

VI. PUBLIC HEARINGS:

[22]

A. RESOLUTION NO. 28-2012/13

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of Cedar Road Located In Pamplico.

B. RESOLUTION NO. 29-2012/13

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of A Portion Of Amanda Circle Located In Florence.

C. RESOLUTION NO. 30-2012/13

A Resolution In Support Of The Issuance By The South Carolina Jobs – Economic Development Authority Of Its Economic Development Refunding Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2013 In One Or More Series And In An Aggregate Principal Amount Not To Exceed \$14,085,000 Pursuant To The Provisions Of Title 41, Chapter 43, Code Of Laws Of South Carolina 1976, As Amended.

D. ORDINANCE NO. 33-2012/13

An Ordinance To Amend The Florence County Code, Chapter 7 – Building Regulations, Article II – Standards For Construction, Installations And Maintenance, Division 1 – Generally, Section 7-11 – International Building Code; And Other Matters Related Thereto.

E. ORDINANCE NO. 34-2012/13

An Ordinance To Amend The Florence County Code, Chapter 9.5, Drainage And Stormwater Management; And Other Matters Related Thereto.

F. ORDINANCE NO. 35-2012/13

An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development And Subdivision Ordinance, Article VI. – Subdivision Improvements And Guarantees, Section 6.98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Section 28.6-100 – Reduction Of Guarantee, And Section 28.6-101. – Release Of Guarantee; And Other Matters Related Thereto.

G. ORDINANCE NO. 36-2012/13

An Ordinance Consenting To The Extension Of Time For Project Proton To Complete The Project Pursuant To That Certain Fee Agreement Dated December 1, 2008; And Other Matters Related Thereto.

VII. APPEARANCES:

JACK DAVIS

[23]

Mr. Davis Requests To Appear Before Council To Relay Some Of The Concerns Of The Riders Of The P.D.R.T.A.

VIII. COMMITTEE REPORTS:

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

Administration & Finance

(Chairman Schofield, Councilmen Culberson, Mumford, and Dorriety)

February 21, 2013 FY2014 Budget

Public Services & County Planning

(Councilmen Poston/Chair, Kirby and Caudle)

*June 2008 Museum
October 2012 Flood Plain Maps*

Justice & Public Safety

(Councilmen Mumford/Chair, Bradley and Jason Springs)

Litter

Education, Recreation, Health & Welfare

(Councilmen Culberson/Chair, Poston and Caudle)

Agriculture, Forestry, Military Affairs & Intergovernmental Relations

(Councilman Bradley/Chair, Dorriety and Jason Springs)

January 17, 2013 City-County Conference Committee

IX. RESOLUTIONS/PROCLAMATIONS:

A. RESOLUTION NO. 28-2012/13 **(Public Hearing)**

[25]

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of Cedar Road Located In Pamplico.

B. RESOLUTION NO. 29-2012/13 (*Public Hearing*) **[29]**

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of A Portion Of Amanda Circle Located In Florence.

C. RESOLUTION NO. 30-2012/13 (*Public Hearing*) **[33]**

A Resolution In Support Of The Issuance By The South Carolina Jobs – Economic Development Authority Of Its Economic Development Refunding Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2013 In One Or More Series And In An Aggregate Principal Amount Not To Exceed \$14,085,000 Pursuant To The Provisions Of Title 41, Chapter 43, Code Of Laws Of South Carolina 1976, As Amended.

D. RESOLUTION NO. 31-2012/13 **[38]**

A Resolution Authorizing A Memorandum Of Understanding, Mutual Aid Between The Beaufort County Detention Center And The Florence County Detention Center For The Purpose Of Mutual Support In The Event Beaufort County Is Uninhabitable And Unable To Accept Inmates And Authorizing The County Administrator To Execute Said Agreement.

X. ORDINANCES IN POSITION:

A. THIRD READING

1. ORDINANCE NO. 17-2012/13 (*Deferral*) **[43]**

An Ordinance To Authorize The Execution And Delivery Of Various Documents In Order To Fund A Portion Of The Costs Associated With Soil Remediation Of The Lake City Park Project; To Authorize The Execution And Delivery Of These Documents In Connection Therewith; And Other Matters Relating Thereto.

2. ORDINANCE NO. 29-2012/13 **[46]**

An Ordinance To Ratify FY13 Budget And Grant Council Actions Previously Authorized By Council And Other Matters Related Thereto.

3. ORDINANCE NO. 01-2013/14 **[51]**

An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2013 And Ending June 30, 2014; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto.

4. **ORDINANCE NO. 36-2012/13** *(Public Hearing)* [65]
An Ordinance Consenting To The Extension Of Time For ~~Project Proton~~
[General Electric Company] To Complete The Project Pursuant To That
Certain Fee Agreement Dated December 1, 2008; And Other Matters
Related Thereto.

B. SECOND READING

1. **ORDINANCE NO. 31-2012/13** [71]
An Ordinance To ~~Rezone~~ *Zone* Properties Owned By Ladonna M.
Beylotte, Cephus & Maxine Peterson Jr., Bessie Wilks, Erik T. & Sarah L.
Knotts, Vanona M. Dubose Morris, Ryan J. Johnson, McArthur & Yvonne
F. Lynch, James T. Hurst And Located At 227, 233, 237, 241, 243, 247,
249, And 251 Mill Street, Town Of Scranton, As Shown On Florence
County Tax Map No. 00194, Block 31, Parcels 25, 077 And 104; And A
Portion Of 021, 022, 023, 024 And 111; Consisting Of Approximately
3.16 Acres From Unzoned, To R-1, Single-Family Residential District;
And Other Matters Related Thereto.
(Planning Commission *approved* 7-0)(Council District 1)
2. **ORDINANCE NO. 32-2012/13** [79]
An Ordinance To Rezone Property Owned By Judy H. Thomas And Debra
A. Holloway Located At 2005 Hazelwood Lane, Florence, As Shown On
Florence County Tax Map No. 00127, Block 01, Parcel 008; Consisting Of
Approximately 8.709 Acres From R-3, Single Family Residential District,
To RU-1, Rural Community District, Limited; And Other Matters Related
Thereto.
(Planning Commission *approved* 7-0)(Council District 5)
3. **ORDINANCE NO. 33-2012/13** *(Public Hearing)* [87]
An Ordinance To Amend The Florence County Code, Chapter 7 –
Building Regulations, Article II – Standards For Construction,
Installations And Maintenance, Division 1 – Generally, Section 7-11 –
International Building Code; And Other Matters Related Thereto.
(Planning Commission *approved* 6-0)
4. **ORDINANCE NO. 34-2012/13** *(Public Hearing)* [94]
An Ordinance To Amend The Florence County Code, Chapter 9.5,
Drainage And Stormwater Management; And Other Matters Related
Thereto.
(Planning Commission *approved* 6-0)

5. ORDINANCE NO. 35-2012/13 (*Public Hearing*) **[156]**

An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development And Subdivision Ordinance, Article VI. – Subdivision Improvements And Guarantees, Section 6-98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Section 28.6-100 – Reduction Of Guarantee, And Section 28.6-101. – Release Of Guarantee; And Other Matters Related Thereto.

