

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

Roger M. Poston  
District #2

Alphonso Bradley  
District #3

Mitchell Kirby  
District #4

Vacant  
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, JULY 19, 2012  
9:00 A. M.

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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.   **MINUTES OF THE JUNE 21, 2012 REGULAR MEETING**                     **[1]**  
      Council Is Requested To Approve The Minutes Of The June 21, 2012 Regular  
      Meeting Of County Council.

B.   **MINUTES OF THE JUNE 28, 2012 SPECIAL CALLED MEETING**                     **[20]**  
      Council Is Requested To Approve The Minutes Of The June 28, 2012 Special  
      Called Meeting Of County Council.

**VI. PUBLIC HEARINGS:**

**[28]**

Council will hold Public Hearing on the following:

**ORDINANCE NO. 33-2011/12**

An Ordinance To Provide For A Barricade Of Salem Road At Or Near Its Intersection With The Darlington County, South Carolina Boundary Line With Florence County, South Carolina And To Further Provide For The Appropriate Signage And Structure(s) To Be Installed; And Other Matters Related Thereto.

**VII. APPEARANCES:**

None scheduled at the time of publication of the Agenda.

**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)

<i>November 17, 2011</i>	<i>Howe Springs Fire District GO Bond Issue</i>
<i>November 17, 2011</i>	<i>Voter Registration/Elections Personnel Matter</i>
<i>March 22, 2012</i>	<i>Capital Project Sales Tax (CPST)</i>

Public Services & County Planning

(Council members James T. Schofield/Chair, Mitchell Kirby, and Roger M. Poston)

*Museum*

Justice & Public Safety

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

*Litter*

Education, Recreation, Health & Welfare

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

April 19, 2012

Ordinance No. 24-2011/12 (*Animal Adoption Policies*)

Agriculture, Forestry, Military Affairs & Intergovernmental Relations

(Council members Russell W. Culberson/Chair and Morris Anderson)

Ad Hoc City-County Conference Committee

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

## **IX. RESOLUTIONS/PROCLAMATIONS:**

### **A. RESOLUTION NO. 01-2012/13**

**[29]**

A Resolution Authorizing Submission Of An Application To The South Carolina Department Of Commerce Coordinating Council Economic Development Set-Aside Grant (SA) Program For Cost Associated With Site Work For The W. Lee Flowers And Company, Inc. Warehouse Expansion.

### **B. RESOLUTION NO. 02-2012/13**

**[31]**

A Resolution To Rename Range Way, As Shown On Florence County Tax Map No. 00120, Block 01, Parcels 001, 052, 053, 058, 059, 062, 063, 065, 073, 080-082, 086, 088-90, 092, 093 To Otis Way; And Other Matters Related Thereto.

(*Planning Commission approved 7-0*)

## **X. ORDINANCES IN POSITION:**

### **A. THIRD READING**

#### **1. ORDINANCE NO. 21-2011/12 (*Deferral*)**

**[37]**

An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 124 Epps Street, Lake City, South Carolina And Designated As Tax Map Number 80008-12-008: And To Authorize The Conveyance Thereof To Florence School District Three; And Other Matters Relating Thereto.

2. **ORDINANCE NO. 28-2011/12** [44]

An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Twenty-Five Thousand Dollar (\$925,000) General Obligation Refunding And Improvement Bond Of Florence County, South Carolina (Johnsonville Rural Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.

3. **ORDINANCE NO. 29-2011/12** [76]

An Ordinance Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement By And Between Florence County, South Carolina And W. Lee Flowers and Company, Inc., And Other Matters Related Thereto.

4. **ORDINANCE NO. 30-2011/12** [93]

An Ordinance To Develop A Jointly Owned And Operated Industrial And Business Park In Conjunction With Williamsburg County, Such Industrial And Business Park To Include Property Initially Located In Florence County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Provide For A Written Agreement With Williamsburg County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of *Ad Valorem* Taxation; And Other Matters Related Thereto.

**B. SECOND READING**

1. **ORDINANCE NO. 27-2011/12** (*Deferral*) [105]

An Ordinance To Zone Properties Located On Pisgah Road, Enterprise Drive, Florence Park Drive, Mechanicsville Road, Prosperity Way, Range Way, Success Way And Cecil Road, Florence, SC, As Shown On Florence County Tax Map No. 00120, Block 01, Parcels 001-003, 022, 025, 034, 039-040, 052, 058-059, 061-063, 065, 073, 075, 077-082, 085-086, 088-090, 092-093; Florence County Tax Map No. 00145, Block 01, Parcels 076-077, 085-089, 093, 095, 100, 103-104; Consisting Of 773.14 Acres To B-6, Industrial District, Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto.

2. **ORDINANCE NO. 31-2011/12** *(Deferral)* **[108]**  
An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Taxes Agreement By And Between Florence County, South Carolina And Project Wood, And Other Matters Related Thereto.
  
3. **ORDINANCE NO. 32-2011/12** *(Deferral)* **[110]**  
An Ordinance To Zone Properties Inclusive Of All Of Unzoned Properties In Council District Three East Of I-95 To R-3A; Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto.
  
4. **ORDINANCE NO. 33-2011/12** *(Public Hearing)* **[113]**  
An Ordinance To Provide For A Barricade Of Salem Road At Or Near Its Intersection With The Darlington County, South Carolina Boundary Line With Florence County, South Carolina And To Further Provide For The Appropriate Signage And Structure(s) To Be Installed; And Other Matters Related Thereto.

## **C. INTRODUCTION**

1. **ORDINANCE NO. 02-2012/13** **[117]**  
An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations; Section 30-202, Signs On Private Property; Table VII, Regulations Of Signs By Type, Characteristics And Zoning Districts, And Section 30-207, Development Standards; And Other Matters Related Thereto.  
*(Planning Commission approved 7-0)*
  
2. **ORDINANCE NO. 03-2012/13** **[127]**  
An Ordinance To Amend The Florence County Comprehensive Plan Land Use Map For Properties In Florence County Located In The City Of Johnsonville On S. Georgetown Highway, More Specifically Shown On Tax Map Numbers 00433-05-002, 00433-05-003, 00433-05-004, 00433-05-176, 50007-04-011 And 50007-06-001 From Transitional Growth And Preservation To Public Facility And On Jasmine Street, More Specifically Shown On Tax Map Number 00440-05-093 From Rural Preservation To Suburban Development; And Other Matters Related Thereto.  
*(Planning Commission approved 7-0; Council District 2)*

3. **ORDINANCE NO. 04-2012/13** [133]  
An Ordinance To Rezone Properties Owned By Property Owners As Shown On Attachment “A” Located At 127, 137, 259, 269 And 309 South Georgetown Highway And 171 Jasmine Street, Johnsonville As Shown On Florence County Tax Map No. 00433, Block 05, Parcels 002-004, 176 And Florence County Tax Map No. 50007, Block 04, Parcel 011 And Block 06, Parcel 001; Florence County Tax Map No. 00440, Block 05, Parcel 093; Consisting Of Approximately 6.24 Acres From Unzoned And R-3, Single-Family Residential District To R-3A, Single-Family Residential District; And Other Matters Related Thereto.  
(Planning Commission **approved** 7-0; Council District 2)
4. **ORDINANCE NO. 05-2012/13** [146]  
An Ordinance To Rezone Property Owned By William C.B. Eaddy Located Off Of Laron Street, Scranton As Shown On Florence County Tax Map No. 00194, Block 31, Parcel 128; Consisting Of Approximately 8.51 Acres From R-5, Residential Multi-Family District And Unzoned To PD, Planned Development District; And Other Matters Related Thereto.  
(Planning Commission **approved** 7-0; Council District 1)
5. **ORDINANCE NO. 06-2012/13** [159]  
An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Section 30-267, Certificates Of Zoning Compliance And Section 30-268, Repair Permits; And Other Matters Related Thereto.  
(Planning Commission **approved** 7-0)
6. **ORDINANCE NO. 07-2012/13** [167]  
An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 132 East Main Street, Pamplico, South Carolina And Designated As Tax Map Number 60006-03-014; And To Authorize The Conveyance Thereof To The Town Of Pamplico; And Other Matters Relating Thereto.

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

## **XII. REPORTS TO COUNCIL:**

### **A. ADMINISTRATION**

#### **MONTHLY FINANCIAL REPORTS**

**[171]**

Monthly Financial Reports Were Provided To Council For Fiscal Year 2012 Through May 31, 2012 As An Item For The Record.

### **B. PARKS AND RECREATION**

#### **ACCEPT GRANT AWARD**

**[177]**

Accept A Grant Award In The Amount Of \$2,500,000 From The Drs. Bruce & Lee Foundation For The Design And Development Of A Park In The City Of Lake City.

### **C. PROCUREMENT**

#### **DECLARATION OF SURPLUS PROPERTY**

**[179]**

Declare A 2005 Ford Mustang, V#0789, As Surplus Property For Disposal Through Public Internet Auction Via GovDeals.

## **XIII. OTHER BUSINESS:**

### **A. INFRASTRUCTURE**

#### **1. CITY OF FLORENCE - MAPLE PARK**

**[180]**

Approve The Expenditure Of Up To \$20,000 From Council District 3 Infrastructure Funding Allocation To Assist The City Of Florence With Construction Of New Green Space With Amenities And Replacing The Existing Playground Equipment At Maple Park.

#### **2. GREENWOOD ATHLETIC PARK**

**[182]**

Approve The Expenditure Of Up To \$8,000 From Council District 6 Infrastructure Funding Allocation To Expand The Storage Building At Greenwood Athletic Park.

## **B. ROAD SYSTEM MAINTENANCE FEE (RSMF)**

### **1. ALVIN KIRBY ROAD**

**[183]**

Approve The Estimated Expenditure Of \$3,118 From Council District 4 RSMF Funding Allocation To Pay For MBC Stone For 150 Feet On Alvin Kirby Road At The Intersection Of Country Lane.

### **2. BLACK STREET, CARTERSVILLE**

**[184]**

Approve The Expenditure Of Up To \$27,061.80 From Council District 4 RSMF Funding Allocation To Lay 24" Metal Pipe And Construct Catch Basins On Southeast Side Of Black Street In Cartersville; Piping Existing Ditch On Southeast To Allow Road To Be Widened Within The Prescriptive Right-Of-Way, Contingent Upon Signed Agreements Of Understanding With All Property Owners; Project Does Not Include Any Improvement On SCDOT Right-Of-Way At The Intersection Of Lynches River Road And Black Street.

### **3. PIERGAN LANE**

**[185]**

Approve The Expenditure Of Up To \$3,564 From Council District 2 RSMF Funding Allocation To Pay For MBC Stone For Piergan Lane.

## **C. UTILITY**

### **CITY OF JOHNSONVILLE**

**[186]**

Approve The Expenditure Of Up To \$1,000 From Council District 2 Utility Funding Allocation For The Purchase Of One (1) Load Of Crushed Asphalt To Assist The City Of Johnsonville With Paving/Patching The Johnsonville Community Center Driveway.

## **XIV. EXECUTIVE SESSION:**

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

**XV. INACTIVE AGENDA:**

**A. ORDINANCE NO. 02-2011/12**

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)*

**B. ORDINANCE NO. 24-2011/12**

At its regular meeting of April 19, 2012, Council deferred second reading of this item and referred the item to the Committee on Education, Recreation, Health & Welfare For Further Review And Recommendation: An Ordinance To Amend Section 6-8. Animal Rescue Agency Adoption Policies Of The Florence County Code Of Ordinances.

**XVI. ADJOURN:**

# **FLORENCE COUNTY COUNCIL MEETING**

July 19, 2012

**AGENDA ITEM:** Minutes

**DEPARTMENT:** County Council

## **ISSUE UNDER CONSIDERATION:**

Council is requested to approve the minutes of the June 21, 2012 regular meeting of County Council.

## **OPTIONS:**

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

## **ATTACHMENTS:**

Copy of proposed Minutes.

**REGULAR MEETING OF THE FLORENCE COUNTY COUNCIL,  
THURSDAY, JUNE 21, 2012 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  
Thomas B. Robinson, County Administrator  
Fitz Lee McEachin, County Attorney  
Connie Y. Haselden, Clerk to Council

**ALSO PRESENT:**

Thomas F. Sullivan, Assistant Director, Emergency Management Department  
Kevin V. Yokim, Finance Director  
Joe Eason, Parks & Recreation Department Director  
Ryon Watkins, EMS Director  
Andrew Stout, Museum Director  
Jonathan B. Graham, III, Planning Director  
Ray McBride, Library Director  
Sheriff Kenney Boone  
Barbara Coker, Sheriff's Office  
John Sweeney, Morning News

A notice of the regular meeting of the Florence County Council appeared in the June 20, 2012 edition of the **MORNING NEWS**. Copies of the Meeting 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](http://www.florenceco.org)).

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

**APPROVAL OF MINUTES:**

Councilman Anderson made a motion Council Approve The Minutes Of The May 17, 2012 Regular Meeting Of County Council. Councilman Rodgers seconded the motion, which was approved unanimously.

## **PUBLIC HEARINGS:**

The Clerk published the titles and Chairman Smith opened Public Hearing for the following:

### **ORDINANCE NO. 28-2011/12**

An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Twenty-Five Thousand Dollar (\$925,000) General Obligation Refunding And Improvement Bond Of Florence County, South Carolina (Johnsonville Rural Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.

### **ORDINANCE NO. 29-2011/12**

An Ordinance Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement By And Between Florence County, South Carolina And Project Warehouse, And Other Matters Related Thereto.

### **ORDINANCE NO. 30-2011/12**

An Ordinance To Develop A Jointly Owned And Operated Industrial And Business Park In Conjunction With Williamsburg County, Such Industrial And Business Park To Include Property Initially Located In Florence County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Provide For A Written Agreement With Williamsburg County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of *Ad Valorem* Taxation; And Other Matters Related Thereto.

## **APPEARANCES:**

### **HENRY M. ANDERSON, JR. – FLORENCE SOCCER ASSOCIATION**

Mr. Anderson Requested To Appear Before Council To Present A Proposal Concerning New Soccer Fields But Was Unable To Attend The Meeting.

### **HOLLY BEAUMIER – CONVENTION AND VISITORS BUREAU**

Mrs. Beaumier Appeared Before Council To Present Information On Area Tourism And Discuss Developments Within The Florence Convention And Visitors Bureau. The Florence CVB was approved by the State to be a pilot project for the State Heritage Region.

### **MR. TYNER**

Councilmen Culberson And Rodgers Requested Mr. Tyner Be Allowed To Address Council Regarding The Solid Waste Fee. Mr. Tyner and his wife own apartments on Francis Marion Road and they pay approximately \$2,600 in solid waste fees. The Tyners currently pay American Waste Company to haul solid waste and he was requesting that Council waive the County fee. Chairman Smith stated Council couldn't give him an answer right then, but that Council had set up a Committee to address this and other solid waste issues, and that he would be notified when the Committee scheduled a meeting.

## **COMMITTEE REPORTS:**

### **ADMINISTRATION & FINANCE**

Committee Chairman Smith stated the Committee on Administration & Finance held a Budget Worksession on June 14<sup>th</sup>; unfortunately, the dilemma by the General Assembly with respect to the level of funding for the Local Government Fund inhibited Council from making a decision on final reading of the Fiscal Year 2013 budget.

### **PUBLIC SERVICES & COUNTY PLANNING**

Committee Chairman Schofield announced that construction had begun on the museum building.

### **JUSTICE & PUBLIC SAFETY COMMITTEE**

Committee Chairman Mumford informed the group that the Committee on Justice & Public Safety held a productive meeting on May 10, 2012 with Circuit Court Judge Russo, Chief Magistrate Judge Cooper, Sheriff's Department and key County staff, regarding litter issues.

### **AD HOC CITY-COUNTY CONFERENCE COMMITTEE**

Committee Co-Chair Bradley stated that the Ad Hoc City-County Conference Committee met on June 6, 2012 to discuss matters of importance to the City and the County and help to create policies that mirror each other. Topics included towing policies, animal control, I-95/I-20 interchange beautification and discussion of City/County zoning issues.

## **RESOLUTIONS/PROCLAMATIONS:**

### **RESOLUTION OF APPRECIATION AND RECOGNITION**

The Clerk published in its entirety a Resolution of Appreciation and Recognition for Lisa Castles, P.A. For Her Admirable Professional Achievement And Commendable Service To Her Patients And Her Community. Councilman Anderson made a motion Council approve the Resolution as presented. Councilman Rodgers seconded the motion, which was approved unanimously. Councilman Rodgers presented Mrs. Castles with the framed Resolution. Mrs. Castles expressed appreciation to Council. She stated it was an honor for her to be recognized by Council because her grandfather, Bennie McCutcheon, served on Council for 22 years and during his tenure the County helped to establish the Lake City Community Hospital.

### **RESOLUTION NO. 29-2011/12**

The Chairman published the title of Resolution No. 29-2011/12: A Resolution To Approve A Multi-Jurisdictional Agreement And Narcotics Enforcement Requested By The Florence County Sheriff And Authorizing The County Administrator To Execute Said Agreements (City Of Columbia). Councilman Anderson made a motion Council approve the Resolution as presented. Councilman Mumford seconded the motion, which was approved unanimously.

### **RESOLUTION NO. 30-2011/12**

The Chairman published the title of Resolution No. 30-2011/12: An Inducement Resolution Providing For A Fee In Lieu Of Tax Agreement Between Florence County And Project Wood. Councilman Culberson made a motion Council approve the Resolution as revised and presented. Councilman Anderson seconded the motion, which was approved unanimously.

### **COUNCILMAN BRADLEY**

Chairman Smith stated that prior to moving to 'Ordinances in Position,' another recognition was also in order. He congratulated Councilman Bradley for being a recipient of the coveted TCTW Gold Improvement Award for the enhancement of mean scores in reading, mathematics and science; one of only four in the country to receive this award.

### **ORDINANCES IN POSITION:**

#### **ORDINANCE NO. 21-2011/12 – THIRD READING DEFERRED**

The Chairman stated third reading of Ordinance No. 21-2011/12 would be deferred: An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 124 Epps Street, Lake City, South Carolina And Designated As Tax Map Number 80008-12-008: And To Authorize The Conveyance Thereof To Florence School District Three; And Other Matters Relating Thereto.

#### **ORDINANCE NO. 25-2011/12 – THIRD READING**

The Clerk published the title of Ordinance No. 25-2011/12: An Ordinance To Rezone Properties Owned By Property Owners As Shown On Attachment "A" Located On East And West Marion Street, North And South Georgetown Highway, Stone Avenue, North And South Hampton Avenue, Training Circle, Stadium Road, Stuckey Street, Columbia Avenue, East, South And West Pine Street, North And South Railroad Avenue, Trailwood Street, Florence Avenue, East Broadway Street, Possum Fork Road, Jasmine Street, Maple Street, Elm Street, Huggins Eaddy Street, Sawmill Road, North Jackson Avenue And North Butler Avenue, Johnsonville As Shown Of Florence County Tax Map No. 00433, Block 05, Parcels 001, 012-014, 049, 064, 093, 101, 103, 111, 116, 123, 179, 180, 223, 224, 229, 259, 287; Florence County Tax Map No. 00440, Block 05, Parcels 025-031, 040, 055, 070-072, 080; Florence County Tax Map No. 50002, Block 02, Parcels 007-009 And Block 03, Parcels 007-010; Florence County Tax Map No. 50003, Block 04, Parcels 001-015, 017-028; Block 05, Parcels 001-004, And Block 06, Parcels 001-004, 006-009; Florence County Tax Map No. 50006, Block 01, Parcels 001-003, 011-015, 019; Block 03, Parcels 004, 005; Block 04, Parcels 001-003, 008-012; Block 05, Parcels 001-008, 010, 011; Block 06, Parcels 001-009; Block 07, Parcels 001-003; Block 08, Parcels 007-009; Block 09, Parcels 004, 005, 010, 011; Block 10, Parcels 005-008, 010; Block 11, Parcels 001, 008, 010-013 And Block 12, Parcels 004, 005, 009, 011; Florence County Tax Map No. 50007, Block 04, Parcels 001-004, 006-009 And Block 06, Parcels 002-005, 007; Consisting Of Approximately 207.04 Acres From R-3, Single-Family Residential District To R-3A, Single-Family Residential District; And Other Matters Related Thereto. Councilman Poston made a motion Council approve third reading of the Ordinance. Councilman Mumford seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 26-2011/12 – THIRD READING**

The Clerk published the title of Ordinance No. 26-2011/12: An Ordinance To Ratify FY12 Budget And Grant Council Actions Previously Authorized By Council And Other Matters Related Thereto. Councilman Schofield made a motion Council approve third reading of the Ordinance. Councilman Poston seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 01-2012/13 – THIRD READING DEFERRED**

The Chairman stated Third Reading of Ordinance No. 01-2012/13, the Budget Ordinance, would be deferred: An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2012 And Ending June 30, 2013; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto. He stated he wanted to set up a budget meeting for the following Thursday in the hopes that the County would know the status of funding for the Local Government Fund (LGF) by the General Assembly.

Councilman Schofield made the following comments: "Mr. Chairman, members of Council and the Taxpayers of Florence County, I'm not going to vote to endanger the lives of the citizens of this County because of the reckless behavior of the South Carolina House of Representatives. Really, I woke up last night at 3:00 a.m. and I went online to read what was going on in Columbia and they are talking about a Continuing Resolution, and not even passing a State budget. The State of South Carolina is going to stoop to the level of the Federal Government, really? They were elected to pass a budget, just like we are and the House is considering a Continuing Resolution where we won't even know what the revenue is and what the spending levels are in this State? I want to read to you a portion of an editorial that was in The State Newspaper Sunday, because this is the way the House is trying to get something done up there. It's titled: *'Don't Revive Bribery-Tainted Procedure. In a low tax State with tremendous unmet needs, we don't believe the case has been made to justify cutting small businesses' income taxes. But even if you disagree, you should be worried about the House's decision to revive a discredited, corruption-tainted method to force through the tax cut and three other stand-alone laws. The vehicle is the once-ubiquitous Part II proviso - the granddaddy of all logrolling apparatuses. It was through these permanent budget provisos that lawmakers opened our borders to the nation's nuclear and hazardous waste, approved a retroactive, bribery-tainted tax cut and, unbeknownst to all but one of them, legalized video gambling. ... The reason legislators like to attach whole separate bills to popular bills is the same reason it's such bad policy: It sidesteps the normal legislative process and forces lawmakers to pass laws they otherwise wouldn't. It's particularly effective, and therefore unwise, and dangerous, when the vehicle for the stand-alone laws is the budget, because that's the one bill that lawmakers must pass every year.'* Well maybe not, maybe they're going to do a Continuing Resolution. By State law this County must pass a balanced budget to take effect July the 1<sup>st</sup>. Today, for the first time since I have been here in five years, we are going to defer third reading of that Ordinance, because we simply don't know what the revenue is going to be from the State. Mr. Rodgers, I hope I take something you said up here many times and I do it for the rest of the time I am here. It is time to 'take the bull by the horns,' Mr. Rodgers. Mr. Chairman, I would like for our staff to bring next week, for our consideration, a budget that raises taxes by the amount of the shortfall in State

Local Government Funding that is occurring annually now, for the last three years. This millage should be noted on the tax notice as 'shortfall in State funding for State mandates' and it will have to fluctuate each year depending on what the Legislature does in regards to funding State required services. We can lower this millage if the State comes to its senses before the tax notice goes out, but if we don't put it on now, we can't do anything later. I will vote to lower this millage based on how much revenue they restore to the Local Government Fund, but we cannot continue to kick the can down the road. We have to have a budget; unlike them. This item on the tax notice should be a permanent feature and float with whatever the State is funding us for required services that we cannot even vote on. I may be the one voting for a tax increase, but this Council is not the one causing the increase. We have no shortfall of general government revenue from property taxes and we have no shortfall because of spending. This is solely caused by actions of the Legislature. I have significant property holdings in this County and you can believe I am not advocating this approach lightly or with little thought. This tax increase will hurt very badly to me, especially to a shopping center that I own that has a 50% vacancy rate, because of the bad economy. In Fiscal Year 2008, we received \$7,251,000 in State funding to pay for State required County services. In 2012, we received \$4,432,000, almost a \$3 million reduction in revenue. For three years we have cut spending across the board: 1% the first year, 2% the next year, 3% last year. We have cut employees; we have had employees take demotions in pay grade; we have raided the Reserve Fund; we have cut funding for capital equipment to a point that is not sustainable in order not to raise taxes in such difficult economic times. And that was the right thing to do. The State was in a pinch for revenue and if this County could help out by losing over \$7 million in revenue from the LGF and still not raise taxes, that was okay. During this same time, we have even been required to hire/provide additional magistrates that we don't need, but are required by State law to fund. The public needs to understand, we spend more money on magistrates in Florence County than we do on the Treasurer's Office, the Delinquent Tax Office, and the Solicitor's Office with attorneys in it, combined, and your Council can do nothing about it. We cannot continue on this path. The Reserve Fund is as low as it can be without endangering our credit rating, will cost our tax payers substantially, or have the cash necessary to pay our bills during the months with low tax collections. But now the situation is different, State revenues have improved substantially and the Senate, to its credit and Senator Leatherman's credit, has tried to restore a significant amount of funding to the Local Government Fund for State mandated services. However, the House has decided they do not want to do that or even consider the Continuing Resolution. This is reckless behavior in my opinion and if we do not take action this reduction in revenue by the State will endanger the lives of our citizens. The Magistrate's office is run out of funds to conduct jury trials this budget year. The Probate Court doesn't have the funds it needs. The Clerk of Court is operating in inadequate space for the case load they handle. We have lost 10 paramedics since December in Emergency Medical Services, due to not having a competitive wage. We operate a courthouse that is dangerous to the public and after 40 years of use is seriously in need of replacing. The public needs to understand that 60% of our budget is untouchable by this Council - that's State law. We cannot selectively cut spending in departments that are run by other elected officials. We can only do across the board cuts as you have seen us do for the last three years; and as anyone in business knows, across the board cuts is a

dangerous way to cut spending. Those that can afford are not cut and those that can't are. We cannot continue delaying, hoping the State will do the right thing. Our job is to provide necessary government services; police, fire, EMS. And if, because the State is not funding other required State offices, we cannot continue to gut essential government services. We have half the deputies that Spartanburg County has and the same land area to cover. Some people will point to some of the things that we do to help promote our competitive position in attracting new industry and jobs to our County; however, if these activities are not funded, I guarantee you that with no new industries and jobs like we have been blessed with, even during this severe recession the tax in the County will rise a whole lot more than what is happening today. Some people will point to the infrastructure funds, which are around \$300,000 this year, but if they look closely they will see that last year we funded \$200,000 worth of capital equipment for the Sheriff's department last year because of all of this reduction in State revenue. This Council has been making the hard choice and doing what it can to mitigate this negative effect of the loss of State funding. Our workers have not had a raise in three years. Every other County in the State that I have seen is giving raises this year, including the State of South Carolina is giving raises. Richland County is giving a 4% raise. We are proposing a 2% raise. If we don't stay competitive with wage rates it is going to cost the County taxpayers a lot more money to train and hire new workers to take their place. The cost to train law enforcement and emergency personnel is enormous. Simply we cannot allow good employees to leave and have to pay to train new people all over again. This County has faced significant challenges over the last five years that I have served on this Council and has not raised your taxes. In addition to losing funding [from] the Local Government Fund over the last three years of \$7 million, since 2009 when the assessment rate on vehicles was lowered, which I as a taxpayer favored, this County is currently losing an additional \$2 million in taxes or about 5 mills in property taxes and there has been no tax increase to make up this revenue loss. It has been absorbed by budget cutting and good management practices. All of this reduction in revenue has been handled, not to mention the increase in fuel costs, insurance costs, the reduction in investment revenue, that have been sustained. We simply cannot continue to erode the essential services of this County government because of the actions of the Legislature of this State. Sheriff, I ain't asking you to do it and its time to take the bull by the horns. Members of Council, you have heard me say that the smartest politician in the world is the one that can tout to the taxpayers 'I am lowering your taxes' all the while knowing that he is forcing another, lower ranking politician, to raise your taxes. All of this on top of the threat by some House members who want to de-fund the Local Government Fund entirely. Additionally, there have been bills introduced into the House that would reduce assessment on manufacturing to 6%, which would cost this County an additional loss in tax revenue of 1.8 mills. And another to reduce the assessment on commercial property, which would cost the County additional 3.8 mills. If the people of this County want lower tax bills based on inferior services from our Sheriff, EMS, fire department and other essential County services, they can have it – but I don't believe they do. When you are having a heart attack you will certainly hope that this Council does something to stop the loss of trained paramedics who just might save your life. The cost to replace those 10 paramedics and training is enormous. The people who have to serve on juries in this County know the dangerous and deplorable situations that exist in our court system that

needs to be fixed. Mr. Chairman, I ask that we meet again next week on Thursday, and we consider a budget that will sustain essential services for the taxpayers of the County.”

Chairman Smith thanked Councilman Schofield and reiterated his thanks for Senator McGill, Senator Leatherman, Senator Williams and Senator Land, who have stood up for the Local Government Fund to assist the counties. Councilman Anderson stated he felt it was in the best interest of the citizens of the County to contact the House members and ask why they were choosing not to fund the Local Government Fund fully.

#### **ORDINANCE NO. 27-2011/12 – SECOND READING DEFERRED**

The Chairman stated second reading of Ordinance No. 27-2011/12 would be deferred: An Ordinance To Zone Property Located On Pisgah Road, Enterprise Drive, Florence Park Drive, Mechanicsville Road, Prosperity Way, Range Way, Success Way And Cecil Road, Florence, SC, As Shown On Florence County Tax Map No. 00120, Block 01, Parcels 001-003, 022, 025, 034, 039-040, 052, 058-059, 061-063, 065, 073, 075, 077-082, 085-086, 088-090, 092-093; Florence County Tax Map No. 00145, Block 01, Parcels 076-077, 085-089, 093, 095, 100, 103-104; Consisting Of 773.14 Acres To B-6, Industrial District, Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto.

#### **PUBLIC HEARINGS:**

There being no signatures on the sign-in sheets, the Chairman closed the Public Hearings. (The sign-in sheets are attached and incorporated by reference.)

#### **ORDINANCE NO. 28-2011/12 – SECOND READING**

The Clerk published the title of Ordinance No. 28-2011/12: An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Twenty-Five Thousand Dollar (\$925,000) General Obligation Refunding And Improvement Bond Of Florence County, South Carolina (Johnsonville Rural Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto. Councilman Anderson made a motion to approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

#### **ORDINANCE NO. 29-2011/12 – SECOND READING**

The Clerk published the title of Ordinance No. 29-2011/12: An Ordinance Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement By And Between Florence County, South Carolina And Project Warehouse W. Lee Flowers and Company, Inc. And Other Matters Related Thereto. Councilman Rodgers made a motion to approve second reading of the Ordinance. Councilman Mumford seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 30-2011/12 – SECOND READING**

The Clerk published the title of Ordinance No. 30-2011/12: An Ordinance To Develop A Jointly Owned And Operated Industrial And Business Park In Conjunction With Williamsburg County, Such Industrial And Business Park To Include Property Initially Located In Florence County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Provide For A Written Agreement With Williamsburg County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of *Ad Valorem* Taxation; And Other Matters Related Thereto. Councilman Rodgers made a motion to approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

### **ORDINANCE NO. 31-2011/12 – SECOND READING DEFERRED**

The Chairman stated second reading of Ordinance No. 31-2011/12 would be deferred: An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Taxes Agreement By And Between Florence County, South Carolina And Project Wood, And Other Matters Related Thereto.

### **ORDINANCE NO. 32-2011/12 – INTRODUCED BY TITLE ONLY**

The Clerk published the revised title of Ordinance No. 32-2011/12 and the Chairman declared the Ordinance introduced by title only: An Ordinance To Zone Properties Inclusive Of All Unzoned Properties In Council District Three East Of I-95 To R-3A; Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto.

### **ORDINANCE NO. 33-2011/12 – INTRODUCED BY TITLE ONLY**

The Chairman published the title of Ordinance No. 33-2011/12 and declared the Ordinance introduced: An Ordinance To Provide For A Barricade Of Salem Road At Or Near Its Intersection With The Darlington County, South Carolina Boundary Line With Florence County, South Carolina And To Further Provide For The Appropriate Signage And Structure(s) To Be Installed; And Other Matters Related Thereto.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS:**

#### **POLICY COMMISSION ON RECREATION**

Council Unanimously Approved The Re-Appointment Of Darryl Jackson To Serve On The Policy Commission On Recreation, Representing District 5, With Appropriate Expiration Term.

#### **SENIOR CENTER COMMISSION**

Council Unanimously Approved The Appointment Of Earl Dawkins To Serve On The Senior Center Commission, Representing District 8, With Appropriate Expiration Term.

#### **LIBRARY BOARD OF TRUSTEES**

Council Unanimously Approved The Re-Appointments Of Karen Keels - Representing District 4 And Charles Howle -- representing District 9, To Serve On The Library Board Of Trustees, With Appropriate Expiration Terms.

#### **ACCOMMODATIONS TAX ADVISORY COMMITTEE**

Council Unanimously Approved The Re-Appointment Of Robert Hawkins To Serve On The Accommodations Tax Advisory Committee, Seat 1, With Appropriate Expiration Term.

#### **BUILDING COMMISSION OF THE CITY AND COUNTY OF FLORENCE**

Council Unanimously Approved The Recommendation To The Governor For The Re-Appointment Of Julian Graham To Serve On The Building Commission Of The City And County Of Florence, Seat 1, With Appropriate Expiration Term.

#### **CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

Council Unanimously Approved The Re-Appointment Of Phillip Dowling To Serve On The Construction Board Of Adjustments And Appeals, Representing District 9, With Appropriate Expiration Term.

