011.

(SEAL)

Clerk to Council, Florence County,
South Carolina

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Second Reading - Ordinance No. 06-2011/12

DEPARTMENT: Finance

ISSUE UNDER CONSIDERATION:

(An Ordinance Providing For The Issuance And Sale Of Not Exceeding Three Million Nine Hundred Thousand Dollars (\$3,900,000) Hospitality Tax Fee Revenue Bonds Of Florence County To Be Designated Series 2011 And Other Matters Relating Thereto.)

POINTS TO CONSIDER:

This ordinance provides for the issuance of hospitality tax revenue bonds to fund Florence County's portion of the construction cost of the new Florence County Museum.

FUNDING FACTORS:

1. The principal and interest payments on these bonds will be funded entirely from local hospitality tax revenues and will not require the use or pledge of any property tax millage. The annual payments on a twenty-year bond of \$3,900,000, with an interest rate of 5.00%, would be approximately \$313,000.
2. The State of South Carolina and the Doctors Bruce and Lee Foundation have each contributed \$3,900,000 toward the construction cost of this project and Florence County Council has previously committed to fund \$3,900,000, complete the project, and fund operation of the museum.

OPTIONS:

1. *(Recommended)* Approve Second Reading of Ordinance No. 06-2011/12.
2. Provide An Alternate Directive.

ATTACHMENT:

Copy of Ordinance No. 06-2011/12.

Sponsor(s) : Finance
 First Reading : August 18, 2011
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Public Hearing : September 15, 2011
 Second Reading : September 15, 2011
 Third Reading :
 Effective Date : Immediately

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

ORDINANCE NO. 06-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance Providing For The Issuance And Sale Of Not Exceeding Three Million Nine Hundred Thousand Dollars (\$3,900,000) Hospitality Tax Fee Revenue Bonds Of Florence County To Be Designated Series 2011 And Other Matters Relating Thereto.)

BE IT ORDAINED by the Florence County Council (the "**Council**"), the governing body of Florence County, South Carolina (the "**County**");

Section 1. Findings of Fact.

As an incident to the enactment of this ordinance, and the issuance of the Bond provided for herein, the Council finds that the facts set forth in this Section 1 exist and the following statements are in all respects true and correct:

- (a) On October 20, 2011, the Council adopted a General Bond Ordinance (the "**General Bond Ordinance**") providing for the issuance of Hospitality Fee Revenue Bonds.
- (b) The Council has determined that it is in the best interest of the County to issue a Series of Bonds for the purposes of (i) defraying a portion of the cost of acquiring, constructing, furnishing and equipping the new Florence County Museum, and (ii) paying Costs of Issuance related thereto.

Section 2. Definitions. The terms defined above and in this Section 2 and all words and terms defined in the General Bond Ordinance (the General Bond Ordinance, as from time to time amended or supplemented by Supplemental Ordinances, being defined as the "**Ordinance**") (except as herein otherwise expressly provided or unless the context otherwise requires), shall for all purposes of this Supplemental Ordinance have the respective meanings given to them in the Ordinance and in this Section 2.

"**2011 Construction Fund**" shall mean that fund established pursuant to the Ordinance and Section 5(a) of this 2011 Series Ordinance.

"**2011 Debt Service Reserve Fund Account**" shall mean an account that may be created with respect to the Series 2011 Bond pursuant to Section 6.04 of the General Bond Ordinance and Section 5(b) of this 2011 Series Ordinance.

"**2011 Debt Service Reserve Requirement**" shall mean, in the event the 2011 Debt Service Reserve Fund Account is established with respect to the Series 2011 Bond and as of any date of calculation, the least of (a) the sum of the greatest remaining annual principal and interest requirement for the then-current and each future Fiscal Year with respect to the Series 2011 Bond or (b) the sum of ten percent (10%) of the

proceeds (excluding accrued interest) from the sale of the Series 2011 Bond at the time of issuance of such Series or (c) the sum of one hundred twenty-five percent (125%) of the average annual principal and interest requirement for the then-current and each future Fiscal Year with respect to the amount of the Series 2011 Bond Outstanding or (d) the maximum amount permitted by the Code to be funded with proceeds of the Series 2011 Bond and to be invested without restriction as to yield.

"2011 Project" shall mean the acquisition, construction, furnishing and equipping of the new Florence County Museum.

"2011 Series Ordinance" shall mean this ordinance, by which the issuance of the Series 2011 Bond is authorized.

"Bond Payment Date" shall mean, with respect to the Series 2011 Bond, each anniversary of the delivery of the Series 2011 Bond until the principal of the Series 2011 Bond has been paid in full.

"Purchaser" shall mean the financial institution purchasing the Series 2011 Bond as a result of the sale thereof pursuant to Section 4(a) of this 2011 Series Ordinance, its successors or assigns.

"Series 2011 Bond" shall mean the County's Hospitality Fee Revenue Bond, Series 2011, in the aggregate principal amount of not exceeding \$3,900,000 authorized to be issued hereunder.

Section 3. Authorization of Series 2011 Bond, Maturities, and Interest Rate.

(a) There is hereby authorized to be issued a bond designated "Hospitality Fee Revenue Bond, Series 2011" (the **"Series 2011 Bond"**) in the total principal amount of not exceeding Three Million Nine Hundred Thousand Dollars (\$3,900,000) for the purpose of (1) defraying the cost of the 2011 Project, and (2) paying the Costs of Issuance of the Series 2011 Bond. The Chairman of Council is hereby authorized to establish the principal amount of the Series 2011 Bond, not to exceed \$3,900,000, as well as the maturity schedule, not to exceed twenty (20) years, and payment dates with respect thereto, and to establish the Series 2011 Debt Service Reserve Fund Account if required by the Purchaser.

(b) The Series 2011 Bond shall be issued as a single fully registered Bond in the denomination of \$3,900,000 or such lesser amount as determined by the County Administrator to be sufficient to accomplish the purposes thereof as set forth in Section 3(a) of this 2011 Series Ordinance. The Series 2011 Bond shall bear interest at such rate as shall be established upon the sale thereof pursuant to Section 4(a) of this Ordinance. The Series 2011 Bond shall be dated as of its date of delivery, shall be payable as to principal and interest on each Bond Payment Date, commencing with the Bond Payment Date in 2012.

(c) Principal of and interest on the Series 2011 Bond (calculated on the basis of a 360-day year of twelve 30-day months) shall be payable to the Holder thereof as of the immediately preceding Record Date by check or draft mailed to the Holder at his address as it appears on the Books of Registry maintained by the County. Presentment of the Series 2011 Bond is hereby waived.

(d) The Series 2011 Bond shall be in substantially the form attached hereto as **Exhibit A**, with any necessary or appropriate variations, omissions, and insertions as are incidental to the series, numbers, denominations, maturities, interest rate or rates, redemption provisions, the purpose of issuance, and other details thereof or as are otherwise permitted or required by law or by the Ordinance, including this 2011 Series Ordinance.

Section 4. Sale and Optional Redemption of Series 2011 Bond.

(a) The County Administrator is hereby authorized to solicit bids for the purchase of the Series 2011 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 at 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.

(b) The Series 2011 Bond may, at the determination of the County Administrator prior to the delivery of the Series 2011 Bond, be subject to redemption prior to maturity at the option of the County at any time at the redemption price not to exceed 102% of the principal amount to be redeemed, together, in each case, with the interest accrued on the principal amount to the date fixed for redemption.

Section 5. Establishment of Funds.

There are hereby established as provided in the Section 6.05 of the Ordinance the following:

(a) There is hereby established the 2011 Construction Fund. The 2011 Construction Fund shall be held by the County. Money therein shall be applied to defray the costs of the Project and Costs of Issuance.

(b) As provided for in Section 6.04 of the General Bond Ordinance, the 2011 Debt Service Reserve Fund Account may be established and maintained with respect to the Series 2011 Bond if required by the Purchaser. The Series 2011 Debt Service Reserve Fund Account shall be in an amount equal to the Series 2011 Debt Service Reserve Requirement and may be funded in whole or in part from the proceeds of the Series 2011 Bond or upon such other term as shall be established by the Chairman of Council and not inconsistent with Section 6.04 of the General Bond Ordinance.

Section 6. Use and Disposition of Series 2011 Bond Proceeds.

Upon the delivery of the Series 2011 Bond and receipt of the proceeds thereof, such proceeds and other available funds shall be disposed of as follows:

(a) Any amount required by the Purchaser as an underwriting fee shall be retained by the Purchaser;

(b) The remaining proceeds of the Series 2011 Bond shall be deposited into the 2011 Construction Fund and utilized to pay the costs of the 2011 Project and Costs of Issuance of the Series 2011 Bond; and

(c) Any proceeds remaining after satisfaction of the foregoing purposes may be held by the County for payment of principal of and interest on the Series 2011 Bond.

Section 7. Certain Findings and Determinations. The County finds and determines:

(a) This 2011 Series Ordinance supplements the Ordinance, constitutes and is a "Series Ordinance" within the meaning of the quoted term as defined and used in the Ordinance, and is enacted under and pursuant to the Ordinance.

(b) The Series 2011 Bond constitutes and is a "Bond" within the meaning of the quoted word as defined and used in the Ordinance.

(c) The Hospitality Fee Revenues pledged under the Ordinance are not encumbered by any lien or charge thereon or pledge thereof, other than the lien and charge thereon and pledge thereof created by the Ordinance providing for payment and security of the Bonds.

(d) There does not exist an Event of Default, nor does there exist any condition which, after the passage of time or the giving of notice, or both, would constitute an Event of Default under the Ordinance.

(e) The Series 2011 Bond is being issued for the purposes described in Section 3(a) of this 2011 Series Ordinance.

Section 8. Continuing Disclosure. Pursuant to Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the County has covenanted to file with a central repository for availability in the secondary bond market, when requested, an annual independent audit, within 30 days of its receipt of the audit; and event specific information within 30 days of an event adversely affecting more than five (5%) percent of its revenue or tax base. The only remedy for failure by the County to comply with the covenant in this Section 7 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 or repeal of Section 11-1-85, without the consent of any Bondholder.

Section 9. Award of Series 2011 Bond.

(a) The Series 2011 Bond is authorized to be awarded to the Purchaser pursuant to Section 4(a) of this 2011 Series Ordinance.

(b) A copy of this 2011 Series Ordinance shall be filed with the minutes of this meeting.

(c) The Council hereby authorizes and directs all of the officers and employees of the County to carry out or cause to be carried out all obligations of the County under the Ordinance and to perform all other actions as they shall consider necessary or advisable in connection with the issuance, sale, and delivery of the Series 2011 Bond.

Section 10. Tax Exemption of Series 2011 Bond.

(a) The County will comply with all requirements of the Code in order to preserve the tax-exempt status of the Series 2011 Bond, including without limitation, the requirement to file an information report with the Internal Revenue Service and the requirement to comply with the provisions of Section 148(f) of the Code and Section 1.148-3 of the Treasury Regulations pertaining to the rebate of certain investment earnings on the proceeds of the Series 2011 Bond to the United States Government.

(b) The County further represents and covenants that it will not take any action which will, or fail to take any action (including, without limitation, filing the required information report with the Internal Revenue Service) which failure will, cause interest on the Series 2011 Bond to become included 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 the Series 2011 Bond. Without limiting the generality of the foregoing, the County represents and covenants that:

(i) All property provided by the net proceeds of the Series 2011 Bond will be owned by the County in accordance with the rules governing the ownership of property for federal income tax purposes.

(ii) The County shall not permit any facility refinanced or financed with the proceeds of the Series 2011 Bond to be used in any manner that would result in (i) 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 (ii) 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.

(iii) 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 financed or refinanced or financed with the proceeds of the Series 2011 Bond that do not conform to the guidelines set forth in Revenue Procedure 97-13 of the Internal Revenue Service.

(iv) The County will not sell or lease any property refinanced or financed by the Series 2011 Bond to any person unless it obtains the opinion of Bond Counsel that such lease or sale will not affect the tax exemption of the Series 2011 Bond.

(v) The Series 2011 Bond will not be federally guaranteed within the meaning of Section 149(b) of the Code. The County shall not enter into any leases or sales or service contracts with any federal government agency unless it obtains the opinion of nationally recognized bond counsel that such action will not affect the tax exemption of the Series 2011 Bond.

(c) The County reasonably expects that the principal amount of the Series 2011 Bond, together with the original principal amount of all other tax-exempt obligations of the County and all entities subordinate thereto (other than obligations which are private activity bonds not qualified under Section 145 of the Code) to be issued in same calendar year 2011 will, in the aggregate, not exceed \$10 million. The County hereby designates the Series 2011 Bond a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code.

Section 11. Interested Parties

Nothing in the Ordinance or this 2011 Series Ordinance, expressed or implied is intended or shall be construed to confer upon, or to give or grant to, any person or entity, other than the County and the Registered Holder of the Series 2011 Bond, any right, remedy or claim under or by reason of the Ordinance or this 2011 Series Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in the Ordinance and this 2011 Series Ordinance contained by and on behalf of the County shall be for the sole and exclusive benefit of the County and the Registered Holder of the Series 2011 Bond.

Section 12. Additional Provisions. The Ordinance remains in full force and effect and shall govern the issuance of the Series 2011 Bond.

Section 13. Additional Actions and Documents. The Chairman, County Administrator, and Clerk are fully authorized and empowered to take any further action and to execute and deliver any closing

documents as may be necessary and proper to effect the delivery of the Series 2011 Bond in accordance with the terms and conditions hereinabove set forth, and the action of the officers or any one or more of them in executing and delivering any documents, in the form as he, she, or they shall approve, is hereby fully authorized.

Section 14. **Section Headings.** The headings and titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this 2011 Series Ordinance.

Section 15. **Effective Date.** This 2011 Series Ordinance shall become effective immediately upon its enactment.

ATTEST:

SIGNED:

Connie Y. Haselden, Clerk to County Council

K.G. "Rusty" Smith, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

Approved as to Form and Content
D. Malloy McEachin, Jr., County Attorney

FORM OF BOND

UNITED STATES OF AMERICA
 STATE OF SOUTH CAROLINA
 COUNTY OF FLORENCE
 HOSPITALITY FEE REVENUE BOND
 SERIES 2011

NO. R-1

\$3,900,000

INTEREST RATE

____%

FINAL MATURITY DATE

_____, 2011

ORIGINAL DATE OF ISSUE

_____, 2011

REGISTERED HOLDER:

PRINCIPAL SUM:

THREE MILLION NINE HUNDRED THOUSAND AND NO/100
 (\$3,900,000) DOLLARS

THE COUNTY OF FLORENCE, SOUTH CAROLINA acknowledges itself indebted and for value received hereby promises to pay, solely from the sources and as hereinafter provided, <<PURCHASER>>, or its registered assigns, the principal amount of THREE MILLION NINE HUNDRED THOUSAND DOLLARS (\$3,900,000) on the Final Maturity Date stated above, unless this bond (the "Series 2011 Bond") shall have been redeemed prior thereto as hereinafter provided, and to pay interest on such principal amount at the rate of <<INTEREST RATE>> percentum (____%) per annum (calculated on the basis of a 360-day year of twelve 30-day months), until the obligation of the County with respect to the payment of such principal amount shall be discharged.

Unredeemed portions of Series 2011 Bond shall be subject to optional redemption in whole but not in part at any time at a redemption price of 101% of the principal amount to be redeemed plus accrued interest to the date of redemption. In the event Series 2011 Bond shall be called for optional redemption, notice of redemption shall be given by first-class mail, not less than fifteen (15) days prior to the redemption date, to the Registered Holder of the Series 2011 Bond to be redeemed at the address shown on the Books of Registry. Interest on the Series 2011 Bond to be redeemed shall cease to accrue from and after the redemption date specified in the notice, unless the County defaults in making due provisions for the payment of the redemption price thereof.

This Series 2011 Bond shall bear interest from _____, 2011. Interest on this Series 2011 Bond shall be payable on <<INTEREST DATE 1>> and <<INTEREST DATE 2>> (each, a "Bond Payment Date") of each year, commencing <<FIRST INTEREST DATE>>, 2012, until this Series 2011 Bond is paid in full. The principal and interest so payable on a Bond Payment Date will be paid to the person in whose name this Series 2011 Bond is registered at the close of business on the 15th day of the month immediately preceding such Bond Payment Date (the "Record Date").