(Planning Commission approved 6-0)

C. INTRODUCTION

ORDINANCE NO. 37-2012/13

[179]

An Ordinance Confirming The Inclusion Of Certain Property Of Angus-Palm LLC In A Joint County Industrial And Business Park With Marion County; Providing For An Extension Thereof; And Addressing Other Matters Related Thereto.

XI. APPOINTMENTS TO BOARDS & COMMISSIONS:

COMMISSION ON ALCOHOL AND DRUG ABUSE

[185]

Approve The Re-Appointment Of Dawn Floyd To Serve On The Commission On Alcohol And Drug Abuse, Serving In The At-Large Seat Representing Pharmacy, With Appropriate Expiration Term.

XII. REPORTS TO COUNCIL:

A. ADMINISTRATION

MONTHLY FINANCIAL REPORTS

[188]

Monthly Financial Reports Were Provided To Council For Fiscal Year 2013 Through April 30, 2013 As An Item For The Record.

B. FINANCE

ACCOMMODATIONS TAX ADVISORY COMMITTEE

[194]

Approve The Expenditure Of \$200,000 In State Accommodations Tax Funding Allocations To Be Distributed To The Various Recipients As Recommended By The Accommodations Tax Advisory Committee For FY2013/2014.

C. INFORMATION TECHNOLOGY/PROCUREMENT

SOLE SOURCE PURCHASE

[197]

Approve The Sole Source Purchase Of The Bradford Networks, Inc. “Network Sentry” Network Access Control Solution From Converged Networks Of Charleston, SC In The Amount Of \$53,225.00 As Funded And Approved In The FY12-13 Budget.

D. PROCUREMENT

DECLARATION OF SURPLUS PROPERTY

[201]

Declare Five (5) Pickups, One (1) Van, One (1) Ambulance And One (1) Tractor As Surplus Property For Disposal Through Public Internet Auction Via GovDeals.

E. SHERIFF’S OFFICE

CONTRACTUAL AGREEMENT – TOWN OF PAMPLICO

[203]

Approve A Contractual Agreement With The Town Of Pamplico To Provide Victim Services.

F. SHERIFF’S OFFICE/GRANTS

USDOJ EDWARD BYRNE MEMORIAL JUSTICE GRANT

[206]

Approve The Submission Of A Grant Application For The FY2013 United States Department Of Justice (USDOJ) Edward Byrne Memorial Justice Grant (JAG) Program Local Solicitation In The Amount Of \$22,738 To Provide Capital/Replacement Equipment For The Florence County Sheriff’s Office.

XIII. OTHER BUSINESS:

A. INFRASTRUCTURE

SOUTH LYNCHES FIRE DEPARTMENT

[209]

Approve The Expenditure Of Up To \$14,000 From Council District 1 Infrastructure Funding Allocation To Assist The South Lynchess Fire Department With The Purchase And Installation Of Emergency Lights, Striping, Radios, Water Tank, Pump And Hoses Necessary For A Brush Truck.

B. ROAD SYSTEM MAINTENANCE FEE (RSMF)

1. AARON CIRCLE

[211]

Approve The Expenditure Of Up To \$46,557.50 From Council District 7 RSMF Funding Allocation To Pay For Full Depth Patching And Resurfacing On Aaron Circle.

2. N. CARNABY CIRCLE

[212]

Approve The Expenditure Of Up To \$11,154 From Council District 7 RSMF Funding Allocation To Pay For Resurfacing On N. Carnaby Circle.

C. UTILITY

1. TOWN OF PAMPLICO

[213]

Declare One (1) 2008 Ford F-250 Truck (VS137) As Surplus; Authorize The Sale Of The Vehicle To The Town Of Pamplico In The Amount Of \$15,300; And, Approve The Expenditure Of Up To \$7,500 From Council District 2 Utility Funding Allocation To Assist The Town Of Pamplico With The Purchase Of The Truck.

2. SARDIS-TIMMONSVILLE FIRE DEPARTMENT

[215]

Approve The Expenditure Of Up To \$300 From Council District 4 Utility Funding Allocation To Pay For 20 Feet Of 24” Metal Pipe For Sardis-Timmons ville Fire Department Station #3, pending receipt of an encroachment permit from the SCDOT.

3. OLANTA RURAL FIRE DEPARTMENT

[216]

Approve The Expenditure Of Up To \$4,200 From Council Districts 1 And 5 Utility Funding Allocations (\$2,100 From Each District) To Pay For A Concrete Drive For The Olanta Rural Fire Department Substation Located At 2160 Old Creek Road.

D. INFRASTRUCTURE/UTILITY

HOWE SPRINGS FIRE DISTRICT

[218]

Approve The Expenditure Of Up To \$17,000 From Council Districts 2, 4, 5, 6, 7, and 8 Utility Funding Allocations (Approximately \$2,834 From Each District) To Pay For Sewer Repairs At The Howe Springs Fire Department Headquarters Station Located On Howe Springs Road.

XIV. EXECUTIVE SESSION:

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

- Legal Advice/Briefing

XV. INACTIVE AGENDA:

ORDINANCE NO. 21-2011/12

Council Voted At Its December 13, 2012 Regular Meeting To Move This Item To The Inactive Agenda Pending Further Action By The Florence School District Three Board. 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.