#### **MUSEUM BOARD**

Council Unanimously Approved The Re-Appointment Of Donna Goodman To Serve On The Museum Board, Representing District 7, With Appropriate Expiration Term.

#### **BOARD OF HEALTH**

Council Unanimously Approved The Re-Appointment Of John Calcutt To Serve On The County Board of Health, Representing District 9, With Appropriate Expiration Term.

#### **REPORTS TO COUNCIL:**

##### **ADMINISTRATION/FINANCE**

##### **RFP EVALUATION PANEL RECOMMENDATION**

Councilman Schofield made a motion Council Approve The RFP Panel's Recommendation And Award The Contract For Independent Auditing Service For Florence County For The Fiscal Years Ending June 30, 2012 Through 2016 To Elliott Davis, LLC. Councilman Rodgers seconded the motion, which was approved unanimously. Councilman Schofield commented that this contract was a reduction in cost from previous years, so the County was able to save the taxpayers some money.

## **ADMINISTRATION/GRANTS**

### **ACCEPT SCDOT ALLOCATION**

Councilman Anderson made a motion Council Accept Allocation From The South Carolina Department Of Transportation (SCDOT) Under The Florence County Transportation Committee (FCTC) C Funds Program, PCN #41636 In The Amount Of \$42,500 For The Resurfacing Of Smith Drive. Councilman Rodgers seconded the motion, which was approved unanimously.

## **FINANCE**

### **FY2012/2013 STATE ACCOMMODATIONS TAX ALLOCATIONS**

Councilman Mumford made a motion Council Approve The Expenditure Of \$200,000 In State Accommodations Tax Funding Allocations As Recommended By The Accommodations Tax Advisory Committee For FY2012/2013. Councilman Anderson seconded the motion, which was approved unanimously.

## **PROCUREMENT**

### **DECLARATION OF SURPLUS PROPERTY**

Councilman Rodgers made a motion Council Declare Seven (7) Vehicles And One (1) Water Truck As Surplus Property For Disposal Through Public Internet Auction Via GovDeals. Councilman Kirby seconded the motion, which was approved unanimously.

### **CONSULTING SERVICES AGREEMENT**

Councilman Rodgers made a motion Council Approve An Agreement With Yancey Environmental Solutions, LLC For Consulting Services Related To The Lake City Park Project In The Amount Of \$75,000 To Be Funded From Grant Funding For The Project. Councilman Anderson seconded the motion, which was approved unanimously.

### **RFQ PANEL APPOINTMENT**

Chairman Smith Announced That He Would Serve On The Review Panel For RFQ #13-11/12 Landscape Architect Services For The Lake City Park Project.

## **SHERIFF'S OFFICE**

### **ACCEPT GRANT AWARD**

Councilman Anderson made a motion Council Accept Grant Award #1G12012 In The Amount Of \$68,303 From The South Carolina Department Of Public Safety Under The 2012 Justice Assistance Grant (JAG) Program For Operational Costs Associated With The Drug Analysis Lab At The Law Enforcement Center. Councilman Poston seconded the motion, which was approved unanimously.

#### **ACCEPT GRANT AWARD**

Councilman Rodgers made a motion Council Accept A South Carolina Department Of Public Safety Justice Assistance Grant (JAG) #1GSI09016 In The Amount Of \$75,856 To Be Used For Equipment. Councilman Anderson seconded the motion, which was approved unanimously.

#### **ACCEPT GRANT AWARD**

Councilman Mumford made a motion Council Accept Grant Award #1G12011 In The Amount Of \$45,000 From The South Carolina Department Of Public Safety 2012 Justice Assistance Grant (JAG) Program To Provide An Upgraded Fingerprint Capturing System For The Florence County Sheriff's Office. Councilman Culberson seconded the motion, which was approved unanimously.

#### **ACCEPT GRANT AWARD**

Councilman Rodgers made a motion Council Accept Grant Award #1V10119 In The Amount Of \$4,703 From The South Carolina Department Of Public Safety Victims Of Crime Act (VOCA) Grant Program To Provide Equipment Improvements For The Florence County Sheriff's Office. Councilman Culberson seconded the motion, which was approved unanimously.

#### **OTHER BUSINESS:**

#### **INFRASTRUCTURE**

##### **OLANTA RURAL FIRE DEPARTMENT**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$2,171 From Council District 5 Infrastructure Funding Allocation To Assist The Olanta Rural Fire Department With Purchasing Class A Foam. Councilman Culberson seconded the motion, which was approved unanimously.

##### **TOWN OF OLANTA**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$8,000 From Council District 5 Infrastructure Funding Allocation To Assist The Town Of Olanta With Costs For A New Roof And Painting The Town Hall And Museum. Councilman Mumford seconded the motion, which was approved unanimously.

#### **INFRASTRUCTURE/UTILITY**

##### **SHERIFF'S OFFICE ELECTRONIC RECORDS INTERFACE**

Councilman Rodgers made a motion Council Approve The Expenditure Of A Total Amount Not To Exceed \$24,000 From Council Districts' Infrastructure/Utility Funding Allocations (Approximately \$2,666.67 From Each District) To Assist The Florence County Sheriff's Office With The Cost For The Interface To Have Electronic Medical Records System/Pharmacy Records Interfaced With The Existing New World Corrections Software. Councilman Anderson seconded the motion, which was approved unanimously.

### **SHERIFF'S OFFICE – VARIABLE MESSAGE DISPLAY/TRAILER**

Councilman Rodgers made a motion Council Approve The Expenditure Of A Total Amount Not To Exceed \$20,400 From Council Districts' Infrastructure/Utility Funding Allocations (Approximately \$2,266.67 From Each District) To Assist The Florence County Sheriff's Office With The Purchase Of An Additional Smart VMS HT Variable Display/Trailer To Be Used To Advise The Public Regarding Road Conditions, Amber Alerts, Etc. Councilman Mumford seconded the motion, which was approved unanimously.

### **ROAD SYSTEM MAINTENANCE FEE (RSMF)**

#### **BALDWIN ROAD**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$11,138 From Council District 5 RSMF Funding Allocation To Pay For Crushed Asphalt For A Portion Of Baldwin Road. Councilman Schofield seconded the motion, which was approved unanimously.

#### **WYLIE ROAD**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$14,850 From Council District 5 RSMF Funding Allocation To Pay For Crushed Asphalt For A Portion Of Wylie Road. Councilman Anderson seconded the motion, which was approved unanimously.

#### **AMES BURY POINTE**

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$38,808 From Council District 9 RSMF Funding Allocation To Pay For The Resurfacing Of Ames Bury Pointe (1 ½" Surface Type C). Councilman Rodgers seconded the motion, which was approved unanimously.

#### **HAMPTON POINTE ENTRANCE**

Councilman Anderson made a motion Council Approve The Expenditure Of Up To \$39,985 From Council District 9 RSMF Funding Allocation To Pay For The Resurfacing Of Hampton Pointe Entrance (1 ½" Surface Type C) 6" Full Depth Patch. Councilman Rodgers seconded the motion, which was approved unanimously.

### **UTILITY**

#### **CITY OF LAKE CITY**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$15,000 From Council District 5 Utility Funding Allocation To Assist The City Of Lake City With The Installation Of Sewer In Coward, South Carolina. Councilman Kirby seconded the motion, which was approved unanimously.

### **SOUTH LYNCHES FIRE DEPARTMENT**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$1,594 From Council District 5 Utility Funding Allocation For The Purchase Of Equipment For The South Lynchess Fire Department, Station 3. (*Piercing Nozzle and Shut-Off Valve, Foam Eductor System and Installation*) Councilman Anderson seconded the motion, which was approved unanimously.

**The following two (2) items were additions to the Agenda and were properly posted 24 hours in advance of the meeting:**

### **CITY OF LAKE CITY**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$40,000 From Council District 5 Utility Funding Allocation to Aid The City Of Lake City With The Expansion Of The Water Line On North Matthews Road And Crane Neck Road. Councilman Anderson seconded the motion, which was approved unanimously.

### **TOWN OF COWARD**

Councilman Rodgers made a motion Council Approve The Expenditure Of Up To \$15,000 From Council District 5 Infrastructure Funding Allocation To Assist The Town Of Coward With The Purchase Of One (1) Police Vehicle. Councilman Mumford seconded the motion, which was approved unanimously.

### **RESOLUTION OF APPRECIATION COUNCILMAN JOHNNIE D. RODGERS, JR.**

Chairman Smith expressed appreciation to the family of Councilman Johnnie D. Rodgers, Jr. for attending the meeting and commended Councilman Rodgers for his service on Council. Councilman Anderson made a motion Council approve a Resolution of Appreciation for Councilman Rodgers. Councilman Mumford seconded the motion, which was approved unanimously. The Clerk published the Resolution in its entirety and Councilman Culberson presented Councilman Rodgers with the framed Resolution. Councilman Rodgers expressed his appreciation for the opportunity to serve and for the assistance/support from County Council and staff.

### **EXECUTIVE SESSION:**

Councilman Anderson made a motion Council Enter Executive Session, Pursuant To Section 30-4-70 Of The South Carolina Code Of Laws 1976, As Amended, For Legal Advice And A Personnel Matter. Councilman Rodgers seconded the motion, which was approved unanimously.

Council entered executive session at 10:08 a.m. Council reconvened at 10:32 a.m.

Subsequent to Executive Session Council took the following action:

**SHERIFF'S OFFICE PERSONNEL**

Councilman Schofield made a motion Council Add Position/Grade/Title 010-421-200-123/GR00/PT Position. Councilman Anderson seconded the motion, which was approved unanimously.

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

**COUNCIL MEETING ADJOURNED AT 10:32 A.M.**

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**H. MORRIS ANDERSON**  
**SECRETARY-CHAPLAIN**

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

# PUBLIC HEARING

June 21, 2012

## ORDINANCE NO. 28-2011/12

An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Twenty-Five Thousand Dollar (\$925,000) General Obligation Refunding And Improvement Bond Of Florence County, South Carolina (Johnsonville Rural Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.

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# **PUBLIC HEARING**

June 21, 2012

## **ORDINANCE NO. 29-2011/12**

**An Ordinance Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement By And Between Florence County, South Carolina And Project Warehouse, And Other Matters Related Thereto.**

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# PUBLIC HEARING

June 21, 2012

## ORDINANCE NO. 30-2011/12

An Ordinance To Develop A Jointly Owned And Operated Industrial And Business Park In Conjunction With Williamsburg County, Such Industrial And Business Park To Include Property Initially Located In Florence County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Provide For A Written Agreement With Williamsburg County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of *Ad Valorem* Taxation; And Other Matters Related Thereto.

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# **FLORENCE COUNTY COUNCIL MEETING**

July 19, 2012

**AGENDA ITEM:** Minutes

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Council is requested to approve the minutes of the June 28, 2012 Special Called meeting 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 OF THE FLORENCE COUNTY COUNCIL, THURSDAY, JUNE 28, 2012, 4:00 P.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  
Alphonso Bradley, Council Member  
James T. Schofield, Council Member  
Roger M. Poston, Council Member  
Thomas B. Robinson, County Administrator  
D. Malloy McEachin, Jr., County Attorney  
Connie Y. Haselden, Clerk to Council

**ALSO PRESENT:**

Thomas F. Sullivan, Assistant Director, Emergency Management Department  
Kevin V. Yokim, Finance Director  
Ryon Watkins, EMS Director  
Ray McBride, Library Director  
Randy Godbold, VA Officer  
Tiffany Wallace, Sheriff's Office  
John Sweeney, Morning News

**ABSENT:**

Johnnie D. Rodgers, Jr., Council Member

Notice of the special called meeting of the Florence County Council appeared in the June 27, 2012 edition of the **MORNING NEWS**. Copies of the agenda were faxed to members of the media, posted in the lobby of the City-County Complex, at the Doctors Bruce and Lee Foundation Public Library and all branch libraries, and on the County's website ([www.florenceco.org](http://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 to the meeting.

## **ORDINANCES IN POSITION:**

### **ORDINANCE NO. 01-2012/13 – THIRD READING**

The Clerk published the title of Ordinance No. 01-2012/13: An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2012 And Ending June 30, 2013; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto. Councilman Mumford made a motion to approve third reading of the Ordinance. Councilman Kirby seconded the motion.

Councilman Schofield made the following comments: "Mr. Chairman and fellow members of Council, I came up here today, fully prepared (as I said at the last Council meeting) to advocate that we fully make up the funding in the LGF that the State has shorted for the last three (3) years. Thanks largely to the efforts of Senator Leatherman, Senator McGill and others in the Senate, the Legislature has allocated an additional \$720,000, which is equal to 1.7 mills of tax for this County. So we still have a 5 mill shortfall to have full funding of the LGF to be able to pay for services that the State mandates that we provide that we have no control over; that we cannot cut; and we don't get a say in it; and, in fact, the State makes us do them. So I came here today fully prepared, even though I don't want to, to ask this Council to raise millage by 5 mills to make up that amount, put it at the bottom of the tax notice and explain to the public that for three (3) years we did without the money when the State did not have the money, but it's a different situation today. The State came up with an additional \$200 million and to me that means you pay for what you committed to first, and State law says they will fund 4.5% and they are still not doing it. They are doing better, but they are still not doing it. I understand that at this time on this Council, there is not sufficient vote to do a 5 mill increase and like all the rest of you that don't want to do it, I don't want to do it because I know there are people out there that can't afford it. A 5 mill increase on a \$100,000 house owner occupied will cost the tax payer about \$20 a year. And if you don't own the house, it will be blended into your rent on the house at about \$30 a year. I still think we should explain to the public how much we are losing from the LGF, because my opinion is that this problem is going to continue year after year and there are members of the House that are advocating completely eliminating the LGF and if you think 5 mills would be bad, if they completely eliminate it, I assure you this Council or some Council is going to put a whole lot of millage down there if they can, within State limitations, to make up that amount of money. We must replace this revenue to some extent that the State has not funded for the last three years, and with the mind-set of the House of Representatives and some of our local House members, I, as I said, see continued difficulty in the years to come for this County and other counties. And, along with it, the State is mandating more and more money be spent. This is, in my opinion, become a matter of public safety and this is why I'm going to vote for a tax increase today. Because we are not able to maintain sufficient public service to protect the public. We do not have the ambulance capability in this County that we should have and it is making a negative difference in the response time of ambulances to people having heart attacks or injured in traffic incidents. In the last 30 days I know of a case of a citizen in this County who had a heart attack, at home in the City of Florence. The ambulance was dispatched from the Ebenezer station; it took the ambulance about 11 minutes to get there and that was because the 2

ambulances available in the main station in Florence were tied up on calls. Yesterday I was at my Dad's former home, doing some work there for my son, and I heard the ambulance coming from five points. It was with all haste and speed heading to McLeod's; I think it was a wreck across from the Post Office involving three vehicles, I think I saw that in the paper this morning. It hadn't any more passed the Sundae House on Palmetto Street before I heard another ambulance coming from downtown heading toward five points. As soon as it passed the Sundae House, I hear a third ambulance coming from five points heading toward, I assume, McLeod or Carolinas. So, after I left there, I called Ryon Watkins and asked him, I said, 'Tell me where we were at 4 o'clock yesterday afternoon with ambulances in Florence County.' We had one ambulance available to cover the rest of the City of Florence and all around here. We had three ambulances in the Lower Florence County. That ambulance, I think, was stationed at Francis Marion, out that way, so if you were at the Mall yesterday and had a heart attack, the response time that we could give you is not where I am willing to let it be. This is why I am willing to raise taxes. Fellas, I have been on the floor, doing CPR, waiting for the ambulance. It is a personal experience, personally, to have a friend die. The first ambulance got there was an EMT and I needed a Paramedic. The second ambulance got there, and it was a Paramedic, but this person died, in spite of what we tried to do. So I know what it means to have ambulance capability and it is every bit as important as anything in this County. When you call for the Sheriff, well at least you might have a gun and you can shoot somebody and keep them out your house. And when you call for the fire department, at least you can run out the house and it might burn down but insurance will cover it. But when you are in a wreck or you have a heart attack, you need an ambulance and you need qualified paramedics. We have lost 10 paramedics since January, because we are not paying a competitive wage rate. This is unacceptable to me. As I said last week, if you want a councilman up here to provide less than adequate service in our County, I'm not your person. This County government for less than a \$1 a day, on a \$100,000 home, provides you with law enforcement, ambulance service, court system to lock up dangerous individuals, a jail to put them in, a family court system, a recreational department to try to influence our children in a positive manner instead of letting them be involved in gangs and criminal activity, planning and codes to try and protect the public from shoddy construction, a library system that is second to none in the US, economic development activities to bring new jobs, Probate court and the list goes on and on, for less than a \$1 [a day] on a \$100,000 house. So when we talk about raising millage up here today, 5 mills it would cost \$20, if its 3 mills its \$12. To a commercial business, like I own a shopping center, its 50% more; its \$6 for every mill so if we do 3 mills it's going to be \$18. We are in a situation today that general government has been cut 1%, 2%, 3% over the last three years; we have raided the reserve fund to where we can't raid it anymore without affecting the bond rating. We have to do something. We can't let service deteriorate any further. The employees have gone with no raises; we have deferred capital maintenance until we can't defer it any more. The State should be fully funding, in my opinion, the LGF this year. And if they were, there would be no tax increase and, in fact, we could do a tax decrease. But they are not. So we have to deal with it and we are at the eleventh hour and that's not the way we should do. The State of South Carolina over the three years have done nothing but increase the cost to provide public services; State mandated Case Management computer systems for the court,

additional magistrates that are not needed, storm drainage regulations and personnel to administer that. The latest is that we got to have a doctor in the jail and the State continues to give more directives to spend more money and at the same time they are cutting the revenue to pay for the State services. It cannot continue. I may be the one that's going to vote to raise your taxes and if there is enough votes up here to do it, but any of us that vote for it are against it and those voting against it, I hold nothing against you for voting against, because I really want to vote against it, but those of us that are voting for it, we may be voting for it, but we are not causing it. The cause lies at the House of Representatives of this State for them not understanding that they should fulfill the obligations they made to the counties of this State and fully funding the LGF. I am not going to continue to gut the heck out of essential government services in order to make the State look good so that some people can tell you they lowered your taxes, when in essence they are actually raising them, they are just doing it in a different place. They are doing this to give certain small businesses, is what they were trying for, a tax decrease. I want the public to understand that 10 years ago, the public of Florence County was paying about \$2 million more on their automobile taxes than they are today. That's 5 mills worth of tax that this County does not have. So the people that say to me that taxes haven't decreased, I say they just don't understand what has been done. We've got a lot of things that need to be done, we need a new judicial center, and we have put it off and put it off and put it off. We cannot continue to put things off and this Council needs to begin making efforts to solve that problem and others. I'm going to vote for the tax increase today and be happy to make that motion or whatever is deemed appropriate."

Councilman Mumford stated that he agreed wholeheartedly with Councilman Schofield and that Council had been backed into a corner because of the General Assembly. Council has neglected employees and needed equipment and Council was going to have to bite the bullet.

Councilman Anderson stated he was serving his last year on Council and everything Councilman Schofield said was the truth. What the public had to understand was that if Council raised taxes on the local level then the State Legislature would take that as a pass and the blame would fall on County Council, not the House of Representatives. He stated that what members of the House did exhibited that they had no compassion for the citizens. He urged the public to contact Representatives Lowe and Crawford and ask them why they chose not to fund the Local Government Fund.

Councilman Schofield stated he advocated and wanted the public to understand, and he wanted to show on the tax notice this year, the Deficit in the LGF or Unfunded State Mandates and show 5 mills as the cost to provide these State mandates, even though the County was not raising taxes by that amount of millage. The County General Fund millage will then be reduced and other County millage would remain the same. He stated further that if the State did not fund the Local Government Fund where it needed to be next year, he would take the same position next year.

Councilman Kirby stated Council members were good stewards with County money and he commended the members that would vote for the tax increase. He was of the opinion that County Council was becoming the tax collector for the State and he would not vote for the tax increase. He stated further it was not County Council's job to be a tax collector for the State.

Chairman Smith stated that he has said for years that it was the basic function of county government to protect the lives and property of the citizens represented and he understood what Councilman Schofield was saying. Rural councilmen have dealt with delayed emergency response times for years and he would like to see that minimized. He asked Finance Director Kevin Yokim to provide information on what a 3 mil increase would provide. Chairman Smith suggested that revenue generated by the proposed 3 mills and the \$100,000 funding proposed for the Wellness Program/PIO/Website be set aside in a reserve fund to be used for a comprehensive county-wide study to address EMS and fire districts and then as seed money for the upgrades for EMS.

Mr. Yokim provided Council with a spreadsheet containing various options for Council's consideration and requested Council approve the Summary of Third Reading Changes as presented to Council. (A copy of the information provided is attached and incorporated by reference.) Councilman Schofield made a motion to amend Ordinance No. 01-2012/13 in line with Option #2 on the spreadsheet, with a 3 mil tax increase, eliminating the \$100,000 Wellness Program/PIO/Website and merging that amount with the amount generated by the 3 mil increase, and adding a line item in the budget for the study and implementation of corrective actions for EMS and fire/public safety. Councilman Anderson seconded the motion. Mr. Yokim asked Council, for the record, to include the third reading changes in this amendment. Councilman Schofield asked, for clarification, if the CPI increase related to the contract for household solid waste disposal was included in the budget. Chairman Smith confirmed that it was at an increase of \$1 per household per year. Councilman Schofield added to his motion that Council adopt the Summary of Third Reading Changes as presented. Councilman Anderson seconded the motion for the amendment and stated he wanted the public to know that Council had to do this because the House members chose not to do what they said they were going to do and recanted it. The motion to amend was approved unanimously. Third reading of the Ordinance was approved with a 6 - 2 vote. Voting in the affirmative were Councilmen Smith, Culberson, Mumford, Anderson, Bradley, and Schofield. Voting 'no' were Councilmen Kirby and Poston.

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

**COUNCIL MEETING ADJOURNED AT 4:31 P.M.**

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**H. MORRIS ANDERSON**  
**SECRETARY-CHAPLAIN**

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

SENATE VERSION (MODIFIED)

Florence County

FY2012/13 General Fund

Budget Options

	Current Proposal	Option #1 (5.0 mills)	Option #2 (2.0 mills)	Option #3 (0 mills)	Option #4 (0 mills)	Option #5 (0 mills)
<b>Revenue:</b>						
Property taxes	(4 mills) \$ 1,700,000	(5.0 mills) \$ 2,127,500	(2.0 mills) \$ 852,000	(0 mills) \$ -	(0 mills) \$ -	(0 mills) \$ -
Remove fund balance reserve	-	-	128,000	128,000	128,000	128,000
Local government fund	-	720,000	720,000	720,000	720,000	720,000
Reduction of solid waste subsidy	-	578,500 ***	-	852,000 *	502,000 **	-
<b>Total</b>	<b>\$ 1,700,000</b>	<b>\$ 3,426,000</b>	<b>\$ 1,700,000</b>	<b>\$ 1,700,000</b>	<b>\$ 1,350,000</b>	<b>\$ 848,000</b>
<b>Expenditures:</b>						
2% COLA	\$ 560,000	\$ 560,000	\$ 560,000	\$ 560,000	\$ 560,000	\$ 560,000
10 additional vehicles for FCSO	250,000	250,000	250,000	250,000	250,000	-
Additional IT equipment	200,000	200,000	200,000	200,000	200,000	-
2 vehicles for constables	50,000	50,000	50,000	50,000	50,000	-
Wellness Program/PIO/Website	100,000	100,000	100,000	100,000	100,000	-
Other sustainable capital items	289,000	289,000	289,000	289,000	289,000	289,000
Operating budget reserve	251,000	251,000	251,000	251,000	251,000	7,000
EMS 24/72 Plan	-	684,000	-	-	-	342,000
FCSO New World contract maintenance	-	107,000	-	-	-	-
Reduce state mandates by 5%	-	-	-	-	(350,000)	(350,000)
<b>Total</b>	<b>\$ 1,700,000</b>	<b>\$ 2,491,000</b>	<b>\$ 1,700,000</b>	<b>\$ 1,700,000</b>	<b>\$ 1,350,000</b>	<b>\$ 848,000</b>

NOTES:

1 - FY2011/2012 current solid waste fee is \$76.85.

2 - FY2012/2013 solid waste fee has already been increased by \$1.00 (1.3%) to \$77.85 to cover Waste Management contract CPI increase.

3 - General Fund subsidy to Solid Waste Fund is \$990,000, which is 24% of the cost of the Solid Waste Fund.

4 - If multi-family properties (4 or more units) are given a 25% solid waste fee reduction, the fee on all other properties would have to increase by \$1.65, to \$79.50, which includes the \$1.00 WM CPI increase noted above. The multi-family fee would then be set at \$59.63 for FY13.

\* Solid waste fee would increase by additional \$21.85 to \$99.70 (28% increase) - Reduces General Fund subsidy to 3.3%

\*\* Solid waste fee would increase by additional \$12.85 to \$90.70 (16.5% increase) - Reduces General Fund subsidy to 11.8%

\*\*\* Solid waste fee would increase by additional \$14.85 to \$92.70 (20% increase) - Reduces General Fund subsidy to 10.0%

# Florence County FY2012/2013 Budget Summary of Third Reading Changes

The following changes were requested to the FY2012/2013 General Fund budget between first and third reading:

- Magistrate budget – Increase line 300 – Jury Fees – Requested \$40,000, budgeted \$20,000  
(Spent \$30,000 in FY2012 through March and has current backlog of 550 cases)
- Magistrate budget – Increase line 1100 – Supplies – Requested \$15,000, budgeted \$3,418  
(Spent \$9,800 in FY2012 through April)
- Magistrate budget – Increase line 3000 – Fuel – Requested \$44,689, budgeted \$35,689  
(Spent \$34,000 in FY2012 through March)
- Magistrate budget – Increase line 4700 – Specialized Dept. Supplies – Requested \$4,500, budgeted \$0  
(Spent only \$200 thus far in FY2012. Used for constable ammunition and radio batteries.)
- Magistrate budget – Increase line 5000 – Postage – Requested \$18,000, budgeted \$15,000  
(Spent \$17,000 in FY2012 through April.)
- Magistrate budget – Increase line 5203 – Magistrate Certification Travel – Requested an additional \$800  
(Requested to obtain required CLE hours.)  
(None of above were funded since no personnel reductions were taken in FY2012 budget.)
- Increase line 6481 in Auditor's budget by \$500 for vehicle maintenance – tires on this vehicle are scheduled to be replaced in FY2013.
- Increase line 1200 in Emergency Preparedness budget by \$9,190 for required annual physicals for HAZMAT team to comply with OSHA regulations
- Increase line 9100 in Emergency Preparedness budget by \$30,000 to replace 2002 vehicle with 167,000 miles – Vehicle inadvertently omitted from budget in first reading.  
(All of above were funded by decreasing amount budgeted for retiree assistance. (No net budget increase.))
- Increase line 9291 in Timmonsville Rescue Squad budget for funding of a new ambulance by \$150,000 – Requested new ambulance at cost of \$154,499. Requested to also keep old ambulance. Would require approval by Council of addition to fleet.
- Did not increase line 9295 in Johnsonville Rescue Squad budget by \$150,000 for funding of a replacement ambulance.  
(Replacement ambulance was funded by reducing budgeted increase to fund balance. Budget increased by \$150,000.)
- Move County Radio System to separate department  
(This moves the county radio system maintenance budget to a separate department since it serves many other departments and therefore should be accounted for as a separate department.)
- Include "within grade adjustments (WGA)" for two Sheriff's Office positions  
(Given the retirement of an Investigator with the Sheriff's Office, the Sheriff has requested a "within grade adjustment for two positions. These adjustments are budget neutral.)

## Index to Page Changes:

<b>Pages xx-xxi</b>	<b>Large Capital Requests</b> (Pages included to reflect Emergency Preparedness vehicle and Timmonsville Rescue Squad replacement ambulance)
<b>Pages xxii-xxiii</b>	<b>New, Reclass, and Other Requests</b> (Pages included to reflect "within grade adjustment (WGA)" for two Sheriff's Office positions)
<b>Pages 1-3</b>	<b>Summary of General Fund Revenues</b> (Pages included to reflect decrease in addition to fund balance to fund one ambulance)
<b>Pages 4-6</b>	<b>Summary of General Fund Appropriations</b> (Pages included to reflect changes in various departments' budgets as noted below)
<b>Page 73</b>	<b>Department 416 – Auditor – Detail Budget</b> (Page included to reflect increase in line 6481 – Vehicle Maintenance)
<b>Pages 106-107</b>	<b>Department 489 – General Government Other – Detail Budget</b> (Page included to reflect decrease in line 109 – Retiree Assistance)
<b>Pages 125-129</b>	<b>Department 422 – Emergency Management – Detail Budget</b> (Pages included to reflect increase in line 1200 – Consulting and line 9100 – Vehicles)
<b>Pages 136-137</b>	<b>Department 424 – Rescue Squads – Detail Budget</b> (Page included to reflect increase in line 9291 for a replacement ambulance)
<b>Page 139</b>	<b>Department 426 – County Radio System – Detail Budget</b> (Page included to reflect new department)

# FLORENCE COUNTY COUNCIL

July 19, 2012

**AGENDA ITEM:** Public Hearings

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

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

**ORDINANCE NO. 33-2011/12**

An Ordinance To Provide For A Barricade Of Salem Road At Or Near Its Intersection With The Darlington County, South Carolina Boundary Line With Florence County, South Carolina And To Further Provide For The Appropriate Signage And Structure(s) To Be Installed; And Other Matters Related Thereto.

## **FLORENCE COUNTY COUNCIL MEETING**

July 19, 2012

**AGENDA ITEM:** Resolution No. 01-2012/13

**DEPARTMENT:** Administration

### **ISSUE UNDER CONSIDERATION:**

(Authorizing Submission Of An Application To The South Carolina Department of Commerce Coordinating Council Economic Development Set-Aside Grant (SA) Program For Cost Associated With Site Work For The W. Lee Flowers and Company, Inc. Warehouse Expansion.)

### **POINTS TO CONSIDER:**

1. The \$100,000 grant will be used for cost of the site work associated with the addition of 75,000 square feet to the warehouse of W. Lee Flowers and Company, Inc.
2. W. Lee Flowers and Company will provide \$6,400,000 for the conversion of the warehouse facility.
3. The County will provide Special Source Revenue Credits via an Infrastructure Credit Agreement with the company.
4. The total project cost is estimated to be \$6,500,000. The company will be responsible for any cost overruns.

### **OPTIONS:**

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

### **ATTACHMENTS:**

Resolution No. 01-2012/13

Sponsor(s)/Department : County Council  
Adopted: : July 19, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**RESOLUTION NO. 01-2012/13**

**(Authorizing Submission Of An Application To The South Carolina Department Of Commerce Coordinating Council Economic Development Set-Aside Grant (SA) Program For Cost Associated With Site Work For The W. Lee Flowers and Company, Inc. Warehouse Expansion.)**

**WHEREAS:**

1. The State of South Carolina is authorized to make SA Grants to local governments with identified economic development needs/priorities in their community; and
2. The Florence County Economic Development Partnership (FCEDP) has identified such needs and priorities; and
3. W. Lee Flowers and Company, Inc. intends to expand the existing warehouse facility and create 15 new jobs; and
4. Florence County will submit an application to the South Carolina Coordinating Council for Economic Development for \$100,000 to assist with the necessary site work; and
5. The total project cost for the W. Lee Flowers and Company, Inc. warehouse expansion is estimated to be \$6,500,000. The company will be responsible for any shortfall that may occur above the anticipated project amount.

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

1. Florence County will submit an application for a Set-Aside Grant in the amount of \$100,000 to fund costs associated with site work needed for the warehouse expansion at the W. Lee Flowers and Company, Inc. manufacturing facility in an effort to further the County's economic development initiatives.
2. The County will provide Special Source Revenue Credits via an Infrastructure Credit Agreement with the company.
3. The County Administrator is authorized to execute documents in conjunction with said application and to submit any and all necessary information in accordance with normal policy.
4. This Resolution shall be in full force and effect from and after its adoption.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

# **FLORENCE COUNTY COUNCIL MEETING**

**Thursday, July 19, 2012**

**AGENDA ITEM:** Resolution No. 02-2012/13

**DEPARTMENT:** Planning and Building Inspections

## **ISSUE UNDER CONSIDERATION:**

**[A Resolution To Rename Range Way, As Shown on Florence County Tax Map No. 00120, Block 01, Parcels 001, 052, 053, 058, 059, 062, 063, 065, 073, 080-082, 086, 088-90, 092, 093 To Otis Way, And Other Matters Related Thereto.]** *(Planning Commission approved 7-0: Council District 3)*

## **POINTS TO CONSIDER:**

1. The majority of 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:**

1. Resolution No. 02-2012/13
2. Staff report for PC#2012-09
3. Location Map
4. Aerial Map

Sponsor(s) : Planning Commission  
Planning Commission Consideration : June 26, 2012  
Planning Commission Public Hearing : June 26, 2012  
Planning Commission Action : June 26, 2012 [Approved: 7-0]  
Adopted : July 19, 2012

**RESOLUTION NO. 02-2012/13**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**[A Resolution To Rename Range Way As Shown On Florence County Tax Map No. 00120, Block 01, Parcels 001, 052, 053, 058, 059, 062, 063, 065, 073, 080-082, 086, 088-90, 092, 093 To Otis Way; And Other Matters Related Thereto.]**

**WHEREAS:**

1. Florence County has established a uniform and organized road naming system to prevent duplication and confusion within the County and for E-911 addressing purposes; and
2. Florence County when deemed necessary, seeks to continue the implementation of the street naming system by reviewing requests for areas submitted and seeking to solve them; and
3. All private roads that exist in Florence County shall be named based on criteria as set forth by the Florence County Road Naming/Renaming Ordinance.