THIS SERIES 2011 BOND HAS BEEN ISSUED UNDER THE PROVISIONS OF TITLE 6, CHAPTER 17 AND SECTION 6-1-760 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976,

AS AMENDED (COLLECTIVELY, THE "ENABLING STATUTE"), AND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN ANY STATE CONSTITUTIONAL PROVISIONS (OTHER THAN ARTICLE X, SECTION 14, PARAGRAPH 10 OF THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA, 1895, AS AMENDED, AUTHORIZING OBLIGATIONS PAYABLE SOLELY FROM SPECIAL SOURCES PERMITTED THEREIN) OR STATUTORY LIMITATION AND SHALL NEVER CONSTITUTE NOR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER. THE FULL FAITH, CREDIT, AND TAXING POWERS OF THE COUNTY ARE NOT PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THIS BOND.

This Series 2011 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 estate, transfer or certain franchise taxes. This Series 2011 Bond shall not be entitled to any benefit under the Ordinance (as hereinafter defined) or become valid or obligatory for any purpose until it shall have been authenticated by the execution of the Certificate of Authentication which appears hereon by the manual signature of an authorized officer of the County as Bond Registrar.

This Series 2011 Bond is issued as a single fully registered bond (and may only be so issued) in the principal amount of Three Million Nine Hundred Thousand Dollars (\$3,900,000) pursuant to a General Bond Ordinance enacted by the County Council of the County on _____, 2011, and a 2011 Series Ordinance enacted by the County Council of the County of even date therewith (collectively, the "Ordinance"), and under and in full compliance with the Constitution and Statutes of the State of South Carolina, including particularly Section 14, Paragraph 10 of Article X of the Constitution of the State of South Carolina, 1895, as amended, and the Enabling Statute.

All principal, interest, or other amounts due hereunder shall be payable only to the Registered Holder hereof. The County is the Registrar for this Series 2011 Bond and as such will maintain the Books of Registry for the registration or transfer hereof. This Series 2011 Bond may not be transferred except by the Registered Holder hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the County as Bond Registrar duly executed by the Registered Holder of this Series 2011 Bond or his duly authorized attorney. Any purported assignment in contravention of the foregoing requirements shall be, as to the County, absolutely null and void. The person in whose name this Series 2011 Bond shall be registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of the principal of and interest on this Series 2011 Bond shall be made only to or upon the order of the Registered Holder or his legal representative. All payments made in this manner shall be valid and effective to satisfy and discharge the liability of the County upon this Series 2011 Bond to the extent of the sum or sums paid. No person other than the Registered Holder shall have any right to receive payments, pursue remedies, enforce obligations, or exercise or enjoy any other rights under this Series 2011 Bond against the County.

The County shall not be required (a) to exchange or transfer the Series 2011 Bond (i) from the Record Date to the next succeeding Interest Payment Date or (ii) for a period of fifteen (15) days following the selection of portions of the Series 2011 Bond to be redeemed or thereafter until after the first publication or mailing of any notice of redemption or (b) to transfer the Series 2011 Bond once called for redemption.

The principal of, premium, if any, and interest on this Series 2011 Bond are payable solely from and secured by a lien upon the Hospitality Fee Revenues (as defined in the Ordinance). The pledge of and lien upon the Hospitality Fee Revenues given to secure this Series 2011 Bond has priority over all other pledges of Hospitality Fee Revenues and liens against the same, except as to such additional Bonds as may hereafter be issued pursuant to and in accordance with the terms of the Ordinance, which, when issued, shall be on a parity in all respects with this Series 2011 Bond.

No recourse shall be had for the payment of the principal of, premium, if any, and interest on the Series 2011 Bond against the several funds of the County, except in the manner and to the extent provided in the Ordinance, nor shall the credit or taxing power of the County be deemed to be pledged to the payment of the Series 2011 Bond. The Series 2011 Bond shall not be a charge, lien, or encumbrance, legal or equitable, upon any property of the County or upon any income, receipts, or revenues of the County, other than the Hospitality Fee Revenues that have been pledged to the payment thereof, and this Series 2011 Bond is payable solely from the Hospitality Fee Revenues pledged to the payment thereof and the County is not obligated to pay the same except from the Hospitality Fee Revenues.

Whenever the terms of this Series 2011 Bond require any action be taken on a Saturday, Sunday, or legal holiday or bank holiday in the State of South Carolina or in any state where the corporate trust office of the trustee or custodian, if then appointed, is located, the action shall be taken on the first business day occurring thereafter.

The Ordinance contains provisions defining terms; sets forth the terms and conditions upon which the covenants, agreements, and other obligations of the County made therein may be discharged at or prior to the maturity of this Series 2011 Bond with provisions for the payment thereof in the manner set forth in the Ordinance; and sets forth the terms and conditions under which the Ordinance may be amended or modified with or without the consent of the Registered Holder of this Series 2011 Bond. Reference is hereby made to the Ordinance, to all the provisions of which any Registered Holder of this Series 2011 Bond by the acceptance hereof thereby assents.

It is hereby certified and recited that all acts, conditions, and things required by the Constitution and Laws of the State of South Carolina to exist, to happen, and to be performed precedent to or in the issuance of this Series 2011 Bond exist, have happened, and have been done and performed in regular and due time, form, and manner, and that the amount of this Series 2011 Bond does not exceed any constitutional or statutory limitation thereon.

[Signatures appear on the following page]

IN WITNESS WHEREOF, FLORENCE COUNTY, SOUTH CAROLINA, has caused this Series 2011 Bond to be signed in its name by the manual signature of the Chairman, and attested by the manual signature of the Clerk, under the Seal of Florence County, South Carolina, impressed or reproduced hereon.

FLORENCE COUNTY, SOUTH CAROLINA

(SEAL)

Chairman, Florence County Council

ATTEST:

Clerk to Florence County Council

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond designated herein and issued under the provisions of the within-mentioned Ordinance.

FLORENCE COUNTY, SOUTH CAROLINA,
as Bond Registrar

Clerk to Florence County Council

Date of Authentication: _____

The following abbreviations, when used in the inscription on the face of this Series 2011 Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common
TEN ENT - as tenants in entireties
JT TEN - as joint tenants with right of survivorship
and not as tenants in common

UNIF GIFT MIN ACT - _____
(Cust)

Custodian _____
(Minor)

Under Uniform Gifts to Minors Act _____
(State)

Additional abbreviations may also be used, though not in the above list.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (Social Security No. or other Identifying Number of Assignee _____) the within Bond of FLORENCE COUNTY, SOUTH CAROLINA, and does hereby irrevocably constitute and appoint _____ to transfer the within Bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: _____

Signature Guaranteed: _____

NOTICE: Signature must be guaranteed by an institution who is a participant in the Securities Transfer Agent Medallion Program ("**STAMP**") or similar program.

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

CERTIFIED COPY OF ORDINANCE

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

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance enacted by the Council on October 20, 2011. The Ordinance was read at three public meetings of the Council on three separate days, August 18, 2011, September 15, 2011, and October 20, 2011. An interval of at least six days occurred between each reading of the Ordinance. At each such meeting, a quorum of the Council was present and remained present throughout the meeting.

The meetings held on August 18, 2011, September 15, 2011, and October 20, 2011, were duly called regular meetings of the Council. As required by Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended, a notice of said meeting (including the date, time, and place thereof, as well as an agenda) was posted prominently in the City-County Complex of the County at least twenty-four hours prior to said meeting. In addition, the local news media and all persons requesting notification of meetings of the Council were notified of the time, date, and place of such meeting, and were provided with a copy of the agenda therefor at least twenty-four hours in advance of such meeting.

The original of the Ordinance is duly entered in the permanent records of the County, 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 October, 2011.

(SEAL)

Clerk to Council, Florence County,
South Carolina

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Second Reading - Ordinance No. 07-2011/12

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

(An Ordinance To Amend Florence County Code Chapter 2, Administration, Article II, Form Of Government, Section 2-18, To Establish Defined Single Member Election Districts For The Election Of Members Of The County Council, And Other Matters Related Thereto.)

POINTS TO CONSIDER:

1. The Council adopted Resolution No. 05-2011/12, Criteria for the Development of 2010 Redistricting Plans, on August 9, 2011.
2. Plan A was presented to the Council on August 9, 2011.
3. Alternate plans and revisions may be considered.

OPTIONS:

1. *(Recommended)* Approve Second Reading of Ordinance No. 07-2011/12.
2. Provide an Alternate Directive.

ATTACHMENTS:

1. Ordinance No. 07-2011/12.
2. Resolution No. 05-2011/12, with attachments.

Sponsor(s) : County Council
 First Reading : August 18, 2011
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Public Hearing : September 15, 2011
 Second Reading : September 15, 2011
 Third Reading :
 Effective Date : Immediately

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

ORDINANCE NO. 07-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Amend Florence County Code Chapter 2, Administration, Article II, Form Of Government, Section 2-18, To Establish Defined Single Member Election Districts For The Election Of Members Of The County Council, And Other Matters Related Thereto.)

WHEREAS:

1. In compliance with the Constitution of the State of South Carolina, Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended, and the United States Voting Rights Act of 1965, as amended, the Florence County Council has determined to realign the electoral districts for the election of members of Council pursuant to the 2010 Census; and
2. This Ordinance redefines the boundaries of the existing nine single member election districts based upon the 2010 Census so that the population of these districts complies with the requirements set forth in the Voting Rights Act of 1965.

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

1. Florence County Code Chapter 2, Administration, Article II, Form of Government, Section 2-18(a), Single-Member Election Districts, is hereby amended by deleting all District Census Tract, Population and % Variance data entirely and replacing the deleted section with the attached District Census Tract, Population and % Variance data (Exhibit A).
2. The attached map (Exhibit B) and the supporting data are hereby incorporated by reference and collectively shall be adopted as the 2011 Redistricting Plan for Florence County.
3. The Florence County Council authorizes administrative actions as may be necessary to promulgate and execute such procedures and policies as may be necessary to effect and implement the redistricted single member election districts provided for in this Ordinance.
4. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.

5. 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:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

Approved as to Form and Content
D. Malloy McEachin, Jr., County Attorney

DRAFT

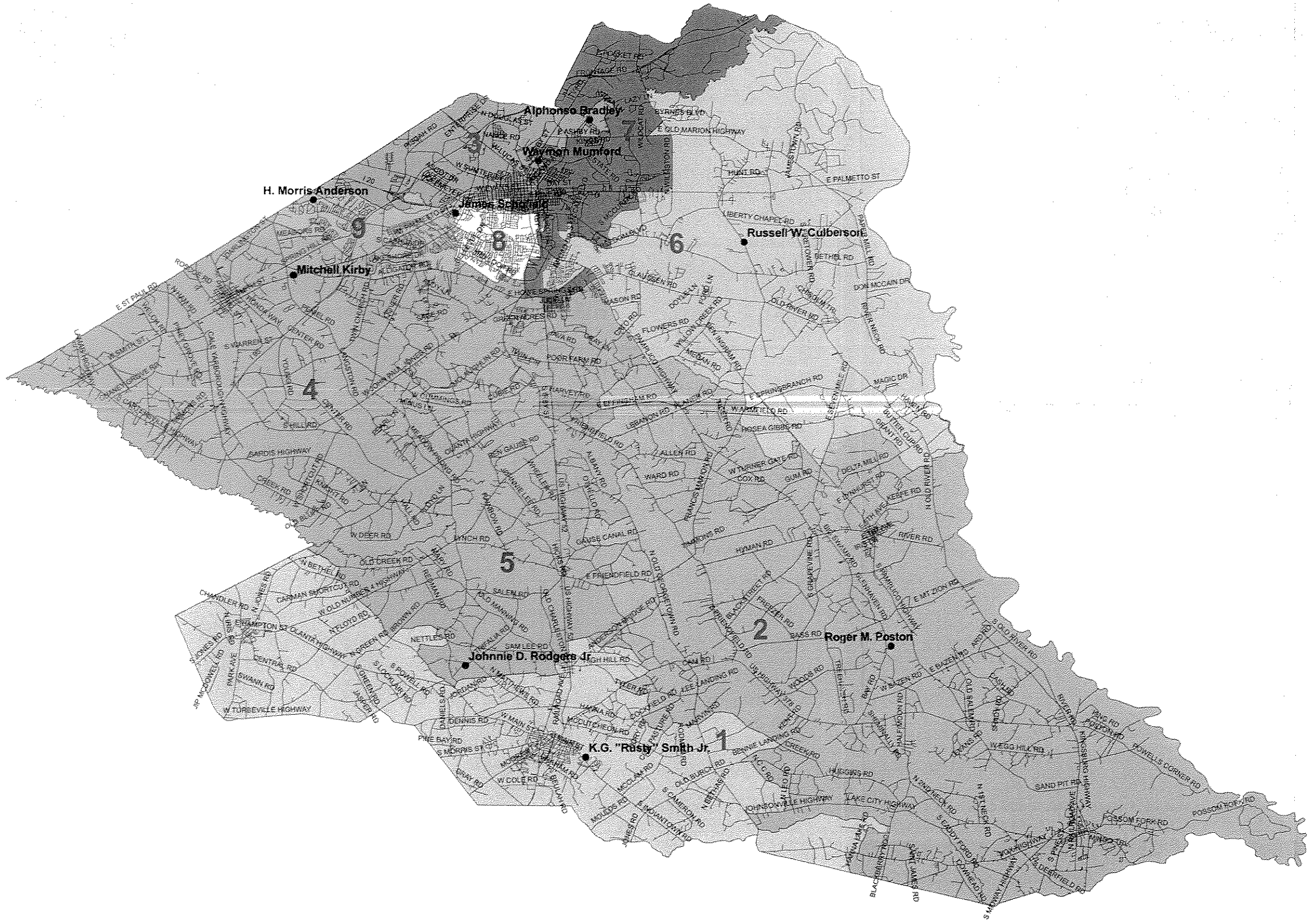
Florence County Council Plan1 Statistics

EXHIBIT "A"

| District | Pop | Dev. | %Dev. | NH_WHT | %NH_WHT | NH_BLK | %NH_BLK | VAP | %VAP | NHVVAP | NHBVAP | %NHBVAP | AllOth | AllOthVAP |
|----------|---------|------|--------|--------|---------|--------|---------|---------|--------|--------|--------|---------|--------|-----------|
| 1 | 15,288 | 79 | 0.52% | 5,648 | 36.94% | 9,120 | 59.65% | 11,149 | 72.93% | 4,505 | 6,313 | 56.62% | 520 | 331 |
| 2 | 14,951 | -258 | -1.70% | 10,115 | 67.65% | 4,241 | 28.37% | 11,140 | 74.51% | 7,803 | 2,981 | 26.76% | 595 | 356 |
| 3 | 15,025 | -184 | -1.21% | 5,343 | 35.56% | 9,110 | 60.63% | 11,403 | 75.89% | 4,225 | 6,800 | 59.63% | 572 | 378 |
| 4 | 15,234 | 25 | 0.16% | 8,536 | 56.03% | 6,087 | 39.96% | 11,497 | 75.47% | 6,723 | 4,352 | 37.85% | 611 | 422 |
| 5 | 15,234 | 25 | 0.16% | 8,344 | 54.77% | 6,187 | 40.61% | 11,253 | 73.87% | 6,529 | 4,299 | 38.20% | 703 | 425 |
| 6 | 15,418 | 209 | 1.37% | 9,358 | 60.70% | 5,388 | 34.95% | 12,155 | 78.84% | 7,542 | 4,156 | 34.19% | 672 | 457 |
| 7 | 15,092 | -117 | -0.77% | 3,982 | 26.38% | 10,621 | 70.38% | 11,332 | 75.09% | 3,339 | 7,670 | 67.68% | 489 | 323 |
| 8 | 15,443 | 234 | 1.54% | 11,541 | 74.73% | 3,117 | 20.18% | 11,845 | 76.70% | 9,261 | 2,069 | 17.47% | 785 | 515 |
| 9 | 15,200 | -9 | -0.06% | 11,238 | 73.93% | 2,893 | 19.03% | 11,411 | 75.07% | 8,607 | 2,080 | 18.23% | 1069 | 724 |
| Total | 136,885 | | | 74,105 | | 56,764 | | 103,185 | | 58,534 | 40,720 | | 6016 | 3931 |

Florence County

Plan 1



• CC
— Roads

Districts

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9



0 3 6 Miles

Sponsor(s)/Department : County Council
Adopted : August 9, 2011
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 05-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(A Resolution To Approve Adoption Of The Criteria For The Development Of 2010 Redistricting Plans.)