XVI. ADJOURN:

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Minutes

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council is requested to approve the minutes of the May 16, 2013 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, MAY 16, 2013, 9:00 A.M., COUNCIL CHAMBERS
ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY STREET,
FLORENCE, SOUTH CAROLINA**

PRESENT:

James T. Schofield, Chairman
Alphonso Bradley, Vice Chairman
Waymon Mumford, Secretary-Chaplain
Mitchell Kirby, Council Member
Russell W. Culberson, Council Member
Roger M. Poston, Council Member
Kent C. Caudle, Council Member
Willard Dorriety, Jr., Council Member
Jason M. Springs, Council Member
K. G. Rusty Smith, Jr., County Administrator
D. Malloy McEachin, Jr., County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

Kevin V. Yokim, Finance Director
Dusty Owens, Emergency Management Department Director
Tommy Sullivan, Emergency Management Department Deputy Director
Bonnie K. Andrews, Human Resources Director
Ryon Watkins, EMS Director
Robert Franks, IT Director
Jonathan B. Graham, III, Planning Director
Andrew Stout, Museum Director
Patrick Fletcher, Procurement Director
Jack Newsome, Tax Assessor
Sam Brockington, Fire/Rescue Services Coordinator
David Alford, Voter Registration/Elections Director
Chief Deputy Glen Kirby, Sheriff's Office
Barbara Coker, Administrative Manager Sheriff's Office
Tucker Mitchell, Morning News
Ken Baker, WMBF News Reporter
Tonya Brown, WPDE TV15 News Reporter

A notice of the regular meeting of the Florence County Council appeared in the May 15, 2013 edition of the **MORNING NEWS**. In compliance with the Freedom of Information Act, copies of the Meeting Agenda and Proposed Additions to the Agenda were provided to members of the media, members of the public requesting copies, posted in the lobby of the City-County Complex, provided for posting at the Doctors Bruce and Lee Foundation Public Library, all branch libraries, and on the County's website (www.florenceco.org).

Chairman Schofield called the meeting to order. Secretary-Chaplain Mumford provided the Invocation and Vice Chairman Bradley led the Pledge of Allegiance to the American Flag. Chairman Schofield welcomed everyone attending the meeting.

APPROVAL OF MINUTES:

Councilman Dorriety made a motion Council Approve The Minutes Of The April 18, 2013 Regular Meeting and the May 2, 2013 Special Called Meeting Of County Council. Councilman Mumford seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

The Clerk Published The Titles And Chairman Schofield opened the public hearings for the following:

ORDINANCE NO. 29-2012/13

An Ordinance To Ratify FY13 Budget And Grant Council Actions Previously Authorized By Council And Other Matters Related Thereto.

ORDINANCE NO. 30-2012/13

An Ordinance Authorizing The Execution And Delivery Of One Or More Incentive Agreements By And Among Florence County, South Carolina, And Project AP, And One Or More Affiliated Or Related Entities, As Sponsor, To Provide For A Fee In Lieu Of Taxes Incentive; To Provide For The Inclusion Of The Project In A Multi-County Business Or Industrial Park; To Provide For Special Source Revenue Credits; To Provide For A County Grant For Job Creation And To Enter Into Any Other Necessary Agreements To Effect The Intent Of This Ordinance; And Other Related Matters.

ORDINANCE NO. 01-2013/14

An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2013 And Ending June 30, 2014; To Provide For The Appropriation Thereof; To Provide For The Revenues Of The Payment Thereof; And To Provide For Other Matters Related Thereto.

LEASE AGREEMENT

Execution Of A Lease Agreement Between Florence County And Carolina Grinding, LLC, For A Portion Of Property Owned By Florence County And Located At The Florence County Landfill, Designated As Tax Map Number 00368-01-002.

APPEARANCES:

TERASA M. YOUNG – KEEP FLORENCE BEAUTIFUL

Ms. Young Appeared Before Council To Provide An Overview Of The Organization's Mission, Vision, Projects, And Initiatives. Chairman Schofield thanked Ms. Young for her presentation and the work the organization does for the community. Councilman Mumford encouraged the organization to partner with Florence County Environmental Control and the Sheriff's Office in the campaign against litter.

SAVANNAH GROVE COMMUNITY ACTION LEAGUE

George R. Brown, On Behalf Of Residents Of Ballpark Road In Effingham, Appeared Before Council To Request That The Road Be Placed On The List For Paving. Mr. Brown stated he supported the Capital Project Sales Tax and would like for this road to be included as one of the projects. Chairman Schofield thanked Mr. Brown for his presentation and stated Council understood the need for roadway improvements in Florence County and that it was up to the Capital Project Sales Tax Commission to determine which roads would be included on the ballot in November. Several residents from the Savannah Grove community and Ballpark Road were present and expressed concern regarding the condition of the road and requested consideration for the paving of this road as one of the projects. Chairman Schofield stated funding was the primary drawback for the County in road maintenance and paving. The estimated cost to pave one mile of unpaved road was approximately \$1 million dollars. According to recent correspondence from the State, it was estimated to take approximately 73 years to resurface all of the State maintained roads in Florence County that were currently on the 'candidate' list for resurfacing, due to the lack of funding.

COMMITTEE REPORTS:

There were no Committee Reports.

RESOLUTIONS/PROCLAMATIONS:

RESOLUTION NO. 25-2012/13

The Clerk published the title of Resolution No. 25-2012/13: A Resolution To Approve The Application To Append Coverage For Incidental Death Benefit; Accidental Death Program And/Or Firefighters Coverage With The Police Officers Retirement System To Become Effective July 1, 2013. Councilman Mumford made a motion Council approve the Resolution as presented. Councilman Springs seconded the motion, which was approved unanimously.

RESOLUTION NO. 26-2012/13

The Clerk published the title of Resolution No. 26-2012/13: An Inducement Resolution Providing For A Fee In Lieu Of Tax Agreement Between Florence County And Project AP. Councilman Dorriety made a motion Council approve the Resolution as presented. Councilman Springs seconded the motion, which was approved unanimously.

PUBLIC HEARINGS:

There were no signatures on the sign-in sheets for Ordinance No. 29-2012/13, Ordinance No. 30-2012/13, or the Lease Agreement.

The following individuals signed up to speak with regard to Ordinance No. 01-2013/14:

- Charman 'Chuck' Haines and Laura Walkup with Pamplico Rescue Squad – requested continued funding for the Rescue Squad and use of ambulances. Chairman Schofield stated he understood the issues faced with the lack of volunteers to run calls during the day but stated the County invested a lot of money in putting ambulances within their control and the ambulances were needed to respond to calls in the area during the daytime.
- Brad Richardson stressed the importance of local EMS stations.