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

A County road located within Florence Industrial Park shown on Tax Map 00120, Block 01, Parcels 001, 052, 053, 058, 059, 062, 063, 065, 073, 080-082, 086, 088-90, 092, 093 is hereby renamed to Otis Way.

ATTEST:

SIGNED:

\_\_\_\_\_  
Connie Y. Haselden, Council Clerk

\_\_\_\_\_  
K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

**STAFF REPORT  
TO THE  
FLORENCE COUNTY PLANNING COMMISSION  
Tuesday, June 26, 2012  
PC#2012-09  
RESOLUTION NO. 02-2012/13**

**SUBJECT:** Renaming of Range Way to Otis Way

**LOCATION:** Within Florence Industrial Park, Florence County

**TAX MAP NUMBER:** 00120, Block 01, Parcels 001, 052, 053, 058, 059,  
062, 063, 065, 073, 080-082, 086, 088-90, 092, 093

**COUNCIL DISTRICT(S):** 3; County Council

**APPLICANT:** Otis Elevator and all other property owners

**STAFF ANALYSIS:**

The applicant(s) are proposing to rename Range Way, an existing road located in Florence County to Otis Way.

This road is a County-maintained road located between Pisgah Road and Mechanicsville Road in Florence County.

The road is shown to exist on Tax Map No. 00120, Block 01, Parcels 001, 052, 053, 058, 059, 062, 063, 065, 073, 080-082, 086, 088-90, 092, 093

**FINDINGS:**

1. The request was made by the property owner(s) or their representatives.
2. The applicant was advised to 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.

**STAFF RECOMMENDATION:**

The staff recommends approval of the request for the road renaming to Otis Way to the Florence County Planning Commission based on compliance with the Florence County Road Naming/Renaming Ordinance.

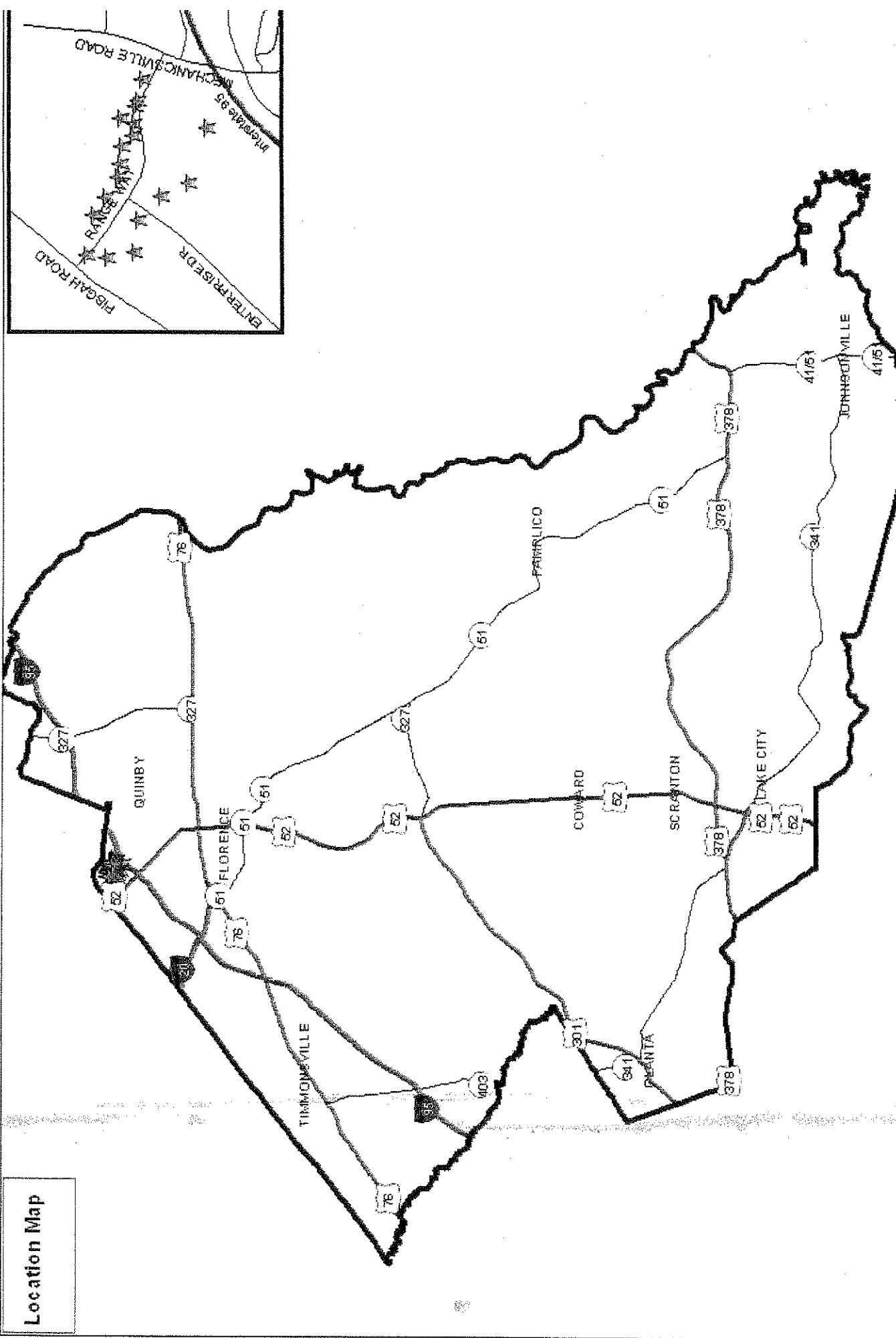
**FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, JUNE 26, 2012:**

The seven Planning Commission members present approved the road renaming request unanimously based on the request being in compliance with the Florence County Road Naming/Renaming Ordinance at the meeting held on June 26, 2012.

**FLORENCE COUNTY PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommends approval of the road renaming request to Florence County Council based on the request being in compliance with the Florence County Road Naming/Renaming Ordinance.

Location Map



Map Prepared by: RWE  
 Copyright 2010: Florence County Planning  
 & Building Inspections Department  
 Geographic Information Systems  
 06/07/2012

COUNTY COUNCIL DISTRICT(S): 3  
 PC#2012-09



**COUNTY COUNCIL DISTRICT(S): 3**  
**PC#2012-09**

# FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Third Reading - Ordinance No. 21-2011/12 (Deferral)

**DEPARTMENT:** Procurement

## **ISSUE UNDER CONSIDERATION:**

Request Deferral Of Third Reading of Ordinance No. 21-2011/12: An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 124 Epps Street, Lake City, South Carolina And Designated As Tax Map Number 80008-12-008: And to Authorize The Conveyance Thereof To Florence School District Three; And Other Matters Relating Thereto.

## **POINTS TO CONSIDER:**

1. Florence County currently owns property located at 124 Epps Street, Lake City, South Carolina, Tax Map Number 80008-12-008, which formerly served as the old Lake City Health Department building.
2. The County has no future plans for the property and Florence School District Three has expressed an interest in the property.
3. Council can declare the property as surplus property and authorize the conveyance thereof to Florence School District Three.

## **OPTIONS:**

1. *(Recommended)* Defer Third Reading of Ordinance No. 21-2011/12.
2. Provide an Alternate Directive.

## **ATTACHMENTS:**

1. Ordinance No. 21-2011/12.
2. Correspondence from Dr. Keith Callicutt, Interim Superintendent and Yvonne E. Scott, Senior Director of Student Services dated December 2, 2011.
3. Proposed Deed conveying property to Florence School District Three.

Sponsor(s) : Procurement  
First Reading/Introduction : March 15, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Public Hearing : April 19, 2012  
Second Reading : April 19, 2012  
Third Reading :  
Effective Date : Immediately

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

**ORDINANCE NO. 21-2011/12**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**(An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 124 Epps Street, Lake City, South Carolina And Designated As Tax Map Number 80008-12-008: And to Authorize The Conveyance Thereof To Florence School District Three; And Other Matters Relating Thereto.)**

**WHEREAS:**

1. Florence County currently owns property located at 124 Epps Street, Lake City, South Carolina, Tax Map Number 80008-12-008, which formerly served as the old Lake City Health Department building; and
2. The County has no future plans for the property and Florence School District Three has expressed an interest in the property; and
3. Council can declare the property as surplus property and authorize the conveyance thereof to Florence School District Three.

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

1. Property designated as Tax Map Number 80008-12-008, located at 124 Epps Street, Lake City, South Carolina, formerly known as the old Lake City Health Department building, is hereby declared surplus.
2. The conveyance of the property to Florence School District Three is hereby authorized and the County Administrator is authorized to proceed with the execution of a Quitclaim Deed, prepared by the County Attorney.
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:**

**SIGNED:**

\_\_\_\_\_  
Connie Y. Haselden, Council Clerk

\_\_\_\_\_  
K. G. Rusty Smith, Jr., Chairman  
COUNCIL VOTE:

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

**OPPOSED:**  
**ABSENT:**



## FLORENCE COUNTY SCHOOL DISTRICT THREE

Post Office Drawer 1389 • 125 S. Blanding Street

Lake City, South Carolina 29560

Phone: (843) 374-8652 • Fax (843) 374-2946

[www.florence3.k12.sc.us](http://www.florence3.k12.sc.us)

December 2, 2011

County Councilman K.G. "Rusty" Smith  
P.O. Box 369  
Lake City, South Carolina 29560

Re: Building Acquisition

Dear Councilman Smith:

When given the opportunity to learn, people are empowered to contribute fully to the development of their lives, their communities, and their countries. Removing barriers to students' learning by focusing on the whole child is an integral part of the mission of Florence County School District Three (FCSD3), which is "to ensure all students are prepared for success". The district works with parents, businesses, community organizations, churches, county and governmental agencies and other organizations to change the lives of all students.

This letter is a request for your assistance in securing a building that can be used as a temporary shelter for students and families in the Florence County School District Three attendance zone. Securing a temporary shelter will enable families to focus on the resources available to them without the constant fear of worrying where they will sleep and of being harmed.

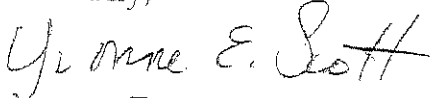
FCSD3 makes every effort to assist families within the FCSD3 attendance zones who are experiencing hardship due to circumstances beyond their control. Many of our families are homeless due to economic circumstances or as a result of losing their home in a fire. As the winter approaches, families are losing their homes to fire almost monthly. Recently, November 29, 2011, a family of ten lost their home to fire. They are now homeless and are in desperate need of temporary shelter. The family is displaced and the children have not attended school this week.

In order for children to be successful, FSD3 seeks to remove some of the barriers that would interfere with students being focused and attentive. We rely on contributions, monetary or otherwise, to assist in meeting the needs of our families.

We have always been able to come to you when situations occur that jeopardize the quality of life of the residents of this county. We are thankful for all the effort you put forth to help make a difference in the lives of others. We believe strongly that "It takes a village to raise a child"

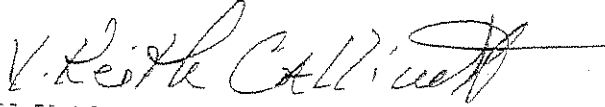
Your immediate attention and consideration to our request is greatly needed and appreciated. Thank you in advance. You may contact me at (843) 374-8652 or [vscott@florence3.k12.sc.us](mailto:vscott@florence3.k12.sc.us), if you have questions or concerns.

Sincerely,



Yvonne E. Scott

Senior Director of Student Services



Dr. V. Keith Callicutt, Interim Superintendent, FCSD3

cc: Senator Hugh K. Leatherman  
Senator J. Yancey McGill  
Sheila Knotts, Office of Superintendent  
Cynthia Grant, Office of Student Services

**Title Not Certified By D. Malloy McEachin, Jr.**

STATE OF SOUTH CAROLINA     )  
  )  
COUNTY OF FLORENCE         )     TITLE TO REAL ESTATE  
  )  
  )     QUIT CLAIM DEED

Grantee's Address:

**KNOW ALL MEN BY THESE PRESENTS,** That Florence County, a political subdivision of the State of South Carolina, of the County of Florence, in the State of South Carolina, for and in consideration of the sum of Five Dollars and No/100 (\$5.00), love and affection the Grantor(s), in hand paid at and before the signing of these presents by Grantee(s) of the County in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released and by these presents do grant, bargain, sell and release all our right, title and interest unto the said Florence School District Three, all our right title and interest to the herein below described property, to wit:

All that certain lot of land situate on the Western side of Epps Street, in the City of Lake City, County of Florence, State of South Carolina, being shown and designated as Lot No. 2 on a plat of the Anderson Heirs' property in Lake City, made by Ebert E. Floyd, Surveyor, November 7, 1958. Said lot of land, according to said plat, is described as follows: Beginning at a point in the Western margin of Epps Street 289.25 feet South of the intersection of Epps Street and John Street, thence running along said Epps Street S.41 degrees 45 minutes West 149.25 feet to a point; thence running N.45 degrees 14 minutes West 224.4 feet to a point; thence running No.44 degrees 55 minutes East 146 feet to a point; thence running South 46 degrees 04 minutes East 216.8 feet to Epps Street and the point of beginning; being bounded: North by lot of Dr. R. T. Whitehead, Jr.; East by Epps Street; South by land of Holloway and possibly other; and West by lot of C. J. Evans.

This being the same property conveyed to the grantor herein by Deed dated September 3, 1959 and recorded in Deed Book 194, at Page 264, in the Office of the Clerk of Court for Florence County.

Florence County TMS #80008-12-008

**TOGETHER** with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

**TO HAVE AND TO HOLD** all and singular the premises before mentioned unto the said Grantee, its heirs and assigns forever, so that neither the said Grantor or its heirs, nor any other person or persons, claiming under it, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

WITNESS My Hand and Seal this \_\_\_\_\_ day of February, 2012.

Signed, Sealed and Delivered  
In The Presence of

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
K. G. Smith, Jr., Chairman  
Florence County Council

STATE OF SOUTH CAROLINA     )  
   )  
COUNTY OF FLORENCE         )

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named , K. G. Smith, Jr., Chairman, Florence County Council, seal and, as her act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that (s)he with the below signed Notary Public witnessed the execution thereof.

SWORN to before me this \_\_\_\_\_  
day of February, 2012

\_\_\_\_\_  
(SEAL)  
Notary Public for  
My Commission Expires: \_\_\_\_\_

DRAFT

# FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Third Reading - Ordinance No. 28-2011/12

**DEPARTMENT:** Administration  
Finance

## **ISSUE UNDER CONSIDERATION:**

(An Ordinance To Provide For The Issuance And Sale Of A Not Exceeding Nine Hundred Twenty-Five Thousand Dollar (\$925,000) General Obligation Refunding And Improvement Bond Of Florence County, South Carolina (Johnsonville Rural Fire District), To Prescribe The Purposes For Which The Proceeds Of Said Bond Shall Be Expended, To Provide For The Payment Of Said Bond, And Other Matters Relating Thereto.)

## **POINTS TO CONSIDER:**

1. Ordinance No. 28-2011/12 provides for the issuance of a general obligation bond for Johnsonville Rural Fire District.
2. The proceeds of the bond will be used to refund the approximately \$155,000 remaining portion of the Series 2000 general obligation bond issued for Johnsonville Rural Fire District and to purchase additional fire trucks and fire-fighting equipment, and for repairs and upgrades to existing equipment and facilities.
3. These repairs and upgrades are essential to maintaining the District's ISO rating of 4.

## **FUNDING FACTORS:**

1. This general obligation bond will be repaid by a property tax levied solely within Johnsonville Rural Fire District.
2. The existing debt service millage for Johnsonville Rural Fire District is 7.4 mills. This bond will require a debt service millage of approximately 13.7 mills, resulting in an increase of 6.3 mills.

## **OPTIONS:**

1. *(Recommended)* Approve Third Reading of Ordinance No. 28-2011/2012.
2. Provide An Alternate Directive.

## **ATTACHMENTS:**

1. Ordinance No. 28-2011/2012
2. Correspondence from Vernon Tanner, Chairman of Johnsonville Rural Fire District, dated April 5, 2012

Sponsor(s) : County Council  
First Reading : May 17, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : June 21, 2012  
Public Hearing : June 21, 2012  
Third Reading : July 19, 2012  
Effective Date : Immediately

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

**ORDINANCE NO. 28-2011/12**

**COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

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**AN ORDINANCE**

**TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING NINE HUNDRED TWENTY-FIVE THOUSAND DOLLAR (\$925,000) GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND OF FLORENCE COUNTY, SOUTH CAROLINA (JOHNSONVILLE RURAL FIRE DISTRICT), TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BOND SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BOND, AND OTHER MATTERS RELATING THERETO.**

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## TABLE OF CONTENTS

### ARTICLE I

#### FINDINGS OF FACT

Section 1.01	Findings.....	1
Section 1.02	Statutory Authorization.....	1
Section 1.03	Recital of Applicable Constitutional Provisions.....	2
Section 1.04	Holding of Public Hearing and Notice Thereof.....	2
Section 1.05	Ability to Meet Arbitrage Requirements.....	2

### ARTICLE I

#### DEFINITIONS AND AUTHORITY

Section 2.01	Definitions.....	3
Section 2.02	Construction.....	4

### ARTICLE III

#### ISSUANCE OF BOND

Section 3.01	Ordering the Issuance of the Bond.....	5
Section 3.02	Maturity Schedule of Bond.....	5
Section 3.03	Medium of Payment; Form and Denomination of Bond; Place of Payment of Principal.....	5
Section 3.04	Execution and Authentication.....	5
Section 3.05	Exchange of the Bond.....	6
Section 3.06	Transferability and Registry.....	6
Section 3.07	Transfer of the Bond.....	6
Section 3.08	Regulations with Respect to Exchanges and Transfers.....	6
Section 3.09	Mutilated, Destroyed, Lost and Stolen Bond.....	6
Section 3.10	Holder As Owner of Bond.....	7
Section 3.11	Cancellation of the Bond.....	7
Section 3.12	Payments Due on Saturdays, Sundays and Holidays.....	7
Section 3.13	Tax Exemption in South Carolina.....	7
Section 3.14	Order to Levy Ad Valorem Taxes to Pay Principal and Interest of Bond.....	8
Section 3.15	Notice to Auditor and Treasurer.....	8
Section 3.16	Form of Bond.....	8

### ARTICLE IV

#### REDEMPTION OF BOND

Section 4.01	Redemption of Bond.....	9
--------------	-------------------------	---

ARTICLE V  
SALE OF BOND

Section 5.01	Award of Bond.....	10
Section 5.02	Notice of Private Sale.....	10

ARTICLE VI  
DISPOSITION OF PROCEEDS OF SALE OF BOND

Section 6.01	Disposition of Bond Proceeds Including Temporary Investments.....	11
Section 6.02	Redemption of Refunded Bonds .....	11

ARTICLE VII  
DEFEASANCE OF BOND

Section 7.01	Discharge of Ordinance - Where and How the Bond is Deemed to have been PAID AND DEFEASED .....	12
--------------	---	----

ARTICLE VIII  
CERTAIN TAX CONSIDERATIONS

Section 8.01	Covenants to Comply with Requirements of the Code.....	13
Section 8.02	Ability to Meet Arbitrage Requirements.....	13
Section 8.03	Qualified Tax-Exempt Obligation.....	13

ARTICLE IX  
MISCELLANEOUS

Section 9.01	Savings Clause .....	15
Section 9.02	Successors .....	15
Section 9.03	Ordinance to Constitute Contract.....	15
Section 9.04	Filing of Copies of Ordinance.....	15
Section 9.05	Continuing Disclosure Covenant .....	15
Section 9.06	Further Action by Officers of County .....	16
Section 9.07	Effective Date of Ordinance.....	16

EXHIBIT A – NOTICE OF PUBLIC HEARING

EXHIBIT B – FORM OF BOND

EXHIBIT C – NOTICE OF PRIVATE SALE

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

## ARTICLE I

### FINDINGS OF FACT

#### Section 1.01 Findings.

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

1. Pursuant to the authorizations contained in Section 4-9-30 of the Code of Laws of South Carolina, 1976, as amended (the "Code"), the County, acting by and through the Council, created the Johnsonville Rural Fire District by ordinance enacted on December 10, 1981 for the provision of fire service within an unincorporated area of the County designated in the Ordinance. By Ordinance No. 18-2010/11, adopted April 21, 2011 (the "Enabling Ordinance"), the Council reestablished and created a fire protection district known as the Johnsonville Rural Fire District, which is comprised of certain unincorporated areas of the County (the "District"), as a special tax fire district under Section 4-19-10, et seq. of the Code.

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

3. On June 21, 2000, the County issued its \$500,000 original principal amount General Obligation Bond, Series 2000A (the "2000A Bond"), to provide funds to purchase additional fire trucks and fire fighting equipment. The 2000A Bond is outstanding in the principal amount of approximately \$155,000 and is subject to redemption at any time without penalty upon thirty (30) days notice to the registered holder of the 2000A Bond.

4. After due investigation, the Council has determined that in order to carry out the purposes of the Enabling Ordinance, and to provide adequate fire protection within the District it is necessary (i) to repair and upgrade existing equipment and facilities (the "Improvements"); and (ii) to refund the 2000A Bond (the "Refunding"). It is presently estimated that the cost of the Improvements, the cost of the Refunding, and the cost of issuance of a general obligation refunding and improvement Bond issued to finance such Equipment will be approximately \$925,000. The Council is minded to issue a General Obligation Refunding and Improvement Bond of the County (the "Bond") in an amount not to exceed \$925,000 to finance the cost of the Improvements, the cost of the Refunding, and the cost of issuance of such Bond.

#### Section 1.02 Statutory Authorization

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

Sections 11-15-410 through 11-15-600, inclusive, of the Code, and as amended and supplemented by Act No. 113 of the Acts and Joint Ordinances 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 refund outstanding bonds of the County.

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

Section 1.03     Recital of Applicable Constitutional Provisions.

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

Section 1.04     Holding of Public Hearing and Notice Thereof.

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

Section 1.05     Ability to Meet Arbitrage Requirements.

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

\* \* \*

## ARTICLE II

### DEFINITIONS AND AUTHORITY

#### Section 2.01 Definitions.

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

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

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

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

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

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

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

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

“County” means Florence County, South Carolina.

“District” means the Johnsonville Rural Fire District.

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

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

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

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

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

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

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

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

"Paying Agent" means the County, acting through its Treasurer.

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

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

"Registrar" means the County.

#### Section 2.02 Construction.

In this Ordinance, unless the context otherwise requires:

1. Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.
2. The terms "hereby", "hereof", "hereto", "herein", "hereunder" and any similar terms refer to this Ordinance, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before, the date of adoption of this Ordinance.
3. Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.
4. Any fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment.

\* \* \*

### ARTICLE III

#### ISSUANCE OF BOND

##### Section 3.01 Ordering the Issuance of the Bond.

Pursuant to the provisions of the Enabling Act, and for the purpose of obtaining funds to defray the costs of the Improvements, the Refunding, and costs of issuance of the Bond described in Section 1.01 hereof, there shall be issued a not exceeding Nine Hundred Thousand Dollars (\$925,000) General Obligation Refunding and Improvement Bond of the County, designated General Obligation Refunding and Improvement Bond, Series 2012, of Florence County, South Carolina (Johnsonville Rural Fire District). The County Administrator of the County (the "County Administrator") is hereby authorized, in consultation with the District and the Finance Director of the County (the "County Finance Director"), to determine the exact principal amount of the issue authorized hereby based upon the cost of the Improvements described in Section 1.01(4) hereof and the cost of issuance of the Bond.

##### Section 3.02 Maturity Schedule of Bond.

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

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

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

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

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

##### Section 3.04 Execution and Authentication.

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

(b) The Bond shall not be valid or obligatory for any purpose nor shall it be entitled to any right or benefit hereunder unless there shall be endorsed on the Bond a certificate of authentication in the form set forth in this Ordinance, duly executed by the manual signature of the Registrar, and such certificate of authentication upon any Bond executed on behalf of the County shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of the Resolution.

#### Section 3.05 Exchange of the Bond.

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

#### Section 3.06 Transferability and Registry.

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

#### Section 3.07 Transfer of the Bond.

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

#### Section 3.08 Regulations with Respect to Exchanges and Transfers.

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

#### Section 3.09 Mutilated, Destroyed, Lost and Stolen Bond.

(a) If the Holder surrenders a mutilated Bond to the Registrar or the Registrar receives evidence to its satisfaction of the destruction, loss or theft of the Bond, and there is delivered to the Registrar

such security or indemnity as may be required by it to save it harmless, then, in the absence of notice that the Bond has been acquired by a bona fide purchaser, the County shall execute and deliver, in exchange for the mutilated Bond or in lieu of any such destroyed, lost or stolen Bond, a new Bond of like tenor, maturity and interest rate bearing a number unlike that of such mutilated, destroyed, lost or stolen Bond, and shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost or stolen Bond has become or is to become due for final payment within one year, the County in its discretion may, instead of issuing a new Bond, pay the Bond.

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

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

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

#### Section 3.10 Holder As Owner of Bond.

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

#### Section 3.11 Cancellation of the Bond.

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

#### Section 3.12 Payments Due on Saturdays, Sundays and Holidays.

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

#### Section 3.13 Tax Exemption in South Carolina.

The Bond Payments shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed

for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

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

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

Section 3.15    Notice to Auditor and Treasurer.

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

Section 3.16    Form of Bond.

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

\* \* \*

## ARTICLE IV

### REDEMPTION OF BOND

#### Section 4.01 Redemption of Bond.

The Bond may, at the determination of the County Administrator in consultation with the County Finance Director prior to the delivery of the Bond, be subject to redemption, upon such terms as shall be determined by the County Administrator in consultation with the County Finance Director.

\* \* \*

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**ARTICLE V**  
**SALE OF BOND**

**Section 5.01    Award of Bond.**

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

**Section 5.02    Notice of Private Sale.**

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

\* \* \*

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## ARTICLE VI

### DISPOSITION OF PROCEEDS OF SALE OF BOND

#### Section 6.01 Disposition of Bond Proceeds Including Temporary Investments.

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

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

#### Section 6.02 Redemption of Refunded Bonds

The Council hereby irrevocably elects to redeem the 2000A Bond and authorizes the Registrar/Paying Agent with respect to the 2000A Bond to give notice of such redemption in the name of the County.

\* \* \*

## ARTICLE VII

### DEFEASANCE OF BOND

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

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

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

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

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

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

\* \* \*

## ARTICLE VIII

### CERTAIN TAX CONSIDERATIONS

#### Section 8.01 Covenants to Comply with Requirements of the Code.

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

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

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

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

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

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

#### Section 8.02 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 8.03 Qualified Tax-Exempt Obligation.

The Council reasonably expects that the County and all entities subordinate thereto will not issue tax-exempt obligations in calendar year 2012 in principal amount exceeding \$10,000,000; accordingly, the

County hereby designates the Bond as a "qualified tax exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code.

\* \* \*

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## ARTICLE IX

### MISCELLANEOUS

#### Section 9.01 Savings Clause.

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

#### Section 9.02 Successors.

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

#### Section 9.03 Ordinance to Constitute Contract.

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

#### Section 9.04 Filing of Copies of Ordinance.

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

#### Section 9.05 Continuing Disclosure Covenant.

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

- (a) An annual independent audit, within thirty days of the County's receipt of the audit; and
- (b) Event specific information within thirty days of an event adversely affecting more than five percent of revenue or the County's tax base.

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

Section 9.06 Further Action by Officers of County.

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

Section 9.07 Effective Date of Ordinance.

This Ordinance shall take effect upon its third reading and shall be forthwith codified in the Code of County Ordinances and indexed under the general heading **"TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING NINE HUNDRED TWENTY-FIVE THOUSAND DOLLAR (\$925,000) GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND OF FLORENCE COUNTY, SOUTH CAROLINA (JOHNSONVILLE RURAL FIRE DISTRICT), TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BOND SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BOND, AND OTHER MATTERS RELATING THERETO."**

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

First Reading: May 17, 2012  
Second Reading: June 21, 2012  
Third Reading: July 19, 2012  
Public Hearing: June 21, 2012

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Florence County Council will conduct a public hearing on the proposed adoption of an Ordinance entitled "TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING NINE HUNDRED TWENTY-FIVE THOUSAND DOLLAR (\$925,000) GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND OF FLORENCE COUNTY, SOUTH CAROLINA (JOHNSONVILLE RURAL FIRE DISTRICT), TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF SAID BOND SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT OF SAID BOND, AND OTHER MATTERS RELATING THERETO" on the \_\_\_\_ day of \_\_\_\_\_, 2012 at \_\_\_\_\_, South Carolina, at \_\_\_\_\_.m., on \_\_\_\_\_, \_\_\_\_\_, 2012, in conjunction with a regularly scheduled meeting of the County Council. At such hearing, public comment will be received, orally or in writing, concerning the proposed ordinance. The public is invited to attend.

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

Connie Y. Haselden  
Clerk, Florence County Council

(FORM OF BOND)

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE  
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND, SERIES 2003  
(JOHNSONVILLE RURAL FIRE DISTRICT)

No. 1

Registered Holder:

Principal Amount: NINE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$925,000)

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

This Bond is issued in the principal amount of Nine Hundred Twenty-Five Thousand Dollars (\$925,000) for purposes authorized by and pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly the provisions of Section 4-19-50, Code of Laws of South Carolina, 1976, as amended, and an Ordinance duly adopted by the County Council of Florence County (the "Ordinance"). [This Bond is [not] subject to redemption \_\_\_\_\_].

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

This Bond shall bear interest at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum calculated on the basis of a 360 day year consisting of twelve 30 day months, from \_\_\_\_\_, 2012 and shall be paid by way of the Bond Payments to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month next preceding each Bond Payment date. The Bond Payments shall be payable by check or draft mailed at the times provided herein from the County to the person in whose name this Bond is registered at the address shown on the registration books. The Bond Payments are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

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

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

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

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

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

It is hereby certified and recited that all acts, conditions and things required to exist, happen and to be performed precedent to and in the adoption of the Ordinance and in the issuance of the Bond in order to make the legal, valid and binding general obligation of the County in accordance with its terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of the Bond does not exceed or violate any constitutional, statutory or other limitation upon the amount of indebtedness prescribed by law.

IN WITNESS WHEREOF, FLORENCE COUNTY, SOUTH CAROLINA, has caused this bond to be signed by the manual signature of the Chairman of the Florence County Council, attested by the manual signature of the Clerk to the Florence County Council and the seal of the County impressed hereon.

FLORENCE COUNTY, SOUTH CAROLINA

(SEAL)

\_\_\_\_\_  
Chairman, Florence County Council

ATTEST:

\_\_\_\_\_  
Clerk, Florence County Council

### CERTIFICATE OF AUTHENTICATION

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

Registrar/Paying Agent

By: \_\_\_\_\_

Authorized Officer

Date of Authentication: \_\_\_\_\_, 2012

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.

NOTICE OF PRIVATE SALE

Florence County, South Carolina will, on \_\_\_\_\_, 2012, deliver to \_\_\_\_\_ its \$925,000 General Obligation Refunding and Improvement Bond, Series 2012 (the "Bond"). The Bond, which was sold at par to \_\_\_\_\_, bears interest at a rate of \_\_\_\_\_ percentum per annum (\_\_\_\_%) and is payable by way of equal annual payments of principal and interest, due on \_\_\_\_\_ of each year, until the Bond is paid in full.

\_\_\_\_\_  
Chairman, Florence County Council

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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 July 19, 2012. The Ordinance was read at three public meetings of the County Council on three separate days, May 17, 2012, June 21, 2012 and July 19, 2012. 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 May 17, June 21 and July 19, 2012 were regular meetings of the County Council, for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended (the "Freedom of Information Act").

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

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

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Florence County, South Carolina, this \_\_\_\_ day of July, 2012.

(SEAL)

\_\_\_\_\_  
Clerk, Florence County Council, Florence County,  
South Carolina

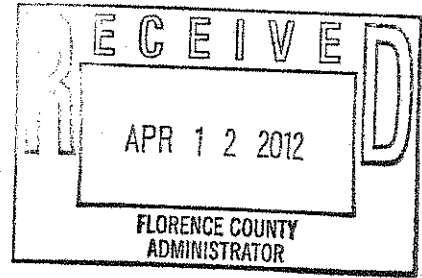
First Reading: May 17, 2012  
Second Reading: June 21, 2012  
Third Reading: July 19, 2012  
Public Hearing: June 21, 2012

# JOHNSONVILLE RURAL FIRE DISTRICT

*"Serving our Citizens on a personal basis"*

April 5, 2012

K. G. "Rusty" Smith, Jr., Chairman  
Florence County Council  
180 N. Irby Street  
Florence, South Carolina 29501



Re: Request for General Obligation Bond for Johnsonville Rural Fire District

Dear Chairman Smith:

Further to our conversation of recent months, the Johnsonville Rural Fire District (the "District"), a special purpose tax district of Florence County, continues to struggle in providing its traditional high level of fire protection service with an increasingly inadequate tax base. The District is pleased to learn that County Administration is working to find ways to relieve the revenue constraints which are impacting all of the County's fire districts. We look forward to working with you in this important endeavor, and ask you to let us know if there is any input we can provide. Nothing less than the safety of our residents is at stake.

In the mean time, the District finds itself in the position of requiring capital funds for repairs and upgrades to existing equipment and facilities. These repairs and upgrades are those the District feels are essential to maintaining the District's presently strong ISO rating of 4, which, as you know, results in significant savings in the fire insurance premiums paid by the homeowners and businesses in the District. Total cost of these repairs and upgrades is approximately \$720,000.

In addition, the District currently has approximately \$155,000 in outstanding general obligation debt of the County issued on behalf of the District, which debt bears interest at the rate of 5.30%. The District Commissioners and staff have determined that a refinancing of this debt as part of the bond to be issued for the repairs and upgrades set forth above would result in a debt service savings to the District and its taxpayers.