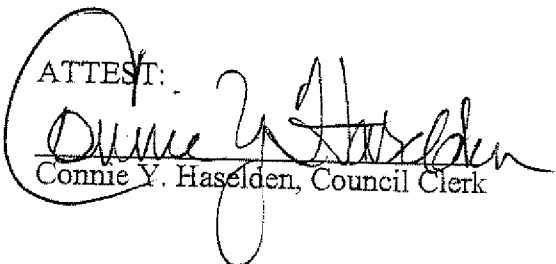
WHEREAS:

1. The County must reapportion its County Council districts to meet the current requirements of the Census and Federal and State law.
2. Basic criteria for the development of the 2010 redistricting plans should be established; and
3. These criteria are suggested by the South Carolina Office of Research and Statistics.

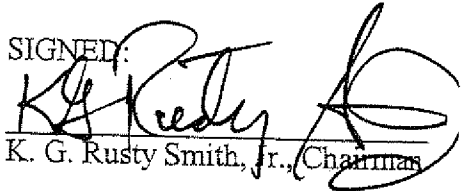
NOW THEREFORE BE IT RESOLVED BY THE FLORENCE COUNTY COUNCIL DULY ASSEMBLED THAT:

The criteria for the development of the 2010 redistricting plans are hereby adopted and are attached hereto and incorporated by reference.

ATTEST:


Connie Y. Haselden, Council Clerk

SIGNED:


K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE: *approved*

OPPOSED: *0*

ABSENT: *1 - J. Rodgers*

CRITERIA FOR DEVELOPING PLANS: REDISTRICTING 2010

1. Adhere to the court ordered constitutional requirement of one person, one vote
 - a. County Councils must adhere to a state law of population variance under 10%
2. Adherence to the 1965 Voting Rights Act as amended and by controlling court decisions
3. Ensure that parts of the districts are contiguous
4. Respect Communities of Interest
5. Attempt to maintain constituent consistency
6. Avoid splitting voting precincts
7. Solicit public input

FLORENCE COUNTY COUNCIL MEETING
Thursday, September 15, 2011

AGENDA ITEM: Ordinance No. 08-2011/12
Introduction

DEPARTMENT: Planning and Building Inspections / 

ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend The Comprehensive Plan Land Use Map For Property In Florence County Located At 129 And 135 S. Fifth Street, Timmons ville, SC As Shown On Florence County Tax Map No. 00017, Block 04, Parcel 100; Consisting Of 1.69 Acres From Residential Preservation To Rural Preservation And Other Matters Related Thereto.]
(Planning Commission approved 10-0; Council District 4)

POINTS TO CONSIDER:

1. The subject property is currently designated as Residential Preservation.
2. The applicant has requested a land use designation amendment to Rural Preservation.
3. This land use designation would better coordinate with the existing land uses surrounding this area.

OPTIONS:

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

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 08-2011/12
2. Resolution for PC#2011-11
3. Staff report for PC#2011-11
4. Aerial map
5. Comprehensive Plan Land Use Element map

| | | |
|------------------------------------|-----------------------------------|----------------------------------|
| Sponsor(s) | : Planning Commission | I, _____, |
| Planning Commission Consideration | : August 23, 2011 | Council Clerk, certify that this |
| Planning Commission Public Hearing | : August 23, 2011 | Ordinance was advertised for |
| Planning Commission Recommendation | : August 23, 2011 [Approved 10-0] | Public Hearing on _____. |
| First Reading/Introduction | : September 15, 2011 | |
| Committee Referral | : N/A | |
| County Council Public Hearing | : October 20, 2011 | |
| Second Reading | : October 20, 2011 | |
| Third Reading | : November 17, 2011 | |
| Effective Date | : Immediately | |

ORDINANCE NO. 08-2011/12

[An Ordinance To Amend The Comprehensive Plan Land Use Map For Property In Florence County Located At 129 and 135 S. Fifth Street, Timmonsville, SC As Shown On Florence County Tax Map No. 00017, Block 04, Parcel 100; Consisting Of 1.69 Acres From Residential Preservation To Rural Preservation And Other Matters Related Thereto.]

WHEREAS:

1. The Florence County Council must be satisfied that this Zoning Atlas amendment will not be 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 amendment procedure established in the Florence County Comprehensive Plan has been followed by the Florence County Planning Commission at a public hearing on August 23, 2011.

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

1. The Florence County Comprehensive Plan Land Use Map is hereby amended to change the designation for property in Florence County located at 129 and 135 S. Fifth Street, Timmonsville, SC as shown on Florence County Tax Map No. 00017, Block 04, Parcel 100 consisting of 1.69 acres from Residential Preservation to Rural Preservation.
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:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr. Chairman

Approved as to Form and Content
D. Malloy McEachin, Jr., County Attorney

COUNCIL VOTE:
OPPOSED:
ABSENT:

RESOLUTION FOR PC#2011-11

FLORENCE COUNTY PLANNING COMMISSION

[A Resolution Recommending A Comprehensive Plan Map Amendment To Change The Land Use Map Designation For Property In Florence County Located At 129 And 135 S. Fifth Street, Timmonsville, SC From Residential Preservation To Rural Preservation As Referenced On The Agenda Map.]

WHEREAS:

1. The subject property designation as established by the Land Use Map of the Florence County Comprehensive Plan is Residential Preservation.
2. The applicant is proposing to change the designation to Rural Preservation to implement the community vision
3. Therefore, a change to the Comprehensive Plan Map Land Use Designation for this property is hereby recommended.

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

1. A Resolution is hereby adopted to recommend that the Florence County Council vote to amend the Florence County Comprehensive Plan Map Land Use Designation for Property in Florence County Located at 129 and 135 S. Fifth Street, Timmonsville, SC measuring approximately 1.69 acres from Residential Preservation to Rural Preservation as referenced on the agenda map.

ATTEST:

Angela C. Thomas
Angela C. Thomas, Secretary

SIGNED:

Peter M. Kistner
Chairman

COMMISSION VOTE: 10-0

OPPOSED: None

ABSENT: K. Lowery

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
August 23, 2011
PC#2011-11
ORDINANCE NO. 08-2011/12**

Subject: Comprehensive Plan Map Amendment to change the Land Use Map designation for property in Florence County located at 129 and 135 S. Fifth Street, Timmonsville from Residential Preservation to Rural Preservation.

Location: 129 and 135 S. Fifth Street, Timmonsville

Tax Map Numbers 00017, Block 04, Parcel 100

Council District(s): 4; County Council

Applicant: Viola A. Garner

Land Area: Approximately 1.69 Acres

Staff Analysis:

The property is currently designated as Residential Preservation according to the Comprehensive Plan Land Use map.

The applicant is proposing to change the designation to Rural Preservation.

Staff's Justification/Reason for proposed amendment is necessary to implement the community vision.

Comprehensive Land Use Plan Map Designation:

The proposal is to change the designation to Rural Preservation which provides 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.

Florence County Planning Commission Action-July 26, 2011:

Five Planning Commission members were in attendance at the meeting held on July 26, 2011.

Due to the lack of a quorum, the meeting was cancelled and all items on the agenda were deferred and rescheduled for appearance at the meeting to be held on Tuesday, August 23, 2011.

Florence County Planning Commission Action: August 23, 2011:

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 rural preservation land use designation would better coordinate with the existing land uses surrounding this area.

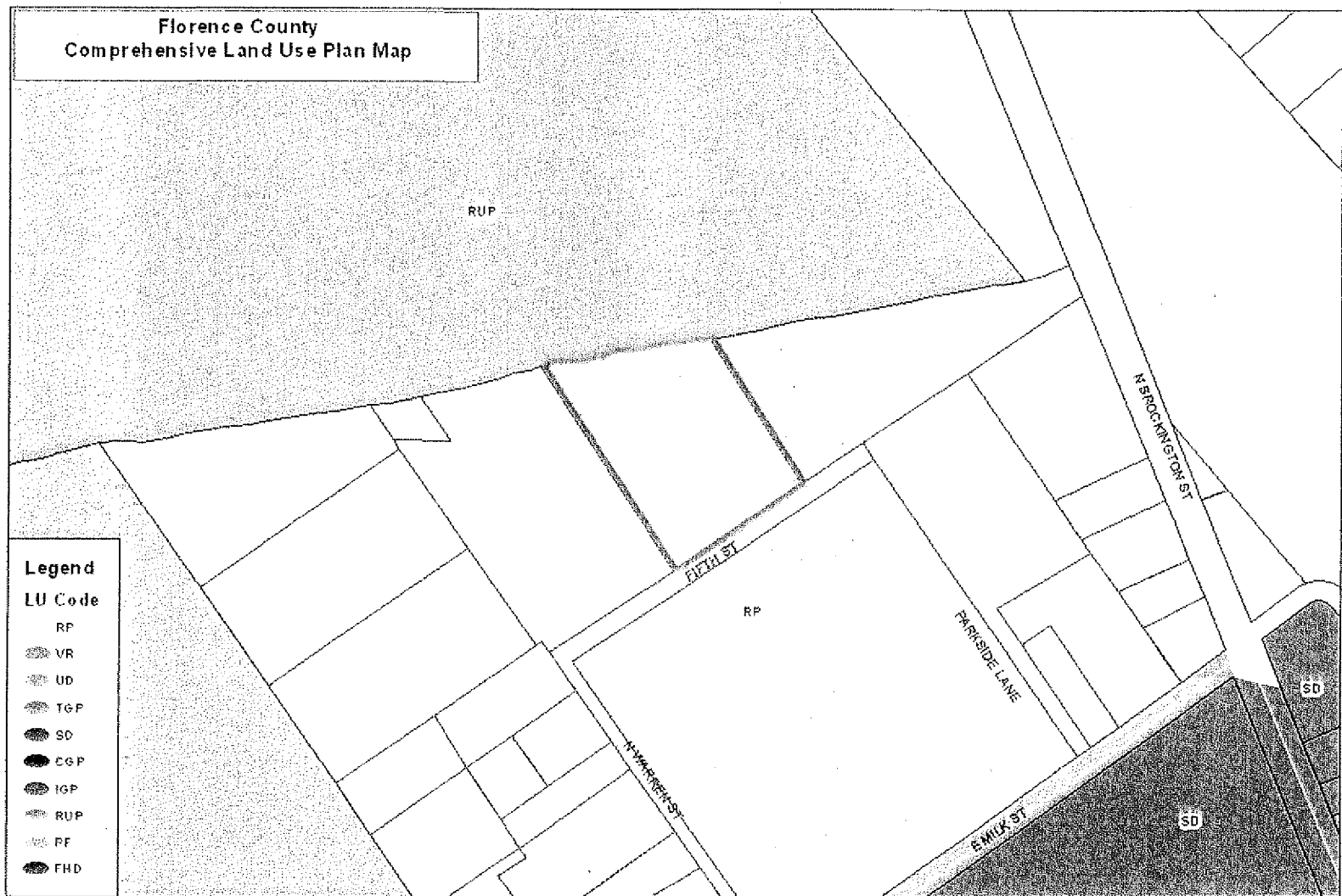


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Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
06/23/2011



COUNTY COUNCIL DISTRICT(S): 4
PC#2011-11



0 87.5 175 350 Feet

Map Prepared by: RWE
 Copyright 2010: Florence County Planning
 & Building Inspections Department
 Geographic Information Systems
 06/23/2011



**COUNTY COUNCIL DISTRICT(S): 4
 PC#2011-11**

FLORENCE COUNTY COUNCIL MEETING
Thursday, September 15, 2011

AGENDA ITEM: Ordinance No. 09-2011/12
Introduction

DEPARTMENT: Planning and Building Inspections

ISSUE UNDER CONSIDERATION:

[An Ordinance To Rezone Property Owned By Viola A. Garner Located At 129 and 135 South Fifth Street, Timmons ville, As Shown On Florence County Tax Map No. 00017, Block 04, Parcel 100; Consisting Of 1.69 Acres From R-3, Single-Family Residential District To RU-1, Rural Community District And Other Matters Related Thereto.] *(Planning Commission approved 10-0; Council District 4)*

POINTS TO CONSIDER:

1. Adjacent land uses include single-family and manufactured homes, a vacant lot, a baseball field, and a vacant commercial use.
2. The request for the zoning amendment to RU-1 does not presently comply with the current Land Use Map's designation of Residential Preservation for the subject property.
3. Amending the current land use designation to Rural Preservation will bring the zoning amendment request into compliance with the Comprehensive Plan Land Use Map.

OPTIONS:

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

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 09-2011/12
2. Staff report for PC#2011-12
3. Location map
4. Comprehensive Land Use Plan map
5. Zoning map
6. Aerial photograph

Sponsor(s) : Planning Commission
Planning Commission Consideration : August 23, 2011
Planning Commission Public Hearing : August 23, 2011
Planning Commission Recommendation : August 23, 2011[Approved 10-0]
First Reading/Introduction : September 15, 2011
Committee Referral : N/A
Second Reading : October 20, 2011
Third Reading : November 17, 2011
Effective Date : Immediately

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

ORDINANCE NO. 09-2011/12

[An Ordinance To Rezone Property Owned By Viola A. Garner Located At 129 and 135 South Fifth Street, Timmons ville, As Shown On Florence County Tax Map No. 00017, Block 04, Parcel 100; Consisting Of 1.69 Acres From R-3, Single-Family Residential District To RU-1, Rural Community District And Other Matters Related Thereto.]

WHEREAS:

1. The Florence County Council must be satisfied that this Zoning Atlas amendment will not be 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 amendment procedure established in the Florence County Code, Chapter 30-Zoning Ordinance has been followed by the Florence County Planning Commission at a public hearing on August 23, 2011.

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

1. Property located at 129 and 135 South Fifth Street bearing Tax Map 00017, Block 04, Parcel 100 is hereby rezoned to RU-1, Rural Community District.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

Connie Y Haselden, Council Clerk

K. G. Rusty Smith, Jr. Chairman

Approved as to Form and Content
D. Malloy McEachin, Jr., County Attorney

COUNCIL VOTE:
OPPOSED:
ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
July 26, 2011
PC#2011-12
ORDINANCE NO. 09-2011/12**

Subject: Rezoning request from R-3, Single-Family Residential District to RU-1, Rural Community District

Location: Property is located at 129 and 135 S. Fifth St.
Town of Timmons ville

Tax Map Number: 00017, Block 04, Parcel 100

Council District(s): 4; County Council

Owner of Record: Viola A. Garner

Applicant: Viola A. Garner

Land Area: 1.69 acres

Existing Land Use and Zoning:

The subject property is currently occupied by a doublewide manufactured home not permanently set up located at 135 S. Fifth Street and the related principal structure of a single-family home located at 129 S. Fifth Street.

The property is currently zoned R-3, Single-Family Residential District.

Proposed Land Use and Zoning:

The applicant has indicated that the proposed land use for the site will consist of the existing doublewide manufactured home and a single-family home. The applicant is proposing to rezone the subject property to RU-1, Rural Community District.

Surrounding Land Use and Zoning:

North: Vacant lot/R-3/ Town of Timmons ville
South: Baseball field/R-3/ Town of Timmons ville
East: Commercial use/ Unzoned / Florence County
West: Doublewide manufactured home/Single-family residential home/ R-3 / Town of Timmons ville

Florence County Comprehensive Plan:

The subject property is located in a Residential Preservation area according to the Comprehensive Plan Land Use Map. While the applicant has requested to rezone this property to

RU-1, this request will comply with the Land Use Element of the Comprehensive Plan contingent upon approval of the land use designation amendment request to Rural Preservation.