ORDINANCES IN POSITION:

ORDINANCE NO. 17-2012/13 – THIRD READING DEFERRED

Chairman Schofield stated third reading of Ordinance No. 17-2012/13 would be deferred: An Ordinance To Authorize The Execution And Delivery Of Various Documents In Order To Fund A Portion Of The Costs Associated With Soil Remediation Of The Lake City Park Project; To Authorize The Execution And Delivery Of These Documents In Connection Therewith; And Other Matters Relating Thereto.

ORDINANCE NO. 29-2012/13 – SECOND READING

The Clerk published the title of Ordinance No. 29-2012/13: An Ordinance To Ratify FY13 Budget And Grant Council Actions Previously Authorized By Council And Other Matters Related Thereto. Councilman Caudle made a motion Council approve second reading of the Ordinance. Councilman Springs seconded the motion, which was approved with an eight (8) to one (1) vote. Voting in the affirmative were Chairman Schofield, Councilmen Culberson, Poston, Bradley, Mumford, Caudle, Dorriety and Springs. Voting "No" was Councilman Kirby.

ORDINANCE NO. 30-2012/13 – SECOND READING

The Clerk published the title of Ordinance No. 30-2012/13: An Ordinance Authorizing The Execution And Delivery Of One Or More Incentive Agreements By And Among Florence County, South Carolina And Project AP, And One Or More Affiliated Or Related Entities, As Sponsor, To Provide For A Fee In Lieu Of Taxes Incentive; To Provide For The Inclusion Of The Project In A Multi-County Business Or Industrial Park; To Provide For Special Source Revenue Credits; To Provide For A County Grant Or Job Creation And To Enter Into Any Other Necessary Agreements To Effect The Intent Of This Ordinance; And Other Related Matters. Councilman Caudle made a motion Council approve second reading of the Ordinance. Councilman Dorriety seconded the motion, which was approved unanimously.

ORDINANCE NO. 01-2013/14 – SECOND READING

The Clerk published the title of Ordinance No. 01-2013/14: An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2013 And Ending June 30, 2014; 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 Council approve second reading of the Ordinance.

Councilman Culberson seconded the motion. Councilman Springs made a motion to Amend The Ordinance To Increase The Appropriation For The General Fund By \$100,000 To \$52,394,780 In Order To Provide Additional Funding For The Johnsonville Rescue Squad. Councilman Culberson seconded the motion, which was approved with an eight (8) to one (1) vote. Voting in the affirmative were Chairman Schofield, Councilmen Culberson, Poston, Bradley, Mumford, Caudle, Dorriety, and Springs. Voting "No" was Councilman Kirby. Second reading of the Ordinance as Amended was approved unanimously.

ORDINANCE NO. 31-2012/12 – INTRODUCED

The Clerk published the title of Ordinance No. 31-2012/13 and the Chairman declared the Ordinance Introduced: An Ordinance To Rezone Properties Owned By Ladonna M. Beylotte, Cephus & Maxine Peterson Jr., Bessie Wilks, Erik T. & Sarah L. Knotts, Vanona M. Dubose Morris, Ryan J. Johnson, Mcarthur & Yvonne F. Lynch, James T. Hurst And Located At 227, 233, 237, 241, 243, 247, 249, And 251 Mill Street, Town Of Scranton, As Shown On Florence County Tax Map No. 00194, Block 31, Parcels 25, 077 And 104; And A Portion Of 021, 022, 023, 024 And 111; Consisting Of Approximately 3.16 Acres From Unzoned, To R-1, Single-Family Residential District; And Other Matters Related Thereto.

ORDINANCE NO. 32-2012/12 – INTRODUCED

The Clerk published the title of Ordinance No. 32-2012/13 and the Chairman declared the Ordinance Introduced: An Ordinance To Rezone Property Owned By Judy H. Thomas And Debra A. Holloway Located At 2005 Hazelwood Lane, Florence, As Shown On Florence County Tax Map No. 00127, Block 01, Parcel 008; Consisting Of Approximately 8.709 Acres From R-3, Single-Family Residential District, To RU-1, Rural Community District, Limited; And Other Matters Related Thereto.

ORDINANCE NO. 33-2012/12 – INTRODUCED

The Clerk published the title of Ordinance No. 33-2012/13 and the Chairman declared the Ordinance Introduced: An Ordinance To Amend The Florence County Code, Chapter 7 – Building Regulations, Article II – Standards For Construction, Installations And Maintenance, Division 1 – Generally, Section 7-11 – International Building Code; And Other Matters Related Thereto.

ORDINANCE NO. 34-2012/12 – INTRODUCED

The Clerk published the title of Ordinance No. 34-2012/13 and the Chairman declared the Ordinance Introduced: An Ordinance To Amend The Florence County Code, Chapter 9.5, Drainage And Stormwater Management; And Other Matters Related Thereto

ORDINANCE NO. 35-2012/12 – INTRODUCED

The Clerk published the title of Ordinance No. 35-2012/13 and the Chairman declared the Ordinance Introduced: An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development And Subdivision Ordinance, Article VI. – Subdivision Improvements And Guarantees, Section 6.98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Section 28.6-100 – Reduction Of Guarantee, And Section 28.6-101. – Release Of Guarantee; And Other Matters Related Thereto.

ORDINANCE NO. 36-2012/12 – INTRODUCED

The Clerk published the title of Ordinance No. 36-2012/13 and the Chairman declared the Ordinance Introduced: An Ordinance Consenting To The Extension Of Time For Project Proton To Complete The Project Pursuant To That Certain Fee Agreement Dated December 1, 2008; And Other Matters Related Thereto.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

PEE DEE MENTAL HEALTH CENTER BOARD

Council Unanimously Approved The Recommendation Of The Pee Dee Mental Health Center Board For The Recommendation Of Sharon H. Ackerman For Consideration And Nomination To The Governor For Appointment To Seat #1, With Appropriate Expiration Term.

PEE DEE WORKFORCE INVESTMENT BOARD

Council Unanimously Approved The Recommendation Of The Pee Dee Workforce Investment Board For The Re-Appointment Of Ron Reynolds (Labor Representative) And Max Welch (Education Representative), With Appropriate Expiration Terms.