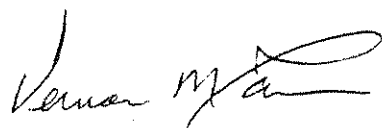
Accordingly, the Commissioners of the District respectfully request that Florence County issue a not to exceed \$925,000 general obligation bond of the County for the purpose of providing funds to pay the cost of the repairs and upgrades set forth above, to refinance the outstanding principal amount of the County's original principal amount \$500,000 General Obligation Bond (Johnsonville Rural Fire District) of 2000, and to pay the cost of issuing such bond.

We have communicated this request to the County's Bond Counsel, Mr. Zeigler, who has conferred with County Finance Director Kevin Yokim and County Administrator Thomas Robinson as to how the County would like for the District to proceed in this matter. Based on these discussions, I am sending you this formal request on behalf of the District, with which I enclosed a draft ordinance for first reading.

159 East Broadway Street, Post Office Box 594  
Johnsonville, S. C. 29554  
Office-843-386-2500. Administrator-843-380-1481. Fax-843-380-1542

Your support is crucial in this endeavor and appreciated. Questions or comments can be addressed to me at 843-386-3825 or 843-621-0834.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon M. Tanner". The signature is fluid and cursive, with a large initial "V" and a stylized "M".

Vernon M. Tanner  
Chairman

## ENCLOSURE – JUSTIFICATIONS

### 1. REVENUE RESTRAINTS.

The Johnsonville Rural Fire District (JFD) receives its revenue through two sources. We have contracted with the City of Johnsonville to provide fire suppression and protection services. The City is not within the boundaries of the JFD. We do this for \$30,000.00 each year.

The second source of revenue comes through mills requested by us and approved by County Council. Additional mills are added by the County Auditor to pay for general obligation bonds.

The JFD received approximately \$69,336.00 from Wellman INC for taxes designated to our Operational and Maintenance Budget. When the County gave Fee in Lieu to Wellman Plastics and Recycling LLC (WPR) their taxes to us dropped to only \$4,072.00. **We took a direct hit on our revenue base by a loss of \$65,264.00 each year.** The present mill rate is 32.9. I am using a printout dated Feb 29, 2012 from the County's Financial Officer to provide this data.

Our Operational and Maintenance, 2011-2012 FY Budget is \$232,000.00. Last year our budget was \$229,200.00 and our expenditures were \$257,920.00. The deficiency was covered by a combination of savings and grant money.

It is anticipated that no or little grant money will be obtained this year. Also we believe that we will come close in exhausting our savings because of the decrease in mill value and loss of revenue from WPR.

The JFD is only allowed to raise our mills by one this year based on instructions from the County Financial Officer. This will only generate about \$7,000.00. The mill value for the JFD is steadily declined since the early 1990s.

### 2. OPERATIONAL AND MAINTENANCE BUDGET DEMANDS.

The JFD manages three fire stations and sixteen apparatuses plus many pieces of required equipment. There are 23 line items in the budget. The following data is furnished to show how little we can control our expenditures. For the last four years, we have cut every line item possible, but still had increase our budget due to Federal and State mandates.

#### Federal and State Mandates:

Firefighter Health Program	\$5,000
Computer Equipment and Repair	\$4,000
Educational Development	\$4,000
Equipment Testing	\$5,500
Protective Clothing	\$3,000
Specialized Department Items	\$8,000
Employee Health Care	\$8,000
Federal and State Taxes	\$10,000
Retirement Program	\$4,800
Maintenance Contracts/Rentals	<u>\$21,218</u>
Subtotal:	\$73,518

Operational Cost:

Dues and Subscriptions	\$450
Office Supplies	\$2,000
Travel	\$2,500
Utilities	\$16,000
Communication Repair	\$5,000
Part-time Maintenance Labor	\$22,672
Station Supplies	\$2,000
Vehicle Repair	\$12,000
Station Repair	\$3,000
Insurance	\$20,000
Diesel Fuel	\$9,000
Technical and Legal Fees	<u>\$6,000</u>
Subtotal	\$100,622

Administration Cost:

All Part-time Employees (3)	<u>\$57,860</u>
-----------------------------	-----------------

Totals: \$232,000

This budget does not meet all of our needs, but the mills levied can't support any more expenditure.

The JFD receives the bulk of our revenue in January. The other months only brings in about \$4,000 - \$5,000. This is mainly late taxes and vehicle taxes. For the first six months, we usually have to borrow \$50,000 from the bank on the Chairman's credit and security.

### 3. PROJECTED NOT FUNDED EXPENDITURES - VEHICLES

The JFD maintains sixteen pieces of fire apparatuses. We are still paying for the last general obligation bonds of \$500,000 used to purchase three 2001 International pumpers. The bond payment will be completed in 2015. This data illustrates our theory of "*If it is running, keep on using it*". We believe that we can get good results by using used vehicle chassis's and new tanks compared to manufactured products at a third of the cost. The following vehicle data is furnished to show present conditions and needed replacements:

<u>VEHICLE</u>	<u>AGE</u>	<u>REQUIREMENT</u>
1. 2001 International Pumper	11 Yrs. Old	Repairs Needed
2. 2001 International Pumper	11 Yrs. Old	Repairs Needed
3. 2001 International Pumper	11 Yrs. Old	Repairs Needed
4. 2004 Brush Truck (Donated-Used)	8 Yrs. Old	Chassis Replacement
5. 2001 Pickup Station 1	11 Yrs. Old	Replacement
6. 2001 Pickup (County Surplus) Sta. 3	10 Yrs. Old	Repairs
7. 2000 Command Vehicle (Blazer)	12 Yrs. Old	Replacement
8. 1990 Pumper-Tanker (Home made)	22 Yrs. Old	* Replacement Chassis/Tank
9. 1990 Pickup Station 2	22 Yrs. Old	Replacement
10. 1990 Tanker (Home made)	22 Yrs. Old	* Replacement Chassis/Tank
11. 1988 Utility Service (Home made)	24 Yrs. Old	Replacement Chassis/Tank
12. 1984 Tanker	28 Yrs. Old	Replacement Chassis

13. 1984 Tanker	28 Yrs. Old	Replacement Chassis
14. 1978 Tanker (Donated)	34 Yrs. Old	Replacement Chassis/Tank
15. 1974 Pumper	38 Yrs. Old	Replacement 1990+Chassis
16. 1968 Aerial Ladder Truck	44 Yrs. Old	* Replacement 1990+ Chassis

**NOTE: \*-Not operational and not feasible to repair.**

Total Repair/Replacement Cost: \$500,000

#### **4. PROJECTED NOT FUNDED EXPENDITURES – SPECIALIZED EQUIPMENT**

a. Turn-Out Gear 40 Sets @ \$2,250.00 each	\$90,000
b. Fire Hose 2 ½", 3", 5"	\$35,000
c. 800 MHs Radio Replacement 8 each	<u>\$50,000</u>
Total Replacement Cost:	\$175,000

#### **5. PROJECTED NOT FUNDED EXPENDITURES – CAPITAL IMPROVEMENT**

a. Repair Roof at Station 1	\$27,000
b. Replace A/C Station 1	\$8,000
c. Replace Computers Station 1 & 2 & 3	<u>\$10,000</u>
Total Repairs/Replacement Cost:	\$45,000

#### **6. PROJECTED BOND EXPENDITURES – 2000 SERIES BOND PAYOFF**

<u>CALENDAR YEAR</u>	<u>PRINCIPAL DUE</u>	<u>INTEREST DUE</u>	<u>TOTAL FOR YEAR</u>
2013	\$50,000	\$6,890	\$56,890
2014	\$50,000	\$4,240	\$54,240
2015	\$55,000	\$1,457.00	<u>\$56,457.50</u>
TOTAL DUE LAST THREE YEARS:			\$167,587.50

EARLY PAY OFF PROJECTIONS: \$155,000.

#### **7. PROJECTED LEGAL FEES AND RELATED COST - \$50,000**

#### **8. TOTAL OF BOND ISSUE: \$925,000**

# FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Third Reading - Ordinance No. 29-2011/12

**DEPARTMENT:** Economic Development

## **ISSUE UNDER CONSIDERATION:**

(An Ordinance Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement By And Between Florence County, South Carolina And W. Lee Flowers and Company, Inc., And Other Matters Related Thereto.)

## **OPTIONS:**

1. *(Recommended)* Approve Third Reading of Ordinance No. 29-2011/12.
2. Provide An Alternate Directive.

## **ATTACHMENT:**

Ordinance No. 29-2011/12.

Sponsor(s) : Economic Development  
 First Reading/Introduction : May 17, 2012  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Reconsideration : N/A  
 Second Reading : June 21, 2012  
 Public Hearing : June 21, 2012  
 Third Reading : July 19, 2012  
 Effective Date : Immediately

I, \_\_\_\_\_,  
 Council Clerk, certify that this  
 Ordinance was advertised for  
 Public Hearing on \_\_\_\_\_, 2012.

## ORDINANCE NO. 29-2011/12

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance Authorizing The Execution And Delivery Of An Infrastructure Credit Agreement By And Between Florence County, South Carolina And W. Lee Flowers and Company, Inc., And Other Matters Related Thereto.)

#### BE IT ORDAINED BY THE COUNTY COUNCIL OF FLORENCE COUNTY, SOUTH CAROLINA:

SECTION I: The County, acting by and through its County Council (the "County Council"), is authorized by Sections 4-1-175 and 4-29-68 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), to provide special source revenue financing, secured by and payable solely from revenues of the County derived from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution, for the purpose of defraying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving Florence County or the Project (as defined below) and for improved and unimproved real estate and personal property used in the operation of a commercial enterprise in order to enhance the economic development of Florence County, and other such purposes as may be described therein.

SECTION II: W. Lee Flowers and Company, Inc. (the "Company") is considering investing in the expansion of its distribution facility in the County, including the addition of approximately 75,000 square feet and the retrofitting of approximately 30,000 square feet, the estimated cost of which is approximately \$6,500,000 over five years (the "Project").

SECTION III: The County has agreed to exert its best efforts to ensure that the Project will be located in a multi-county industrial park (the "Park") for the duration of this Agreement.

SECTION IV: The Project is or will be initially located in a Park with Williamsburg County pursuant to an Agreement for the Development of a Joint Industrial and Business Park (the "Park Agreement").

SECTION V: Pursuant to the provisions of the Park Agreement, the Company is or will be obligated to make or cause to be made payments in lieu of taxes which will be distributed to Williamsburg County (the "Williamsburg Fee Payments") and to Florence County (the "Florence Fee Payments") in the total amount equivalent to the ad valorem property taxes that would have been due and payable but for the location of the Project within the Park.

SECTION VI: The County has agreed to provide a special source revenue credit (the "SSRC"), pursuant to the Act, to the Company, to assist the Company in acquiring and constructing

certain Infrastructure (as defined in the Act) for the Project in the County, by means of providing a credit against the payments in lieu of taxes due with respect to the Company's property in the County, as an inducement for the Project, to further the economic development of the County.

SECTION VII: The County desires to provide certain special source revenue financing, pursuant to the Act, in support of the Project.

SECTION VIII: The Company has caused to be prepared and presented to this meeting the form of an Infrastructure Credit Agreement by and between the County and the Company (the "Infrastructure Credit Agreement"), which provides for payments in lieu of taxes and infrastructure credits for the Project, calculated as set forth in the Infrastructure Credit Agreement.

SECTION IX: It appears that the Infrastructure Credit Agreement, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

SECTION X: In order to promote industry, develop trade, and utilize and employ the manpower, products, and natural resources of the State of South Carolina by assisting the Company to expand its distribution facility in the State of South Carolina, the Infrastructure Credit Agreement is hereby authorized, ratified, and approved.

SECTION XI: It is hereby found, determined, and declared by the County Council, as follows:

- (a) The County's actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act.
- (b) The Project and the payments in lieu of taxes set forth herein are beneficial to the County, and the County has evaluated the Project based upon all criteria prescribed by law, including the anticipated dollar amount and nature of the investment to be made and the anticipated costs and benefits to the County.
- (c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally.
- (d) The Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either.
- (e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes.
- (f) The inducement of the location or expansion of the Project within the County and State is of paramount importance.
- (g) The benefits of the Project to the public will be greater than the costs to the public.

SECTION XII: The form, terms, and provisions of the Infrastructure Credit Agreement presented to this meeting are hereby approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Infrastructure Credit Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council is authorized, empowered, and directed to execute, acknowledge, and deliver the Infrastructure Credit Agreement in the name of and on behalf of the County, and thereupon to cause the Infrastructure Credit Agreement to be delivered to the Company. The Infrastructure Credit Agreement is to be in substantially the form now before this meeting and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of Counsel to the County, such official's execution thereof to constitute conclusive evidence of such official's approval of any and all changes or revisions therein from the form of the Infrastructure Credit Agreement now before this meeting.

SECTION XIII: The Chairman of the County Council, for and on behalf of the County, is hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Infrastructure Credit Agreement and the performance of all obligations of the County under and pursuant to the Infrastructure Credit Agreement.

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

SECTION XV: All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

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

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FLORENCE )

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

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, 2012. At least one day passed between first and second reading, and at least seven days passed between second and third readings. A public hearing was held on \_\_\_\_\_, 2012, and notice of the public hearing was published in the \_\_\_\_\_ on \_\_\_\_\_, 2012. At each meeting, a quorum of County Council was present and remained present throughout the meeting.

Attached hereto are excerpts of the minutes of the meetings of the County Council. The County Council complied with the Freedom of Information Act, Chapter 4, Title 30 of the S.C. Code of Laws, 1976, in connection with said meetings of County Council.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Lee County Council, South Carolina, as of this \_\_\_\_ day of \_\_\_\_\_, 2012.

Signature: \_\_\_\_\_  
Name: Connie Y. Haselden  
Clerk to Florence County Council

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INFRASTRUCTURE CREDIT AGREEMENT

between

FLORENCE COUNTY, SOUTH CAROLINA

and

W. LEE FLOWERS AND COMPANY, INC.,  
a South Carolina corporation

Dated as of \_\_\_\_\_, 2012

## INFRASTRUCTURE CREDIT AGREEMENT

THIS INFRASTRUCTURE CREDIT AGREEMENT, dated as of \_\_\_\_\_, 2012 (the "Agreement"), between FLORENCE COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (the "County"), and W. LEE FLOWERS AND COMPANY, Inc., a South Carolina corporation (the "Company").

### WITNESSETH:

**WHEREAS**, the County, acting by and through its County Council (the "County Council"), is authorized by Sections 4-1-175 and 4-29-68 of the Code of Laws of South Carolina, 1976, as amended, to provide special source revenue financing, secured by and payable solely from revenues of the County derived from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution, for the purpose of defraying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving Florence County or the Project (as defined below) and for improved or unimproved real estate and personal property used in the operation of a commercial enterprise in order to enhance the economic development of Florence County, and other such purposes as may be described therein; and

**WHEREAS**, W. Lee Flowers and Company, Inc. (the "Company") is considering investing in the expansion of its distribution facility in the County as identified more particularly in Exhibit A attached hereto (the "Warehouse Property"), including the addition of approximately 75,000 square feet and the retrofitting of approximately 30,000 square feet, the estimated cost of which is approximately \$6,500,000 over five years (the "Project"); and

**WHEREAS**, the County has agreed to exert its best efforts to ensure that the Warehouse Property will be located in a multi-county industrial park (the "Park") for the duration of this Agreement; and

**WHEREAS**, the Warehouse Property is or will be initially located in a Park with Williamsburg County pursuant to an Agreement for the Development of a Joint Industrial and Business Park (the "Park Agreement"); and

**WHEREAS**, pursuant to the provisions of the Park Agreement, the Company is or will be obligated to make or cause to be made payments in lieu of taxes which will be distributed to Williamsburg County (the "Williamsburg Fee Payments") and to Florence County (the "Florence Fee Payments") in the total amount equivalent to the ad valorem property taxes that would have been due and payable but for the location of the Warehouse Property within the Park; and

**WHEREAS**, the County has agreed to provide a special source revenue credit (the "SSRC"), pursuant to the Act (as defined herein), to the Company, to assist the Company in

acquiring and constructing certain Infrastructure (as defined herein) for the Project in the County, by means of providing a credit against the payments in lieu of taxes due on the Warehouse Property, as an inducement for the Project, to further the economic development of the County; and

**WHEREAS**, the County Council has duly authorized execution and delivery of this Agreement by ordinance duly enacted by the County Council in compliance with the terms of the Act.

**NOW, THEREFORE**, in consideration of the respective representations and agreements hereinafter contained, the County and the Company agree as follows:

## ARTICLE I

### DEFINITIONS

The terms defined in this Article I shall for all purposes of this Agreement have the meanings herein specified, unless the context clearly otherwise requires. Except where the context otherwise requires, words importing the singular number shall include the plural number and *vice versa*.

*"Act"* shall mean, collectively, Title 4, Chapter 29 and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended, and all future acts amendatory thereof.

*"Agreement"* shall mean this Agreement, as the same may be amended, modified or supplemented in accordance with the terms hereof.

*"Company"* shall mean W. Lee Flowers and Company, Inc., its successors and assigns.

*"Cost"* or *"Cost of the Infrastructure"* shall mean the cost of acquiring, by construction and purchase, the Infrastructure and shall be deemed to include, whether incurred prior to or after the date of the Agreement: (a) obligations incurred for labor, materials, and other expenses to builders and materialmen in connection with the acquisition, construction, and installation of the Infrastructure; (b) the cost of construction bonds and of insurance of all kinds that may be required or necessary during the course of construction and installation of the Infrastructure, which is not paid by the contractor or contractors or otherwise provided for; (c) the expenses for test borings, surveys, test and pilot operations, estimates, plans and specifications and preliminary investigations therefor, and for supervising construction, as well as for the performance of all other duties required by or reasonably necessary in connection with the acquisition, construction, and installation of the Infrastructure; and (d) all other costs which shall be required under the terms of any contract for the acquisition, construction, and installation of the Infrastructure.

*"County"* shall mean Florence County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina and its successors and assigns.

*"Event of Default"* shall mean, with reference to this Agreement, any of the occurrences described in Section 5.01 hereof.

*"Florence Fee Payments"* shall mean payments in lieu of taxes made to the County with respect to the Warehouse Property in the Park, as required by the Park Agreement.

*"Infrastructure"* shall mean all portions of the Project which are eligible to constitute qualifying infrastructure under the Act, as the same may be amended from time to time, provided that the Special Source Revenue Credits shall pay first for real property and infrastructure improvements prior to payment for any personal property, notwithstanding any presumptions to the contrary in the Act or otherwise.

*"Ordinance"* shall mean Ordinance No. 29-2011/12, enacted by the County Council on July 19, 2012, authorizing the execution and delivery of this Agreement.

*"Park Agreement"* shall mean the Agreement for the Development of a Joint Industrial and Business Park dated \_\_\_\_\_, 2012, between the County and Williamsburg County, as amended.

*"Park"* shall mean the Joint County Industrial and Business Park established pursuant to the terms of the Park Agreement.

*"Person"* shall mean an individual, a corporation, a partnership, an association, a joint stock company, a trust, any comparable entity, any unincorporated organization, or a government or political subdivision.

*"Special Source Revenue Credits"* shall mean the credits to the Company's payments in lieu of taxes to reimburse the Company for a portion of the Cost of the Infrastructure in the amounts set forth in Section 3.02 hereof.

## ARTICLE II

### REPRESENTATIONS AND WARRANTIES

SECTION 2.01. Representations by the County. The County makes the following representations and covenants as the basis for the undertakings on its part herein contained:

(a) The County is a body politic and corporate and a political subdivision of the State of South Carolina and is authorized and empowered by the provisions of the Act to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder. By proper action by the County Council, the County has been duly authorized to execute and deliver this Agreement, and any and all agreements collateral thereto.

(b) The County proposes to reimburse the Company for a portion of the cost of the construction of the Infrastructure for the purpose of promoting the economic development of Florence County, South Carolina.

(c) The County, to its knowledge, is not in default under any of the provisions of the laws of the State of South Carolina, where any such default would affect the validity or enforceability of this Agreement.

(d) The authorization, execution, and delivery of this Agreement, and the compliance by the County with the provisions hereof, will not, to the County's knowledge, conflict with or constitute a breach of, or a default under, any existing law, court or administrative regulation, decree, order or any provision of the Constitution or laws of the State relating to the establishment of the County or its affairs, or any agreement, mortgage, lease, or other instrument to which the County is subject or by which it is bound.

(e) The execution and delivery of this Agreement, the enactment of the Ordinance, and performance of the transactions contemplated hereby and thereby do not and will not, to the County's knowledge, conflict with, or result in the violation or breach of, or constitute a default or require any consent under, or create any lien, charge or encumbrance under the provisions of (i) the Constitution of the State or any law, rule, or regulation of any governmental authority, (ii) any agreement to which the County is a party, or (iii) any judgment, order, or decree to which the County is a party or by which it is bound. To the County's knowledge, there is no action, suit, proceeding, inquiry, or investigation, at law or in equity, or before or by any court, public body, or public board which is pending or threatened challenging the creation, organization or existence of the County or its governing body or the power of the County to enter into the transactions contemplated hereby or wherein an unfavorable decision, ruling or finding would adversely affect the transactions contemplated hereby or would affect the validity, or adversely affect the enforceability, of this Agreement, or any other agreement or instrument to which the County is a party and which is to be used in connection with or is contemplated by this Agreement, nor to the best knowledge of the County is there any basis therefor.

SECTION 2.02. Representations by the Company. The Company makes the following representations and warranties as the basis for the undertakings on its part herein contained:

(a) The Company is a corporation incorporated under the laws of the State of South Carolina, has power to enter into this Agreement, and by proper company action has been duly authorized to execute and deliver this Agreement.

(b) This Agreement has been duly executed and delivered by the Company and constitutes the legal, valid, and binding obligation of the Company, enforceable in accordance with its terms except as enforcement thereof may be limited by bankruptcy, insolvency, or similar laws affecting the enforcement of creditors' rights generally. In the event that the Company files for bankruptcy protection during the term of this Agreement, the Company hereby admits for purposes of the bankruptcy protection proceedings that the Company's pre-and post petition fee in lieu of tax payments are to be accorded the same treatment and priority as property tax payments.

(c) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement, will result in a material breach of any of the terms, conditions, or provisions of any corporate restriction or any agreement or instrument to which the Company is now a party or by which it is bound, or will constitute a default under any of the foregoing, or result in the creation or imposition of any lien, charge, or encumbrance of any nature whatsoever upon any of the property or assets of the Company, other than as may be created or permitted by this Agreement.

(d) The financing of a portion of the cost of the Infrastructure by the County has been instrumental in inducing the Company to acquire and construct the Project in Florence County and in the State of South Carolina.

(e) The Company anticipates that the Project will result in the investment of approximately \$6,500,000 over a period ending five years from the last day of the year of execution of this Agreement.

#### SECTION 2.03. Covenants of County.

(a) The County will use its best efforts to maintain its corporate existence and to maintain, preserve, and renew all of its rights, powers, privileges, and franchises at all times; and it will comply with all valid acts, rules, regulations, orders, and directions of any legislative, executive, administrative, or judicial body applicable to this Agreement.

(b) The County covenants that it will execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the purpose of this Agreement; provided, however, that such instruments or actions shall never create or constitute an indebtedness of the County within the meaning of any state constitutional provision (other than the provisions of Article X, Section 14(10) of the South Carolina Constitution) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power or pledge the credit or taxing power of the State, or any other political subdivision of the State.

### ARTICLE III

#### SPECIAL SOURCE REVENUE CREDITS

SECTION 3.01. Payment of Costs of Infrastructure. The Company agrees to pay, or cause to be paid, all costs of the Infrastructure as and when due. The Company intends to complete the acquisition and construction of the Infrastructure pursuant to such plans and specification as are approved by the Company. The plans and specifications for the Infrastructure may be modified from time to time as deemed necessary by the Company.

### SECTION 3.02. Special Source Revenue Credits.

(a) The County hereby agrees to provide or allow Special Source Revenue Credits, pursuant to the Act, in an amount equal to 20% of the payments in lieu of taxes attributable to the Warehouse Property for a 30-year period, provided that in no case may the cumulative amount of the Special Source Revenue Credits claimed under this Agreement exceed the Company's investment in the Project. THIS AGREEMENT AND THE SPECIAL SOURCE REVENUE CREDITS BECOMING DUE HEREON ARE LIMITED OBLIGATIONS OF THE COUNTY PROVIDED BY THE COUNTY SOLELY FROM THE PAYMENT IN LIEU OF TAXES DERIVED BY THE COUNTY PURSUANT TO THE PARK AGREEMENT, AND DO NOT AND SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL PROVISION (OTHER THAN THE PROVISIONS OF ARTICLE X, SECTION 14(10) OF THE SOUTH CAROLINA CONSTITUTION) OR STATUTORY LIMITATION AND DO NOT AND SHALL NEVER CONSTITUTE OR 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 POWER OF THE COUNTY ARE NOT PLEDGED FOR THE SPECIAL SOURCE REVENUE CREDITS.

(b) No breach by the County of this Agreement shall result in the imposition of any pecuniary liability upon the County or any charge upon its general credit or against its taxing power. The liability of the County under this Agreement or of any warranty herein included or for any breach or default by the County of any of the foregoing shall be limited solely and exclusively to the Special Source Revenue Credits. The County shall not be required to execute or perform any of its duties, obligations, powers, or covenants hereunder except to the extent of the Florence Fee Payments.

## ARTICLE IV

### CONDITIONS TO DELIVERY OF AGREEMENT; TITLE TO INFRASTRUCTURE

SECTION 4.01. Documents to be Provided by County. Prior to or simultaneously with the execution and delivery of this Agreement, the County shall provide to the Company:

(a) A copy of the Ordinance, duly certified by the Clerk of the County Council under its corporate seal to have been duly enacted by the County and to be in full force and effect on the date of such certification; and

(b) Such additional certificates (including certified copies of ordinances, resolutions, or other proceedings adopted by the County), instruments or other documents as the Company may reasonably request.

SECTION 4.02. Transfers of Project. The County hereby acknowledges that the Company may from time to time, and in accordance with applicable law, sell, transfer, lease, convey, or grant

the right to occupy and use the Project, in whole or in part, to others. No such sale, lease, conveyance, or grant to another lawful entity, for lawful purposes, shall relieve the County from the County's obligations to provide Special Source Revenue Credits to the Company, or its proper assignee of such payments, under this Agreement.

SECTION 4.03. Assignment by County. The County shall not attempt to assign, transfer, or convey its obligations to provide Special Source Revenue Credits hereunder to any other Person.

## ARTICLE V

### EVENTS OF DEFAULT; LEGAL PROCEEDINGS; REMEDIES; NON-WAIVER

SECTION 5.01. Events of Default. If the County shall fail duly and punctually to perform any covenant, condition, agreement or provision contained in this Agreement on the part of the County to be performed, which failure shall continue for a period of 30 days after written notice by the Company specifying the failure and requesting that it be remedied is given to the County by first-class mail, the County shall be in default under this Agreement (an "Event of Default"). Likewise, if the Company shall fail duly and punctually to perform any covenant, condition, agreement or provision contained in this Agreement on the part of the Company to be performed, which failure shall continue for a period of 30 days after written notice by the County specifying the failure and requesting that it be remedied is given to the Company by first-class mail, the Company shall be in default under this Agreement (likewise an "Event of Default").

SECTION 5.02. Legal Proceedings. Upon the happening and continuance of any Event of Default, then and in every such case, the Company or the County, as the case may be, in its discretion may:

- (a) by mandamus, or other suit, action, or proceeding at law or in equity, enforce all of its rights and require the other party to carry out any agreements with or for its benefit and to perform its or their duties under the Act and this Agreement;
- (b) bring suit upon this Agreement;
- (c) by action or suit in equity require the other party to account as if it were the trustee of an express trust for the Company or the County, as the case may be;
- (d) exercise any or all rights and remedies provided by the Uniform Commercial Code in effect in the State of South Carolina, or other applicable law, as well as all other rights and remedies possessed by the Company or the County, as the case may be; or
- (e) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of its rights.

SECTION 5.03. Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved to the Company is intended to be exclusive of any other remedy or remedies, and each and

every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

SECTION 5.04. Non-waiver. No delay or omission of the Company or County to exercise any right or power accruing upon any default or Event of Default shall impair any such right or power or shall be construed to be a waiver of any such default or Event of Default, or an acquiescence therein; and every power and remedy given by this Article V to the Company or County may be exercised from time to time and as often as may be deemed expedient.

## ARTICLE VI

### MISCELLANEOUS

SECTION 6.01. Term. The term of this Agreement shall be 30 years from the last day of the year of execution of this Agreement.

SECTION 6.02. Successors and Assigns. All the covenants, stipulations, promises, and agreements in this Agreement contained, by or on behalf of, or for the benefit of, the County, shall bind or inure to the benefit of the successors of the County from time to time and any officer, board, commission, agency, or instrumentality to whom or to which any power or duty of the County, shall be transferred.

SECTION 6.03. Provisions of Agreement for Sole Benefit of County and Company. Except as in this Agreement otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any Person other than the County and the Company any right, remedy, or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the County and the Company.

SECTION 6.04. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, the illegality or invalidity shall not affect any other provision of this Agreement, and this Agreement and the Credits shall be construed and enforced as if the illegal or invalid provisions had not been contained herein or therein.

SECTION 6.05. No Liability for Personnel of County or Company. No covenant or agreement contained in this Agreement shall be deemed to be the covenant or agreement of any member, agent, or employee of the County or its governing body or the Company or any of its officers, employees, or agents in his individual capacity, and neither the members of the governing body of the County nor any official executing this Agreement shall be liable personally on the Credits or the Agreement or be subject to any personal liability or accountability by reason of the issuance thereof.

SECTION 6.06. Notices. All notices, certificates, requests, or other communications under this Agreement shall be sufficiently given and shall be deemed given, unless otherwise required by this Agreement, when (i) delivered or (ii) sent by facsimile and confirmed by United States first-class registered mail, postage prepaid, addressed as follows:

(a) if to the County: Florence County, South Carolina  
Attn: Florence County Administrator  
180 North Irby Street, MSC-G  
Florence, SC 29501

(b) if to the Company: W. Lee Flowers and Company, Inc.  
Attn: Property Tax Manager  
P. O. Drawer 1629  
Lake City, SC 29560

with a copy to: Haynsworth Sinkler Boyd, P.A.  
Attn: William R. Johnson  
1201 Main Street, Suite 2200  
Columbia, South Carolina 29201

The County and the Company may, by notice given under this Section 6.06, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

SECTION 6.07. Applicable Law. The laws of the State of South Carolina shall govern the construction of this Agreement.

SECTION 6.08. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

SECTION 6.09. Amendments. This Agreement may be amended only by written agreement of the parties hereto.

SECTION 6.10. Waiver. Either party may waive compliance by the other party with any term or condition of this Agreement only in a writing signed by the waiving party.

IN WITNESS WHEREOF, Florence County, South Carolina, has caused this Agreement to be executed by the Chairman of its County Council and its corporate seal to be hereunto affixed and attested by the Clerk of its County Council and W. Lee Flowers and Co., Inc. has caused this Agreement to be executed by its President, all as of the day and year first above written.

**FLORENCE COUNTY,  
SOUTH CAROLINA**

(SEAL)

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**W. LEE FLOWERS AND CO., INC.**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT A**

**Warehouse Property**

TMS 00193-31-007 (real)

TMS 00193-31-009 (real)

TMS 00193-31-016 (real)

TMS 05968-13-000 (personal)

DRAFT

# FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Third Reading - Ordinance No. 30-2011/12

**DEPARTMENT:** Economic Development

## **ISSUE UNDER CONSIDERATION:**

(An Ordinance To Develop A Jointly Owned And Operated Industrial And Business Park In Conjunction With Williamsburg County, Such Industrial And Business Park To Include Property Initially Located In Florence County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Provide For A Written Agreement With Williamsburg County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto.)

## **OPTIONS:**

1. ***(Recommended)*** Approve Third Reading of Ordinance No. 30-2011/12.
2. Provide An Alternate Directive.

## **ATTACHMENT:**

Ordinance No. 30-2011/12.

Sponsor(s) : Economic Development  
 First Reading/Introduction : May 17, 2012  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Reconsideration : N/A  
 Second Reading : June 21, 2012  
 Public Hearing : June 21, 2012  
 Third Reading : July 19, 2012  
 Effective Date : Immediately

I, \_\_\_\_\_,  
 Council Clerk, certify that this  
 Ordinance was advertised for  
 Public Hearing on \_\_\_\_\_, 2012.

## ORDINANCE NO. 30-2011/12

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**(An Ordinance To Develop A Jointly Owned And Operated Industrial And Business Park In Conjunction With Williamsburg County, Such Industrial And Business Park To Include Property Initially Located In Florence County And Established Pursuant To Sec. 4-1-170 Of The Code Of Laws Of South Carolina, 1976, As Amended, To Provide For A Written Agreement With Williamsburg County To Provide For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of Ad Valorem Taxation; And Other Matters Related Thereto.)**

**BE IT ORDAINED BY THE COUNTY COUNCIL OF FLORENCE COUNTY, SOUTH CAROLINA:**

SECTION I: Florence County is hereby authorized to develop an industrial and business park jointly with Williamsburg County (the "Park"). The Park shall initially consist of land located only in Florence County as authorized by Sec. 4-1-170 of the Code of Laws of South Carolina, 1976, as amended.

SECTION II: Florence County will enter into a written agreement to develop the Park jointly with Williamsburg County in substantially the form attached hereto as Exhibit A and incorporated herein by reference (the "Park Agreement"). The Chairman of Florence County Council is hereby authorized to execute the Park Agreement on behalf of Florence County, with such changes thereto as the Chairman shall deem, upon advice of counsel, necessary, provided that such changes do not materially change the import of the matters contained in the form of agreement set forth in Exhibit A.