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:

Access and Circulation- Present access to the property is by way of S. Fifth Street that is maintained by the Town of Timmonsville.

Water and Sewer Availability- The water services are provided by the Town of Timmonsville. No public sewer at this time. The applicant indicates that a septic will be required.

Adjacent Waterways/Bodies of Water/Flood Zone - There does not appear to be any waterway/body of water adjacent to the property. The property is not located in a flood zone.

Background- The request is to rezone the subject property to RU-1, Rural Community District.

Traffic Review- The rezoning of this property will not have an effect on traffic flow for this area.

Florence County Planning Commission Meeting-July 26, 2011:

Five Planning Commission members were in attendance at the meeting held on July 26, 2011.

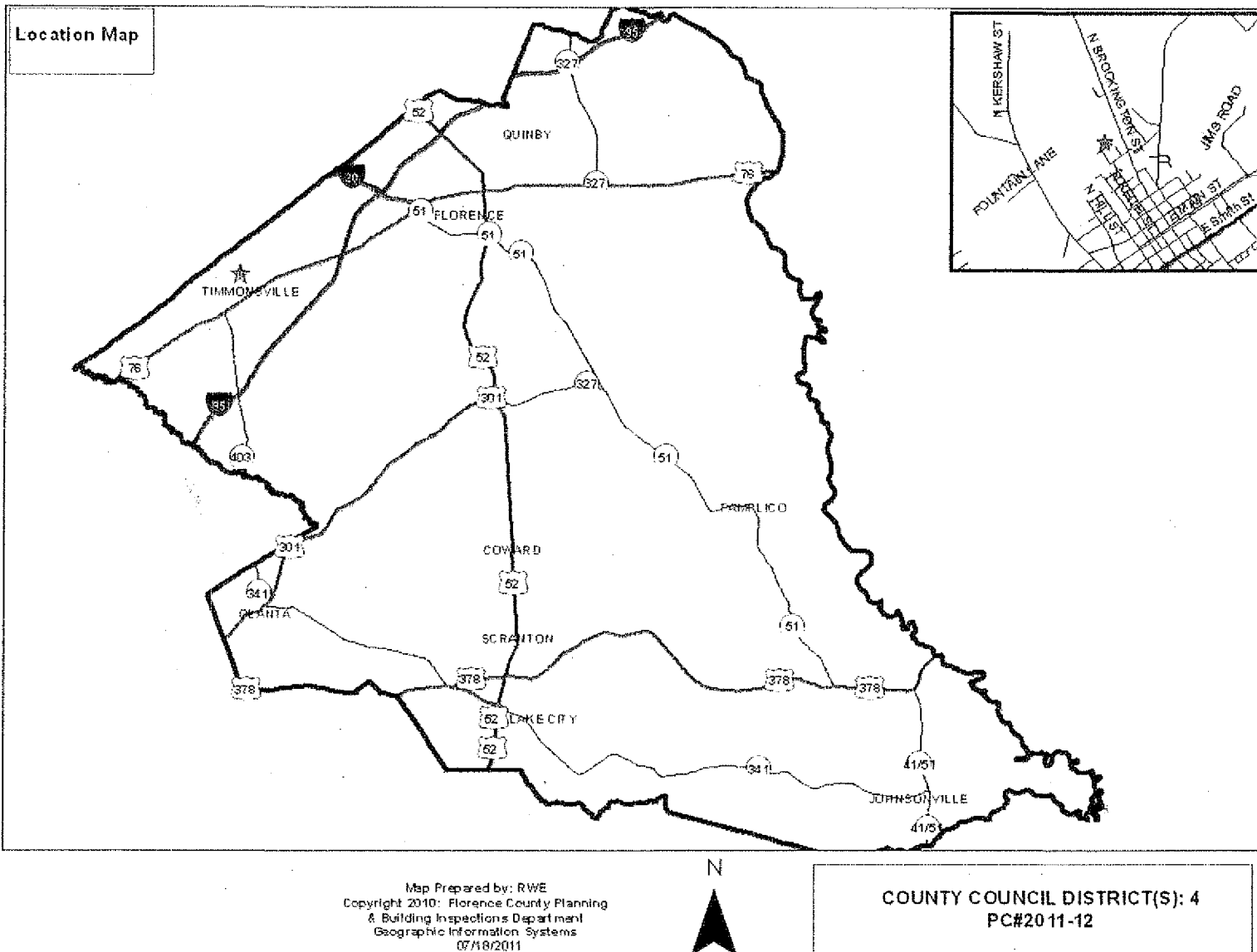
Due to the lack of a quorum, the meeting was cancelled and all items on the agenda were deferred and rescheduled for appearance at the meeting to be held on Tuesday, August 23, 2011.

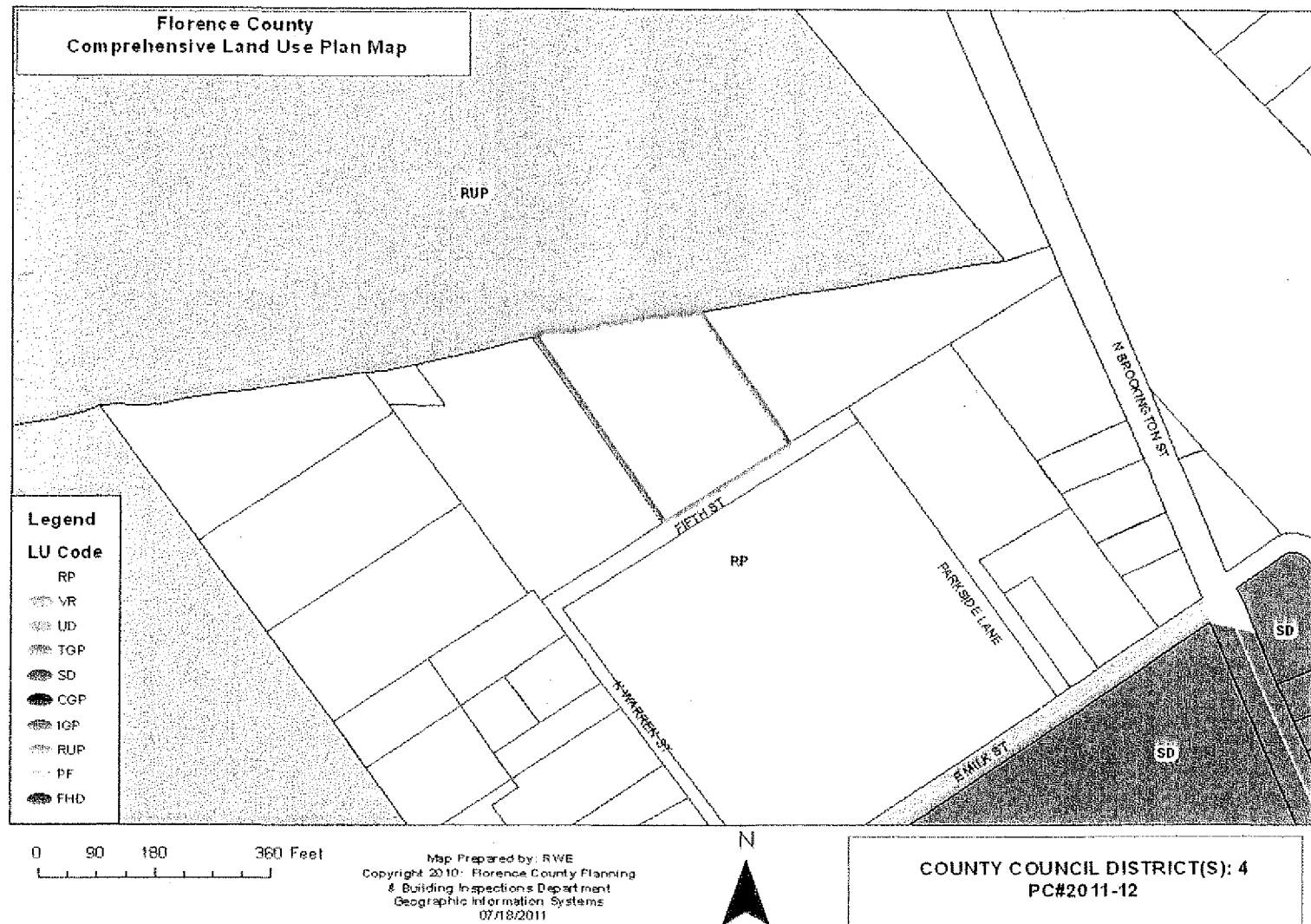
Florence County Planning Commission Meeting-August 23, 2011:

The ten Planning Commission members present voted unanimously to approve the zoning amendment request contingent upon approval of the land use designation amendment request to Rural Preservation at the meeting held on August 23, 2011.

Florence County Planning Commission Recommendation:

The Planning Commission recommends approval of the rezoning request based on its being in compliance with the approval of the land use designation change request to the Land Use Element of the Comprehensive Plan.







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Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
07/18/2011

COUNTY COUNCIL DISTRICT(S): 4
PC#2011-12

FLORENCE COUNTY COUNCIL MEETING
Thursday, September 15, 2011

AGENDA ITEM: Ordinance No. 10-2011/12
Introduction

DEPARTMENT: Planning and Building Inspections / 

ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations, Section 30-210, Relocation Of Billboard Due To Governmental Land Acquisition; And Other Matters Related Thereto.] *(Planning Commission approved 10-0; All Council Districts)*

POINTS TO CONSIDER:

1. On December 9, 2010, County Council approved a waiver of Sec. 30-210. Relocation Of Billboard Due To Governmental Land Acquisition, to allow SCDOT to proceed with removal and replacement of signs in accordance with existing SCDOT procedures and standards for relocation.
2. This Ordinance will codify the revised policy.

OPTIONS:

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

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 10-2011/12-Proposed New
2. Ordinance No. 10-2011/12-Existing w/Mark-up
3. Staff report for PC#2011-13

| | | |
|------------------------------------|-----------------------------------|---------------------------------|
| Sponsor(s) | : Planning Commission | I, _____, |
| Planning Commission Consideration | : August 23, 2011 | Council Clerk certify that this |
| Planning Commission Public Hearing | : August 23, 2011 | Ordinance was advertised for |
| Planning Commission Recommendation | : August 23, 2011 [Approved 10-0] | Public Hearing on _____. |
| First Reading/Introduction | : September 15, 2011 | |
| Committee Referral | : N/A | |
| Second Reading | : October 20, 2011 | |
| Third Reading | : November 17, 2011 | |
| Effective Date | : Immediately | |

ORDINANCE NO. 10-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations, Section 30-210, Relocation Of Billboard Due To Governmental Land Acquisition; And Other Matters Related Thereto.]

WHEREAS:

1. Areas within the Florence County Forward Road Project contain existing outdoor advertising signage that may require removal and relocation; and
2. An amendment to the current regulations will alleviate some costs associated with the project that may be incurred by Florence County and any similar projects by other governmental agencies that may occur in the future.

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

1. Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations, Section 30-210, Relocation Of Billboard Due To Governmental Land Acquisition is amended in its entirety as follows:

Sec. 30-210. - Relocation of billboard due to governmental land acquisition.

Outdoor advertising structures located on property, acquired by a governmental agency for public use, may be relocated on the original parcel of property that was not acquired. The structure may be rebuilt in the style in which it currently exists or in a single steel pole structural design and the sign face square footage must remain the same.

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
D. Malloy McEachin, Jr., County Attorney

| | | |
|------------------------------------|-----------------------------------|---------------------------------|
| Sponsor(s) | : Planning Commission | I, _____, |
| Planning Commission Consideration | : August 23, 2011 | Council Clerk certify that this |
| Planning Commission Public Hearing | : August 23, 2011 | Ordinance was advertised for |
| Planning Commission Recommendation | : August 23, 2011 [Approved 10-0] | Public Hearing on _____. |
| First Reading/Introduction | : September 15, 2011 | |
| Committee Referral | : N/A | |
| Second Reading | : October 20, 2011 | |
| Third Reading | : November 17, 2011 | |
| Effective Date | : Immediately | |

ORDINANCE NO. 10-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations, Section 30-210, Relocation Of Billboard Due To Governmental Land Acquisition; And Other Matters Related Thereto.]

WHEREAS:

1. Areas within the Florence County Forward Road Project contain existing outdoor advertising signage that may require removal and relocation; and
2. An amendment to the current regulations will alleviate some costs associated with the project that may be incurred by Florence County and any similar projects by other governmental agencies that may occur in the future.

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

1. Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations, Section 30-210, Relocation Of Billboard Due To Governmental Land Acquisition is amended in its entirety as follows:

Sec. 30-210. - Relocation of billboard due to governmental land acquisition.

Outdoor advertising structures located on property, acquired by a governmental agency for public use, may be relocated on the original parcel of property that was not acquired. The structure ~~must~~ may be rebuilt in ~~accordance with the style in which it currently exists or in the a~~ a single steel pole structural design and the sign face square footage must remain the same.

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
D. Malloy McEachin, Jr., County Attorney

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
August 23, 2011
PC#2011-13
ORDINANCE NO. 10-2011/12**

SUBJECT: Request for text amendment to the Florence County Code, Chapter 30. Zoning Ordinance, Section 30-210. Relocation of Billboard Due to Governmental Land Acquisition.

APPLICANT: Florence County Planning Department

Staff Analysis:

SCDOT has been and is in the process of road widening projects through the Florence County Road Project funded by the State Infrastructure Bank and the temporary one-cent capital improvement sales tax approved by voters.

Within the scope of the project, signs within the designated areas will need to be relocated by SCDOT.

As a result of the project, The Florence County Road Project will acquire additional costs.

Planning staff is requesting an amendment to the text of Sec. 30-210 in an effort to alleviate additional costs that would occur as indicated above.

Amendment to the text would allow SCDOT and other governmental agencies that may, in the future be involved with projects on behalf of the County, to proceed with removal and replacement of signs in accordance with that respective governmental agency's procedures and standards for relocations.

Text Amendment Request:

The amendment to the text of Chapter 30-Zoning Ordinance-Sec.30-210 of the Florence County Code shall read as follows:

Sec. 30-210. Relocation of billboard due to governmental land acquisition.

Outdoor advertising structures located on property, acquired by a governmental agency for public use, may be relocated on the original parcel of property that was not acquired. The structure ~~must~~ may be rebuilt in ~~accordance with the style in which it currently exists or in the a~~ single steel pole structural design and the sign face square footage must remain the same.

Previous Action by Florence County Council:

On December 9, 2010, County Council approved a waiver of Sec. 30-210 relocation of billboards due to governmental Land Acquisition to allow SCDOT to proceed with removal and

replacement of signs in accordance with existing SCDOT procedures and standards for relocation.

Florence County Planning Commission Action - July 26, 2011:

Five Planning Commission members were in attendance at the meeting held on July 26, 2011.

Due to the lack of a quorum, the meeting was cancelled and all items on the agenda were deferred and rescheduled for appearance at the meeting to be held on Tuesday, August 23, 2011.

Florence County Planning Commission Action - August 23, 2011:

The ten Planning Commission members present approved the text amendment unanimously as presented at the meeting held on Tuesday, August 23, 2011.

Florence County Planning Commission Recommendation:

The Planning Commission recommends approval of the text amendment request to Florence County Council as presented.

FLORENCE COUNTY COUNCIL MEETING
Thursday, September 15, 2011

AGENDA ITEM: Ordinance No. 11-2011/12
Introduction

DEPARTMENT: Planning and Building Inspections



ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend Florence County Code, Chapter 27, Public Roads And Ways, Article II, Street Naming and Property Numbering, Section 27-21, Street Naming, And Other Matters Related Thereto.]

POINTS TO CONSIDER:

1. The text amendment will allow the Planning Commission to approve the renaming of roads as necessary.
2. The text amendment will include a non-refundable filing fee of \$100.00; and
3. The text amendment will include a fee to offset public road sign replacement costs; and
4. Will allow for periodic changes to these fees by the Florence County Council.