PLANNING COMMISSION

Council Unanimously Approved The Appointment Of Cheryl Floyd To Serve On The Planning Commission, Representing Council District 5, With Appropriate Expiration Term.

POLICY COMMISSION ON RECREATION

Council Unanimously Approved The Re-Appointment Of Geer Ward To Serve On The Policy Commission On Recreation, Representing Council District 9, With Appropriate Expiration Term.

ECONOMIC DEVELOPMENT PARTNERSHIP BOARD

Council Unanimously Approved The Appointment Of Rocky Pearce To Serve On The Economic Development Partnership Board Representing Council District 6, With Term To Begin Immediately And Expiring June 30, 2017.

Council Unanimously Approved The Re-Appointment Of Odell Spears To Serve On The Economic Development Partnership Board Representing Council District 7, With Appropriate Expiration Term.

LIBRARY BOARD OF TRUSTEES

Council Unanimously Approved The Re-Appointment Of Margie Smith To Serve On The Library Board of Trustees, Representing Council District 7, With Appropriate Expiration Term.

CHAIRMAN SCHOFIELD:

Chairman Schofield made the following comments regarding the budget. "Adoption of second reading of our budget today includes a three and half mill tax increase. I want to read to you from the South Carolina Association of Counties Friday Report that we, as members of Council, get every Friday. *"Despite an increase in State revenues, the Finance Committee failed to meet even last year's funding level and instead funded the [Local Government Fund] at \$182 million in recurring dollars and \$10 million in non-recurring funds. This is a \$20 million decrease from last years funding level and \$80 million below the statutory funding level. The House budget funds the LGF in the same manner as last year, \$182 million in recurring and \$30 million in non-recurring funds. The General Assembly should fully fund the LGF according to the statutory formula."* Last year, the House funded the LGF at \$10 million above what they had cut it. Let me go back and explain. About five years ago, when the State was under such severe budget constraints with the bad recession, they began cutting the LGF from what is mandated by State Law to fund counties in the State to pay for State mandated things, such as social services, the courts, and all the things that we do that are truly State functions. The first year we did nothing, we absorbed that decrease in our budget. The second year, we cut one percent across the board; we also did some other things. The [third] year when they cut it again, we cut two percent across the board. The fourth year, we cut three percent across every department in this County; we laid-off people, we demoted people in rank to pay them less, we raised the solid waste fee, we raided the reserve fund until we can't raid the reserve fund any more (we have to maintain a certain amount of money to keep the credit rating we have on our bonds and to operate this County). So, for the last five or six years, we have seen nothing but cuts in the LGF until last year. What is so perplexing about this year is that last year the Senate Finance wanted to do \$40 million and the House (some of them wanted to do none) but they said they would do \$10 million. In the Conference Committee they negotiated and they gave us \$30 million additional funds into the State LGF. Well this year the House voted for \$30 million, the same as we did last year. The State has more money than they had last year (a lot more money than they had last year). And now the Senate has put in for \$10 million; a \$20 million decrease. That is gonna result in one mill of tax in this County. If we had a fully funded LGF in this State, as State law requires, we would not be raising three and half mills in tax this year in order to provide ambulance service and bring it up to the standards it needs to be. \$7 million at this point is the cumulative loss in the LGF that this County has sustained over the last few years. That's an equivalent of 15 mills of tax to our citizens. All I can tell you is that the counties in this State cannot continue to operate receiving below what is statutorily required and what is ... should be ... required and that is to pay the counties to fund operations that are truly State functions of government that happen to be operated through the county. No longer should the counties have to cut EMS, planning and the other agencies that operate ... recreation that operate on our side of the budget, the budget we can control. I said last year in voting for the tax increase last year was the only reason I would do that was because it was apparent to me last year that the State with additional revenue had no intention of fully funding the LGF and I think this year it's even worse. Because now we are talking about decreasing it from last year. So, the problem that the counties face is enormous of trying to provide the services every day to the citizens that desperately need it. I would encourage the public to contact the

Delegation and ask them to, at a minimum, put it back to the \$30 million that was in it, the extra, last year, which would result in a mill of tax. And, really they should put it back to full funding and if they did that this year, potentially we could even have a tax decrease of about a half a mill. This issue is not something the County can control. Where I sit, looking at the budget, if we do the three and half mill tax increase, the State lets us look back three years and when we haven't had any tax increases, you can cumulatively do the formula. Next year, we won't be able to look back, very little. We will have very little capability and I predict that you're gonna see the counties in South Carolina, Florence County, cutting across the board in the budget. That's what's going to happen because the increase in health care cost are gonna outstrip the growth in taxes, unless we really grow this County. DuPont was torn down this year. Revenues are essentially flat, the tax base, so there is no additional revenue. The reason the counties and the cities have been able to operate all these years and relatively not raise taxes is because of growth in tax base. The counties are in a bad position and according to State law the only way we can cut the budget of the other elected officials (the Treasurer, the Sheriff, and all of those) is to do across the board cutting and that is, from a business man's standpoint, the worst way to take cutting into a budget. You cut across the board, we did that a couple of years ago, we ran out of funding to pay the jurors in the Magistrate's office so we couldn't collect the fines and forfeitures; it actually cost more money that we lost in fines and forfeitures than we saved, but State law mandates the only way to cut for us is across the board. So I implore the citizens of this County to contact your Legislative Delegation and ask them to restore the funding in the LGF."

Councilman Kirby commended the Chairman on his explanation of the Local Government Fund and explaining it. He said that was the reason he voted 'no' against this year's budget and voted no last year because County Council was becoming a collection agency for the State. He stated the counties needed to stand up and tell the State it needed to fund all the mandates it required.

REPORTS TO COUNCIL:

ADMINISTRATION

MONTHLY FINANCIAL REPORTS

Monthly Financial Reports Were Provided To Council For Fiscal Year 2013 Through March 31, 2013 As An Item For The Record.

CAROLINA GRINDING, LLC – LEASE AGREEMENT

Councilman Springs made a motion Council Approve The Execution Of A Lease Agreement Between Florence County And Carolina Grinding, LLC, For A Portion Of Property Owned By Florence County And Located At The Florence County Landfill, Designated As Tax Map Number 00368-01-002. Councilman Culberson seconded the motion, which was approved unanimously.