SECTION III: The businesses or industries located in the Park will pay a fee in lieu of *ad valorem* taxes as provided for in their respective FILOT agreements which fees will be divided between the two Counties as set forth in the Park Agreement. With respect to properties located in the Florence County portion of the Park, the fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Florence County. That portion of such revenues allocated pursuant to the Park Agreement to Williamsburg County shall be thereafter paid by the Treasurer of Florence County to the Treasurer of Williamsburg County as soon as practical but no later than forty-five (45) business days following receipt thereof. With respect to properties located in the Williamsburg County portion of the Park, the fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Williamsburg County. That portion of such revenues allocated pursuant to

the Park Agreement to Florence County shall be thereafter paid by the Treasurer of Williamsburg County to the Treasurer of Florence County as soon as practical but no later than forty-five (45) business days following receipt thereof. Penalties for late payment by taxpayers will be assessed at the same rate as late tax payments. Any late payment by the counties to each other beyond the dates set forth herein will accrue interest at the rate of statutory judgment interest. The counties, acting by and through the Treasurers of Florence County and Williamsburg County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

SECTION IV: Any ordinances of Florence County and Williamsburg County concerning zoning, health and safety regulations, and building code requirements will apply for the respective portions of the Park in Florence County and Williamsburg County. In no event, for example, will the zoning, health and safety regulations, and building code requirements in Williamsburg County apply to property located solely in Florence County.

SECTION V: The Sheriffs' Departments of Florence County and Williamsburg County will have jurisdiction to make arrests and exercise all authority and power within the boundaries of the respective portions of the Park in Florence County and Williamsburg County.

SECTION VI: Revenues generated from industries or businesses located in the Park to be retained by Florence County pursuant to the Park Agreement shall be distributed within Florence County in the following manner:

First, unless Florence County elects to pay or credit the same from only those revenues which Florence County would otherwise be entitled to receive as provided under "Third" below, to pay annual debt service on any special source revenue bonds issued by Florence County pursuant to, or to be utilized as a credit in the manner provided in the second paragraph of, Section 4-1-175, Code of Laws of South Carolina, 1976, as amended, or any successor statutes or provisions, payable in whole or in part by or from revenues generated from any properties in the Park;

Second, at the option of Florence County, to reimburse Florence County for any expenses incurred by it in the development, operation, maintenance and promotion of the Park or the businesses located therein and to fund economic development activities (including any incentives provided to industries and businesses) inside and outside the Park as determined by the County Council of Florence County from time to time; and

Third, to taxing districts within Florence County, in a pro-rata fashion based on comparative millage rates for the year in question of such taxing districts;

provided, that (i) all taxing districts which overlap the applicable properties in the Park shall receive some portion of the revenues generated from such properties; (ii) all revenues receivable by a taxing entity in a fiscal year shall be allocated to operations and maintenance and to debt service as determined by the governing body of such taxing entity; and (iii) the County may, by

ordinance, from time to time, amend the distribution of the fee in lieu of tax payments to all taxing entities.

SECTION VII: This Ordinance shall supersede and amend in its entirety any other ordinances or resolutions of Florence County Council pertaining to the Park.

SECTION VIII: Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

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

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

Exhibit A

Form of Park Agreement

DRAFT

STATE OF SOUTH CAROLINA	)	
	)	AGREEMENT FOR THE DEVELOPMENT
	)	OF A JOINT INDUSTRIAL
COUNTY OF WILLIAMSBURG	)	AND BUSINESS PARK
COUNTY OF FLORENCE	)	(W. LEE FLOWERS)

---

This multi-county park agreement initially applies only to the following property located entirely in Florence County: (i) the W. Lee Flowers Property, as more fully described on Exhibit A (Florence) hereto.

This multi-county park agreement does not initially apply to any property in Williamsburg County.

More specific information on the property subject to the agreement, which can be expanded from time to time, may be found in the body of this agreement and in the exhibits.

---

This agreement for the development of a joint industrial and business park to be located within Williamsburg County, South Carolina ("Williamsburg County") and Florence County, South Carolina ("Florence County") is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between Williamsburg County and Florence County (the "Agreement").

# WITNESSETH:

WHEREAS, Williamsburg County and Florence County are contiguous counties which, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, as well as Ordinance No. 30-2011/12, adopted by Florence County Council on July 19, 2012, and Ordinance No. \_\_\_\_\_ adopted by Williamsburg County Council on \_\_\_\_\_, 2012 (collectively, the "Enabling Ordinances"), have each determined that, in order to promote economic development and thus encourage investment and provide additional employment opportunities within both of said counties, there should be established in Florence County and in Williamsburg County a Joint County Industrial and Business Park (the "Park"), to be located upon property described in Exhibit A (Florence) and Exhibit B (Williamsburg) hereto, respectively; and

WHEREAS, as a consequence of the establishment of the Park, property comprising the Park and all property having a situs therein is exempt from *ad valorem* taxation pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, but the owners or lessees of such property shall pay annual fees in an amount equivalent to the property taxes or other in-lieu-of payments that would have been due and payable except for such exemption, in accordance with their agreements with the County where such property is located.

NOW, THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Binding Agreement. This Agreement serves as a written instrument setting forth the entire agreement between the parties and is binding on Williamsburg County and Florence County, and their successors and assigns.

2. Authorization. Article VIII, Section 13(D) of the South Carolina Constitution provides that counties may jointly develop an industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and that the General Assembly of the State of South Carolina provides by law a manner in which the value of property in such park will be considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability pursuant to any provision of law which measures the relative fiscal capacity of a school district to support its schools based on the assessed valuation of taxable property in the district as compared to the assessed valuation of taxable property in all school districts in the State of South Carolina. Section 4-1-170 of the Code satisfies the conditions imposed by Article VIII, Section 13(D) of the Constitution and provides the statutory vehicle whereby a joint county industrial or business park may be created.

3. Location of the Park. (A) As of the date of this Agreement, the Park consists of property located in Florence County, as further identified in Exhibit A (Florence) to this Agreement. It is specifically recognized that the Park may, from time to time, consist of non-contiguous properties within each county. The boundaries of the Park may be enlarged or diminished from time to time as authorized by ordinances of the County Councils of both Williamsburg County and Florence County. If any property proposed for inclusion in the Park, in whole or in part, is located within the boundaries of a municipality, then the municipality must give its consent prior to the inclusion of such property in the Park. As of the date of the Agreement, no property subject to the Agreement is located within the boundaries of a municipality.

(B) In the event of any enlargement or diminution of the boundaries of the Park, this Agreement shall be deemed amended and there shall be attached hereto a revised Exhibit A (Florence) or Exhibit B (Williamsburg), as the case may be, which shall contain a legal description of the boundaries of the Park, as enlarged or diminished, together with a copy of the ordinances of Williamsburg County Council and Florence County Council pursuant to which such enlargement or diminution was authorized.

(C) Prior to the adoption by Williamsburg County Council and by Florence County Council of ordinances authorizing the diminution of the boundaries of the Park, separate public hearings shall first be held by Williamsburg County Council and by Florence County Council. Notice of such public hearings shall be published in newspapers of general circulation in Williamsburg County and Florence County, respectively, at least once and not less than fifteen (15) days prior to such hearing. Notice of such public hearings shall also be served in the manner of service of process at least fifteen (15) days prior to such public hearing upon the

owner and, if applicable, the lessee of any real property which would be excluded from the Park by virtue of the diminution.

4. Fee in Lieu of Taxes. Pursuant to Article VIII, Section 13(D), of the South Carolina Constitution, all property located in the Park is exempt from all *ad valorem* taxation. The owners or lessees of any property situated in the Park shall pay in accordance with this Agreement an amount (referred to as fees in lieu of *ad valorem* property taxes) equivalent to the *ad valorem* property taxes or other in-lieu-of payments that would have been due and payable but for the location of such property within the Park.

5. Allocation of Expenses. Williamsburg County and Florence County shall bear any expenses, including, but not limited to, development, operation, maintenance and promotion of the Park and the cost of providing public services, in the following proportions:

If property is in the Williamsburg County portion of the Park:

(1)	Williamsburg County	100%
(2)	Florence County	0%

If property is in the Florence County portion of the Park:

(1)	Williamsburg County	0%
(2)	Florence County	100%

6. Allocation of Revenues. Williamsburg County and Florence County shall receive an allocation of revenue generated by the Park through payment of fees in lieu of *ad valorem* property taxes (net of any special source revenue credits provided by either county) in the following proportions:

If property is in the Williamsburg County portion of the Park:

(1)	Williamsburg County	99%
(2)	Florence County	1%

If property is in the Florence County portion of the Park:

(1)	Williamsburg County	1%
(2)	Florence County	99%

7. Revenue Allocation Within Each County. (A) Revenues generated by the Park through the payment of fees in lieu of *ad valorem* property taxes shall be distributed to Williamsburg County and to Florence County, as the case may be, according to the proportions established by Paragraph 6 of this Agreement. With respect to revenues allocable to Williamsburg County or Florence County by way of fees in lieu of taxes generated from property located within its own County (the "Host County"), such revenue shall be distributed within the Host County in the manner provided by ordinance of the county council of the Host County;

provided, that (i) all taxing districts which overlap the applicable revenue-generating portion of the Park shall receive at least some portion of the revenues generated from such portion, and (ii) with respect to amounts received in any fiscal year by a taxing entity, the governing body of such taxing entity shall allocate the revenues received to operations and/or debt service of such entity. Each Host County is specifically authorized to use a portion of the revenue for economic development purposes as permitted by law and as established by ordinance of the county council of the Host County.

(B) Revenues allocable to Williamsburg County by way of fees in lieu of taxes generated from property located within Florence County shall be distributed solely to Williamsburg County. Revenues allocated to Florence County by way of fees in lieu of taxes generated from property located within Williamsburg County shall be distributed solely to Florence County.

8. Fees in Lieu of Taxes Pursuant to Title 4 or Title 12 of the Code of Laws of South Carolina, 1976, as Amended. It is hereby agreed that the entry by Williamsburg County into any one or more fee in lieu of tax agreements pursuant to Title 4 or Title 12 of the Code of Laws of South Carolina, 1976, as amended ("Negotiated FILOT Agreements"), with respect to property located within the Williamsburg County portion of the Park and the terms of such agreements shall be at the sole discretion of Williamsburg County. It is further agreed that entry by Florence County into any one or more Negotiated FILOT Agreements with respect to property located within the Florence County portion of the Park and the terms of such agreements shall be at the sole discretion of Florence County.

9. Assessed Valuation. For the purpose of calculating the bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code of Laws of South Carolina, 1976, as amended, allocation of the assessed value of property within the Park to Williamsburg County and Florence County and to each of the taxing entities within the participating counties shall be identical to the allocation of revenue received and retained by each of the counties and by each of the taxing entities within the participating counties, pursuant to Paragraphs 6 and 7 of this Agreement.

10. Severability. To the extent, and only to the extent, that any provision or any part of a provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Agreement.

11. South Carolina Law Controlling. This Agreement has been entered into in the State of South Carolina and shall be governed by and construed in accordance with South Carolina law.

12. Counterpart Execution. This Agreement may be executed in multiple counterparts.

13. Termination. Notwithstanding any provision of this Agreement to the contrary, Williamsburg County and Florence County agree that this Agreement may be terminated only

upon approval of an ordinance to that effect by the governing body of each county. Notwithstanding the foregoing, this Agreement may not be terminated to the extent that either Williamsburg County or Florence County has outstanding contractual commitments to any owner or lessee of property located in the Park requiring designation of such property as part of a multi-county industrial or business park pursuant to Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), unless such County shall first (i) obtain the written consent of such owner or lessee or (ii) designate such parcel as part of another multi-county industrial or business park pursuant to the Act effective immediately upon termination of this Agreement.

IT IS HEREBY AGREED.

FLORENCE COUNTY, SOUTH CAROLINA

Signature: \_\_\_\_\_  
Name: K.G. Rusty Smith, Jr., Chairman

ATTEST:

Signature: \_\_\_\_\_  
Name: Connie Y. Haselden, Council Clerk

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

WILLIAMSBURG COUNTY, SOUTH  
CAROLINA

Signature: \_\_\_\_\_  
Name: Stanley S. Pasley, Supervisor/Chairman

ATTEST:

Signature: \_\_\_\_\_  
Name: Tammi McClary, Council Clerk

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

**EXHIBIT A**

**FLORENCE COUNTY PROPERTY**

**W. LEE FLOWERS PROPERTY**

TMS 00193-31-007 (real)

TMS 00193-31-009 (real)

TMS 00193-31-016 (real)

TMS 05968-13-000 (personal)

DRAFT

**EXHIBIT B**

**WILLIAMSBURG COUNTY PARCELS**

None as of \_\_\_\_\_, 2012

DRAFT

**FLORENCE COUNTY COUNCIL MEETING**  
**Thursday, July 19, 2012**

**AGENDA ITEM:** Ordinance No. 27-2011/12  
Second Reading Deferral

**DEPARTMENT:** Planning and Building Inspections / *MSJ*

**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Zone Properties Located On Pisgah Road, Enterprise Drive, Florence Park Drive, Mechanicsville Road, Prosperity Way, Range Way, Success Way And Cecil Road, Florence, SC, As Shown On Florence County Tax Map No. 00120, Block 01, Parcels 001-003, 022, 025, 034, 039-040, 052, 058-059, 061-063, 065, 073, 075, 077-082, 085-086, 088-090, 092-093; Florence County Tax Map No. 00145, Block 01, Parcels 076-077, 085-089, 093, 095, 100, 103-104; Consisting Of 773.14 Acres To B-6, Industrial District, Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto.]

**POINTS TO CONSIDER:**

**OPTIONS:**

1. Defer Second Reading until the August 17, 2012 Meeting.
2. Provide an Alternative Directive.

**ATTACHMENTS:**

1. Ordinance No. 27-2011/12 (title only)
2. Location Map

Sponsor(s) : Planning Commission  
 Planning Commission Consideration :  
 Planning Commission Public Hearing :  
 Planning Commission Action :  
 First Reading/Introduction : May 3, 2012  
 Committee Referral : N/A  
 County Council Public Hearing :  
 Second Reading :  
 Third Reading :  
 Effective Date : Immediately

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

## ORDINANCE NO. 27-2011/12

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**[An Ordinance To Zone Properties Located On Pisgah Road, Enterprise Drive, Florence Park Drive, Mechanicsville Road, Prosperity Way, Range Way, Success Way And Cecil Road, Florence, SC, As Shown On Florence County Tax Map No. 00120, Block 01, Parcels 001-003, 022, 025, 034, 039-040, 052, 058-059, 061-063, 065, 073, 075, 077-082, 085-086, 088-090, 092-093; Florence County Tax Map No. 00145, Block 01, Parcels 076-077, 085-089, 093, 095, 100, 103-104; Consisting Of 773.14 Acres To B-6, Industrial District, Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto.]**



# FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Second Reading - Ordinance No. 31-2011/12 - Deferral

**DEPARTMENT:** Economic Development

## **ISSUE UNDER CONSIDERATION:**

Council Is Requested To Defer Second Reading of Ordinance No. 31-2011/12: An Ordinance Authorizing The Execution And Delivery Of A Fee In Lieu Of Taxes Agreement By And Between Florence County, South Carolina And Project Wood And Other Matters Related Thereto.

## **OPTIONS:**

1. ***(Recommended)*** Defer Second Reading of Ordinance No. 31-2011/12.
2. Provide An Alternate Directive.

## **ATTACHMENT:**

Ordinance No. 31-2011/12 Title.

Sponsor(s) : Economic Development  
First Reading/Introduction : May 17, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Reconsideration : N/A  
Second Reading :  
Public Hearing :  
Third Reading :  
Effective Date : Immediately

I, \_\_\_\_\_,  
Council Clerk, certify that this  
Ordinance was advertised for  
Public Hearing on \_\_\_\_\_, 2012.

## **ORDINANCE NO. 31-2011/12**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**(An Ordinance Authorizing The Execution And Delivery Of Fee In Lieu Of Taxes Agreement  
By And Between Florence County, South Carolina And Project Wood, And Other Matters  
Related Thereto.)**

DRAFT

**FLORENCE COUNTY COUNCIL MEETING**  
**Thursday, July 19, 2012**

**AGENDA ITEM:** Ordinance No. 32-2011/12  
Second Reading Deferral

**DEPARTMENT:** Planning and Building Inspections



**ISSUE UNDER CONSIDERATION:**

[An Ordinance To Zone Properties Inclusive Of All Unzoned Properties In Council District Three East of I-95 To R-3A; Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto.]

**POINTS TO CONSIDER:**

**OPTIONS:**

1. Defer Second Reading until the August 16<sup>th</sup> Council Meeting.
2. Provide an Alternative Directive.

**ATTACHMENTS:**

1. Ordinance No. 32-2011/12 (title only)
2. Location Maps-Attachment "A"

Sponsor(s)	:	Planning Commission
Planning Commission Consideration	:	
Planning Commission Public Hearing	:	
Planning Commission Action	:	
First Reading/Introduction	:	June 21, 2012
Committee Referral	:	N/A
County Council Public Hearing	:	
Second Reading	:	
Third Reading	:	
Effective Date	:	Immediately

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

# **ORDINANCE NO. 32-2011/12**

## **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY**

**[An Ordinance To Zone Properties Inclusive Of All Unzoned Properties In Council District Three East of I-95 To R-3A; Consistent With The Land Use Element And Map Of The Florence County Comprehensive Plan; And Other Matters Related Thereto.]**

DRAFT

# Florence County Council District 3



## Legend

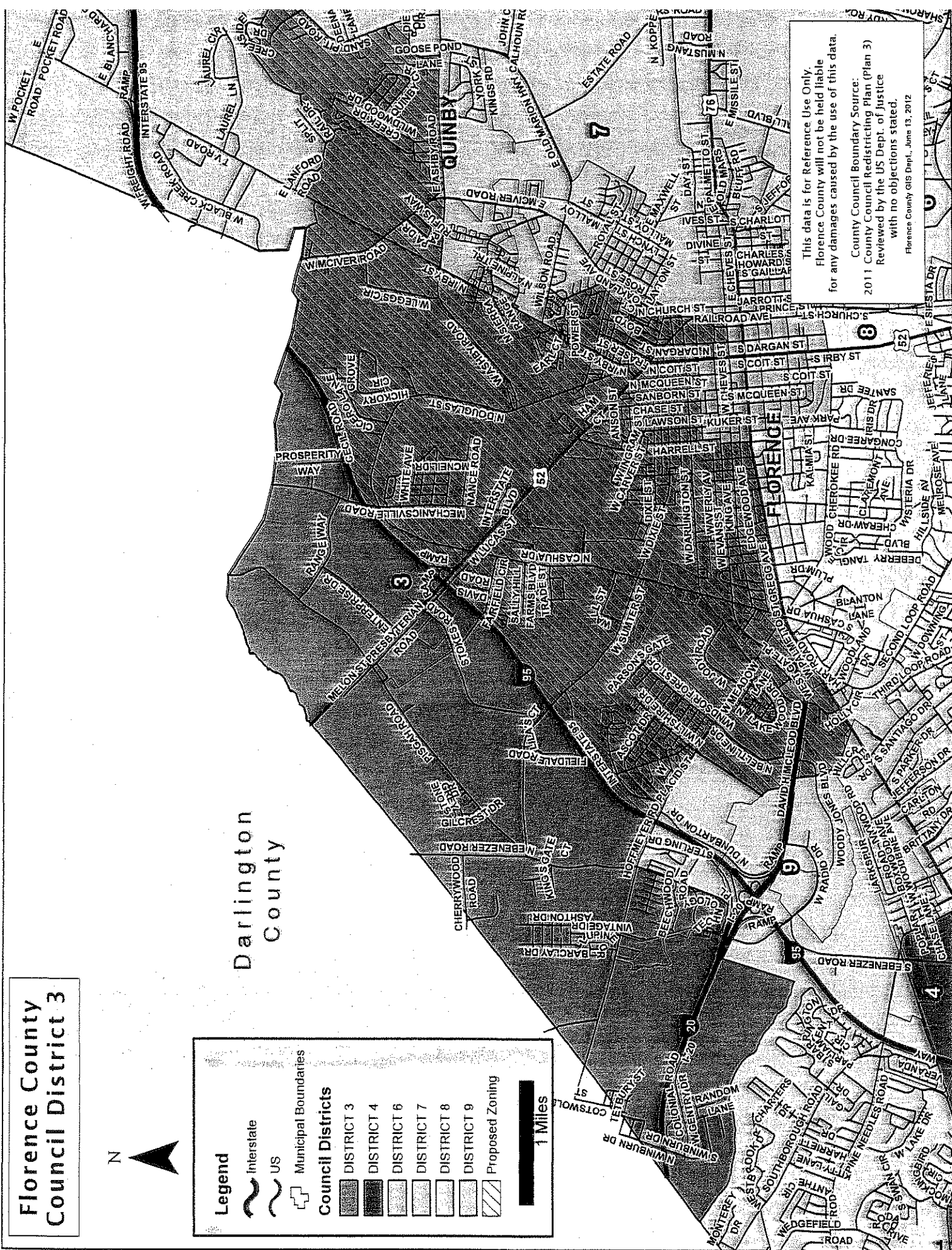
- Interstate
- US
- Municipal Boundaries
- Council Districts**
  - DISTRICT 3
  - DISTRICT 4
  - DISTRICT 6
  - DISTRICT 7
  - DISTRICT 8
  - DISTRICT 9
- Proposed Zoning

1 Miles

Darlington  
County

This data is for Reference Use Only.  
Florence County will not be held liable  
for any damages caused by the use of this data.

County Council Boundary Source:  
2011 County Council Redistricting Plan (Plan 3)  
Reviewed by the US Dept. of Justice  
with no objections stated.  
Florence County GIS Dept. June 13, 2012



# **FLORENCE COUNTY COUNCIL MEETING**

July 19, 2012

**AGENDA ITEM:** Second Reading - Ordinance No. 33-2011/12

**DEPARTMENT:** County Council

## **ISSUE UNDER CONSIDERATION:**

An Ordinance To Provide For A Barricade Of Salem Road At Or Near Its Intersection With The Darlington County, South Carolina Boundary Line With Florence County, South Carolina And To Further Provide For The Appropriate Signage And Structure(s) To Be Installed; And Other Matters Related Thereto.

## **OPTIONS:**

1. *(Recommended)* Approve Second Reading of Ordinance No. 33-2011/12.
2. Provide an alternate directive.

## **ATTACHMENTS:**

1. Ordinance No. 33-2011/12.
2. Request from property owners to close thru traffic on Salem Road dated April 10, 2012.
3. Aerial map depicting subject road.

• Sponsor(s) : County Council  
First Reading/Introduction : June 21, 2012  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Public Hearing : July 19, 2012  
Second Reading : July 19, 2012  
Third Reading :  
Effective Date : Immediately

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

## ORDINANCE NO. 33-2011/12

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**(An Ordinance To Provide For a Barricade Of Salem Road At Or Near Its Intersection With The Darlington County, South Carolina Boundary Line With Florence County, South Carolina And To Further Provide For The Appropriate Signage And Structure(s) To Be Installed; And Other Matters Related Thereto.)**

#### WHEREAS:

1. S.C. Code Ann. §57-17-10 et. seq. provides for the repair, supervision and maintenance of County roads; and
2. For the safety, welfare and convenience of the public, the County of Florence has been asked to erect a Dead End sign and barricade on Salem Road near its Intersection with the Darlington County, South Carolina line, at latitude Thirty-Four (34°) Degrees, eight (8) minutes thirty-three and 979/1000 (33.979") seconds N. and longitude Seventy-Nine (79°) Degrees, Fifty-Eight (58) minutes and Fifty and 369/1000 (50.369") seconds W.; and
3. Passage of this Ordinance will fulfill the goals to effectively provide for the safety and welfare of the citizens of Florence County.

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

1. The Dead End sign and barricade with appropriate warning signs in advance be erected on Salem Road near its boundary with the Darlington County, South Carolina line at latitude Thirty-Four (34°) Degrees, eight (8) minutes thirty-three and 979/1000 (33.979") seconds N. and longitude Seventy-Nine (79°) Degrees, Fifty-Eight (58) minutes and Fifty and 369/1000 (50.369") seconds W.
2. All provisions in other County Ordinances or Resolutions 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:

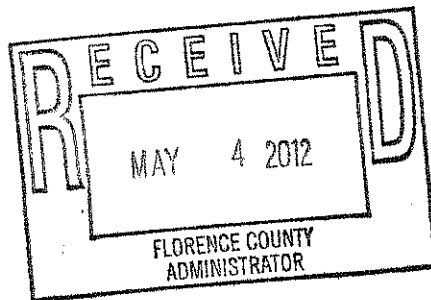
OPPOSED:

ABSENT:

DATE: April 10, 2012

TO: Florence County Council

FROM: Property Owners Salem Road, Timmonsville, SC

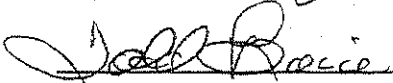


The undersigned, property owners and Salem United Methodist Church Administrative Council, on Salem Road, request that the Salem Road be closed at the Salem United Methodist Church end and closed to thru traffic at the Ham Road end due to the following reasons:

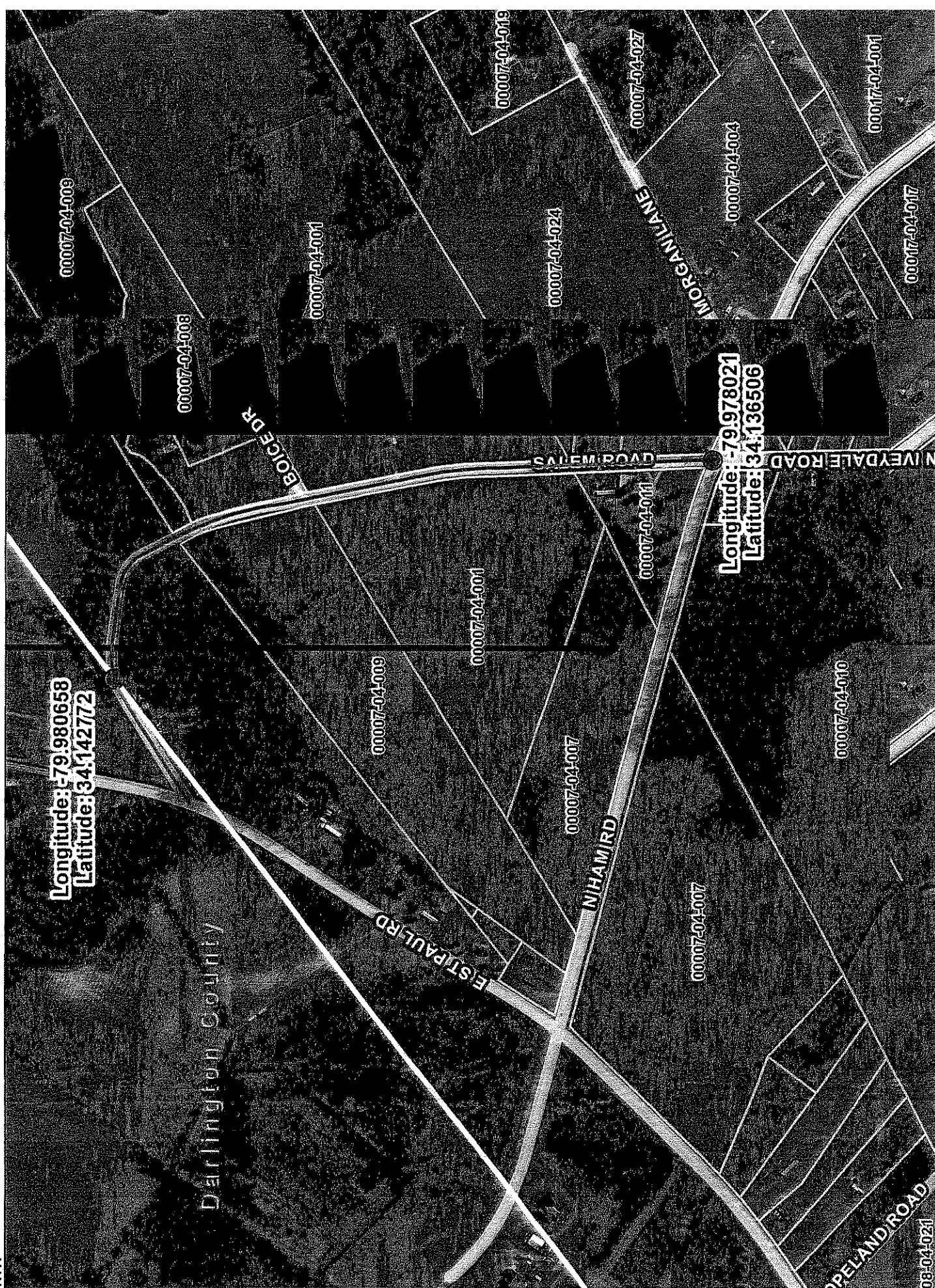
- **Number one reason is security:**
  - People park in road to drink and play loud music.
  - Things stolen from several properties on the road. Heat pumps stolen from Salem Methodist Church many times.
  - People parking in road and family members have to stop in road or backup when it could be a safety issue to wait for stopped car to move (even had to stop & back up many times for people who have stopped in the secluded section of the road to urinate).
  - Trash thrown out (at least enough to fill a bag every couple of weeks, sometimes whole garbage bags are thrown out). There have been washers, refrigerators, other appliances and even roofing shingles and related building trash.
  - Live animals dropped out when people want to get rid of them
  - Bag of dead cats (had to call Animal Control to pick up bag)
- **Number two reason is there is absolutely no necessity for anyone to use this road other than the property owners who live there and for normal mail, utilities and other delivery who can access Salem Road from Ham Road.**
- **We also request that Florence County put up signs:**
  - 1) **At the Salem United Methodist Church end indicating "road closed" with barricade with safety reflectors until community gets acclimated to closure. Property owners will eventually put up a gate to replace the county barricade/reflectors.**
  - 2) **At the Ham Road end "no thru traffic and dead end".**
- **We also request that the fire hydrant cutoff be repaired by Florence County that was broken by the Florence County road plow when he plowed too wide shearing off the cut off to fire hydrant.**
- **We also request that Salem Road be paved or surfaced from Ham Road to just past the Boice Drive road. (Number of residents on Salem Rd. are 15.)**

  
Don Boice, property owner

  
Ray Stalvey, property owner

  
Todd Boice, property owner

  
Ray Watford, Chairman of Salem United Methodist Church Administrative Council



## FLORENCE COUNTY COUNCIL MEETING

Thursday, July 19, 2012

**AGENDA ITEM:** Ordinance No. 02-2012/13  
Introduction

**DEPARTMENT:** Planning and Building Inspections

113

### **ISSUE UNDER CONSIDERATION:**

[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations; Section 30-202, Signs on Private Property; Table VII, Regulations Of Signs By Type, Characteristics And Zoning Districts, And Section 30-207, Development Standards; And Other Matters Related Thereto.] *(Planning Commission approved 7-0; All Council Districts)*

### **POINTS TO CONSIDER:**

1. Florence County Code defines an off-premise sign as a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
2. Planning staff has been made aware of a more advanced type of off-premise sign other than the paste billboards and other type outdoor messaging centers regulated by Florence County.
3. These particular types of billboards and messaging centers are electronic and/or of digital display in nature.
4. Planning staff seeks to provide the most accurate and efficient information to guide enhanced development.

### **OPTIONS:**

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

### **ATTACHMENTS:**

1. Ordinance No. 02-2012/13 w/ Markup
2. Staff report for PC#2012-04

Sponsor(s)	:	Planning Commission	I, _____
Planning Commission Consideration	:	June 26, 2012	Council Clerk, certify that
Planning Commission Public Hearing	:	June 26, 2012	this Ordinance was
Planning Commission Action	:	June 26, 2012 [Approved: 7-0]	advertised for Public Hearing
First Reading/Introduction	:	July 19, 2012	on _____
Committee Referral	:	N/A	
County Council Public Hearing	:	N/A	
Second Reading	:	August 16, 2012	
Third Reading	:	September 20, 2012	
Effective Date	:	Immediately	

## ORDINANCE NO. 02-2012/13

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Article V, Sign Regulations; Section 30-202, Signs on Private Property; Table VII, Regulations Of Signs By Type, Characteristics And Zoning Districts, And Section 30-207, Development Standards; And Other Matters Related Thereto.]**

#### **WHEREAS:**

1. Florence County has received inquiries concerning the use of a newer and more viable means of off- premise signage; and
2. Staff has been working with the sign industry for regulatory direction of digital display billboards; and
3. The current regulations for billboards do not address digital display billboards specifically; and
4. Planning staff seeks to provide the most accurate and efficient information to guide enhanced development.

#### **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 30-202, Signs on Private Property; Table VII, Regulations of Signs by Type, Characteristics and Zoning Districts, and Section 30-207, Development Standards are hereby amended to read as follows:

##### **Sec. 30-202. - Signs on private property.**

Signs shall be allowed on private property in accord with Table VII. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "A" in Table VII shall be allowed only if in compliance with the conditional requirements of Table VIII.