OPTIONS:

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

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 11-2011/12-Proposed New
2. Ordinance No. 11-2011/12-Existing with markup
3. Staff report for PC#2011-14

| | | |
|------------------------------------|-----------------------------------|----------------------------------|
| Sponsor(s) | : Planning Commission | I, _____, |
| Planning Commission Consideration | : August 23, 2011 | Council Clerk, certify that this |
| Planning Commission Public Hearing | : August 23, 2011 | Ordinance was advertised for |
| Planning Commission Recommendation | : August 23, 2011 [Approved 10-0] | Public Hearing on _____ |
| First Reading/Introduction | : September 15, 2011 | |
| Committee Referral | : N/A | |
| Second Reading | : October 20, 2011 | |
| Third Reading | : November 17, 2011 | |
| Effective Date | : Immediately | |

ORDINANCE NO. 11-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Florence County Code, Chapter 27, Public Roads And Ways, Article II, Street Naming And Property Numbering, Section 27-21, Street Naming: And Other Matters Related Thereto.]

WHEREAS:

1. The amendment will allow the Planning Commission to approve the renaming as necessary.
2. The amendment will include a non-refundable fee of \$100.00.
3. The amendment will include a sign replacement fee not to exceed \$500.
4. The amendment will allow for periodic changes to these fees by the Florence County Council.

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

1. Florence County Code, Chapter 27, Public Roads And Ways, Article II, Street Naming and Property Numbering Section 27-21, Subsection (d) Renaming Roads is hereby amended to read as follows:

Sec. 27-21. Street Naming

(d) *Renaming Roads.* Roads that have been officially named by the Florence County Council will not be considered for renaming during the E-911 implementation process for a twelve-month period following the system's cutover. Following this period, request for the renaming of roads will be considered as deemed necessary by the Planning Commission.

2. Florence County Code, Chapter 27, Public Roads And Ways, Article II, Street Naming and Property Numbering Section 27-21, Subsection (e) Request to Rename, Filing Fee is hereby

amended to read as follows:

Sec. 27-21. Street Naming

- (c) *Request to rename, filing fee.* For any street with an official name, prior to consideration for renaming by the Florence County Planning Commission, a non-refundable filing fee of \$100.00 must be received by the Florence County Planning Commission office. Successful applicants will be required to pay an actual cost sign replacement fee not to exceed \$500. These fees are established and are subject to periodic changes by the Florence County Council.
3. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
4. 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
D. Malloy McEachin, Jr., County Attorney

SIGNED:

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

| | | |
|------------------------------------|-----------------------------------|----------------------------------|
| Sponsor(s) | : Planning Commission | |
| Planning Commission Consideration | : August 23, 2011 | I, _____, |
| Planning Commission Public Hearing | : August 23, 2011 | Council Clerk, certify that this |
| Planning Commission Recommendation | : August 23, 2011 [Approved 10-0] | Ordinance was advertised for |
| First Reading/Introduction | : September 15, 2011 | Public Hearing on _____. |
| Committee Referral | : N/A | |
| Second Reading | : October 20, 2011 | |
| Third Reading | : November 17, 2011 | |
| Effective Date | : Immediately | |

ORDINANCE NO. 11-2011/12

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend Florence County Code, Chapter 27, Public Roads And Ways, Article II, Street Naming And Property Numbering, Section 27-21, Street Naming: And Other Matters Related Thereto.]

WHEREAS:

1. The amendment will allow the Planning Commission to approve the renaming as necessary.
2. The amendment will include a non-refundable fee of \$100.00.
3. The amendment will include a sign replacement fee not to exceed \$500.
4. The amendment will allow for periodic changes to these fees by the Florence County Council.

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

1. Florence County Code, Chapter 27, Public Roads And Ways, Article II, Street Naming and Property Numbering, Section 27-21, Subsection (d) Road Renaming is hereby amended to read as follows:

Sec. 27-21. Street Naming

(d) *Renaming Roads.* Roads that have been officially named by the Florence County Council will ~~only not~~ be considered for renaming during the E-911 implementation process for a twelve-month period following the system's cutover. Following this period, request for the renaming of roads will be considered as deemed necessary by the Planning Commission. ~~by the Florence County Council at its first regular meeting in January and July of each year, upon the recommendation of the Florence County Planning Commission.~~

2. Florence County Code, Chapter 27, Public Roads And Ways, Article II, Street Naming and

Property Numbering Section 27-21, Subsection (d) Road Renaming is hereby amended to read as follows:

Sec. 27-21. Street Naming

- (e) *Request to rename, filing fee.* For any street with ~~on~~an official name, prior to consideration for renaming by the Florence County Planning Commission, a non-refundable filing fee of \$100.00 must be received by the Florence County Planning Commission office. Successful applicants will be required to pay an actual cost sign replacement fee not to exceed \$500. Said-These fees are will be Eestablished and are subject to periodic changes by the Florence County Council.~~the Planning Commission and the County Administrator~~
3. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
4. 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
D. Malloy McEachin, Jr., County Attorney

SIGNED:

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
AUGUST 23, 2011
PC#2011-14
ORDINANCE NO. 11-2011/12**

SUBJECT: Request for text amendment to Section 27-21. Street Naming of the Florence County Code of Ordinances

APPLICANT: Florence County Planning Department

Staff Analysis:

Staff is requesting an amendment to the section to correct errors that were found in the previously submitted changes that were adopted by Council in 2002 in the final submission.

Staff also requests an amendment to the text of this section for the filing fee.

Text Amendment Request:

The amendment to text of the Florence County Code of Ordinances, Section 27-21. Street Naming (d) Renaming roads and (e) Request to rename, filing fee, if approved shall read as follows:

- (d) *Renaming roads.* Roads that have been officially named by the Florence County Council will ~~only not~~ be considered for renaming during the E-911 implementation process for a twelve-month period following the system's cutover. Following this period, request for the renaming of roads will be considered as deemed necessary by Planning Commission by the Florence County Council at its first regular meeting in January and July of each year, upon the recommendation of the Florence County Planning Commission.
- (e) *Request to rename, filing fee.* For any street with ~~on-an~~ official name, prior to consideration for renaming by the Florence County Planning Commission, a non-refundable filing fee of \$100.00 must be received by the Florence County Planning Commission office. ~~Said This fee is will be Established~~ and is subject to periodic changes by Florence County Council. ~~the Planning Commission and the County Administrator~~

Florence County Planning Commission Action-July 26, 2011:

Five Planning Commission members were in attendance at the meeting held on July 26, 2011.

Due to the lack of a quorum, the meeting was cancelled and all items on the agenda were deferred and rescheduled for appearance at the meeting to be held on Tuesday, August 23, 2011.

Florence County Planning Commission Action-August 23, 2011:

The ten Planning Commission members present approved the request unanimously at the meeting held on Tuesday, August 23, 2011 with the stipulation that if the renaming of the road is approved that the requestor/applicant pay a nominal fee for the sign itself.

Florence County Planning Commission Recommendation:

The Planning Commission recommends approval of the text amendment request with stipulation to the Florence County Council.

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Reports to Council

DEPARTMENT: Administration
Grants Department

ISSUE UNDER CONSIDERATION:

Accept allocation from the South Carolina Department of Transportation (SCDOT) under the Florence County Transportation Committee (FCTC) C funds program, PCN #41296 in the amount of \$187,125 for the construction of a turning lane off of US-378 at MIT Industrial Complex in Lake City.

POINTS TO CONSIDER:

1. The South Carolina Department of Transportation under the C Funds Program, PCN#41296 has allocated \$187,125 for the construction of a turning lane off of US-378 at MIT Industrial Complex in Lake City.
2. The turning lane was required by SCDOT in order to approve the encroachment permit for the paving of Industrial Boulevard.
3. Acceptance of the grant includes authorization of appropriate general ledger accounts within the Grant Fund to account for the grant.

OPTIONS:

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

ATTACHMENTS:

Letter from South Carolina Department of Transportation dated August 23, 2011.



South Carolina
Department of Transportation

August 23, 2011

AUG 24 RETD

Ms. Kathy Nephew
Florence County
180 N. Irby Street, MSC-55
Florence, South Carolina 29501

Dear Ms. Nephew:

I am pleased to inform you that Florence County Transportation Committee (CTC) has requested the South Carolina Department of Transportation (SCDOT) to budget CTC funds for an improvement project in Florence County.

Per the CTC's approval, \$187,125.00 was allocated to Florence County under state reimbursement project **PCN 41296**. This project is identified as constructing turn lanes on US-378 at MIT Industrial Complex in Lake City. Please note that the Project Control Number (PCN) shown above will identify this project in our records and should be included on all correspondence.

Florence County will have full responsibility for the procurement, construction, maintenance, and inspection of this project. The County is expected to comply with the requirements set forth in S. C. Code of Laws, Section 12-28-2740 (Supp. 1996), and the SC Consolidated Procurement code regarding construction specifications and procurement procedures. No bid preferences are allowed unless required by state or federal law.

SCDOT will reimburse CTC funds for eligible project costs up to the amount budgeted by the CTC, based upon the County's submission of the signed Request for Payment Invoice (form enclosed). The Request for Payment Invoice of eligible contract expenditures must be accompanied by detailed documentation of the charges. This documentation may be in the form of a canceled check, contractor's invoice, supplier's invoice, an engineer's pay estimate, or a statement of direct expenses, if County personnel accomplish the work. Each invoice shall be certified true and correct by a duly authorized representative of the County. By submission of the payment request, the agent is certifying that the work and/or materials for which the payment is requested has been incorporated into the above referenced project; that the project has been administered and constructed in accordance with the SC Consolidated Procurement code and with the requirements of S. C. Code Section 12-28-2740 (Supp. 1996); all work has been inspected and accepted by the County; and that the funds requested will be applied to the purposes for which they are requested.



Ms. Kathy Nephew

Page 2

August 23, 2011

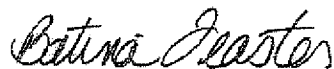
Attached is a list of required documentation to be submitted to the C Program Administration Office at the first request for reimbursement. If any of these requirements are not applicable to the project, then please so indicate on the attached checklist. Failure to comply with these requirements may result in non-payment of invoices.

All work on SCDOT right of way must be constructed in accordance with the SCDOT Standard Specifications for Highway Construction. In the event a dispute as to whether the construction complies with the SCDOT Standard Specifications, the decision of the State Highway Engineer shall be final and conclusive. Prior to beginning work on SCDOT right of way, an encroachment permit must be obtained from the SCDOT Resident Maintenance Engineer for Florence County, Eric Minshew, who may be reached at telephone number 843-661-4715.

Prior to beginning work on this project, it will be necessary to certify that the local government will provide, or require the contractor performing the work to provide, a drug-free work place in accordance with S.C. Code of Laws Section 44-107-10, et seq. Please complete the attached certification and return it to SCDOT.

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

Sincerely,



Batina Feaster
Program Coordinator
C Program Administration

BF:bmf
Enclosures

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Reports to Council
Grant Award

DEPARTMENT: Florence County Economic Development Partnership
Administration

ISSUES UNDER CONSIDERATION:

Council Is Requested To Accept A Grant Award In The Amount Of \$350,000 From The South Carolina Coordinating Council for Economic Development (SCCED) Set-Aside Grant Program For Infrastructure Costs Associated With The Johnson Controls, Inc. Road Widening Project.

POINTS TO CONSIDER:

1. Florence County Economic Development Partnership will utilize the SCCCED grant to cover infrastructure costs associated with the road widening at Paper Mill Road for the Johnson Controls, Inc. project.
2. Matching funds in the amount of \$59,900 are required and will be provided by Johnson Controls, Inc.
3. Acceptance of the grant includes authorization of appropriate general ledger accounts within the Grant Fund to account for the grant.

FUNDING FACTORS:

1. \$409,900 = Total costs for the road widening project on Paper Mill Road for the Johnson Controls, Inc. project.
2. \$ 59,900 = Matching funds required to complete the project which will be provided by Johnson Controls, Inc.

OPTIONS:

1. *(Recommended)* Approve as presented.
2. Provide an Alternative Directive.

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Reports To Council
South Carolina Department of Commerce

DEPARTMENT: Florence County Economic Development
Administration

ISSUES UNDER CONSIDERATION:

Council Is Requested To Accept A Grant In The Amount Of \$10,500 From The South Carolina Department of Commerce For Site Certification At The Pee Dee Touchstone Energy Commerce City.

POINTS TO CONSIDER:

1. Economic Development will utilize a Rural Infrastructure Grant from the South Carolina Department of Commerce to provide site certification at the Pee Dee Touchstone Energy Commerce City.
2. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund to account for the grant.

FUNDING FACTORS:

\$10,500 = Total amount of funds distributed by South Carolina Department of Commerce to provide site certification at the Pee Dee Touchstone Energy Commerce City.

OPTIONS:

1. *(Recommended)* Approve as presented.
2. Provide an Alternative Directive.

ATTACHMENTS:

Award Letter from the South Carolina Department of Commerce.

DEPARTMENT OF COMMERCE
Grants Administration
1201 Main Street, Suite 1600
Columbia, South Carolina 29201

GRANT AWARD

Grantee: Florence County

Date of Award: June 2, 2011

Grant Title: Site Certification – Pee Dee Touchstone
Energy Commerce City

Award Amount: \$10,500

Grant Period: June 2, 2011 – December 2, 2012

Grant Number: RIF-SCP-09

The South Carolina Department of Commerce ("SCDOC") hereby awards funds to the above named Grantee, in the amount shown above, for the activities set forth by the SCDOC Industrial Site Certification Program and within the purposes and categories authorized. The acceptance of this award creates a contract between the State of South Carolina and the Grantee legally binding the Grantee to carry out the activities set forth in the approved certification process.

This contract shall become effective, as of the date of award, upon return of two copies of this grant award which have been signed in the space provided below. Both copies must have original signatures and must be returned within 14 days from the date above.

August 26, 2011
Alan D. Young

ACCEPTANCE FOR THE GRANTEE:


Signature of Official with authority to execute this contract

Alan D. Young
Date

Richard A. Starks, County Administrator
Typed Name and Title of Authorized Official

ATTEST:


Signature of Elected City or County Council Member


Signature of Elected City or County Council Member

FLORENCE COUNTY COUNCIL MEETING

Item for Meeting on: September 15, 2011

AGENDA ITEM: Application for Non-Exclusive Ambulance Franchise

DEPARTMENT: EMS

ISSUE UNDER CONSIDERATION: Consider awarding a non-exclusive ambulance franchise to National Transport Ambulance Service.

POINTS TO CONSIDER:

1. National Transport Ambulance Service is owned by Samantha Jones of Florence, SC.
2. The applicant has submitted an appropriate application along with required supporting documentation.
3. The EMS Director has reviewed the application packet and determined that it is compliant with Chapter 5 of the Florence County Code.

FUNDING FACTORS:

1. None

OPTIONS:

1. *(Recommended)* Award a non-exclusive ambulance franchise to National Transport Ambulance Service.
2. Take No Action or Provide An Alternate Directive

ATTACHMENTS:

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

August 8, 2011

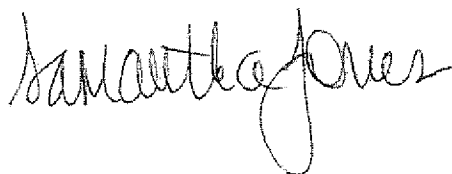
Rec'd
8-11-11
0800 hrs
BWH

To Whom It May Concern,

I have recently started a private ambulance service that will operate in Florence County, under the name of National Transport Ambulance Service. My intent for this service is to transport patients, primarily dialysis patients, under a non-emergency transport, to their dialysis appointments and any doctor appointments our patients will need transportation to.

I, Samantha Jones, am the sole owner of the business. I am requesting to be franchised in the county of Florence.

Samantha Jones
3358 Lupine Drive
Florence, S.C. 29501



South Carolina



South Carolina Department of Health and Environmental Control
This is to Certify that a License is hereby granted by the
South Carolina Department of Health and Environmental Control
to NATIONAL TRANSPORT AMBULANCE SERVICE
To conduct and maintain an Ambulance Service in the premises located
at 113 Dixie Dr, Darlington, SC 29532

County of Darlington

This License shall expire December 31, 20 12, and is subject to the provisions of The Emergency Medical Services Act Section 44-61-10 et. seq. of the 1976 code, and regulations promulgated thereto. This license shall not be assignable or transferable and shall be subject to revocation at any time by the S.C. Department of Health and Environmental Control for failure to comply with the laws of the State of South Carolina or the rules and regulations of the South Carolina Department of Health and Environmental Control issued thereunder.