FINANCE/PROCUREMENT

AWARD OF BID NO. 16-12/13

Councilman Springs made a motion Council Award Bid No. 16-12/13 For One (1) 3-Phase Standby Generator For The Lower Florence County Public Services Building Located At 234 South Ron McNair Blvd. In Lake City To Nixon Power Services, Charlotte, NC In The Amount Of \$18,257.40. Councilman Dorriety seconded the motion, which was approved unanimously.

FUELMAN FUEL CARD SYSTEM

Councilman Mumford made a motion Council Approve The Use Of The Cooperative Purchasing Network (TCPN) Cooperative Purchasing Program To Upgrade The Existing Fuelman Fuel Card System At All Three (3) County Fuel Card Reading Sites By The Current Vendor FleetCor Technologies Operating Company, LLC D.B.A. Fuelman Of Norcross, Ga. And Authorize The County Administrator To Execute The Contract. Councilman Dorriety seconded the motion, which was approved unanimously. County Administrator K. G. Rusty Smith, Jr. stated that by participating in this program, the County would save \$24,000 and would experience decreased pricing in fuel purchases.

PARKS AND RECREATION/PROCUREMENT

AWARD OF BID NO. 15-12/13

Councilman Poston made a motion Council Award Bid No. 15-12/13 For Lighting At The Laverne Ard Football Field Located At 479 E. 6th Avenue, Pamplico, SC To The Low Bidder KMB Electrical Of Sumter, SC. Councilman Mumford seconded the motion, which was approved unanimously.

PUBLIC WORKS/PROCUREMENT

AWARD OF BID NO. 17-12/13

Councilman Springs made a motion Council Award Bid No. 17-12/13 For Asphalt Repaving At Derby Lane, Belmont Lane, And Winners Circle In Lake City To The Low Bidder C. R. Jackson Of Columbia, SC In The Amount Of \$75,390. Councilman Dorriety seconded the motion, which was approved unanimously. Mr. Smith stated funding was allocated through the CTC program. Councilman Caudle expressed concerns that with the last four (4) bids none were local bidders and he found that a little odd. He acknowledged that the County even offered a preference to local bidders.

PUBLIC WORKS

MALLARD POINTE SUBDIVISION

Councilman Dorriety made a motion Council Approve The Request From Mallard Pointe Subdivision Home Owners Association For Mallard Pointe Subdivision To Be Accepted Into The Florence County Road Maintenance System, Contingent On The Paving Of Those Roads In That Subdivision By The Home Owners Association. Councilman Kirby seconded the motion, which was approved unanimously. Mr. Smith stated they agreed to place 2" of asphalt on these roads and Councilman Dorriety was working extremely hard with this group to make this happen.

ADMINISTRATION/COUNTY ATTORNEY

PURCHASE OF EADDY PROPERTY

Councilman Caudle made a motion Council Authorize The Purchase Of Real Property Owned By Clebe G. Eaddy And Debbie C. Eaddy, Consisting Of Approximately 4.41 Acres And Designated As Tax Map No. 00211-01-094, In The Amount Of \$35,000 From The Solid Waste Fund, And, Authorize The County Administrator To Execute All Associated Documents To Complete The Purchase, Subject To County Attorney Review. Councilman Dorriety seconded the motion, which was approved unanimously.

OTHER BUSINESS:

INFRASTRUCTURE

CITY OF LAKE CITY

Councilman Springs made a motion Council Approve The Expenditure Of Up To \$12,500 From Council District 1 Infrastructure Funding Allocation To Assist The City Of Lake City With The Purchase Of Signage For The Godley-Morris Industrial Park. Councilman Dorriety seconded the motion, which was approved unanimously.

WEATHERFORD FIELD- SCRANTON

Councilman Springs made a motion Council Approve The Expenditure Of Up To \$4,800 From Council District 1 Infrastructure Funding Allocation To Replace The Heat Pump In The Concessions Building At Weatherford Field In Scranton. Councilman Caudle seconded the motion, which was approved unanimously.

SARDIS-TIMMONSVILLE RURAL FIRE DEPARTMENT

Councilman Kirby made a motion Council Approve The Expenditure Of Up To \$7,600 From Council District 4 Infrastructure Funding Allocation To Assist The Sardis-Timmons ville Rural Fire Department With The Purchase Of A Thermal Imaging Camera For The Newest Fire Truck. Councilman Dorriety seconded the motion, which was approved unanimously.

TOWN OF COWARD

Councilman Caudle made a motion Council Approve The Expenditure Of Up To \$6,400 From Council District 5 Infrastructure Funding Allocation To Assist The Town Of Coward With Roof Replacement On Two (2) Sheds And One (1) Bathroom Building With No Screw Metal Roofs. Councilman Mumford seconded the motion, which was approved unanimously.

FLORENCE COUNTY MUSEUM

Councilman Poston made a motion Council Approve The Expenditure Of Up To \$20,000 From Council District 8 Infrastructure Funding Allocation For The Restoration Of The Henry Timrod Schoolhouse And Fencing To Secure/Protect The Schoolhouse. Councilman Culberson seconded the motion, which was approved unanimously.

GREENWOOD ATHLETIC PARK

Councilman Caudle made a motion Council Approve The Expenditure Of Up To \$20,000 From Council Districts 5, 6, 7, and 8 Infrastructure Funding Allocations (Approximately \$5,000 From Each District) To purchase And Install Parking Lot Lighting At Greenwood Athletic Park. Councilman Culberson seconded the motion, which was approved unanimously.

ROAD SYSTEM MAINTENANCE FEE (RSMF)

RESURFACING ROADS

Councilman Poston made a motion Council Approve The Expenditure Of Up To \$115,043 From Council District 8 RSMF Then Infrastructure (If There Are Insufficient Funds Available In RSMF) Funding Allocation To Pay For The Resurfacing Of Crown Road (\$30,030), Wimbledon Avenue (\$36,465), Winterwood Road And Hamilton Drive (\$48,548.50). Councilman Dorriety seconded the motion, which was approved unanimously.

UTILITY

LAMB ROAD

Councilman Mumford made a motion Council Approve The Expenditure Of Up To \$5,313 From Council District 7 Utility Funding Allocation To Put Additional Crushed Asphalt On Lamb Road. Councilman Bradley seconded the motion, which was approved unanimously.