Table VII Regulation of Signs By Type, Characteristics, and Zoning Districts

Sign Type	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS(3)	UZ(5)
<b>Permanent</b>										
Freestanding										
Billboards(4)(8)	N	N	N	P	N	P	P	N	N	P
Other	P(1)	P(1)	P	P	P	P	P	P(1)	P	P
Directional(6)	N	A	A	A	A	A	A	A	A	P
Building										
Canopy	N	P	P	P	P	P	P	P	N	P
Identification	A	A	A	A	A	A	A	A	A	A
Directional(6)	N	A	A	A	A	A	A	A	A	A
Marquee	N	N	P	P	P	P	P	N	N	P
Projecting	N	N	P	P	P	P	P	N	N	P
Roof	N	N	P	P	P	P	P	N	N	P
Roof, integral	N	N	P	P	P	P	P	N	N	P
Wall	N	P	P	P	P	P	P	P	N	P
Window	N	A	A	A	A	A	A	A	A	A
<b>Temporary(2)</b>										
A-frame	N	N	A	A	A	A	A	N	N	A
Banner	N	N	P	P	P	P	P	N	N	A
Posters	A	A	A	A	A	A	A	A	A	A
Portable(7)	N	N	N	P	N	N	P	P	N	A
Inflatable	N	N	P	P	N	N	P	N	N	A
Pennant	N	N	P	P	N	P	P	N	N	A
Identification	A	A	A	A	A	A	A	A	A	A
Real estate	A	A	A	A	A	A	A	A	A	A
Political	A	A	A	A	A	A	A	A	A	A
<b>Sign characteristics</b>										
Animated	N	N	P	P	P	P	P	N	N	P
Changeable copy	N	A	A	A	A	A	A	A	A	A
Illumination indirect	A	A	A	A	A	A	A	A	A	A
Illumination internal	A	A	A	A	A	A	A	A	A	A
Illumination, exposed bulbs or neon	N	N	N	N	N	N	N	N	N	N

Color, fluorescent (7)	N	N	N	N	N	N	N	N	N	N
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1. Signs identifying or announcing land subdivisions, residential projects, or agricultural operations, where permitted.
  2. See section 30-205
  3. This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.
  4. Where permitted by Table VII, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW as defined by Table VIII and U.S. designated highways.
  5. Unzoned area of county.
  6. Though allowed w/o prior permitting, must meet the conditional requirements of Table VIII. Directional signs are allowed for conforming, nonresidential uses in residential zones.
  7. Color, fluorescent—Allowed only on portable signs where permitted.
  8. **Digital display billboards—See Sec. 30-207 for development standards.**
- NA — Regulation not applicable in unzoned area of county.**

#### Sec. 30-207. - Development standards.

- (a) *Visual area clearance.* No sign shall be located within a vision clearance area as defined in section 30-245
- (b) *Vehicle area clearance.* When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas. (See area clearance illustration, 4)
- (c) *Pedestrian area clearance.* When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the ground. (See area clearance illustration, 4)
- (d) *Sign materials; code compliance.* Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the building code and National Electrical Code, and consist of durable all-weather materials.  
Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Permits for painted signs will only be issued to companies who are engaged as sign painters.
- (e) *Billboard design.* Stacked or double-decked sign faces or side by side sign faces shall not be permitted. Structures permitted after the effective date of this chapter, with a 32 square foot or more sign face, shall be designed and constructed with a single steel pole structural support design, meeting the southeastern building code, including a 110-mile per hour wind load.

#### (f) Digital and Electronic Changing Message Off-Premise Signs

Digital and Electronic Changing Message Signs are permitted off-site signs, including pre-existing, non-conforming off-site signs and may be digital signs or electronic changing message signs subject to the following provisions:

1. All messages, images or displays on a digital sign or electronically changing message sign shall remain unchanged for a minimum of six (6) seconds.
2. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one (1) second.
3. There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with a part of a second message, image or display.
4. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement or flow of the message, image or display within the sign.

5. The intensity and contrast of light levels shall remain constant throughout the sign face.
6. Each digital sign or electronically changing message sign shall be equipped with automatic day/night dimming software, to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise.
7. The conversion of a preexisting nonconforming off-site sign to a digital sign or electronically changing message sign, including structural improvements related thereto, is permitted and shall not be considered as a removal, replacement, change, expansion, or restoration of a nonconformity. Any necessary modifications to a preexisting nonconforming off-site sign to a digital sign or electronically changing message sign, including reconstruction of the structure or structural alterations, shall be allowed, as long as all dimensions of the sign display shall stay the same as the current dimensions of the sign display.
8. Any digital display installation on existing sign structures as of the date of the adoption of this sign ordinance amendment shall be a minimum of 650' from any other digital display facing the same direction.
9. The following are the criteria for lighting standards for display signs or electronically changing message signs:
  - a. Lighting levels will not increase by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance.
  - b. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each sign size. Measurement distance criteria follow:
    - i. Displays of 300 square feet or less 150'
    - ii. Displays of 378 square feet or less 200'
    - iii. Displays of 672 square feet or less 250'
  - c. Each digital display or electronically changing message sign shall include a light-sensing device that will adjust the brightness as ambient light conditions change.

(g) ~~(f)~~ Sign illumination. Illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

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  
Tuesday, May 22, 2012  
PC#2012-04  
ORDINANCE NO. 02-2012/13**

**SUBJECT:** Text amendment request for Chapter 30 – Zoning Ordinance, Article V. – Sign Regulations for off-premise signage (billboards) of the Florence County Code.

**APPLICANT:** Florence County Planning Department

**STAFF ANALYSIS:**

Chapter 30 – Zoning Ordinance, Article V. – Sign Regulations for off-premise signage (billboards) of the Florence County Code defines an off-premise sign as a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Recent inquiries concerning the use of a more advanced type of off-premise sign that is beyond this scope of the paste billboards and other type outdoor messaging centers regulated by the Florence County Code have been brought to the attention of Planning staff. These particular types of billboards and messaging centers are electronic and/or of digital display in nature.

As the sign industry receives requests for newer and more viable means of advertisement from the business industry, it looks to local government for regulatory direction. Planning staff seeks to provide the most accurate and efficient information to guide enhanced development.

The current Zoning Ordinance establishes regulations for off-premise signage but the current regulations do not address the specific design standards under which the newer billboards would fall.

If approved, a text amendment to Sections 30-202. – Signs on Private Property, Table VII.- Regulation of Signs by Type, Characteristics, and Zoning Districts and Section 30-207. – Development Standards of Chapter 30-Zoning Ordinance of the Florence County Code off-premise signage (billboards) to allow digital display billboards shall read as follows(new text shall be shown in bold and underlined and deleted text shall be shown with strikethrough):

**Sec. 30-202. - Signs on private property.**

Signs shall be allowed on private property in accord with Table VII. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "A" in Table VII shall be allowed only if in compliance with the conditional requirements of Table VIII.

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<b>Permanent</b>										
Freestanding										
Billboards(4)(8)	N	N	N	P	N	P	P	N	N	P
Other	P(1)	P(1)	P	P	P	P	P	P(1)	P	P
Directional(6)	N	A	A	A	A	A	A	A	A	P
Building										
Canopy	N	P	P	P	P	P	P	P	N	P
Identification	A	A	A	A	A	A	A	A	A	A
Directional(6)	N	A	A	A	A	A	A	A	A	A
Marquee	N	N	P	P	P	P	P	N	N	P
Projecting	N	N	P	P	P	P	P	N	N	P
Roof	N	N	P	P	P	P	P	N	N	P
Roof, integral	N	N	P	P	P	P	P	N	N	P
Wall	N	P	P	P	P	P	P	P	N	P
Window	N	A	A	A	A	A	A	A	A	A
<b>Temporary(2)</b>										
A-frame	N	N	A	A	A	A	A	N	N	A
Banner	N	N	P	P	P	P	P	N	N	A
Posters	A	A	A	A	A	A	A	A	A	A
Portable(7)	N	N	N	P	N	N	P	P	N	A
Inflatable	N	N	P	P	N	N	P	N	N	A
Pennant	N	N	P	P	N	P	P	N	N	A
Identification	A	A	A	A	A	A	A	A	A	A
Real estate	A	A	A	A	A	A	A	A	A	A
Political	A	A	A	A	A	A	A	A	A	A
<b>Sign characteristics</b>										
Animated	N	N	P	P	P	P	P	N	N	P
Changeable copy	N	A	A	A	A	A	A	A	A	A
Illumination indirect	A	A	A	A	A	A	A	A	A	A
Illumination internal	A	A	A	A	A	A	A	A	A	A

Illumination, exposed bulbs or neon	N	N	N	N	N	N	N	N	N	N
Color, fluorescent (7)	N	N	N	N	N	N	N	N	N	N

1. Signs identifying or announcing land subdivisions, residential projects, or agricultural operations, where permitted.
  2. See section 30-205
  3. This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.
  4. Where permitted by Table VII, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW as defined by Table VIII and U.S. designated highways.
  5. Unzoned area of county.
  6. Though allowed w/o prior permitting, must meet the conditional requirements of Table VIII. Directional signs are allowed for conforming, nonresidential uses in residential zones.
  7. Color, fluorescent—Allowed only on portable signs where permitted.
  8. Digital display billboards—See Sec. 30-207 for development standards.
- ~~NA— Regulation not applicable in unzoned area of county.~~

#### Sec. 30-207. - Development standards.

- (a) *Visual area clearance.* No sign shall be located within a vision clearance area as defined in section 30-245
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- (c) *Pedestrian area clearance.* When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the ground. (See area clearance illustration, 4)
- (d) *Sign materials; code compliance.* Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the building code and National Electrical Code, and consist of durable all-weather materials.

Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Permits for painted signs will only be issued to companies who are engaged as sign painters.

- (e) *Billboard design.* Stacked or double-decked sign faces or side by side sign faces shall not be permitted. Structures permitted after the effective date of this chapter, with a 32 square foot or more sign face, shall be designed and constructed with a single steel pole structural support design, meeting the southeastern building code, including a 110-mile per hour wind load.

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  - b. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be a maximum of one (1) second.
  - c. There shall be no appearance of a visual dissolve or fading, in which any part of one message, image or display appears simultaneously with a part of a second message, image or display.

- d. There shall be no appearance of flashing or sudden bursts of light, and no appearance of video motion, animation, movement or flow of the message, image or display within the sign.
- e. The intensity and contrast of light levels shall remain constant throughout the sign face.
- f. Each digital sign or electronically changing message sign shall be equipped with automatic day/night dimming software, to reduce the illumination intensity of the sign from one hour after sunset to one hour prior to sunrise.
- g. The conversion of a preexisting nonconforming off-site sign to a digital sign or electronically changing message sign, including structural improvements related thereto, is permitted and shall not be considered as a removal, replacement, change, expansion, or restoration of a nonconformity. Any necessary modifications to a preexisting nonconforming off-site sign to a digital sign or electronically changing message sign, including reconstruction of the structure or structural alterations, shall be allowed, as long as all dimensions of the sign display shall stay the same as the current dimensions of the sign display.
- h. Any digital display installation on existing sign structures as of the date of the adoption of this sign ordinance amendment shall be a minimum of 650' from any other digital display facing the same direction.
- i. The following are the criteria for lighting standards for display signs or electronically changing messages signs:
  - a. Lighting levels will not increase by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance.
  - b. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each sign size. Measurement distance criteria follow:
    - i. Displays of 300 square feet or less 150'
    - ii. Displays of 378 square feet or less 200'
    - iii. Displays of 672 square feet or less 250'
  - c. Each digital display or electronically changing message sign shall include a light-sensing device that will adjust the brightness as ambient light conditions change.

(g) ~~(f)~~ Sign illumination. Illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

#### **FLORENCE COUNTY PLANNING COMMISSION ACTION-FEBRUARY 28, 2012:**

The six Planning Commission members present at the meeting held on February 28, 2012, voted unanimously to have staff conduct research from other jurisdictions on the subject and directed staff to bring the information back before the Planning Commission as an agenda item at the next regularly scheduled meeting.

#### **FLORENCE COUNTY PLANNING COMMISSION ACTION-APRIL 24, 2012:**

The six Planning Commission members present voted unanimously to accept staff's presentation and for staff to move forward with a text amendment to bring back before the Planning Commission as a Public Hearing at the meeting held on April 24, 2012.

#### **FLORENCE COUNTY PLANNING COMMISSION ACTION-MAY 22, 2012:**

The May 22, 2012 meeting of the Planning Commission was cancelled due to the lack of a quorum. There were only four members present. The item will be rescheduled to appear on the agenda for the Planning Commission meeting to be held June 26, 2012.

**FLORENCE COUNTY PLANNING COMMISSION ACTION-JUNE 26, 2012:**

The seven Planning Commission members present approved the text amendment request unanimously at the meeting held on June 26, 2012.


**FLORENCE COUNTY PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommends approval of the text amendment request to Florence County Council.

## FLORENCE COUNTY COUNCIL MEETING

Thursday, July 19, 2012

**AGENDA ITEM:** Ordinance No. 03-2012/13  
Introduction

**DEPARTMENT:** Planning and Building Inspections / 

### **ISSUE UNDER CONSIDERATION:**

[An Ordinance To Amend The Florence County Comprehensive Plan Land Use Map For Properties In Florence County Located In The City Of Johnsonville On S. Georgetown Highway, More Specifically Shown On Tax Map Numbers 00433-05-002, 00433-05-003, 00433-05-004, 00433-05-176, 50007-04-011 And 50007-06-001 From Transitional Growth And Preservation To Public Facility And On Jasmine Street, More Specifically Shown On Tax Map Number 00440-05-093 From Rural Preservation To Suburban Development; And Other Matters Related Thereto.] (*Planning Commission approved 7-0; Council District 2*)

### **POINTS TO CONSIDER:**

1. The subject properties' designations as established by the Land Use Map of the Florence County Comprehensive Plan are Transitional Growth and Preservation and/or Rural Preservation.
2. The applicant is proposing to change the designation to Public Facility and/or Suburban Development to recognize substantial change and changing conditions or circumstances in a particular locality.
3. Therefore, a change to the Comprehensive Plan Map Land Use Designation for these properties is hereby recommended.

### **OPTIONS:**

1. (*Recommended*) Approve as Presented.
2. Provide an Alternate Directive.

### **ATTACHMENTS:**

1. Ordinance No. 03-2012/13
2. Resolution for PC#2012-05
3. Staff report for PC#2012-05
4. Aerial photograph
5. Comprehensive Land Use Plan Map

Sponsor(s) : Planning Commission  
 Planning Commission Consideration : June 26, 2012  
 Planning Commission Public Hearing : June 26, 2012  
 Planning Commission Action : June 26, 2012 [Approved: 7-0]  
 First Reading/Introduction : July 19, 2012  
 Committee Referral : N/A  
 County Council Public Hearing :  
 Second Reading :  
 Third Reading :  
 Effective Date : Immediately

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

## ORDINANCE NO. 03-2012/13

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**[An Ordinance To Amend The Florence County Comprehensive Plan Land Use Map For Properties In Florence County Located In The City Of Johnsonville On S. Georgetown Highway, More Specifically Shown On Tax Map Numbers 00433-05-002, 00433-05-003, 00433-05-004, 00433-05-176, 50007-04-011 And 50007-06-001 From Transitional Growth And Preservation To Public Facility And On Jasmine Street, More Specifically Shown On Tax Map Number 00440-05-093 From Rural Preservation To Suburban Development; 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 June 26, 2012.

#### 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 properties in Florence County located in the City of Johnsonville on S. Georgetown Highway, more specifically shown on Tax Map Numbers 00433-05-002, 00433-05-003, 00433-05-004, 00433-05-176, 50007-04-011 and 50007-06-001 from Transitional Growth and Preservation to Public Facility and on Jasmine Street, more specifically shown on Tax Map Number 00440-05-093 from Rural Preservation to Suburban Development. The seven parcels consist of approximately 6.23 acres.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

#### ATTEST:

\_\_\_\_\_  
 Connie Y. Haselden, Council Clerk

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

#### SIGNED:

\_\_\_\_\_  
 K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

**RESOLUTION FOR PC#2012-05**

**FLORENCE COUNTY/MUNICIPAL PLANNING COMMISSION**

**[A Resolution Recommending A Comprehensive Plan Map Amendment To Change The Land Use Map Designations For Properties In Florence County Located In The City Of Johnsonville On S. Georgetown Highway, More Specifically Shown On Tax Map Numbers 00433-05-002, 00433-05-003, 00433-05-004, 00433-05-176, 50007-04-011 And 50007-06-001 From Transitional Growth And Preservation To Public Facility And On Jasmine Street, More Specifically Shown On Tax Map Number 00440-05-093 From Rural Preservation To Suburban Development As Referenced On The Agenda Map.]**

**WHEREAS:**

1. The subject properties' designations as established by the Land Use Map of the Florence County Comprehensive Plan are Transitional Growth and Preservation and/or Rural Preservation.
2. The applicant is proposing to change the designations to Public Facility and/or Suburban Development to recognize substantial change and changing conditions or circumstances in a particular locality.
3. Therefore, a change to the Comprehensive Plan Map Land Use Designation for these properties is hereby recommended.

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

1. A Resolution is hereby adopted to recommend that the Florence County Council vote to amend the Florence County Comprehensive Plan Map Land Use Designation for Properties in Florence County Located in the City of Johnsonville on S. Georgetown Highway and Jasmine Street, measuring approximately 6.23 acres from Transitional Growth and Preservation to Public Facility and from Rural Preservation to Suburban Development as referenced on the agenda map.

ATTEST:

Angela C. Thomas  
Angela C. Thomas, Secretary II

SIGNED:

Jody B. Lane  
Jody B. Lane, Chairman

COMMISSION VOTE: 7-0

OPPOSED: None

ABSENT: T. Greene

V. Talbert

**STAFF REPORT  
TO THE  
FLORENCE COUNTY/MUNICIPAL PLANNING COMMISSION  
June 26, 2012  
PC#2012-05  
ORDINANCE NO. 03-2012/13**

**Subject:** Comprehensive Plan Map Amendment to change the Land Use Map designations for properties in Florence County located in the City of Johnsonville from Transitional Growth and Preservation to Public Facility and from Rural Preservation to Suburban Development.

**Locations:** 127, 137, 259, 269, 277 and 309 S. Georgetown Highway and 171 Jasmine Street

**Tax Map Numbers** 50007, Block 04, Parcel 011;  
50007, Block 06, Parcel 001;  
00433, Block 05, Parcel 002;  
00433, Block 05, Parcel 176;  
00433, Block 05, Parcel 003;  
00433, Block 05, Parcel 004;  
00440, Block 05, Parcel 093

**Council District(s):** 2; County Council

**Applicant:** Florence County Planning Commission for the City of Johnsonville

**Land Area:** 7 parcels, approximately 6.23 acres

**Staff Analysis:**

The properties are currently designated as Transitional Growth and Preservation and/or Rural Preservation according to the Comprehensive Plan Land Use map.

The applicant is proposing to change the designations to Public Facility and/or Suburban Development.

Staff's Justification/Reason for the proposed amendment is to recognize substantial change and changing conditions or circumstances in a particular locality.

**Comprehensive Land Use Plan Map Designation:**

The proposal is to change the designation to Public Facility and/or Suburban Development. Public Facility provides areas that local, state, or federal government maintains for public interest uses including, but not limited to, offices, recreation facilities, law enforcement and emergency response facilities, and schools. Suburban Development provides areas in suburban settings that are expected to have increasing community significance with opportunities for residential, commercial, and institutional uses that enhance the area as a whole.

**Florence County Planning Commission Action: June 26, 2012:**

The seven 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 Council based on Public Facility and Suburban Development land use designations would better coordinate with the existing land uses surrounding this area.

$\mathbb{Z}$ 

COUNTY COUNCIL DISTRICT(S): 2  
PC#2012-05

A vertical scale bar with tick marks at 0, 170, 340, and 680 Feet. The bar is oriented vertically with the 0 mark at the top and the 680 mark at the bottom.

$$Z \rightarrow$$

## FLORENCE COUNTY COUNCIL MEETING

Thursday, July 19, 2012

**AGENDA ITEM:** Ordinance No. 04-2012/13  
Introduction

**DEPARTMENT:** Planning and Building Inspections / *PS*

### **ISSUE UNDER CONSIDERATION:**

[An Ordinance To Rezone Properties Owned By Property Owners As Shown On Attachment "A" Located At 127, 137, 259, 269 And 309 South Georgetown Highway And 171 Jasmine Street, Johnsonville As Shown On Florence County Tax Map No. 00433, Block 05, Parcels 002-004, 176 And Florence County Tax Map No. 50007, Block 04, Parcel 011 And Block 06, Parcel 001; Florence County Tax Map No. 00440, Block 05, Parcel 093; Consisting Of Approx. 6.24 Acres From Unzoned And R-3, Single-Family Residential District To R-3A, Single-Family Residential District; And Other Matters Related Thereto.]  
(Planning Commission approved 7-0; Council District 2)

### **POINTS TO CONSIDER:**

1. The subject properties are currently occupied by single-family and manufactured home residential uses, educational support uses, and commercial uses.
2. The subject properties are currently zoned R-3, Single-Family Residential District and unzoned.
3. Surrounding land uses are a mixture of residential, commercial, and educational zoned R-3, B-2 and unzoned.
4. The Comprehensive Plan currently designates the subject properties as Transitional Growth and Preservation and/or Rural Preservation and the zoning amendment request does not comply.
5. The zoning designation of R-3A for the subject properties will comply with the Comprehensive Plan with approval of the land use amendment request to Public Facility and/or Suburban Development.

### **OPTIONS:**

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

### **ATTACHMENTS:**

1. Ordinance No. 04-2012/13
2. Staff report for PC#2012-06
3. Johnsonville Request Letter and Resolution
4. Location Map
5. Comprehensive Plan Land Use Map
6. Zoning Map
7. Aerial Map
8. Property Owners-Attachment "A" as Referenced

Sponsor(s)	: Planning Commission	I, _____
Planning Commission Consideration	: June 26, 2012	Council Clerk, certify that
Planning Commission Public Hearing	: June 26, 2012	this Ordinance was
Planning Commission Action	: June 26, 2012 [Approved: 7-0]	advertised for Public Hearing
First Reading/Introduction	: July 19, 2012	on _____
Committee Referral	: N/A	
County Council Public Hearing	: N/A	
Second Reading	: August 16, 2012	
Third Reading	: September 20, 2012	
Effective Date	: Immediately	

## ORDINANCE NO. 04-2012/13

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**[An Ordinance To Rezone Properties Owned By Property Owners As Shown On Attachment "A" Located At 127, 137, 259, 269 And 309 South Georgetown Highway And 171 Jasmine Street, Johnsonville As Shown On Florence County Tax Map No. 00433, Block 05, Parcels 002-004, 176 And Florence County Tax Map No. 50007, Block 04, Parcel 011 And Block 06, Parcel 001; Florence County Tax Map No. 00440, Block 05, Parcel 093; Consisting Of Approx. 6.24 Acres From Unzoned And R-3, Single-Family Residential District To R-3A, Single-Family Residential 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 in general; 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 June 26, 2012.

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

1. Properties located at 127, 137, 259, 269 and 309 South Georgetown Highway and 171 Jasmine Street, Johnsonville bearing Tax Map 00433, Block 05, Parcels 002-004, and 176; Tax Map 50007, Block 04, Parcel 011 and Block 06, Parcel 001; Tax Map 00440, Block 05, Parcel 093 are hereby rezoned to R-3A, Single-Family Residential District.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

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:

DRAFT

**STAFF REPORT  
TO THE  
FLORENCE COUNTY PLANNING COMMISSION  
Tuesday, May 22, 2012  
PC#2012-06  
ORDINANCE NO. 04-2012/13**

**SUBJECT:** Rezoning request from R-3, Single-Family Residential District and Unzoned to R-3A, Single-Family Residential District.

**LOCATION:** 127, 137, 259, 269, 277 and 309 S. Georgetown Highway and 171 Jasmine Street, Johnsonville

**TAX MAP NUMBER(S):** 00433, Block 05, Parcels 002, 003, 004, 176  
00440, Block 05, Parcel 093  
50007, Block 04, Parcel 011  
Block 06, Parcel 001

**COUNCIL DISTRICT(S):** 2; County Council

**OWNER(S) OF RECORD:** See Property Owners' Information Attached

**APPLICANT:** The City of Johnsonville's City Council o/b/o City of Johnsonville and Property Owners

**LAND AREA:** Approx. 6.24 acres

**WATER /SEWER AVAILABILITY:** Water and sewer services are provided by the City of Johnsonville.

**ADJACENT WATERWAYS/  
BODIES OF WATER:** None

**FLOOD ZONE:** N/A

**STAFF ANALYSIS:**

1. **Existing Land Use and Zoning:**

The subject properties are currently occupied by single-family and manufactured home residential uses, educational support uses, and commercial uses.

The subject properties are currently zoned R-3, Single-Family Residential District and a portion of the subject property located on Jasmine Street is unzoned.

2. Proposed Land Use and Zoning:

There have been no proposals submitted for the development of new land uses or the redevelopment in the existing land uses at this time.

The request is to zone the properties to an R-3A, Single-Family Residential Zoning District.

3. Surrounding Land Use and Zoning on S. Georgetown Hwy:

North: Residential and commercial/R-3/B-2/ City of Johnsonville  
South: Residential and commercial/R-3/B-2/City of Johnsonville  
West: Residential and educational /R-3/City of Johnsonville  
East: Across E. Georgetown Hwy, commercial and residential/B-2/City of Johnsonville

4. Surrounding Land Use and Zoning on Jasmine Street

North: Residential/B-2/Unz/Florence County  
South: Residential/R-3/City of Johnsonville  
West: Residential/R-3/City of Johnsonville  
East: Residential/Unz/Florence County

5. Transportation Access and Circulation:

Main access and circulation to the subject properties are by way of S. Georgetown Hwy., and Jasmine Street.

6. Traffic Review:

The rezoning of the subject properties will not have an effect on traffic flow for the area.

7. Florence County Comprehensive Plan:

Currently, the Land Use Element of the Comprehensive Plan designates the subject properties as Transitional Growth and Preservation and/or Rural Preservation.

The request for the zoning amendment to an R-3A does not presently comply with the Land Use Element's and Map's designation for the subject properties.

In order for the zoning amendment to be in compliance with the land Use Element and Map of the Comprehensive Plan, the applicant has submitted a land use amendment request for the properties in question to the designation of Public Facility and/or Suburban Development.

According to the Land Use Element of the Comprehensive Plan, the intent of the Public Facility and Suburban designations are as follows:

Public Facilities - Provide areas that local, state, or federal government maintained areas for public interest uses including, but not limited to water and sewer facilities, offices, recreation facilities, law enforcement, emergency response facilities and schools. (Zoning District Permitted: All Districts)

Suburban Development - Provide areas in suburban settings that are expected to have increasing community significance with opportunities for residential, commercial, and institutional uses that enhance the area as a whole. (Zoning Districts Permitted: R-2, R-3, R-4, B-1, B-2, RU-1, PD)

Approval of the land use amendment of the subject properties will bring the zoning amendment of the subject properties to an R-3A, Single-Family Residential District in compliance with the Florence County Comprehensive Plan.

8. Chapter 30-Zoning Ordinance:

The R-3A, Single-Family Residential District has all the same permitted and conditional uses, excluding manufactured homes and the same setback requirements as the R-3, Single-Family Residential District.

Additionally, the intent of the R-3, Single-Family Residential District is to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses.

**STAFF RECOMMENDATION:**

Staff recommends approval of the zoning amendment request based on the request being in compliance with the Land Use Map and Land Use Element of the Comprehensive Plan with the land use amendment request approval.

**FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, MAY 22, 2012:**

The May 22, 2012 meeting of the Planning Commission was cancelled due to the lack of a quorum. There were only four members present. The item will be rescheduled to appear on the agenda for the Planning Commission meeting to be held June 26, 2012.

**FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, JUNE 26, 2012:**

The seven Planning Commission members present approved the zoning amendment request unanimously based on the request being in compliance with the Comprehensive Land Use Plan and Map with approval of the land use map amendment request at the meeting held on June 26, 2012.

**FLORENCE COUNTY PLANNING COMMISSION RECOMMENDATION:**

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



**City of Johnsonville**  
Post Office Box 428  
JOHNSONVILLE, SOUTH CAROLINA 29555  
TELEPHONE (843) 386-2069  
FAX (843) 386-2626

February 13, 2012

Mr. Jay Graham  
Florence County Planning and Zoning  
518 S. Irby Street  
Florence, SC 29501

RR: City of Johnsonville re-zoning request

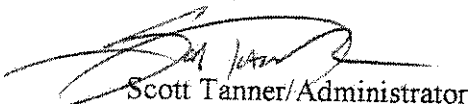
Dear Mr. Graham:

Please find the attached application requesting that current R-3 zoned properties within the City of Johnsonville be re-zoned to R-3A. This re-zoning will result in these properties being subject to the same restrictions they were under prior to July 1, 2008.

The manufactured home restriction was lifted due to a re-structuring of Florence County Planning and Zoning in 2008. In 2008, the R-3 restrictions were changed as they pertained to the City of Johnsonville, creating a loophole that permitted manufactured homes in these areas. The new, R-3A designation will once again eliminate manufactured homes (mobile homes and doublewides) in these districts.

Johnsonville City Council officially authorized the requested change in session on January 10<sup>th</sup>, 2012 (resolution attached). Thank you for your assistance with this request, and please let me know if I can offer additional support.

Sincerely,

  
Scott Tanner/Administrator  
City of Johnsonville

STATE OF SOUTH CAROLINA )  
COUNTY OF FLORENCE )  
CITY OF JOHNSONVILLE )

**RESOLUTION REQUESTING R-3 ZONING  
WITHIN THE CORPORATE LIMITS OF  
JOHNSONVILLE BE RE-ZONED R-3A**

WHEREAS, the City of Johnsonville wishes to maintain consistency in zoning regulations throughout the corporate limits of the City, and

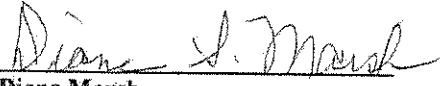
WHEREAS, prior to July 1, 2008 manufactured homes were not allowed within the corporate limits, and

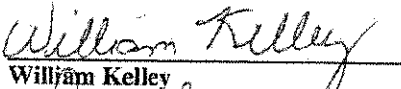
WHEREAS, the City wishes to protect property values in the residential zoned areas of the city limits, and

WHEREAS, it is the responsibility of City Council to improve and preserve the current areas of the City designated for residential use,

NOW THEREFORE, BE IT RESOLVED, that the governing body of the City of Johnsonville, Mayor and Council duly assembled, this 10<sup>th</sup> day of January, 2012, does hereby request Florence County to re-zone all R-3 designations in the City Limits to R-3A. This designation will result in these areas being under the same restrictions as they were prior to July 1, 2008.

Resolved and agreed upon this 10<sup>th</sup> day of January, 2012.