In Witness Whereof, we have hereunto set out hand and seal of the State this 09 day of November, 2010.

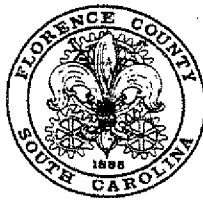


License Number: 274
License Category: Basic

By: [Signature]

By: C. Earl Hunter

rec'd
8-11-11
0800 hrs
BWH




FLORENCE COUNTY
Emergency Medical Services

Ryon A. Watkins
Director

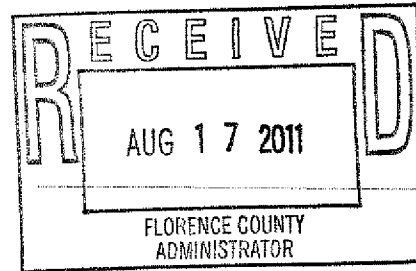
R. David Exum
Operations & Training

To: Richard Starks
County Administrator

From: Ryon Watkins 
EMS Director

Date: August 17, 2011

Subject: Ambulance Franchise Application



Enclosed please find documents from National Transport Ambulance Service who is applying for a non-exclusive ambulance franchise in Florence County.

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

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

Please contact me if you have questions regarding this matter.

Enclosures: Letter of intent from National Transport Ambulance Service
Copy of applicant's DHEC Ambulance Provider License.
Fact sheet / agenda item for County Council meeting on September 15, 2011

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Reports to Council

DEPARTMENT: EMS Department
Procurement Department

ISSUE UNDER CONSIDERATION: Authorize the use of Florida Association of Counties Bid # 10-09-0907 awarded to Wheeled Coach Industries to purchase two (2) ambulances at a base bid of \$108,227 each with needed options in the amount of \$11,367 additional per ambulance from Peach State Ambulance, Inc., Tyrone, Ga, the authorized regional representative for Wheeled Coach Industries (total purchase of \$239,188) as funded and approved in the FY12 budget.

POINTS TO CONSIDER:

- 1) Florida Association of Counties and the Florida Sheriff's Association publicly offered Bid # 10-09-0907 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, 2011.

FUNDING FACTORS:

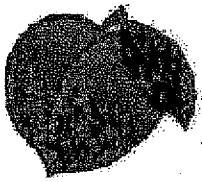
- 1) \$216,454 = Total base cost for two (2) ambulances to be funded from budgeted FY 12 EMS Department Funds.
- 2) \$22,734 = Total cost of additional options for two (2) ambulances to be funded from budgeted FY 12 EMS Department Funds.

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 (build with the same measurements as last year)
MINIMUM STANDARD PAYLOAD -1,750 LBS.
BLOCK HEATER: BLOCK HEATER TO BE WIRED TO SHORELINE WITH A SWITCH
LOCATED ON FRONT CONSOLE

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 Comp) 20" x 12" x
18.75"
FUEL FILL GUARD: CAST ALUMINUM
INTERIOR HEIGHT: MINIMUM OF 72" OF HEADROOM
MIRRORS: BLACK PLASTIC SHROUD 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 fully WELDED AND RIVETED WITH OPEN
GRATE IN CENTER SECTION WITH RUBBER DOCK BUMPERS
RUB RAILS: ALUMINUM WITH RUBBER IMPACT PAD AND REFLECTIVE INLAY
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)
ANTENNAE PREWIRED WITH POWER AND GROUND WIRES WITH BREAKER
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

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 CONTROL 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, SWITCH FOR AIR HORN OPERATION SHALL BE LOCATED ON
THE DRIVERS SIDE ALLOWING EASE OF USE FROM THE DRIVERS POSITION

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 HALOGEN WITH CHROME FLANGES (R,R,C,R,R)
BODY WARNING LIGHTS: (7) WHELEN 900 SERIES HALOGEN WITH CHROME BEZELS, (2)
RED WARNING WITH ADDITIONAL FLASHER TO ALLOW A HYPER FLASH PATTERN
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 HALOGEN MOUNTED
ON POLISHED CAST BEZELS IN FRONT GRILLE

INTERSECTION LIGHTS: WHELEN 700 SERIES RED/CLEAR HALOGEN 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-295LSAI 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
INCLUDED 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) TECHNICIAN'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;

SAFETY NET AT END OF SQUAD BENCH

ADDITIONAL OVERHEAD CABINET ABOVE BENCH

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

TECHNICIAN SEAT: HIGH BACK AUTO STYLE WITH 3 POINT HARNESS

UPHOLSTERY: THERMAL VACUUM FORMED SEAMLESS VINYL

PAIN. DECALS. LETTERING

PAINT COLOR: MAIN BODY BRIGHT WHITE

GRAPHICS: PAINT AND GRAPHICS TO MATCH EXISTING FLEET

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..... | \$1200.00 |
| ELECTRIC VELVAC MIRRORS..... | 597.00 |
| GRAPHICS..... | 1400.00 |
| WIG WAGS: MOUNTED IN FRONT HEADLAMPS..... | 361.00 |
| SUPER LED UPGRADE FOR ALL EXTERIOR WARNING LIGHTS..... | 2591.00 |
| 110VOLT HEATER MOUNTED IN ATTENDANT SEAT BASE WITH 20 AMP AUTO EJECT..... | 225.00 |
| RESTOCKING CABINETS..... | 1200.00 |
| SPLINT CABINET ABOVE SQUAD BENCH..... | 680.00 |
| PORTABLE O2 STORAGE BUILT IN FORWARD END OF SQUAD BENCH..... | 390.00 |
| EVS 3 POINT CHILD SAFETY SEAT..... | 475.00 |
| GLOVE BOX HOLDER ABOVE SIDE ENTRY DOOR..... | 225.00 |
| FLASHLIGHTS: 2 RECHARGABLE SL-45 FLASHLIGHTS | 518.00 |
| FLOWMETERS: (2) OHIO FLOWMETERS..... | 64.00 |
| REGULATOR: (1) ONE O2 REGULATOR..... | 37.00 |
| HUMIDIFIER: (1) ONE HUMIDIFIER..... | 72.00 |
| 2 ADDITIONAL KEY FOBS | 84.00 |
| ADD 4 PERCO IV CLIPS WITH VELCRO STRAPS..... | 48.00 |

PRICES, TERMS, WARRANTY, AND DELIVERY INFORMATION

Florida Sheriff's Association bid price.....\$108,227.00

Total Options added to bid price.....\$ 11,367.00

Sub-Total.....\$119,594.00

~~Total Bid Price 2 Units~~.....\$ 239,188.00

TERMS: BALANCE AT TIME OF DELIVERY

DELIVERY: 90 DAYS A.R.O. CHASSIS

| | | |
|-----------|-----------------------|-----------------------|
| WARRANTY: | CHEVROLET CHASSIS: | 3 YEARS/ 36,000 MILES |
| | AMB. ELECTRICAL | 6 YEARS/ 72,000 MILES |
| | AMB. STRUCTURAL | 20 YEARS |
| | AMB. PAINT | 7 YEARS |
| | AMBULANCE CONVERSION: | 4 YEARS/48,000 MILES |

PURCHASER



SELLER

DATE

06-28-2011

DATE



Delivers...

September 2, 2009

Ryan Watkins, Director
Florence County EMS
Florence, SC

Ryan:

Peach State Ambulance, Inc. is the authorized dealer for *Wheeled Coach* 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 Florida 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 Coach* ambulances. Please do not hesitate 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 32792 / Post Office Box 677339, Orlando, FL 32867-3339
800-342-0720 • (407) 677-7777 • Fax: (307) 679-1337 • <http://www.wheeledcoach.com>



ORIGINAL

FLORENCE COUNTY
Emergency Medical Services

Ryon A. Watkins
Director

R. David Exum
Operations Manager

July 1, 2011

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 utilize FY12 budgeted funds to purchase two ambulances 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 whatever is necessary to correct problems.

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

Yours very truly,

Ryon A. Watkins
Director

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Report to Council
Declaration of Surplus Property

DEPARTMENT: Procurement Department

ISSUE UNDER CONSIDERATION:

Declaration of fifteen (15) vehicles, one (1) passenger van, one (1) excavator, two (2) dump trucks, and one (1) tractor as surplus property for disposal through public internet auction via GovDeals.

POINTS TO CONSIDER:

1. Attached listing of vehicles/equipment is recommended to be declared surplus by the using department.
2. The vehicles/equipment has little value or are obsolete to the using department.
3. Disposal will not impact on-going operations.
4. Florence County Code requires County Council approval for disposal of surplus property.
5. The vehicles have been offered to all county fire departments, rescue squads, municipalities, and school districts.
6. Disposal by internet auction is efficient and requires significantly less staff time/coordination than other public offer methods.

FUNDING FACTORS:

\$0=Cost of disposal by internet auction via GovDeals is 7% of highest winning bid paid.

OPTIONS:

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

ATTACHMENTS:

List of vehicles/equipment.

| <u>UNIT</u> | <u>MAKE</u> | <u>MODEL</u> | <u>YEAR</u> | <u>MILEAGE</u> | <u>COMMENTS</u> | <u>VIN #'S</u> | <u>Department</u> |
|-------------|-------------|-------------------|-------------|----------------|-------------------------------------|-------------------|-------------------|
| V0767 | FORD | CROWN VIC | 2005 | 70,670 | Turn signal light damage LF | 2FAFP71W05X107937 | Sheriff |
| V0790 | CHEVY | SILVERADO EXT CAB | 2005 | 120,892 | Unit in good condition | 1GCEC19V95Z263060 | Recreation |
| V0883 | CHEVY | SILVERADO EXT CAB | 2004 | 112,466 | Unit in good condition | 2GCEC19T441207355 | Recreation |
| V0795 | NISSAN | MAXIMA | 2005 | 141,554 | Engine problems | 1N4BA41E95C842662 | Sheriff |
| V0885 | MERCURY | GRAND MARQUES | 2003 | 170,945 | Unit in good condition | 2MEFM75W13X664865 | Planning |
| V0846 | DODGE | DURANGO | 2003 | 95,957 | Unit in good condition | 1D4HR38N93F514265 | Sheriff |
| VS104 | FORD | CROWN VIC | 2006 | 127,269 | Unit in good condition | 2FAFP71W77X117853 | Veterans Affairs |
| VS125 | FORD | CROWN VIC | 2008 | 135,513 | Unit in good condition | 2FAFP71V08X118951 | Sheriff |
| VS127 | FORD | CROWN VIC | 2008 | 107,511 | Unit in good condition | 2FAFP71VX8X118956 | Sheriff |
| V0611 | FORD | EXPLORER | 1999 | 102,194 | Unit in good condition | 1FMZU32X1XUB24199 | EMS |
| V0769 | FORD | CROWN VIC | 2005 | 95,386 | Unit in good condition | 2FAFP71W15X106330 | Sheriff |
| V0872 | FORD | CROWN VIC | 2003 | 113,486 | Unit in good condition | 2FAFP71W13X157498 | Sheriff |
| V0879 | FORD | CROWN VIC | 2003 | 99,491 | Unit in good condition | 2FAFP71W63X157500 | Sheriff |
| V0982 | CHEVY | IMPALA | 2006 | 93,160 | Unit in good condition | 2G1WS551569377945 | Sheriff |
| V1251 | FORD | E-350 VAN 16 PASS | 2001 | 28,857 | Unit in good condition | 1FB9S31L11H654804 | Environmental |
| V0751 | JOHN DEERE | 5210 | 1999 | 3,850 | Unit in good condition | LV52105123660 | Public Works |
| V0816 | CHEVY | C7500 DUMP TRUCK | 2002 | 98,915 | Unit in good condition- rebuilt eng | 1GBM7H1C92J517142 | Public Works |
| V0817 | CHEVY | C7500 DUMP TRUCK | 2002 | 81,892 | Unit in good condition | 1GBM7H1C02J517059 | Public Works |
| V1247 | CAT | 307C EXCAVATOR | 2001 | 6,651 | Engine good needs work | BCM00245 | Public Works |
| V0977 | DODGE | DURANGO | 2006 | 130,401 | Wreck - Total Loss | 1D4HD36P66F189322 | Sheriff |

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Reports to Council
Bid Award

DEPARTMENT: Recreation
Procurement Department

ISSUE UNDER CONSIDERATION: Authorize the County Administrator to award Bid #2-11/12 - Tour Events to the low bidders for each individual trip to be funded by the participants if the minimum participation numbers are met (*3 Compliant Bids Received*).

POINTS TO CONSIDER:

- 1) Bid #2-11/12 was publicly offered.
- 2) Three (3) bids were received; three (3) bids were compliant.
- 3) Diamond Tours, Ft. Myers, Fl was the lowest compliant bidder for the Mackinac Island and Tunica and Memphis Casino trip.
- 4) White Star Tours, Reading, Pa was the lowest compliant bidder for the Williamsburg, Va trip.
- 5) PML Tours, Marlton, NJ was the lowest compliant bidder for the Chattanooga, TN, Outer Banks, NC, Mediterranean Cruise, and Atlanta, Ga trips.
- 6) The Recreation Director recommends this award.
- 7) The bid expires September 20, 2011.
- 8) The Recreation Department coordinates trips for citizens interested in trips to various locations.
- 9) Participants pay all costs associated with the trips.

FUNDING FACTORS:

- 1) \$0 = Total cost to the County.

OPTIONS:

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

ATTACHMENTS:

- 1) Bid Tabulation Sheet.
- 2) August 19, 2011 Recommendation Letter from the Recreation Director.

Dept: Florence County Parks & Recreation
 Various Tour Trips (7)
 Invitation-to-Bid #02-11/12

Bid Opening Date: 8/16/2011
 Time: 11:15 a.m.
 Advertised Date: Mon News 7/24/2011
 Invitations to Bids Distributed: 7
 Bid Expiration Date: 9/20/2011

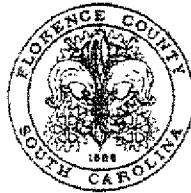
| Name of Bidder | Chattanooga, TN April 24-27, 2012 | Outer Banks, NC May 29-31, 2012 | Williamsburg, VA June 12-14, 2012 | Mackinac Island Tour July 14-22, 2012 | Tunica & Memphis Casino September 16/22, 2012 | Christmas in Atlanta, GA December 3-7, 2012 |
|---------------------------------|--|--|--|--|--|--|
| PML Tours Marlton, NJ | \$399.00 DBL OCCUP \$449.00 SGL OCCUP | \$429.00 DBL OCCUP \$559.00 SGL OCCUP | NO BID DBL OCCUP NO BID SGL OCCUP | NO BID DBL OCCUP NO BID SGL OCCUP | \$499.00 DBL OCCUP \$599.00 SGL OCCUP | \$559.00 DBL OCCUP \$669.00 SGL OCCUP |
| White Star Tours Reading, PA | \$535.00 DBL OCCUP \$684.00 SGL OCCUP | \$529.00 DBL OCCUP \$716.00 SGL OCCUP | \$389.00 DBL OCCUP \$499.00 SGL OCCUP | NO BID DBL OCCUP NO BID SGL OCCUP | \$549.00 DBL OCCUP \$626.00 SGL OCCUP | \$629.00 DBL OCCUP \$809.00 SGL OCCUP |
| Diamond Tours Fort Myers, FL | NO BID DBL OCCUP NO BID SGL OCCUP | NO BID DBL OCCUP NO BID SGL OCCUP | NO BID DBL OCCUP NO BID SGL OCCUP | \$759.00 DBL OCCUP \$1,019.00 SGL OCCUP | \$438.00 DBL OCCUP \$623.00 SGL OCCUP | NO BID DBL OCCUP NO BID SGL OCCUP |

MEDITERRANEAN CRUISE - NOVEMBER 2-10, 2012

| Name of Bidder | Inside Cabin \$2,599.00 CAT Q | Inside Cabin \$2,639.00 CAT N | Inside Cabin \$2,669.00 CAT M | Outside Cabin \$2,899.00 CAT I | Outside Cabin \$2,939.00 CAT H | Outside Cabin \$2,969.00 CAT G | BALCONY \$3,199.00 CAT E2 | BALCONY \$3,249.00 CAT E1 |
|---------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|---------------------------------|---------------------------------|
| PML Tours Marlton, NJ | | | | | | | | |
| White Star Tours Reading, PA | Inside Cabin NO BID CAT Q | Inside Cabin \$2,050.00 CAT N | Inside Cabin \$2,084.00 CAT M | Outside Cabin \$2,319.00 CAT I | Outside Cabin \$2,345.00 CAT H | Outside Cabin \$2,370.00 CAT G | BALCONY \$2,624.00 CAT D3 | |
| Diamond Tours Fort Myers, FL | Inside Cabin NO BID Low Deck | Inside Cabin NO BID High Deck | Promenade Cabins NO BID | Outside Cabin NO BID Low Deck | Outside Cabin NO BID High Deck | Balcony NO BID | | |

Notes:

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



FLORENCE COUNTY

Recreation

Memorandum

To: Angelia Jackson, Procurement Specialist II

From: Joe Eason, Parks and Recreation Director

Date: 8/19/2011

Re: Award of Bid #2-11/12

My staff and I have reviewed the bids to coordinate travel to various destinations and recommend separating and awarding the bids as follows: Chattanooga, TN (April 24 – 27, 2012), Outer Banks, NC (May 29 – 31, 2012), Mediterranean Cruise (November 2 – 10, 2012), and Atlanta, GA (December 3 – 7, 2012) to PML Tours of Marlton, New Jersey; Williamsburg, VA (June 12 – 14, 2012) to White Stars Tours of Reading, Pennsylvania; and Mackinac Island (July 14 – 22, 2012) and Tunica, MS (September 16 – 22, 2012) to Diamond Tours of Fort Myers, Florida. All companies have coordinated similar overnight travel for the County in the past and are qualified for these tours. Your assistance in processing this information for Council on behalf of our Department is greatly appreciated.