INFRASTRUCTURE

GREENWOOD ATHLETIC PARK

Councilman Caudle made a motion Council Approve The Expenditure Of Up To \$2,600 From Council Districts 5 And 6 Infrastructure Funding Allocations (\$1,300 From Each District) To Purchase A Heat Pump For The Control Building At Greenwood Athletic Park. Councilman Culberson seconded the motion, which was approved unanimously.

ANNOUNCEMENTS/EVENTS

Chairman Schofield announced that the Johnsonville River Festival was scheduled for May 17th and 18th, with the unveiling of the Francis Marion Statue scheduled for 1:00 p.m. Saturday.

CORRECTIONS TO MORNING NEWS ARTICLE

Chairman Schofield stated he wanted to make a few corrections to a Morning News article regarding Timrod Schoolhouse. He stated the Schoolhouse was not located in Council District 8 and that he did not serve on the Museum Board. He stated further that one Councilman did not determine where funding was allocated; that it was a vote of Council to determine funding of any project.

Chairman Schofield stated one additional note, there was a letter in the May 16th edition of the Morning News on Pineneedles Road regarding weeds growing up on the new road done under the penny sales tax. He said the Administrator had already called regarding this issue. Mr. Smith stated he talked with SC DOT, the responsible entity for the maintenance of the road, and there was a period of time that a contractor retains responsibility for the maintenance of the road once a project was complete so they were checking to see if the contractor's time expired, but that SC DOT would address the issue.

Councilman Dorriety stated several months ago, before he was elected to Council, he inquired about that road and was told at the time that it was the contractor's responsibility and that once final payment was made upon completion of the project the responsibility would then become the State's. Several weeks after that, it was cut. He said it had not been cut since that time and that he had also contacted the State regarding maintenance on the road and he and other private citizens had even used personal equipment to cut the grass, etc. along this roadway.

EXECUTIVE SESSION:

Councilman Mumford made a motion Council Enter Executive Session, Pursuant To Section 30-4-70 Of The South Carolina Code Of Laws 1976, As Amended, for Discussion re: Development of Security Devices and Personnel, and, Contractual Matter/Legal Briefing – Pending Real Property Transaction(s): re: National Cemetery. Councilman Culberson seconded the motion, which was approved unanimously.

Council entered executive session at 10:07 a.m. Council reconvened at 11:11 a.m.

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

COUNCIL MEETING ADJOURNED AT 11:12 A.M.

WAYMON MUMFORD
SECRETARY-CHAPLAIN

CONNIE Y. HASELDEN
CLERK TO COUNTY COUNCIL

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Minutes

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Council is requested to approve the minutes of the May 29, 2013 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, WEDNESDAY, MAY 29, 2013, 8:00 A.M., COUNCIL CHAMBERS ROOM 803, CITY-COUNTY COMPLEX, 180 N. IRBY STREET, FLORENCE, SOUTH CAROLINA

PRESENT:

James T. Schofield, Chairman
Alphonso Bradley, Vice Chairman
Waymon Mumford, Secretary-Chaplain
Mitchell Kirby, Council Member
Russell W. Culberson, Council Member
Roger M. Poston, Council Member
Kent C. Caudle, Council Member
Willard Dorriety, Jr., Council Member
Jason M. Springs, Council Member
K. G. Rusty Smith, Jr., County Administrator
D. Malloy McEachin, Jr., County Attorney
Connie Y. Haselden, Clerk to Council

ALSO PRESENT:

Kevin V. Yokim, Finance Director
Ryon Watkins, EMS Director
Sam Brockington, Fire/Rescue Services Coordinator
Lindsay Buchanan, Morning News

A notice of the special called meeting of the Florence County Council appeared in the May 28, 2013 edition of the **MORNING NEWS**. In compliance with the Freedom of Information Act, copies of the Meeting Agenda were provided to members of the media and members of the public requesting copies, posted in the lobby of the City-County Complex, provided for posting at the Doctors Bruce and Lee Foundation Public Library, all branch libraries, and on the County's website (www.florenceco.org).

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

RESOLUTIONS/PROCLAMATIONS:

RESOLUTION NO. 27-2012/13

The Clerk published the title of Resolution No. 27-2012/13: A Resolution To Authorize The Addition Of Two Ambulances To The County Fleet For The Emergency Medical Services Department. Councilman Caudle made a motion Council approve the Resolution as presented. Councilman Springs seconded the motion, which was approved unanimously.

ORDINANCES IN POSITION:

ORDINANCE NO. 30-2012/13 – THIRD READING

The Clerk published the title of Ordinance No. 30-2012/13: An Ordinance Authorizing The Execution And Delivery Of One Or More Incentive Agreements By And Among Florence County, South Carolina And Project AP, And One Or More Affiliated Or Related Entities, As Sponsor, To Provide For A Fee In Lieu Of Taxes Incentive; To Provide For The Inclusion Of The Project In A Multi-County Business Or Industrial Park; To Provide For Special Source Revenue Credits; To Provide For A County Grant Or Job Creation And To Enter Into Any Other Necessary Agreements To Effect The Intent Of This Ordinance; And Other Related Matters. Councilman Caudle made a motion Council approve third reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

ORDINANCE NO. 36-2012/12 – SECOND READING

The Clerk published the title of Ordinance No. 36-2012/13: An Ordinance Consenting To The Extension Of Time For Project Proton To Complete The Project Pursuant To That Certain Fee Agreement Dated December 1, 2008; And Other Matters Related Thereto. Councilman Dorriety made a motion Council approve second reading of the Ordinance. Councilman Culberson seconded the motion, which was approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

PEE DEE REGIONAL HEALTH SERVICES DISTRICT

Council Unanimously Approved The Recommendation Of J. Boone Aiken, III, General Counsel To McLeod Health, For The Appointment Of The Following Individuals To Serve On The Pee Dee Regional Health Services District With Appropriate Expiration Terms And Pending Approval Of The Governor: David Durant, Starlee Alexander, John Curl, And Carl Humphries.

REPORTS TO COUNCIL:

ADMINISTRATION/GRANTS

SOUTH MURRAY HILL ROAD

Councilman Dorriety made a motion Council Accept Allocation From The South Carolina Department Of Transportation (SCDOT) Under The Florence County Transportation Committee (FCTC) Funds Program, PCN #42566 In The Amount Of \$39,200 For The Resurfacing Of South Murray Hill Road. Councilman Springs seconded the motion, which was approved unanimously.