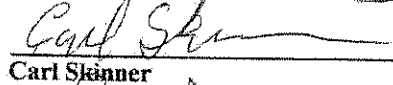
  
Diane Marsh

  
William Kelley

  
Dr. Dale Strickland

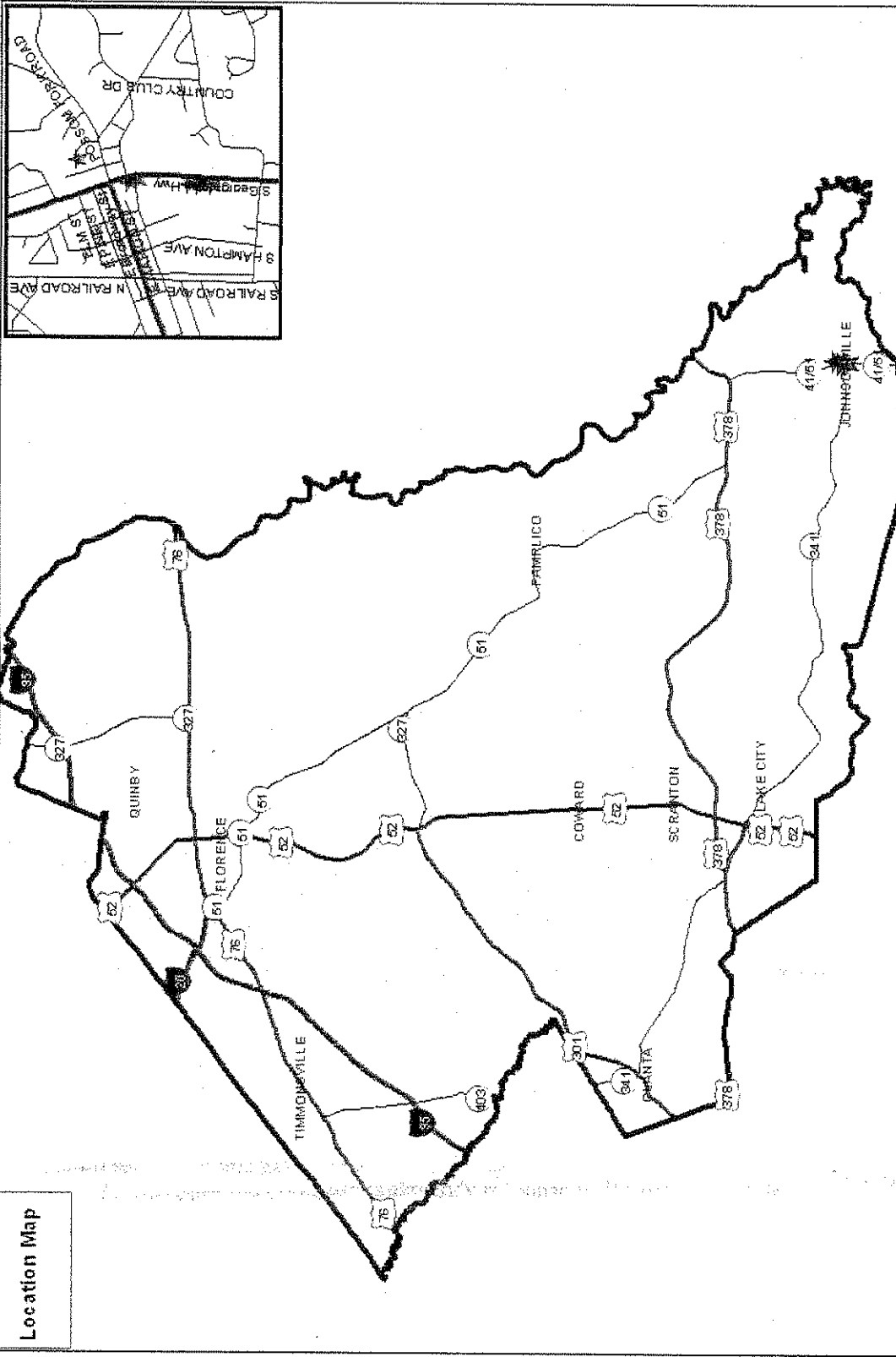
  
Cindy Powell/Clerk/Attest

  
Mayor Steve Dukos

  
Carl Skinner

  
Johnny Hannah

  
David Eaddy



Location Map

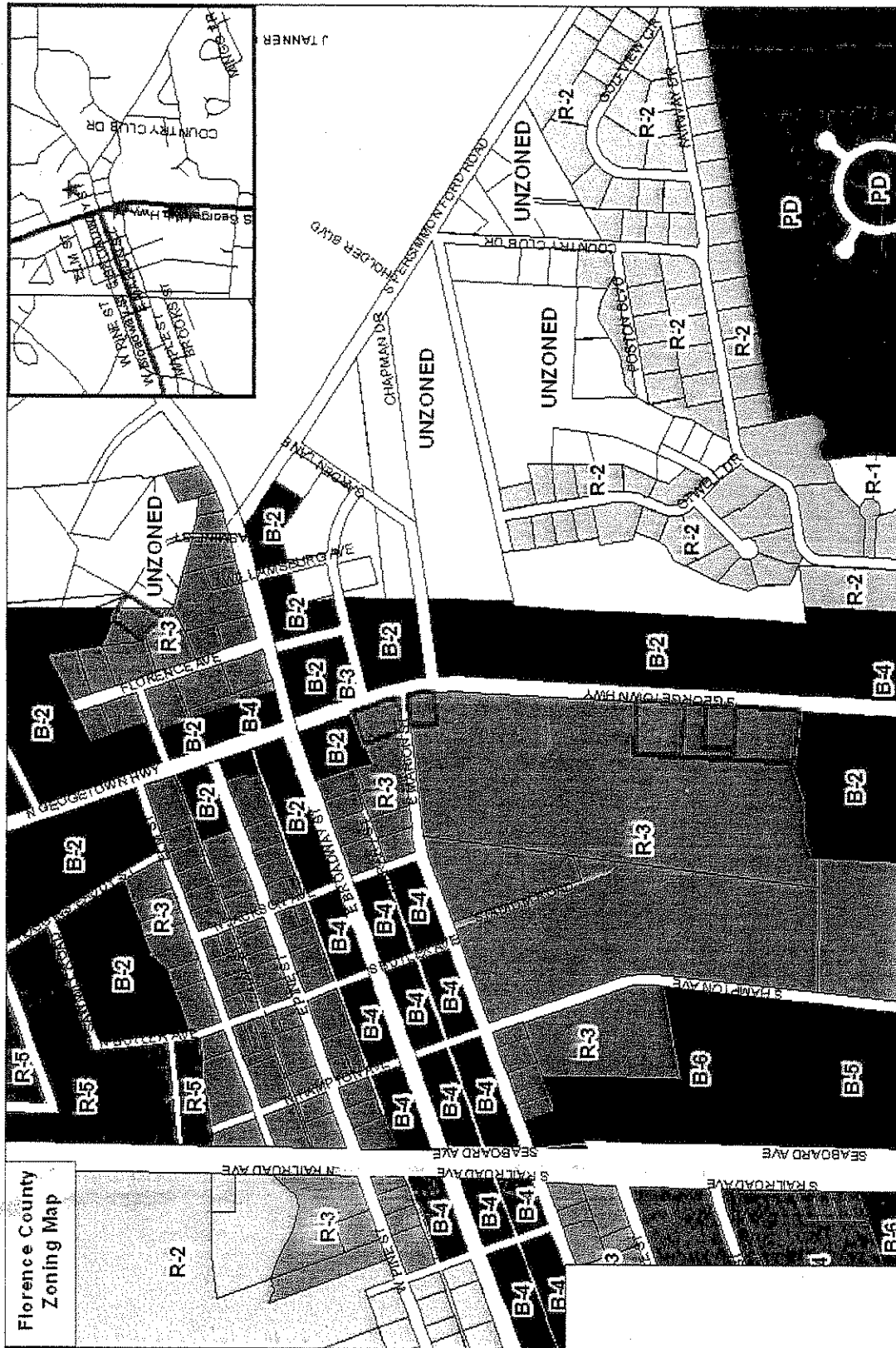


Map Prepared by: RWE  
 Copyright 2010: Florence County Planning  
 & Building Inspections Department  
 Geographic Information Systems  
 06/03/2012

COUNTY COUNCIL DISTRICT(S): 2  
 PC#2012-06

[illegible]
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COUNTY COUNCIL DISTRICT(S): 2  
PC#2012-06



COUNTY COUNCIL DISTRICT(S): 2  
PC#2012-06

Map Prepared by: RWE  
Copyright 2010: Florence County Planning  
& Building Inspections Department  
Geographic Information Systems  
05/03/2012

Florence County 2011 Orthophotography Map



COUNTY COUNCIL DISTRICT(S): 2  
PC#2012-06

Map Prepared by: RWE  
Copyright 2010: Florence County Planning  
& Building Inspections Department  
Geographic Information Systems  
06/03/2012

OwnerName	Add1	Add2	Add3	TMS	PC_Item
FLORENCE COUNTY SCHOOL	DISTRICT FIVE	PO BOX 98	JOHNSONVILLE	00433-05-002	PC#2012-06_Buf
EDGEWORTH NORMAN K JR &	DEBORAH M	PO BOX 797	JOHNSONVILLE	00433-05-003	PC#2012-06_Buf
SIMS TERRY M	C/O MR THOMAS SIMS	985 OLD GEORGETOWN HWY	HEMINGWAY	00433-05-004	PC#2012-06_Buf
FENNER JACK L & JACKIE H		PO BOX 50833	MYRTLE BEACH	00433-05-176	PC#2012-06_Buf
KELLEY GEORGE WILLIAM &	KAREN ANN	171 JASMINE ST	JOHNSONVILLE	00440-05-093	PC#2012-06_Buf
JOHNSONVILLE STATE BANK		PO BOX 8	JOHNSONVILLE	50007-04-011	PC#2012-06_Buf
SIMON SARAH D		PO BOX 1072	JOHNSONVILLE	50007-06-001	PC#2012-06_Buf

## FLORENCE COUNTY COUNCIL MEETING

Thursday, July 19, 2012

**AGENDA ITEM:** Ordinance No. 05-2012/13  
Introduction

**DEPARTMENT:** Planning and Building Inspections 

### **ISSUE UNDER CONSIDERATION:**

[An Ordinance To Rezone Property Owned By William C.B. Eaddy Located Off Of Laron Street, Scranton As Shown On Florence County Tax Map No. 00194, Block 31, Parcel 128; Consisting Of Approx. 8.51 Acres From R-5, Residential Multi-Family District And Unzoned To PD, Planned Development District; And Other Matters Related Thereto.]  
(Planning Commission approved 7-0; Council District 1)

### **POINTS TO CONSIDER:**

1. The subject property is currently occupied by a mixture of duplexes, single-family homes and a single-wide mobile home.
2. The property is currently zoned R-5, Residential Multi-Family District with a smaller rear portion of the property currently unzoned existing in Florence County.
3. The applicant proposes to rezone the property to a PD, Planned Development District utilizing those uses that would be permitted in a B-3, General Commercial District.
4. Surrounding land uses consist of double and single-wide manufactured and single-wide home, single-family residential commercial, vacant and wooded land.
5. The zoning amendment request will comply with the Land Use Element and Map of the Comprehensive Plan.

### **OPTIONS:**

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

### **ATTACHMENTS:**

1. Ordinance No. 05-2012/13
2. Staff report for PC#2012-07
3. Location Map
4. Comprehensive Plan Land Use Map
5. Zoning Map
6. Aerial Map
7. Site Plans PD-12-01

Sponsor(s)	: Planning Commission	I, _____
Planning Commission Consideration	: June 26, 2012	Council Clerk, certify that
Planning Commission Public Hearing	: June 26, 2012	this Ordinance was
Planning Commission Action	: June 26, 2012 [Approved: 7-0]	advertised for Public Hearing
First Reading/Introduction	: July 19, 2012	on _____
Committee Referral	: N/A	
County Council Public Hearing	: N/A	
Second Reading	: August 16, 2012	
Third Reading	: September 20, 2012	
Effective Date	: Immediately	

## ORDINANCE NO. 05-2012/13

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**[An Ordinance To Rezone Property Owned By William C.B. Eaddy Located Off Of Laron Street, Scranton As Shown On Florence County Tax Map No. 00194, Block 31, Parcel 128; Consisting Of Approx. 8.51 Acres From R-5, Residential Multi-Family District And Unzoned To PD, Planned Development 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 in general; 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 June 26, 2012.

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

1. Property located on Laron Street, Scranton bearing Tax Map 00194, Block 31, Parcel 128 is hereby rezoned to PD, Planned Development District inclusive of the following development standards:

##### Site Plan PD-12-01

##### Permitted Uses within a B-3, General Commercial District

- Residential uses of single-family homes, doublewide manufactured homes, duplexes
- Commercial uses (Excluding sexually oriented businesses and liquor stores.)

##### Density

Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewerage systems, recreation facilities, etc.

- Minimum Setback Requirements  
Front – 5 feet - Laron Street  
Side – 10 feet  
Rear – 10 feet
- Building to Building  
20 feet
- Impervious Surface Ratio (%)  
90%
- Maximum Floor Area Ratio  
None  
(Total floor area measured as a percent of total lot area.)
- Maximum Height  
There is no maximum: provided side and rear setbacks shall increase by one foot for each two feet in height over 35 feet for buildings outside of the B-4 district; further provided that approval of buildings over 35 feet shall be based on fire ladder capabilities as determined by the fire department with jurisdiction.
- Buffer Areas  
Buffer areas shall be required for peripheral uses only, and shall be provided in accordance with the minimum requirements for adjacent uses prescribed by article IV, division 1. Buffer areas are not required for internal use.

#### Streets and Street Improvements

Private streets may be permitted in a PD provided such streets meet the design and construction standards promulgated for public streets; further provided that an acceptable maintenance plan be submitted to and approved by the planning commission prior to permitting.

#### Landscaping and Common Open Space

Landscaping and open space requirements shall comply with the provisions of Article IV of Chapter 30- Zoning Ordinance of the Florence County Code.

#### Signage

Chapter 30-Zoning Ordinance, Sec. 30-203.-Common signage plan required of the Florence County Code establishes that common signage plan shall be prerequisite to the issuance of any sign permit involving a PD, Planned Development District.

The plan shall contain all information required for sign permits generally as required by Sec.30-270 of the Florence County Code and shall specify standards for consistency among all signs on the lot affected by the plan with regard to lettering or graphic style; lighting; location of each sign on the buildings; material; sign proportions and all other pertinent criteria as established by this Ordinance.

2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be

given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

Connie Y. Haselden, Council Clerk

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

SIGNED:

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

DRAFT

**STAFF REPORT  
TO THE  
FLORENCE COUNTY PLANNING COMMISSION  
Tuesday, June 26, 2012  
PC#2012-07  
ORDINANCE NO. 05-2012/13**

**SUBJECT:** Rezoning request from R-5, Multi-Family Residential District and Unzoned to PD, Planned Development District.

**LOCATION:** Property located off of Laron Street, Scranton

**TAX MAP NUMBER:** 00194, Block 31, Parcel 128

**COUNCIL DISTRICT(S):** 1; County Council

**OWNER OF RECORD:** William C. B. Eaddy

**APPLICANT:** William C. B. Eaddy

**LAND AREA:** 8.51 Acres

**WATER /SEWER AVAILABILITY:** Water services provided by the Town of Scranton.  
Sewer services provided by the City of Lake City.

**ADJACENT WATERWAYS/  
BODIES OF WATER:** Body of water located to the west

**FLOOD ZONE:** N/A

**STAFF ANALYSIS:**

1. Existing Land Use and Zoning:

The subject property is currently occupied by a mixture of duplexes, single-family homes and a single-wide mobile home. The property is currently zoned R-5, Residential Multi-Family District located in the Town of Scranton and a smaller rear portion of the property is currently unzoned existing in Florence County.

2. Proposed Land Use and Zoning:

The applicant wishes to further develop the property with a mixture of commercial and residential uses. The applicant proposes to rezone the property to a PD, Planned Development District that would support a mixed-use development of this type utilizing those uses that would be permitted in a B-3, General Commercial District.

3. Surrounding Land Use and Zoning:

North: Mixture of double and single-wide manufactured homes, mobile homes/R-5/Town of Scranton  
South: Vacant land/R-2/Town of Scranton  
West: Wooded land /Substation/Unz/Florence County  
East: Fire station/R-5/Town of Scranton  
Single-family residential (across Bozy Road) /R-1/Town of Scranton  
Commercial uses (across Bozy Road)/B-3/Town of Scranton

4. Transportation Access and Circulation:

Present access to the property is by way of Bozy Road onto Laron Street.

5. Traffic Review:

The rezoning of the property will not have an effect on traffic flow for this area.

6. Florence County Comprehensive Plan:

The subject property is located in a Suburban Development and Rural Preservation area according to the Comprehensive Plan Land Use Map. While the applicant has requested to rezone this property for a Planned Development use, this request does comply with the Comprehensive Plan.

7. Chapter 30-Zoning Ordinance:

PD, Planned Development District: The intent of the planned development district is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of "planned development", it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

**TECHNICAL REVIEW COMMITTEE ACTION-JUNE 18, 2012:**

The Technical Review Committee recommended approval of PD-12-01 on June 18, 2012 to the Planning Commission.

Persons in attendance at the meeting were as follows- Planning Commission members, Mr. Bill Lockhart, Vice Chairman and Mr. David Hobbs; staff members-Angie Thomas, Derrick Singletary, Pearlie McDaniel, Rebecca Berry, Tripp Ward and the applicant, Mr. William B. Eaddy.

**STAFF RECOMMENDATION:**

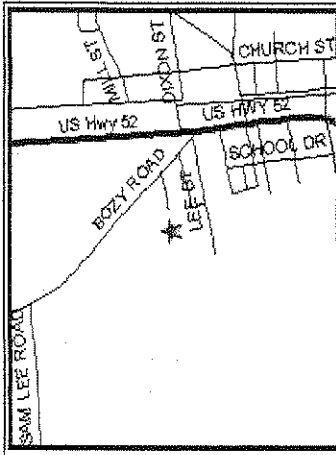
Staff recommends approval of the zoning amendment request to Florence County Council based on the request being in compliance with the Land Use Element and Land Use Map of the Comprehensive Plan.

**FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, JUNE 26, 2012:**

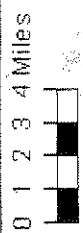
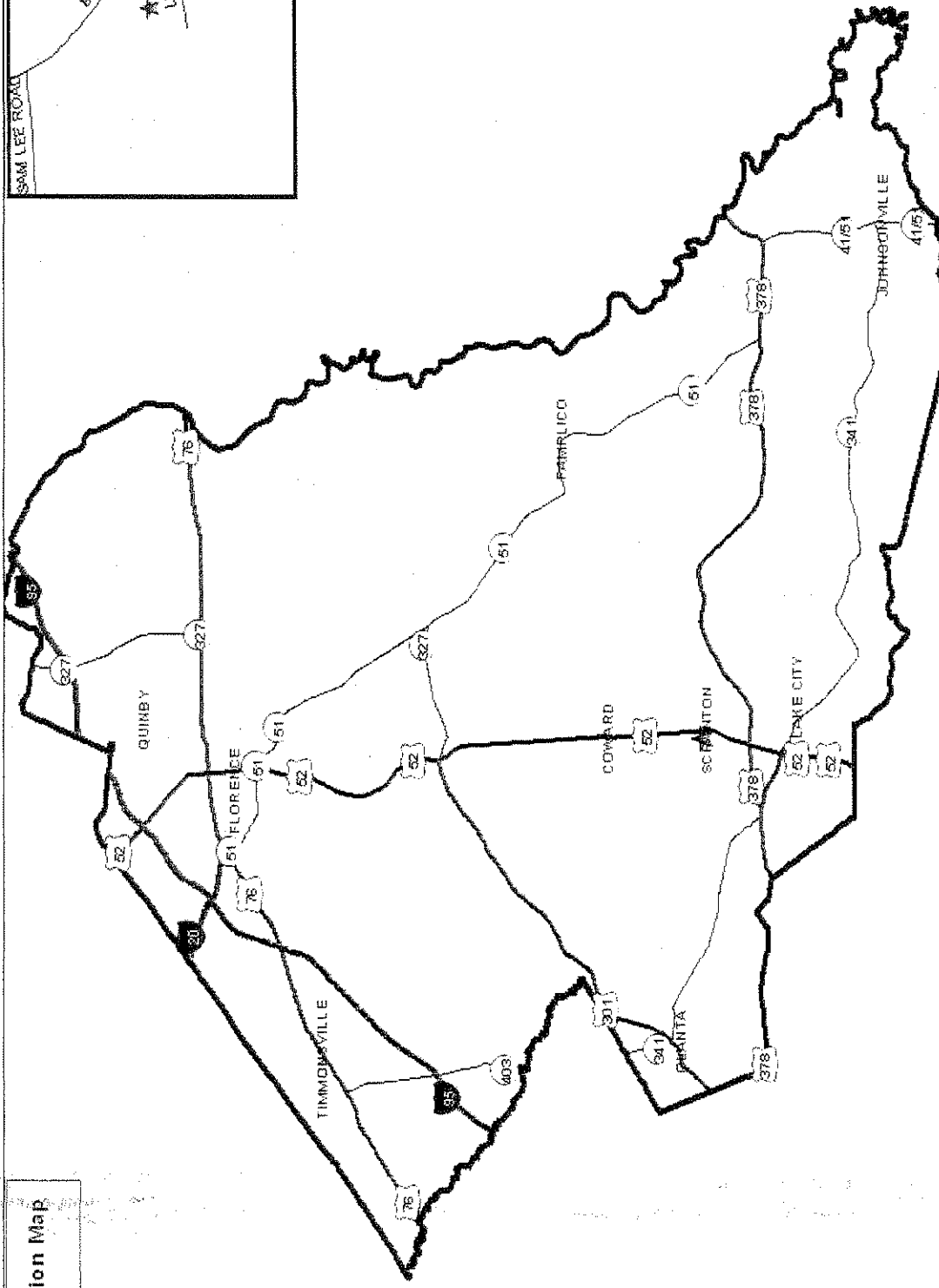
The seven Planning Commission members present approved the zoning amendment request unanimously based on its being in compliance with the Comprehensive Plan Land Use Element and Map at the meeting held on June 26, 2012.

**FLORENCE COUNTY PLANNING COMMISSION RECOMMENDATION:**

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

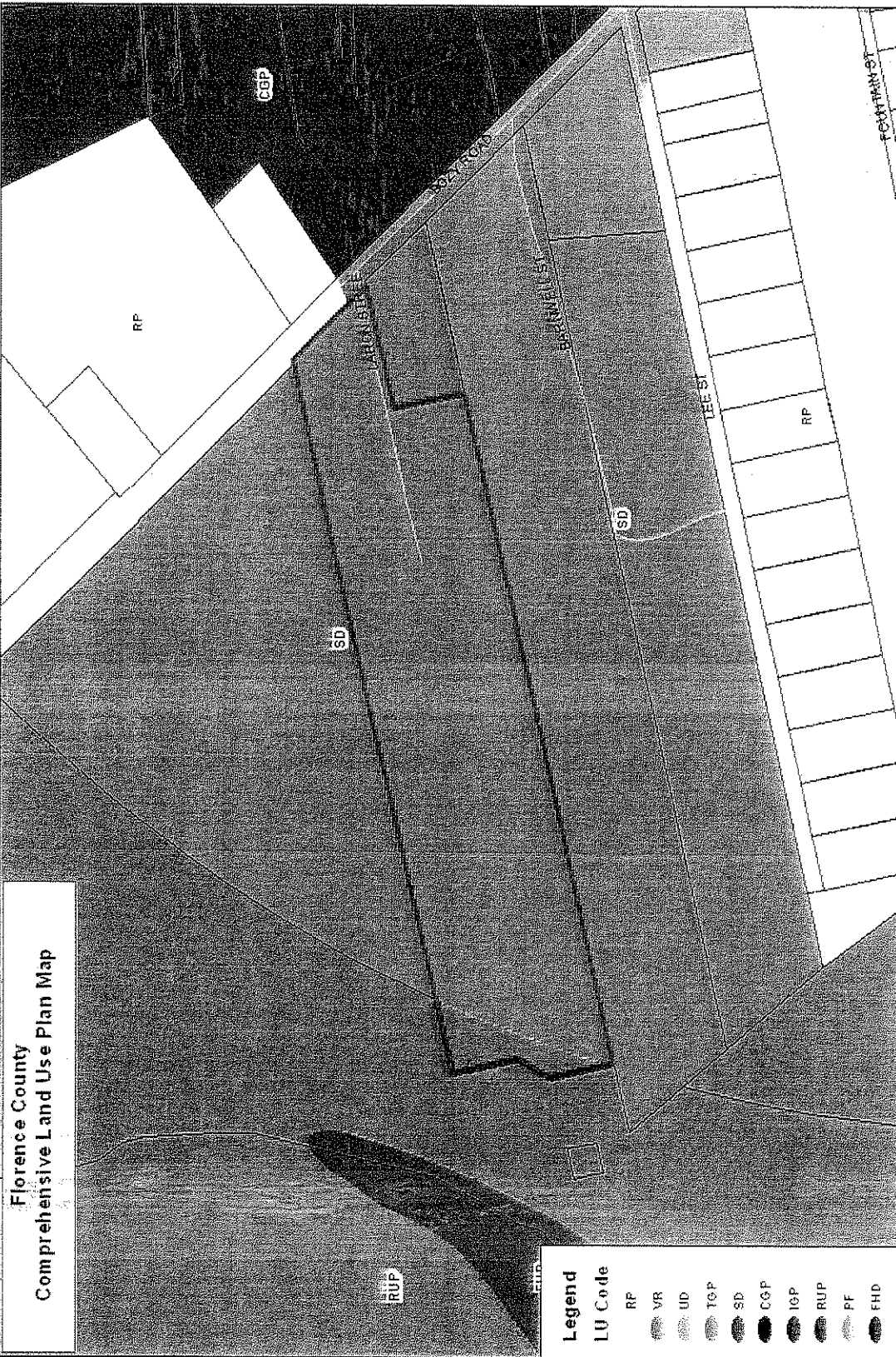


Location Map



Map Prepared by: RWE  
 Copyright 2010: Florence County Planning  
 & Building Inspections Department  
 Geographic Information Systems  
 06/07/2012

COUNTY COUNCIL DISTRICT(S): 1  
 PC#2012-07



**Florence County  
Comprehensive Land Use Plan Map**

**Legend**

**LU Code**

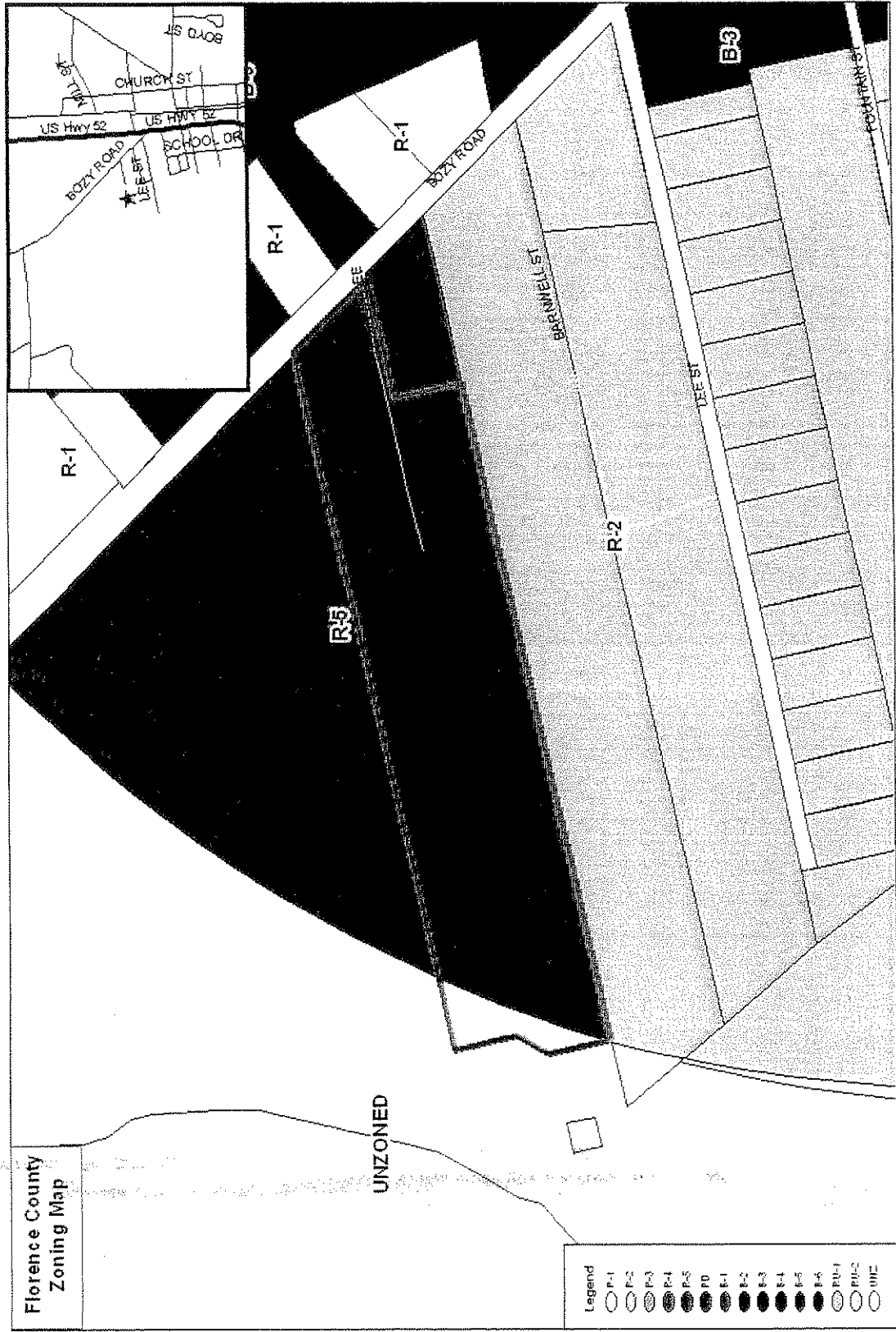
RP
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680 Feet Prepared by: RWE  
Copyright 2010: Florence County Planning  
& Building Inspections Department  
Geographic Information Systems  
06/07/2012

**COUNTY COUNCIL DISTRICT(S): 1**  
**PC#2012-07**





Florence County 2011 Orthophotography Map



COUNTY COUNCIL DISTRICT(S): 1  
PC#2012-07

Map Prepared by: RWE  
Copyright 2010: Florence County Planning  
& Building Inspections Department  
Geographic Information Systems  
06/07/2012

01942-31-049 01942-31-053 01942-31-091

1 inch  $\equiv$  243 feet

158

# **FLORENCE COUNTY COUNCIL MEETING**

**Thursday, July 19, 2012**

**AGENDA ITEM:** Ordinance No. 06-2012/13

Introduction

**DEPARTMENT:** Planning and Building Inspections

## **ISSUE UNDER CONSIDERATION:**

**[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Section 30-267, Certificates Of Zoning Compliance And Section 30-268, Repair Permits; And Other Matters Related Thereto.]** *(Planning Commission approved 7-0: All Districts)*

## **POINTS TO CONSIDER:**

1. Periodic amendments need to be made to the Code to maintain accurate references and uniformity with State Laws and regulations; and
2. In recognition that advances in building technologies, systems and processes can change the efficacy of previously adopted ordinances and standards; and
3. 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 June 26, 2012.

## **OPTIONS:**

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

## **ATTACHMENTS:**

1. Ordinance No. 06-2012/13-Markup
2. Staff report for PC#2012-08

Sponsor(s)	: Planning Commission	I, _____
Planning Commission Consideration	: June 26, 2012	Council Clerk, certify that
Planning Commission Public Hearing	: June 26, 2012	this Ordinance was
Planning Commission Action	: June 26, 2012 [Approved: 7-0]	advertised for Public Hearing
First Reading/Introduction	: July 19, 2012	on _____
Committee Referral	: N/A	
County Council Public Hearing	:	
Second Reading	:	
Third Reading	:	
Effective Date	: Immediately	

## ORDINANCE NO. 06-2012/13

### COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**[An Ordinance To Amend Florence County Code, Chapter 30, Zoning Ordinance, Section 30-267, Certificates Of Zoning Compliance And Section 30-268, Repair Permits; And Other Matters Related Thereto.]**

#### WHEREAS:

1. Periodic amendments need to be made to the Code to maintain accurate references and uniformity with State Laws and regulations; and
2. In recognition that advances in building technologies, systems and processes can change the efficacy of previously adopted ordinances and standards; and
3. 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 June 26, 2012.

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

1. Florence County Code, Chapter 30, Zoning Ordinance, Section 30-267, Certificates of zoning compliance and Section 30-268, Repair permits; is hereby amended to read as follows:

##### **Sec. 30-267. - Certificates of zoning compliance.**

(a) *When required.* A certificate of zoning compliance shall be required in advance of:

- (1) The issuance of a building permit for new construction or for existing construction where the footprint of an existing building is re-established through movement or increased through expansion.
- (2) Excavation preparatory to the construction of a structure for which a building permit is required.
- (3) ~~All proposed construction and other developments including~~ The placement or relocation of manufactured homes.

- (4) Grading, filling, surfacing, or enlarging parking areas, ~~containing more than six parking spaces for a new or changed use.~~
- (5) Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.
- (6) ~~The installation on any zoning lot of a manufacturing or other industrial process whose operation may generate effects of the types and magnitudes limited by performance standards as set forth in section 30-100~~
- (7) Installation of any sign for which a permit is required.
- (8) The establishment of a temporary use as required by Section 30-99.
- (9) ~~Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.~~

Exceptions: Certificates of zoning compliance are not required for maintenance work, repair work and trade work provided that the work permitted will not result in a change of use of any existing building.

(b) *Processing procedures.*

- (1) When the zoning administrator receives an application for a certificate of zoning compliance whose proposed improvement and use described and illustrated conforms to all requirements of this chapter, he shall issue a certificate of zoning compliance and return a signed copy to the applicant within ten days of receipt of the application.
- (2) When the zoning administrator receives an application for a certificate of zoning compliance whose proposed improvement and use described and illustrated does not conform to this chapter, he shall deny the issuance of a certificate of zoning compliance, and so advise the applicant within ten days, citing the particular sections of this chapter with which the application does not comply.
- (3) Each application for a certificate of zoning compliance shall be filed with the zoning coordinator-administrator on a form provided therefore, which form may be combined with the application for a building permit required under the building code. The application must be signed by the owner or his authorized agent or attorney.

(c) *Application requirements.*

- (1) In addition to such information as may be required in an application for a building permit where a site plan is required, each application for a certificate of zoning compliance shall be accompanied by a plan in duplicate, drawn legibly to scale on either a plat or paper, showing:
  - a. The shape and dimensions of the zoning lot.
  - b. The size and location of all existing buildings.

- c. The lines within which any proposed buildings shall be erected, altered, or moved; the locations of any officially approved building setback lines.
- d. The heights of all proposed buildings and parts thereof.
- e. The existing and proposed use of each building and part thereof.
- f. The use of adjoining properties.
- g. The number of families or dwelling units in each existing building and the number that each proposed building is intended to accommodate.
- h. The size and location of all proposed driveways, off-street loading areas, and off-street parking areas, ~~containing more than six parking spaces.~~
- i. Finished first floor elevation above mean sea level requirement and the flood hazard zone designation if in a special flood hazard zone.
- j. Such other reasonable and pertinent information concerning the lot or neighboring lots as the zoning administrator may find necessary for the enforcement of this chapter.

- (2) Each application for a certificate of zoning compliance shall be accompanied by a recorded plat of the lot in duplicate, and drawn to scale, when required by the zoning administrator, for placement and distance measurement clarification.

*(Ord. No. 33-2006/07, § 8.7, 6-7-07; Ord. No. 08-2008/09, § 1, 11-20-08)*

**Sec. 30-268. — Reserved - Repair permits.**

~~Where an application for a certificate of zoning compliance is to effect repairs only, the zoning administrator may waive the requirements of an approved plat or plan. The work to be performed shall be clearly defined in the certificate of zoning compliance.~~

*(Ord. No. 33-2006/07, § 8.8, 6-7-07)*

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

ATTEST:

Connie Y. Haselden, Council Clerk

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

SIGNED:

K. G. Rusty Smith, Jr., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

DRAFT

**STAFF REPORT  
TO THE  
FLORENCE COUNTY PLANNING COMMISSION  
Tuesday, June 26, 2012  
PC#2012-08**

**SUBJECT:** Request for text amendment to the Florence County Code, Chapter 30; Zoning Ordinance, Section 30-267, Certificates of zoning compliance and Section 30-268, Repair permits.

**APPLICANT:** Florence County Planning Department

**STAFF ANALYSIS:**

As staff administers the regulations of the Zoning Ordinance of the Florence County Code and all the participating jurisdictions, periodic amendments need to be made to the Code to maintain accurate references, to stay abreast of advances in technologies and systems and to provide the most efficient and accurate customer service as possible to all the citizens of Florence County.