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Grant Award
United States Department of Justice

DEPARTMENT: Florence County Sheriff's Office
Grants Department

ISSUE UNDER CONSIDERATION:

Accept A FY 2011 USDOJ Edward Byrne Memorial Justice Grant (JAG) Program Local Solicitation In The Amount Of \$44,023 To Provide Capital/Replacement Equipment For The Florence County Sheriff Office.

POINTS TO CONSIDER:

1. Florence County Sheriff's Office will utilize the Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation grant appropriation to cover capital / replacement equipment for the Florence County Sheriff's Office.
2. The grant funds will be utilized to purchase equipment, software and a replacement vehicle for the Drug Lab operations.
3. The grant does not require matching funds.
4. Acceptance of the grant includes the authorization of appropriate general ledger accounts within the Grant Fund.

FUNDING FACTORS:

1. \$44,023 = Total costs for the Fiscal Year 2011 USDOJ Edward Byrne Memorial Justice Grant (JAG) Program Local Solicitation to be used for capital/replacement costs for the Florence County Sheriff's Office.
2. \$0 = no matching funds required.

OPTIONS:

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

ATTACHMENTS:

U.S. Department of Justice Award Notification.



Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

August 26, 2011

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

Dear Mr. Starks:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 11 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of \$44,023 for County of Florence.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Tamaro T. White, Program Manager at (202) 353-3503; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell

Denise O'Donnell
Director

Enclosures

Florence County Council Meeting
September 15, 2011

AGENDA ITEM: Other Business
Infrastructure Project

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Declare One (1) Vehicle (V1293 a 2002 Ford F750) As Surplus; Authorize The Sale Of The Vehicle To The Florence Regional Airport In The Amount Of \$7,500; And Approve The Funding From Council Districts' Infrastructure Allocation For The Purchase Of The Vehicle.

FUNDING SOURCE:

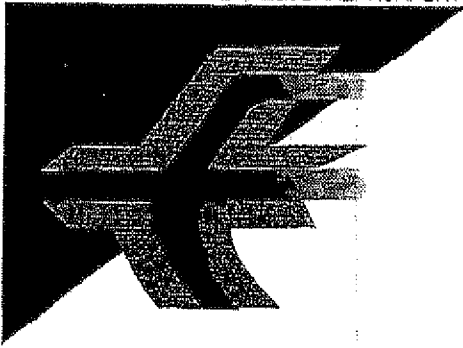
| <u>XXX</u> Infrastructure | _____ Road System Maintenance | _____ Utility |
|------------------------------------|-------------------------------|----------------------|
| Requested by Councilmember: | | |
| Amount: <u>\$833.33</u> | <u>\$833.34</u> | <u>\$833.33</u> |
| Signed: _____ | _____ | _____ |
| K. G. Rusty Smith, Jr. | Roger M. Poston | Alphonso Bradley |
| Amount: <u>\$833.33</u> | <u>\$833.34</u> | <u>\$833.33</u> |
| Signed: _____ | _____ | _____ |
| Mitchell Kirby | Johnnie D. Rodgers, Jr. | Russell W. Culberson |
| Amount: <u>\$833.33</u> | <u>\$833.34</u> | <u>\$833.33</u> |
| Signed: _____ | _____ | _____ |
| Waymon Mumford | James T. Schofield | H. Morris Anderson |
| Date: _____ | | |

ATTACHMENTS:

Copy of request from the Florence Regional Airport.

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

Connie Y. Haselden, Clerk to Council



FLORENCE REGIONAL AIRPORT

2100 TERMINAL DRIVE - FLORENCE, SOUTH CAROLINA 29506
(843) 669-5001 - FAX: (843) 665-4751

September 2, 2011

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

Dear Mr. Starks:

The Airport is in need of a good used truck and we believe the 2002 Ford F750 that we have been talking with Mrs. Suzanne King about would satisfy our requirement.

We were actually hoping for an intergovernmental donation or even a swap for a surplus truck of ours.

We would appreciate whatever consideration you may see appropriate.

Thanks in advance,


Hartsell Rogers
Executive Director

florencesairport.com

FLORENCE COUNTY COUNCIL MEETING
September 15, 2011

AGENDA ITEM: Other Business
Council District #1

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approval of the expenditure of up to \$1,500.00 from Council District #1 funding allocations to pay for the removal of a tree on Fountain Street in Scranton, SC for the Town of Scranton. Project will include grinding of stump and removal of all debris.

Cost estimate was prepared by Florence County Public Works.

Funding availability subject to confirmation by Finance Department.

FUNDING SOURCE:

☒ Infrastructure
☐ Road System Maintenance
☐ Utility

SIGNED: 
Requested by Councilmember: K. G. "Rusty" Smith, Jr.

Date: 8/31/11

ATTACHMENTS:

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

Connie Y. Haselden, Clerk to Council

Florence County Council Meeting
September 15, 2011

AGENDA ITEM: Other Business
Infrastructure Project
Requested by Council District 4

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of Up To \$4,500 From Council District 4 Infrastructure Funding Allocation To Purchase Four (4) Tasers And Three Crime Watch Signs For The Florence County Sheriff's Office.

FUNDING SOURCE:

XXX Infrastructure _____ Road System Maintenance _____ Utility

Requested by Councilmember:

Signed: verbally approved – signature pending
Mitchell Kirby

Date: _____

ATTACHMENTS:

None

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

Connie Y. Haselden, Clerk to Council

Florence County Council Meeting
September 15, 2011

AGENDA ITEM: Other Business
Infrastructure Project
Requested by Council District 4

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of Up To \$1,441.23 From Council District 4 Infrastructure Funding Allocation To Pay For The Carpet To Be Replaced In The Timmons ville Magistrate's Courtroom.

FUNDING SOURCE:

XXX Infrastructure _____ Road System Maintenance _____ Utility

Requested by Councilmember:

Signed: verbally approved – signature pending
Mitchell Kirby

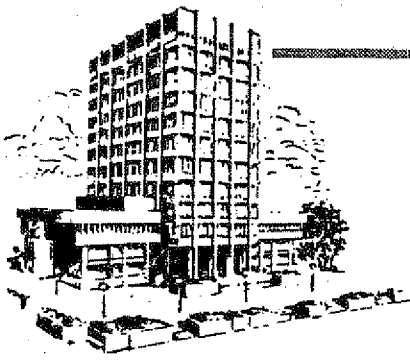
Date: _____

ATTACHMENTS:

Request from Florence County Magistrate James M. Lynch and associated estimate.

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



OFFICE OF
JAMES M. LYNCH
MAGISTRATE, FLORENCE COUNTY
P.O. BOX 190
TIMMONSVILLE, S.C. 29161
(843) 346-7472

August 16, 2011

Councilman Mitchell Kirby
180 North Irby Street
City-County Complex
Florence, SC 29501

IN RE: Carpet replacement for Courtroom

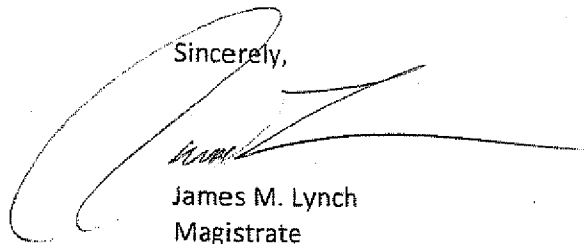
Dear Councilman Kirby:

The Timmons ville Magistrate's Office is requesting the carpet be replaced in the Timmons ville Magistrate's Courtroom.

Please find enclosed an attached estimate in the amount of \$1,441.23.

Thank you for your time and assistance.

Sincerely,



James M. Lynch
Magistrate

8-16-11

Cole Carpet
PO Box 1136
Lake City SC 29560
843 389 2746

For: Timmonville
Maj. state office

15 x 43 carpet commercial
color - Charcoal

1 Bucket Blue 4 gal

12 ft Brown Rubber Strip

contact cement

Brush - Trowel

Carpet seam sealer

1 Bag Adhesive

741

1441 ²³

Carpet in Stock

LABOR - Remove Blue Down Carpet
Dispose of old Carpet
Move Furniture & Replace
Install new Carpet

Thanks
M. Le. McHae

Price Good 30 days

Florence County Council Meeting
September 15, 2011

AGENDA ITEM: Other Business
Infrastructure/Utility Project

DEPARTMENT: County Council/Sheriff

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of A Total Amount Not To Exceed \$196,457.08 From Council Districts' Infrastructure/Utility Funding Allocations As Indicated Below To Assist The Florence County Sheriff's Office With The Purchase Of Capital Equipment For The Department.

FUNDING SOURCE:

| <u>XXX</u> Infrastructure | _____ Road System Maintenance | <u>XXX</u> Utility |
|---------------------------------------|--------------------------------|------------------------|
| Requested by Councilmember: | | |
| Amount: <u>\$12,057.14 (I)</u> | <u>\$12,057.13 (I)</u> | <u>\$12,057.13 (I)</u> |
| Signed: _____ | _____ | _____ |
| K. G. Rusty Smith, Jr. | Roger M. Poston | Alphonso Bradley |
| Amount: <u>\$12,057.14 (I)</u> | <u>\$12,057.13 (I)</u> | <u>\$12,057.13 (I)</u> |
| Signed: _____ | _____ | _____ |
| Mitchell Kirby | Johnnie D. Rodgers, Jr. | Russell W. Culberson |
| Amount: <u>\$12,057.14 (I)</u> | <u>\$60,000(U)/\$40,000(I)</u> | <u>\$12,057.14 (I)</u> |
| Signed: _____ | _____ | _____ |
| Waymon Mumford | James T. Schofield | H. Morris Anderson |

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

Florence County Council Meeting
September 15, 2011

AGENDA ITEM: Other Business
Utility Project
Council District 2

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Declare One (1) Field Groomer (V8082 a 2003 John Deere 1200A Field Groomer) As Surplus; Authorize The Sale Of The Equipment To Florence Public School District 2 In The Amount Of \$3,500; And Approve The Funding From Council District 2 Utility Funding Allocation For The Purchase Of The Equipment.

FUNDING SOURCE:

_____ Infrastructure
_____ Road System Maintenance Fee
XXX Utility

Signed: verbally approved – signature pending

Requested by Councilman Roger M. Poston

Date: _____

ATTACHMENTS:

Copy of the Surplus Property Request form.

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

Connie Y. Haselden, Clerk to Council

FLORENCE COUNTY SURPLUS PROPERTY REQUEST

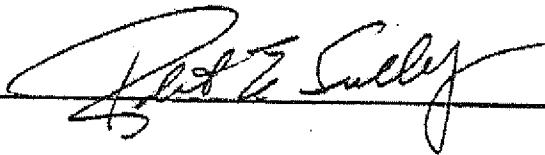
IDENTIFICATION OF VEHICLE OR MOTORIZED PROPERTY ON SURPLUS LIST BEING REQUESTED:

Property Identification Number: V8082
Year: 2003
Make: John Deere
Model: 1200A Field groomer
Mileage: -

IDENTIFICATION OF VEHICLE BEING REQUESTED TO SWAP:

Year: _____
Make: _____
Model: _____
Mileage: _____
General Condition of the vehicle: _____

Signature

8/16/2012

Date

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM Other Business
Council District #9

DEPARTMENT County Council

ISSUE UNDER CONSIDERATION:

Approval of the expenditure of up to \$20,000.00 from Council District #9 funding allocations to pay for installing 88 linear feet of 18" RCP and two catch basins. Project is on W. Hampton Pointe Drive and is in the Florence County Road Maintenance System. Project is to help alleviate a severe drainage problem at 3326 W. Hampton Pointe Drive. The Homeowners Association has reviewed the scope of the work and approved.

The cost estimate was prepared by Florence County Public Works.

Funding availability subject to confirmation by Finance Department.

FUNDING SOURCE

_____ Infrastructure
_____ Road System Maintenance
_____ Utility

SIGNED: _____

Requested by Councilmember: Dr. Morris Anderson

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.

FLORENCE COUNTY COUNCIL MEETING

September 15, 2011

AGENDA ITEM: Inactive Agenda
Ordinance No. 02-2011/12

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

At Its Regular Meeting Of August 18, 2011 Second Reading Of The Following Ordinance Was Deferred:

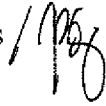
Ordinance No. 02-2011/12: [An Ordinance To Rezone Property Owned By Katie Barnhill Cook Located At 2214 Alligator Road, Effingham From R-3, Single-Family Residential District To R-4, Multi-Family Residential District, Limited Shown On Florence County Tax Map No. 00126, Block 01, Parcel 401 Consisting Of 0.22 Acres.]

ATTACHMENTS:

Copies of the information provided in the August 18, 2011 agenda package.

FLORENCE COUNTY COUNCIL MEETING
Thursday, August 18, 2011

AGENDA ITEM: Ordinance No. 02-2011/12
Second Reading

DEPARTMENT: Planning and Building Inspections / 

ISSUE UNDER CONSIDERATION:

[An Ordinance To Rezone Property Owned By Katie Barnhill Cook Located At 2214 Alligator Road, Effingham From R-3, Single-Family Residential District To R-4, Multi-Family Residential District, Limited Shown On Florence County Tax Map No. 00126, Block 01, Parcel 401 Consisting Of 0.22 Acres.] *(Planning Commission denied 6-1; Council District 5)*

POINTS TO CONSIDER:

1. The subject property is located in Council District 5.
2. The subject property is currently zoned R-3, Single-Family Residential District and currently contains a salvage shop destroyed by fire.
3. The applicant is requesting to rezone the property to R-4, Multi-Family Residential District, Limited.
4. The property is surrounded by existing single-family residential, mobile homes and vacant lots.
5. The request for the zoning amendment to R-4 does presently comply with the Land Use Element's designation for the subject property.
6. The zoning amendment of the subject property from R-3 to R-4 will be in compliance with the Comprehensive Plan Land Use Map.
7. Though the zoning amendment for the property is in compliance with the land use designation of the Comprehensive Plan, the Planning Commission views the request as having a potential negative impact on the surrounding area.

OPTIONS:

1. *(Recommended)* Denied as Presented.
2. Provide An Alternate Directive.

ATTACHMENTS:

Copies of the following are attached:

1. Ordinance No. 02-2011/12
2. Staff report for PC#2011-07
3. Location map
4. Comprehensive Land Use Plan map
5. Zoning Map
6. Aerial photograph

Sponsor(s) : Planning Commission
 Planning Commission Consideration : June 28, 2011
 Planning Commission Public Hearing : June 28, 2011
 Planning Commission Recommendation : June 28, 2011 [Denied 6-1]
 First Reading/Introduction : July 21, 2011
 Committee Referral : N/A
 Second Reading : August 18, 2011
 Third Reading : September 15, 2011
 Effective Date : Immediately

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

ORDINANCE NO. 02-2011/12

[An Ordinance To Rezone Property Owned By Katie Barnhill Cook Located At 2214 Alligator Road, Effingham From R-3, Single-Family Residential District To R-4, Multi-Family Residential District, Limited Shown On Florence County Tax Map No. 00126, Block 01, Parcel 401 Consisting Of Approx. 0.22 Acres.]

WHEREAS:

1. Section 30-291 of the Florence County Code establishes that Florence County Council must be satisfied that applications for amendments to the Zoning Atlas of Florence County are not injurious from a public health, safety and general welfare outlook and the effect of the change will not negatively impact the immediate environs or the County generally; and
2. Section 30-297 of the Florence County Code republished January 2008, provides a procedure for amending the official Zoning Map of the County of Florence; and
3. The procedure has been followed by the Florence County Planning Commission at a public hearing on June 28, 2011.

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

1. Property located at 2214 Alligator Road bearing Tax Map 00126, Block 01, Parcel 401 is hereby rezoned to R-4, Multi-Family Residential District, Limited.
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
 D. Malloy McEachin, Jr., County Attorney

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
June 28, 2011
PC#2011-07
ORDINANCE NO. 02-2011/12**

Subject: Rezoning request from R-3, Single-Family Residential District to R-4, Multi-Family Residential District, Limited

Location: Property is located at 2214 Alligator Road
Florence County

Tax Map Number: 00126, Block 01, Parcel 401

Council District(s): 5; County Council

Owner of Record: Katie Barnhill Cook

Applicant: Katie Barnhill Cook

Land Area: 0.22 Acres

Waterways/Bodies of Water: None

Flood Zone: N/A

Water and Sewer Availability: Provided by the City of Florence/Septic Tank

Transportation Access and Circulation:

Present access to the property by the way of Alligator Road.

Existing Land Use and Zoning:

The subject property currently contains a salvage shop destroyed by fire and zoned R-3, Single-Family Residential District.

Proposed Land Use and Zoning:

The proposal is to rezone the subject property to R-4, Multi-Family Residential District, Limited for proposed duplex development.

Surrounding Land Uses and Zoning

North: Single-Family Residential / Mobile Home/ Vacant Lot/R-3/ Florence County
South: Single-Family Residential /R-3/ Florence County
East: Mobile Homes /R-3/ Florence County
West: Mobile Home/ R-3 / Florence County

Florence County Comprehensive Plan:

The subject property is located in a Suburban Development area according to the Comprehensive Plan Land Use Map. While the applicant has requested to rezone this property to R-4, this request does comply with the Comprehensive Plan.

The request for the zoning amendment to R-4 does presently comply with the Land Use Element's designation for the subject property.

Chapter 30-Zoning Ordinance:

The intent of the R-4, Multi-Family Residential District, Limited is intended to promote and accommodate residential development consisting principally of single-family and two-family dwellings, and related support uses.

Staff Analysis

The applicant is requesting to change the zoning of the property from R-3, Single-Family residential district to R-4, Multi-Family Residential District Limited for proposed duplex development.

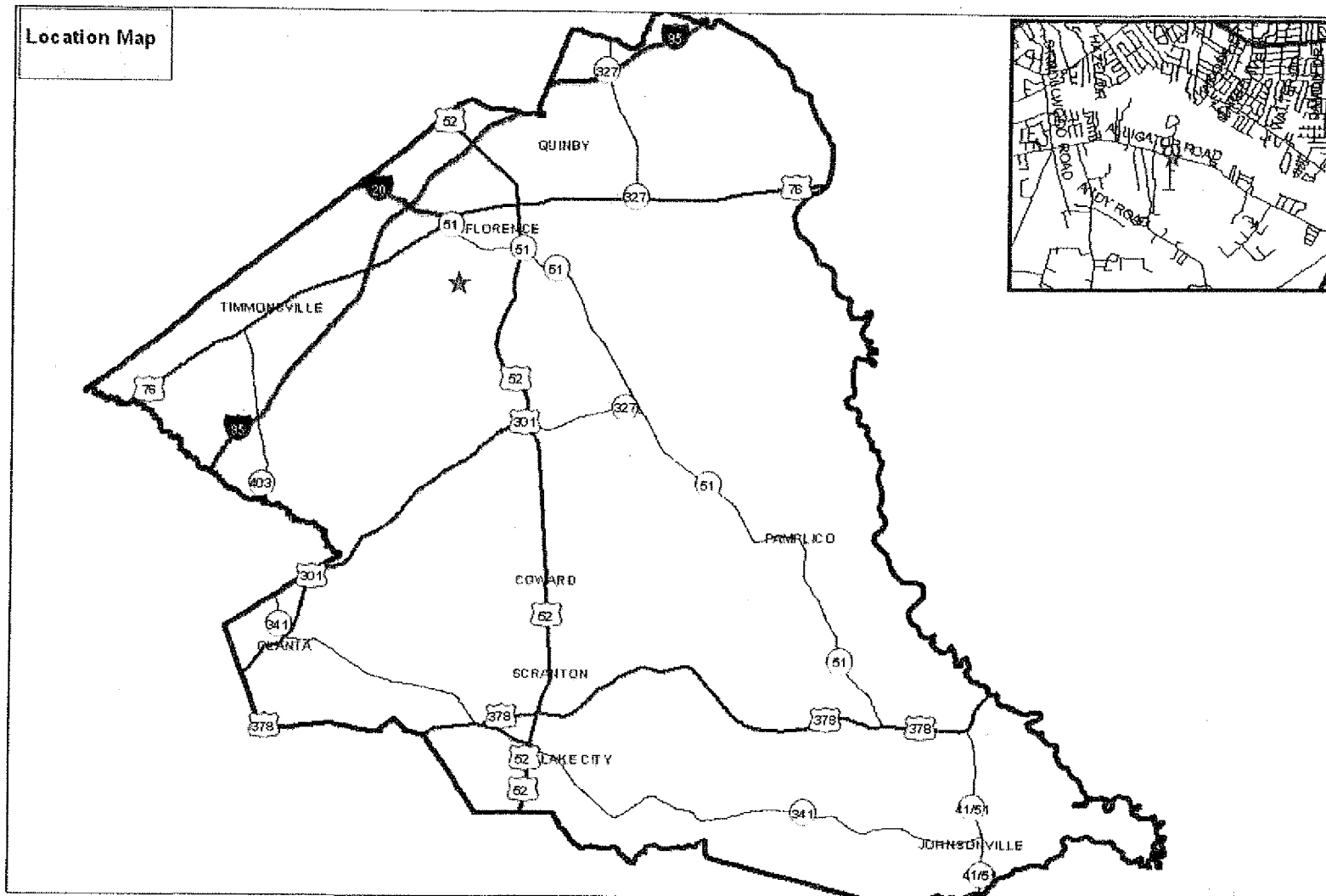
Florence County Planning Commission Action: Meeting June 28, 2011:

The seven Planning Commission members present voted 6 to 1 to deny the request at the meeting held on June 28, 2011.

Florence County Planning Commission Recommendation:

The Planning Commission recommends denial of the rezoning request to Florence County Council due to the potential negative impact the rezoning request might have on the surrounding community.

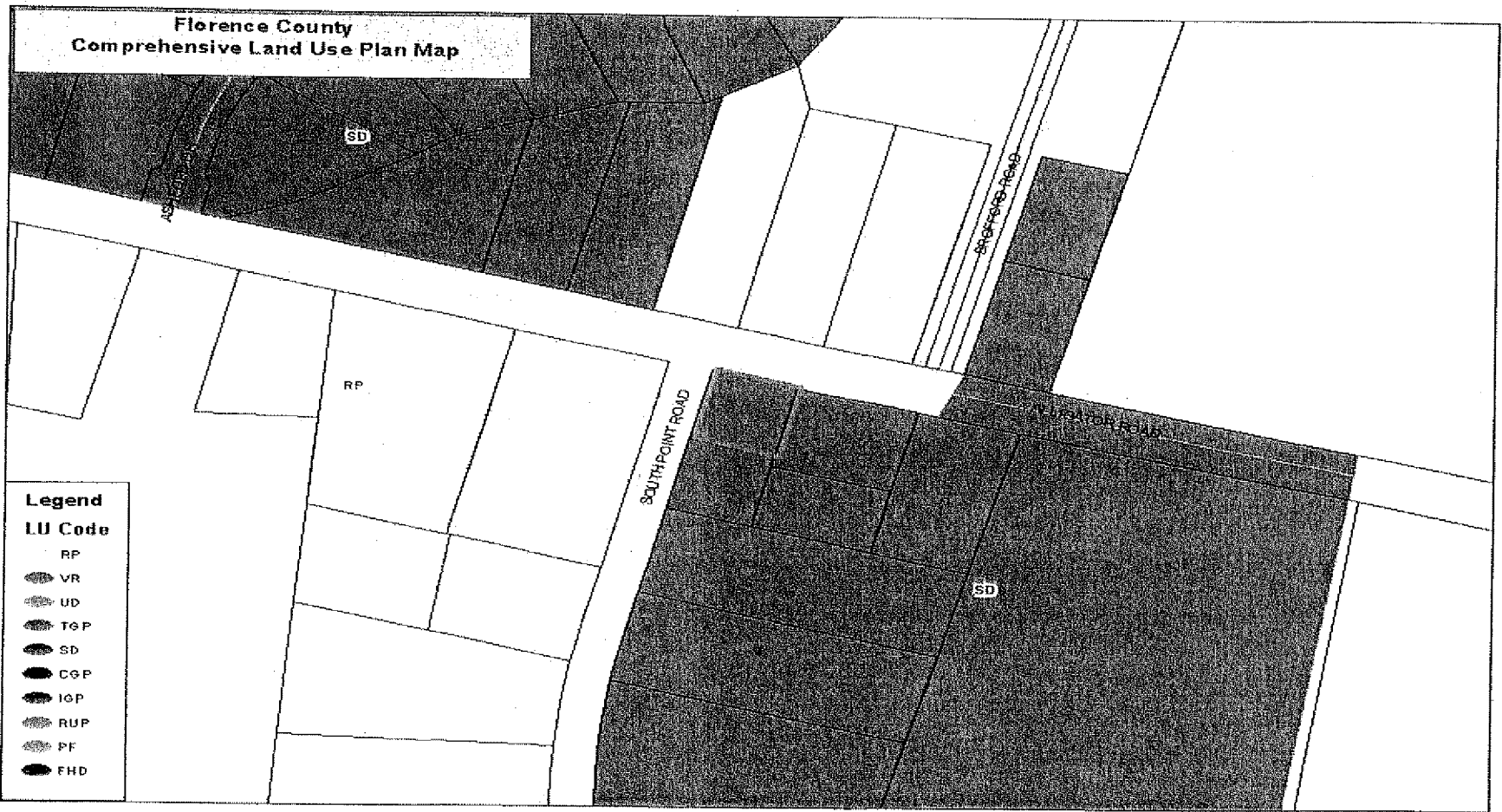
Location Map



Map Prepared by: RWE
 Copyright 2010: Florence County Planning
 & Building Inspections Department
 Geographic Information Systems
 05/13/2011



COUNTY COUNCIL DISTRICT(S): 5
 PC#2011-07

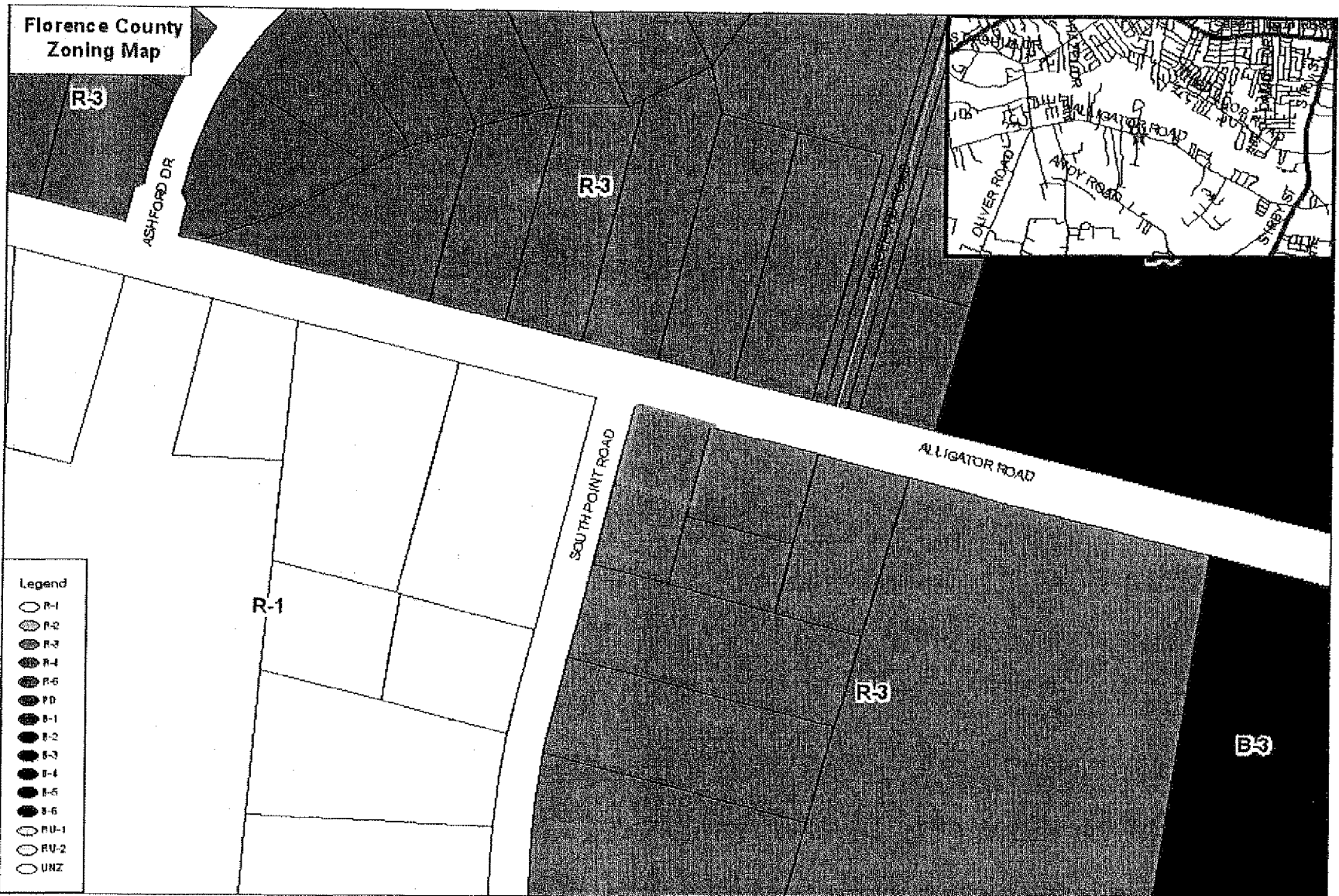


0 75 150 300 Feet

Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspection's Department
Geographic Information Systems
06/23/2011



COUNTY COUNCIL DISTRICT(S): 5
PC#2011-07



0 85 170 340 Feet

Map Prepared by: RWE
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 & Building Inspections Department
 Geographic Information Systems
 06/13/2011



COUNTY COUNCIL DISTRICT(S): 5
PC#2011-07

Florence County 2008 Orthophotography Map



0 150 300 Feet

Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
06/13/2011



COUNTY COUNCIL DISTRICT(S): 5
PC#2011-07