Planning staff is requesting an amendment to the text of Sec. 30-267 and Sec. 30-268 in an effort to alleviate any misunderstanding that may arise regarding the requirements for when a Certificate of Zoning Compliance (CZC) is needed, the processing of applications for a CZC and information required for a CZC application.

Amendment to the text would provide a more accurate phrasing of the requirements the ordinance has established for CZC's and thus improve the public's interaction with the permitting process.

**TEXT AMENDMENT REQUEST:**

The amendment to the text of Chapter 30-Zoning Ordinance-Sec.30-267 and Sec. 30-268 of the Florence County Code shall read as follows:

**Sec. 30-267. - Certificates of zoning compliance.**

(a) *When required.* A certificate of zoning compliance shall be required in advance of:

- (1) The issuance of a building permit for new construction or for existing construction where the footprint of an existing building is re-established through movement or increased through expansion.
- (2) Excavation preparatory to the construction of a structure for which a building permit is required.
- (3) ~~All proposed construction and other developments including~~ The placement or relocation of manufactured homes.

- (4) Grading, filling, surfacing, or enlarging parking areas, ~~containing more than six parking spaces for a new or changed use.~~
- (5) Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.
- ~~(6) The installation on any zoning lot of a manufacturing or other industrial process whose operation may generate effects of the types and magnitudes limited by performance standards as set forth in section 30-100~~
- (7) Installation of any sign for which a permit is required.
- (8) The establishment of a temporary use as required by Section 30-99.
- ~~(9) Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.~~

Exceptions: Certificates of zoning compliance are not required for maintenance work, repair work and trade work provided that the work permitted will not result in a change of use of any existing building.

(b) *Processing procedures.*

- (1) When the zoning administrator receives an application for a certificate of zoning compliance whose proposed improvement and use described and illustrated conforms to all requirements of this chapter, he shall issue a certificate of zoning compliance and return a signed copy to the applicant within ten days of receipt of the application.
- (2) When the zoning administrator receives an application for a certificate of zoning compliance whose proposed improvement and use described and illustrated does not conform to this chapter, he shall deny the issuance of a certificate of zoning compliance, and so advise the applicant within ten days, citing the particular sections of this chapter with which the application does not comply.
- (3) Each application for a certificate of zoning compliance shall be filed with the zoning ~~coordinator~~ administrator on a form provided therefore, which form may be combined with the application for a building permit required under the building code. The application must be signed by the owner or his authorized agent or attorney.

(c) *Application requirements.*

- (1) In addition to such information as may be required in an application for a building permit where a site plan is required, each application for a certificate of zoning compliance shall be accompanied by a plan in duplicate, drawn legibly to scale on either a plat or paper, showing:
  - a. The shape and dimensions of the zoning lot.
  - b. The size and location of all existing buildings.

- c. The lines within which any proposed buildings shall be erected, altered, or moved; the locations of any officially approved building setback lines.
  - d. The heights of all proposed buildings and parts thereof.
  - e. The existing and proposed use of each building and part thereof.
  - f. The use of adjoining properties.
  - g. The number of families or dwelling units in each existing building and the number that each proposed building is intended to accommodate.
  - h. The size and location of all proposed driveways, off-street loading areas, and off-street parking areas, ~~containing more than six parking spaces.~~
  - i. Finished first floor elevation above mean sea level requirement and the flood hazard zone designation if in a special flood hazard zone.
  - j. Such other reasonable and pertinent information concerning the lot or neighboring lots as the zoning administrator may find necessary for the enforcement of this chapter.
- (2) Each application for a certificate of zoning compliance shall be accompanied by a recorded plat of the lot in duplicate, and drawn to scale, when required by the zoning administrator, for placement and distance measurement clarification.

*(Ord. No. 33-2006/07, § 8.7, 6-7-07; Ord. No. 08-2008/09, § 1, 11-20-08)*

**Sec. 30-268. — Reserved - Repair permits.**

~~Where an application for a certificate of zoning compliance is to effect repairs only, the zoning administrator may waive the requirements of an approved plat or plan. The work to be performed shall be clearly defined in the certificate of zoning compliance.~~

~~*(Ord. No. 33-2006/07, § 8.8, 6-7-07)*~~

**STAFF RECOMMENDATION:**

The Planning staff recommends approval of the text amendment to Planning Commission as presented.

**FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, JUNE 26, 2012:**

The seven Planning Commission members present approved the text amendment request unanimously at the meeting on Tuesday, June 26, 2012.

**FLORENCE COUNTY COUNCIL MEETING:**

This item will appear on the agenda for Introduction on Thursday, July 19, 2012 @ 9:00 AM in room 803 of the City-County Complex, 180 North Irby Street, Florence.

# FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Introduction - Ordinance No. 07-2012/13

**DEPARTMENT:** Procurement

## **ISSUE UNDER CONSIDERATION:**

(An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 132 East Main Street, Pamplico, South Carolina And Designated As Tax Map Number 60006-03-014: And to Authorize The Conveyance Thereof To The Town Of Pamplico; And Other Matters Relating Thereto.)

## **POINTS TO CONSIDER:**

1. Florence County currently owns property located at 132 East Main Street, Pamplico, South Carolina, Tax Map Number 60006-03-014, which formerly served as the old Pamplico Theater.
2. The Drs. Bruce and Lee Foundation conveyed the property to the County as a gift, provided that all stipulations in the grant award dated November 3, 2011 are adhered to. The Drs. Bruce and Lee Foundation has consented to the conveyance of the property to the Town of Pamplico.
3. The County has no future plans for the property and The Town of Pamplico has an interest in obtaining the property.
4. Council can declare the property as surplus property and authorize the conveyance thereof to the Town of Pamplico.

## **OPTIONS:**

1. *(Recommended)* Introduce Ordinance No. 07-2012/13.
2. Provide an Alternate Directive.

## **ATTACHMENTS:**

1. Ordinance No. 07-2012/13.
2. Copy of the proposed Quit Claim Deed to the Town of Pamplico.

Sponsor(s) : Procurement  
 First Reading/Introduction : July 19, 2012  
 Committee Referral : N/A  
 Committee Consideration Date : N/A  
 Committee Recommendation : N/A  
 Public Hearing :  
 Second Reading :  
 Third Reading :  
 Effective Date : Immediately

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

# ORDINANCE NO. 07-2012/13

## COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

**(An Ordinance To Declare As Surplus Real Property Owned By Florence County Located At 132 East Main Street, Pamplico, South Carolina And Designated As Tax Map Number 60006-03-014: And to Authorize The Conveyance Thereof To The Town Of Pamplico; And Other Matters Relating Thereto.)**

### WHEREAS:

1. Florence County currently owns property located at 132 East Main Street, Pamplico, South Carolina, Tax Map Number 60006-03-014, which formerly served as the old Pamplico Theater; and
2. The property was conveyed to the County by the Drs. Bruce and Lee Foundation by a Deed of Gift, provided that all stipulations contained in the grant award are adhered to; and
3. The County has no future plans for the property and The Town of Pamplico has expressed an interest in obtaining the property; and
4. Council can declare the property as surplus property and authorize the conveyance thereof to the Town of Pamplico.

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

1. Property designated as Tax Map Number 60006-03-014, formerly known as the old Pamplico Theater is hereby declared surplus.
2. The conveyance of said property to the Town of Pamplico is hereby authorized and subject to the provisions contained in the grant award dated November 3, 2011, and the County Administrator is authorized to proceed with the execution of a Quitclaim Deed, prepared by the County Attorney.
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:

### 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

**Title Not Certified By D. Malloy McEachin, Jr.**

STATE OF SOUTH CAROLINA	)	TITLE TO REAL ESTATE
	)	
COUNTY OF FLORENCE	)	QUIT CLAIM DEED

Grantee's Address:

**KNOW ALL MEN BY THESE PRESENTS,** That Florence County, a political subdivision of the State of South Carolina, of the County of Florence, in the State of South Carolina, for and in consideration of the sum of Five Dollars and No/100 (\$5.00) to the Grantor(s) in hand paid at and before the signing of these presents by Grantee(s) of the County in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released and by these presents do grant, bargain, sell and release all our right, title and interest unto the said Town of Pamplico, all our right title and interest to the herein below described property, to wit:

All of Lot No. Seven (7) in Block X of Ward I and that portion of Lot No. Eight (8) on which stands as part of the Pamplico Theater building in width and depth (excluding one-half (½) of east wall) extending straight through the center line of the east wall out to the rear of Lot No. 8. The above lots referred to are shown on a map of the Town of Pamplico made by J. D. Brown, Surveyor, in 1935.

The land is more fully described as follows: Beginning on the south edge of Fourth Avenue at the intersection between Lots 6 and 7, thence in an eastwardly direction along the northern edge of Lots 7 and 8 for approximately thirty-four (34) feet eleven (11) inches, more or less, to the center of the east wall of said Pamplico Theater building; thence south one hundred twenty-five (125) feet, more or less, along wall center line to said lines intersection with alleyway on south edge of a portion of Lots 7 and 9 for approximately thirty-four (34) feet eleven (11) inches, more or less, along boundary line between Lots 6 and 7 to beginning point on edge of Fourth Avenue.

This tract of land is bounded as follows: on the north by Fourth Avenue; on the east by the remaining portion of Lot 8; on the south by an alley; and on the west by Lot 6.

This being the same property conveyed to the Grantor herein by Deed dated October 20, 2010 and recorded in Deed Book B324, at Page 0286, in the Office of the Clerk of Court for Florence County.

This conveyance is made subject to easements and restrictions of record and otherwise affecting the property. The property use is restricted for public purposes and may not be used for any private purpose.

Florence County TMS # 60006-03-014

**TOGETHER** with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

**TO HAVE AND TO HOLD** all and singular the premises before mentioned unto the said Grantee, its heirs and assigns forever, so that neither the said Grantor or its heirs, nor any other person or persons, claiming under it, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

WITNESS My Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2012

Signed, Sealed and Delivered  
In The Presence of

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
K. G. Smith, Jr., Chairman  
Florence County Council

## **FLORENCE COUNTY COUNCIL MEETING**

July 19, 2012

**AGENDA ITEM:** Reports to Council  
Monthly Financial Reports

**DEPARTMENT:** Administration

**ISSUE UNDER CONSIDERATION:**

Monthly financial reports are provided to Council for fiscal year 2012 through May 31, 2012 as an item for the record.

**ATTACHMENTS:**

Copies of the monthly financial reports.

**FLORENCE COUNTY GOVERNMENT  
GENERAL FUND  
REVENUE & EXPENDITURE REPORT FY12  
7/1/11 TO 05/31/12**

	YEAR-TO-DATE			
	BUDGETED REVENUE	ACTUAL REVENUE	REMAINING BALANCE	PCT
<b>REVENUES</b>				
Taxes	33,750,554	32,833,131	917,423	2.72%
Licenses & Permits	1,339,176	1,457,040	-	0.00%
Fines & Fees	3,183,380	2,853,484	329,896	10.36%
Intergovernmental	5,047,026	3,805,763	1,241,263	24.59%
Sales and Other Functional	5,445,906	5,140,397	305,509	5.61%
Miscellaneous	947,942	357,747	590,195	62.26%
Operating Transfers	(1,484,343)	(315,000)	(1,169,343)	78.78%
Use of Fund Balance	-	-	-	
<b>TOTAL</b>	<b>48,229,641</b>	<b>46,132,561</b>	<b>2,214,944</b>	<b>4.59%</b>

**FLORENCE COUNTY GOVERNMENT  
GENERAL FUND  
REVENUE & EXPENDITURE REPORT FY12  
7/1/11 TO 05/31/12**

		BUDGETED	YEAR-TO-DATE	REMAINING	
		EXPENDITURE	EXPENDITURE	BALANCE	PCT
EXPENDITURES					
10-411-401	County Council	348,800	289,104	59,696	17.11%
10-411-402	Administrator	620,162	529,897	90,265	14.56%
10-411-403	Clerk of Court	1,805,403	1,614,451	190,952	10.58%
10-411-404	Solicitor	1,064,277	881,850	182,427	17.14%
10-411-405	Judge of Probate	499,075	440,380	58,695	11.76%
10-411-406	Public Defender	758,618	631,761	126,857	16.72%
10-411-407	Magistrates	2,158,294	1,878,085	280,209	12.98%
10-411-409	Legal Services	79,650	107,334	(27,684)	-34.76%
10-411-410	Voter Registration & Elections	463,240	384,587	78,653	16.98%
10-411-411	Finance	743,944	652,609	91,335	12.28%
10-411-412	Human Resources	330,297	290,587	39,710	12.02%
10-411-413	Procurement & Vehicle Maintenance	589,575	416,981	172,594	29.27%
10-411-414	Administrative Services	380,624	340,553	40,071	10.53%
10-411-415	Treasurer	1,189,141	1,016,857	172,284	14.49%
10-411-416	Auditor	473,893	397,556	76,337	16.11%
10-411-417	Tax Assessor	1,280,644	1,050,391	230,253	17.98%
10-411-418	Planning and Building	2,054,406	1,479,423	574,983	27.99%
10-411-419	Complex	1,186,224	1,073,639	112,585	9.49%
10-411-420	Facilities Management	730,031	568,354	161,677	22.15%
10-411-427	Information Technology	1,234,124	1,139,166	94,958	7.69%
10-411-446	Veteran's Affairs	146,090	123,096	22,994	15.74%
10-411-480	Senior Citizen Centers	327,736	254,718	73,018	22.28%
10-411-485	General Direct Assistance	204,648	200,295	4,353	2.13%
10-411-488	Contingency	153,510	105,561	47,949	31.24%
10-411-489	Employee Non-Departmental	404,665	719,157	(314,492)	-77.72%
10-421-421	Sheriff's Office	15,028,252	12,813,124	2,215,128	14.74%
10-421-422	Emergency Management	2,388,209	1,971,176	417,033	17.46%
10-421-481	Rural Fire Departments	15,140	3,324	11,816	78.05%
10-451-423	EMS	4,371,988	3,613,261	758,727	17.35%
10-451-424	Rescue Squads	388,035	264,815	123,220	31.75%
10-451-425	Coroner	278,786	226,533	52,253	18.74%
10-451-441	Health Department	80,934	80,934	0	0.00%
10-451-442	Environmental Services	725,508	630,650	94,858	13.07%
10-451-485	Health Direct Assistance	14,502	6,773	7,730	53.30%
10-461-485	Welfare - MIAP & DSS	439,075	404,272	34,803	7.93%
10-471-451	Recreation	1,738,869	1,426,383	312,486	17.97%
10-471-455	County Library	3,523,757	3,106,962	416,795	11.83%
10-471-485	Museum Commission	5,000	-	5,000	100.00%
10-481-485	Literacy Council	4,515	3,386	1,129	25.00%
TOTAL		48,229,641	41,137,980	7,091,661	14.70%

Percent of Fiscal Year Remaining = 8.33%

**FLORENCE COUNTY**  
**BUDGET REPORT - OTHER FUNDS**  
**CURRENT PERIOD: 7/1/11 TO 05/31/12**

	BUDGETED EXPENDITURE	YEAR TO DATE CURRENT	REMAINING BALANCE	PCT	BUDGETED REVENUE	YEAR TO DATE CURRENT	REMAINING BALANCE	PCT
45 County Debt Service Fund	3,817,770	3,726,078	91,692	2.40%	3,817,770	3,530,792	286,978	7.52%
112 Economic Development Partnership Fund	434,253	339,270	94,983	21.87%	434,253	50,827	383,427	88.30%
123 Local Accommodations Tax Fund	2,473,875	2,455,069	18,806	0.76%	2,473,875	1,959,423	514,452	20.80%
124 Local Hospitality Tax Fund	655,116	536,755	118,361	18.07%	655,116	759,098	-	0.00%
131 District Utility Allocation Fund	2,409,871	231,958	2,177,913	90.37%	2,409,871	2,042,568	367,303	15.24%
132 District Infrastructure Allocation Fund	1,719,884	401,100	1,318,784	76.68%	1,719,884	1,719,884	-	0.00%
151 Law Library Fund	82,548	36,484	46,064	55.80%	82,548	50,652	31,896	38.64%
153 Road System Maintenance Fee Fund	3,081,973	2,515,293	566,680	18.39%	3,081,973	2,639,528	442,445	14.36%
154 Victim/Witness Assistance Fund	187,594	199,282	-	0.00%	187,594	243,720	-	0.00%
421 Landfill Fund	4,114,470	3,020,487	1,093,983	26.59%	4,114,470	2,982,043	1,132,427	27.52%
431 E911 System Fund	453,632	326,614	127,018	28.00%	453,632	471,582	-	0.00%
<b>TOTALS:</b>	<b>19,430,986</b>	<b>13,788,390</b>	<b>5,654,284</b>	<b>29.10%</b>	<b>19,430,986</b>	<b>16,450,117</b>	<b>3,158,927</b>	<b>16.26%</b>

Percent of Fiscal Year Remaining: 8.33%

331 Capital Project Sales Tax (Florence County Forward road projects) received and interest earned \$ 100,779,158  
(See separate attachment for additional details.)

**Florence County Council  
District Allocation Balances  
May 31, 2012**

<b>Council District #</b>	<b>Type of Allocation</b>	<b>Beginning Budget FY12</b>	<b>Commitments &amp; Current Year Expenditures</b>	<b>Current Available Balances</b>
<b>1</b>	Infrastructure	160,521.00	28,422.00	132,099.00
	Paving	114,692.00	-	114,692.00
	Utility	272,522.00	18,800.00	253,722.00
	In-Kind	19,800.00	2,748.00	17,052.00
<b>2</b>	Infrastructure	35,946.00	35,946.00	-
	Paving	149,032.00	-	149,032.00
	Utility	79,342.00	23,046.00	56,296.00
	In-Kind	19,800.00	3,209.00	16,591.00
<b>3</b>	Infrastructure	47,298.00	47,298.00	-
	Paving	216,473.00	57,028.00	159,445.00
	Utility	148,751.00	28,210.00	120,541.00
	In-Kind	19,800.00	72.00	19,728.00
<b>4</b>	Infrastructure	244,251.00	95,786.00	148,465.00
	Paving	250,893.00	202,328.00	48,565.00
	Utility	95,586.00	20,000.00	75,586.00
	In-Kind	19,800.00	3,697.00	16,103.00
<b>5</b>	Infrastructure	72,073.00	35,841.00	36,232.00
	Paving	107,120.00	34,178.00	72,942.00
	Utility	100,815.00	18,672.00	82,143.00
	In-Kind	19,800.00	-	19,800.00
<b>6</b>	Infrastructure	257,655.00	23,453.00	234,202.00
	Paving	211,954.00	11,477.00	200,477.00
	Utility	349,770.00	6,000.00	343,770.00
	In-Kind	19,800.00	3,919.00	15,881.00
<b>7</b>	Infrastructure	98,557.00	66,277.00	32,280.00
	Paving	198,307.00	39,719.00	158,588.00
	Utility	331,581.00	31,603.00	299,978.00
	In-Kind	19,800.00	-	19,800.00
<b>8</b>	Infrastructure	193,060.00	49,540.00	143,520.00
	Paving	49,922.00	23,870.00	26,052.00
	Utility	103,635.00	60,000.00	43,635.00
	In-Kind	19,800.00	-	19,800.00
<b>9</b>	Infrastructure	113,374.00	68,359.00	45,015.00
	Paving	136,662.00	-	136,662.00
	Utility	308,762.00	185,800.00	122,962.00
	In-Kind	19,800.00	-	19,800.00

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

# FLORENCE COUNTY FORWARD CAPITAL PROJECT SALES TAX

As of January 31, 2012

EXPENDITURES	Project Budget	Design or Engineering	Right of Way	Construction	Total Expended	Balance Unexpended	Budget % Expended
Pine Needles Road Widening	\$ 17,676,768.00	\$ 708,398.84	\$ 1,223,779.18	\$ 14,045,830.53	\$ 15,978,008.55	\$ 1,698,759.45	90.39%
US 378 Widening	\$ 138,751,620.00	\$ 3,878,727.66	\$ 2,819,614.39	\$ 244,763.76	\$ 6,943,105.81	\$ 131,808,514.19	5.00%
US 76 Widening	\$ 31,641,621.00	\$ 2,068,178.66	\$ 718,940.60	\$ 2,562.16	\$ 2,789,681.42	\$ 28,851,939.58	8.82%
TV Road Widening	\$ 34,519,290.00	\$ 1,925,594.70	\$ 625,509.31	\$ 1,625.53	\$ 2,552,729.54	\$ 31,966,560.46	7.40%
SC 51 Widening	\$ 151,533,817.00	\$ 1,146,802.57	\$ -	\$ 2,394.71	\$ 1,149,197.28	\$ 150,384,619.72	0.76%
US 301 Bypass Extension*	\$ 73,464,146.00	\$ -	\$ -	\$ -	\$ -	\$ 73,464,146.00	0.00%
	\$ 447,587,262.00	\$ 9,727,702.43	\$ 5,387,843.48	\$ 14,297,176.69	\$ 29,412,722.60	\$ 418,174,539.40	6.57%

REVENUES	Revenue Budget	Received/Earned to Date	Balance To Be Rcvd/Earned	Balance % Rcvd/Earned
Capital Project Sales Tax	\$ 148,000,000.00	\$ 95,140,569.20	\$ 52,859,430.80	68.09%
Sales Tax Interest Earnings	\$ -	\$ 5,638,588.50	\$ 52,859,430.80	68.09%
Earned State SIB Fund Match	\$ 250,000,000.00	\$ 201,558,315.40	\$ 48,441,684.60	80.62%
	\$ 398,000,000.00	\$ 302,337,473.10	\$ 101,301,115.40	75.96%

NOTE 1: Revenue Received/Earned to Date is as of March 31, 2012, since capital project sales tax is received from the state on a quarterly basis.

NOTE 2: Merchant collection of sales tax will conclude on April 30, 2014, unless total collections, excluding interest, exceed \$148,000,000 prior to that date.

\* US 301 is anticipated to be funded only partially.

## FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Grant Award Drs. Bruce & Lee Foundation

**DEPARTMENT:** Florence County Parks and Recreation

### **ISSUES UNDER CONSIDERATION:**

Council Is Requested To Accept A Grant Award In The Amount Of \$2,500,000 From The Drs. Bruce & Lee Foundation For The Design and Development Of A Park In The City Of Lake City.

### **POINTS TO CONSIDER:**

1. Florence County will utilize the Drs. Bruce and Lee Foundation grant to cover costs associated with the design and development of a park in the City of Lake City.
2. The grant does not require matching funds; however, the amount of the grant may be reduced if additional funds for the project are raised from other sources.
3. Acceptance of the grant includes authorization of appropriate general ledger accounts within the Grant Fund to account for the grant.

### **FUNDING FACTORS:**

\$2,500,000 = Funding provided by the Drs. Bruce and Lee Foundation grant to cover costs associated with the design and development of a park in Lake City.

### **OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide An Alternative Directive.

### **ATTACHMENTS:**

Grant Award Letter from Drs. Bruce and Lee Foundation.

Drs  
Bruce & Lee  
FOUNDATION

201 South Dargan Street  
Florence, South Carolina 29506  
Phone (843) 664-2870  
Fax (843) 664-2815  
e-mail bfound@bellsouth.net

June 14, 2012

Mr. Thomas B. Robinson, County Administrator  
Florence County  
180 North Irby Street, MSC-G  
Florence, SC 29501

Re: Lake City Park Project

Dear Tom:

It gives us great pleasure to confirm that our Board of Trustees recently approved the subject multi-year grant to your organization in the amount of \$2,500,000.

After review, please execute the enclosed grant contract so that we can proceed with the timely transfer of the above mentioned funds.

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

With kind regards,

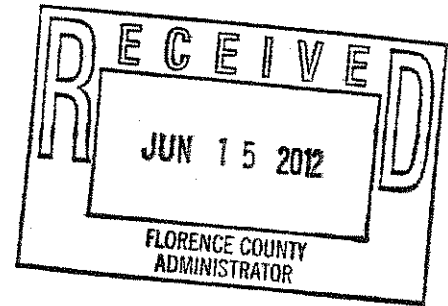
Yours sincerely,

  
L. Bradley Callicott  
Executive Director

/mmb

Enclosures

cc: Mr. Mark W. Buyck, Jr.  
Mr. Haigh Porter  
Ms. Kathy Nance Nephew, County Grants Manager



## FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Report to Council  
Declaration of Surplus Property

**DEPARTMENT:** Procurement Department

### **ISSUE UNDER CONSIDERATION:**

Declaration Of A 2005 Ford Mustang, V#0789, As Surplus Property For Disposal Through Public Internet Auction Via GovDeals.

### **POINTS TO CONSIDER:**

1. The 2005 Ford Mustang, V# 0789, VIN# 1ZVFT82H955 has little value or is obsolete to the using department.
2. Disposal will not impact on-going operations.
3. Florence County Code requires County Council approval for disposal of surplus property.
4. The vehicle was purchased by narcotic funds and therefore could not be offered to other departments and agencies in the County.
5. 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.

Florence County Council Meeting  
July 19, 2012

**AGENDA ITEM:** Other Business  
Infrastructure Project  
Requested by Council District 3

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Approve The Expenditure Of Up To \$20,000 From Council District 3 Infrastructure Funding Allocation To Assist The City Of Florence With Construction Of New Green Space With Amenities And Replacing The Existing Playground Equipment at Maple Park.

**FUNDING SOURCE:**

XXX Infrastructure                      \_\_\_\_\_ Road System Maintenance                      \_\_\_\_\_ Utility

**Requested by Councilmember:**

**Signed:** verbally approved-signature pending  
Alphonso Bradley

Date:

**ATTACHMENTS:**

Letter of request from City of Florence

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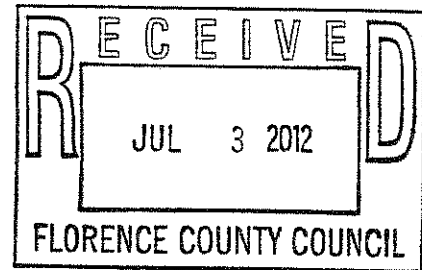
I, Connie Y. Haselden, Clerk to County Council, certify this item was approved by the Florence County Council at the above-referenced meeting, at which a majority of members were present.

---

Connie Y. Haselden, Clerk to Council

July 3, 2012

Thomas B. Robinson, County Administrator  
MSC-G, City – County Complex  
180 N. Irby Street  
Florence, South Carolina 29501



Dear Tom:

The City is currently working with the Maple Park Neighborhood Association regarding certain improvements within Maple Park. These improvements include the removal of the tennis court area and the relocation of the batting and pitching cages associated with the youth baseball facilities. After removal and relocation of these facilities the City intends to construct new green space with amenities as well as replace the existing playground equipment.

To facilitate the interests of the Maple Park Neighborhood Association, Ms. Kathryn Phillips (President) requested through Councilman Bradley \$20,000 to match existing and future City funds for the purchase and construction of new ADA compliant playground equipment.

On behalf of Councilman Bradley and the Maple Park Neighborhood Association we are requesting approval of \$20,000 to assist the City in completing the above park improvements.

The City is certainly appreciative of Councilman Bradley's interest and Florence County for your consideration of this request.

Please feel free to contact us should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Andrew Griffin".

Andrew H. Griffin  
City Manager

Florence County Council Meeting  
July 19, 2012

**AGENDA ITEM:** Other Business  
Infrastructure Project  
Requested by Council District 6

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Approve The Expenditure Of Up To \$8,000 From Council District 6 Infrastructure Funding Allocation To Expand The Storage Building At Greenwood Athletic Park.

**FUNDING SOURCE:**

XXX Infrastructure                      \_\_\_\_\_ Road System Maintenance                      \_\_\_\_\_ Utility

**Requested by Councilmember:**

**Signed:** verbally approved – signature pending  
Russell Culberson

Date:

**ATTACHMENTS:**

None

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

---

Connie Y. Haselden, Clerk to Council

## FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Other Business  
Council District #4

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Approval of estimated expenditures of \$3,118.00 from Council District #4 funding allocations to pay for MBC stone for 150 feet on Alvin Kirby Road at the intersection of Country Lane.

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: Mitchell Kirby

Date: 6-8-12

**ATTACHMENTS:**

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

---

Connie Y. Haselden, Clerk to Council

# FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Other Business  
Council District #4

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Lay 24" metal pipe and construct catch basins on southeast side of Black Street in Cartersville. Piping existing ditch on southeast will allow road to be widened with-in the prescriptive right-of-way. All property owners on southeast side will be required to sign an agreement of understanding.

Project does not include any improvement on SCDOT right-of-way at the intersection of Lynches River Road and Black Street. The total cost of material for project is \$27,061.80.

Note: Pipe will be taken from Public Works inventory. The cost of the pipe will be reimbursed from Council District #4 Funds.

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: Mitchell Kirby

Date: 7-6-12

**ATTACHMENTS:**

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

\_\_\_\_\_  
Connie Y. Haselden, Clerk to Council

## FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Other Business  
Council District #2

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Approval of expenditures of \$3,564.00 from Council District #2 funding allocations to pay for MBC stone for Piergan Lane.

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:** \_\_\_\_\_ "Verbally Approved – Signature Pending"  
**Requested by Councilmember: Roger Poston**

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  
July 19, 2012

**AGENDA ITEM:** Other Business  
Utility Project  
Requested by Council District 2

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Approve The Expenditure Of Up To \$1,000 From Council District 2 Utility Funding Allocation For The Purchase Of One (1) Load Of Crushed Asphalt To Assist The City Of Johnsonville With Paving/Patching The Johnsonville Community Center Driveway.

**FUNDING SOURCE:**

\_\_\_\_\_ Infrastructure          \_\_\_\_\_ Road System Maintenance          XXX Utility

**Requested by Councilmember:**

**Signed:** verbally approved – signature pending  
Roger M. Poston

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

**PROPOSED ADDITIONS TO THE**  
**JULY 19, 2012 AGENDA**

**DESCRIPTION**  
(Requested by)

**DATE REC'D**

**ITEM**

**REPORTS TO**  
**COUNCIL:**

Procurement – RFQ  
#13-11/12

07/12/12

Approve RFQ #13-11/12 Panel Recommendation For Landscape Architect Services Associated With The Lake City Park Project To Haden-Stanziale, PA, Charlotte, NC.

Admin/Finance –  
Increase Magistrate  
Jury Fees

07/18/12

Approve The Recommendation To Increase Magistrate Jury Fees By \$20,000 With Funding Coming From Operating Reserve Funds For FY2013.

**OTHER**  
**BUSINESS:**

Council District 9

07/12/12

Approve The Expenditure Of Up To \$54,065 From Council District 9 RSMF Funding Allocation To Pay For The Resurfacing Of S. Botany Drive.

**EXECUTIVE**  
**SESSION:**

Contractual Matters

## FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Reports to Council

**DEPARTMENT:** Procurement Department

### **ISSUE UNDER CONSIDERATION:**

Approve RFQ #13-11/12 Panel Recommendation For Landscape Architect Services Associated With The Lake City Park Project To Haden-Stanziale, PA, Charlotte, NC.

### **POINTS TO CONSIDER:**

- 1) RFQ was publicly offered.
- 2) Fourteen (14) statements of qualifications were received.
- 3) A review panel evaluated the proposals and ranked the firms according to the RFQ criteria.
- 4) Haden-Stanziale, Charlotte, NC was the most qualified responder.
- 5) Council approval is contingent upon the County Administrator or his designee negotiating a reasonable contract with Haden-Stanziale. If the County Administrator or his designee is unable to negotiate a reasonable contract with Haden-Stanziale, negotiations will proceed with the remaining companies based upon their ranking.

### **OPTIONS:**

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

### **ATTACHMENTS:**

RFQ Panel ranking of proposals submitted.

---

**RFQ #13-11/12 Landscape Architects  
Lake City Park Project  
Review Panel Ranking**

1. Haden-Stanziale, PA Charlotte, NC
  2. Lose and Associates, Inc., Lawrenceville, GA
  3. SGA Architecture, North Charleston, SC
  4. Fuss and O'Neil, Columbia, SC
  5. The Landplan Group South, Columbia, SC
  6. DDC Engineers, Inc. Myrtle Beach, SC
  7. Seamon Whiteside and Associates, Mt. Pleasant, SC
  8. ADC Engineering, Inc., Hanahan, SC
  9. Grimball-Cotterill and Associates, Columbia, SC
  10. Wood+Partners, Hilton Head, SC
  11. Kenneth B. Simmons Associates, Columbia, SC
  12. Weston and Sampson, Charleston, SC
  13. Davis and Floyd, Greenwood, SC
  14. Rowe Professional Services, Myrtle Beach, SC
-

**FLORENCE COUNTY COUNCIL MEETING**  
**Proposed Additions to the Agenda**  
July 19, 2012

**AGENDA ITEM:**     Reports to Council  
                             Magistrate Jury Fees

**DEPARTMENT:**     Administration/Finance

**ISSUE UNDER CONSIDERATION:**

Approve the recommendation to increase magistrate jury fees by \$20,000 with funding coming from operating reserve funds for FY2013.

**POINTS TO CONSIDER:**

- County budgeted \$20,000 for Magistrate Jury Fees for FY2013.
- Chief Magistrate states that fees need to be a minimum of \$40,000.

**OPTIONS:**

1. *(Recommended)* Approve as presented.
2. Provide an alternate directive.

# FLORENCE COUNTY COUNCIL MEETING

July 19, 2012

**AGENDA ITEM:** Other Business  
Council District #9

**DEPARTMENT:** County Council

**ISSUE UNDER CONSIDERATION:**

Approval of the expenditure of \$54,065.00 from Council District #9 funding allocations to pay for the resurfacing of S. Botany Drive.

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:**

*Dr. Morris Anderson*  
Requested by Councilmember: Dr. Morris Anderson

Date: 7/12/12

**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