COUNTY ATTORNEY

NATIONAL CEMETERY PROPERTY

Councilman Dorriety made a motion Council Authorize The County Attorney To Enter Into Negotiations To Purchase Properties Adjacent To The Florence National Cemetery Owned By Seretta Ford To Expand The Cemetery, In An Amount Not To Exceed \$20,000 From Funding Previously Approved At The November 15, 2012 Regular Meeting Of County Council; And Authorize The County Administrator To Execute An Option To Purchase Real Estate Pending Review By The County Attorney. Councilman Caudle seconded the motion, which was approved unanimously. Councilman Caudle requested that the County Attorney research the opportunity for any additional parcels that may be available for future expansion.

EMS/PROCUREMENT

PURCHASE TWO (2) AMBULANCES

Councilman Dorriety made a motion Council Authorize The Use Of Florida Association Of Counties Bid #11-10-1202 Awarded To Wheeled Coach Industries To Purchase Two (2) Ambulances At A Base Bid Of \$111,400.00 Each With Needed Options In The Amount Of \$72,756 (Total Purchase Of \$295,556) From Peach State Ambulance, Inc., Tyrone, Ga., The Authorized Regional Representative For Wheeled Coach Industries To Be Funded From EMS Departmental Funds. Councilman Springs seconded the motion, which was approved unanimously.

PUBLIC WORKS/PROCUREMENT

WASTE MANAGEMENT CONTRACT

Councilman Caudle made a motion Council Approve A Five Year Extension Of The Existing Solid Waste Collection And Disposal Contract With Waste Management One Year In Advance Of Expiration In Order To Recognize Cost Saving Incentives Being Offered By The Company Projected To Be \$1,055,323 Over The Six Year Term. Councilman Springs seconded the motion. Councilman Mumford expressed concerns regarding House Bill H.3290, currently on the House Bill Contested Calendar, which shifts authority for solid waste management from local elected officials to corporate, out of state, waste management companies. Mr. Randall Essick, Director of Market Planning and Landfill Development, and Vickie Liebers, Public Sector Account Manager, with Waste Management were both present at the meeting and Councilman Mumford requested they provide information relative to his concerns. Mr. Essick responded that the interpretation of the Bill was incorrect. The Bill that was introduced allowed for industries and businesses to use the company of their choice to do business. The original Bill that was introduced was vague with regard to issues affecting local government, but an amendment was introduced that clarified that user fees, zoning, etc. were not impacted. The Bill was initiated in an attempt to allow businesses and industries to take waste where they chose to take it. The waste haulers group did ask that residential waste be removed from the Bill, but currently it was included. Councilman Mumford stated his understanding was that if the Bill passed there were two primary waste companies in

South Carolina that would have total control over the hauling of waste and the counties would have no say in where waste was hauled or what waste was being hauled into a county. Mr. Essick responded that that was totally false. The genesis of the Bill came about approximately two years prior. A small waste hauler out of Marion County was hauling waste out of Horry County into Marion County to his C & D site, when Horry County passed a flow control ordinance that caused him to lose about 40 – 50 percent of his volume. He reduced employees from 43 to 9 and was about to go bankrupt. He requested assistance from the Solid Waste Management Association and the Association voted to support him. Mr. Essick stated the Bill would not help Waste Management in South Carolina; they would not gain from it. The Bill was strictly written to deal with the flow of waste by business and industry. Councilman Mumford asked why the contract extension would need approval at the special meeting versus waiting until the June regular meeting. Councilman Caudle asked if he understood correctly that the contract was being renewed a year in advance and would be for a six year period, as opposed to the five years as allowed in the contract. Vickie Liebers with Waste Management responded that was correct. In order to capitalize on the savings currently available, the contract needed to be approved prior to May 31st. Ms. Liebers confirmed the County would experience a savings of over \$1.055 million over the six-year extension. Councilman Mumford stated his concern was that, there were some of the top attorneys in the nation working with the South Carolina Association of Counties, and down the road, at the end of the five year contract, the prices would escalate and the County would have no say in the matter because Waste Management would have total control. Ms. Liebers assured Council that based on the contract the County currently had with Waste Management, the company could not exceed 75% of the annual CPI. She stated the Company had a 30 year relationship with Florence County and they had no intention of jacking up the prices. Councilman Mumford stated "I just want it to go on record, Mr. Chairman, what she just said that she is not trying to pull anything over our eyes, because in five years we'll see. The citizens of this County and this State will see as well. I cannot support it." The motion was approved with an eight (8) to one (1) vote. Voting in the affirmative were Chairman Schofield and Councilmen Culberson, Poston, Kirby, Bradley, Caudle, Dorriety and Springs. Voting "no" was Councilman Mumford.

ADMINISTRATION/FINANCE

DISCUSSION OF THE FISCAL YEAR 2014 BUDGET

Finance Director Kevin Yokim provided a brief recap of the status of the budget. Several years ago the County implemented an Ordinance that requires a Fund Balance of 25%. As of June 30, 2012, the County was at 20% with its Fund Balance. He said the good news was that the State had approved to fund the LGF at the same rate as last year rather than reducing the funding. Mr. Smith stated the contract the County was renewing with Waste Management was an effort to help replenish the fund balance and reduce costs for the County. Chairman Schofield stated the proposed budget did not include the 17 positions that the State informed the County must be added for the jail. He said the City-County Complex would cost the County to absorb the costs that were previously shared with the City, once the City moved out. However, he and the Administrator were working diligently to implement some cost saving initiatives. He said the \$7 million the County

had lost due to the State not fully funding the LGF over the last several years would have improved the fund balance, but that loss had put the County in a bind.

Chairman Schofield stated Mr. Sheehy had a column in the Morning News that he wanted to make a few comments on. "*The County*, he says, *is already on the verge of approving a 3.5 million dollar increase in property taxes*. He meant to say, I think mills; that's 3.5 mills and that equates to about \$1.5 million dollars. I want to try to keep everybody on the right page here and know exactly what's happening. We are also, in his article he's talking about the capital projects and the efforts in the Senate to negate it. Well, potentially, the way we read the Bill that's not in there at this time. That doesn't mean that it wouldn't be in there and, in fact, where he says that passing this tax would eliminate using a penny tax for any other use, there are many different pennies; you have the local option penny, you have a personal property tax exemption penny that could be implemented in Florence County, which is in addition to other pennies. The local option penny we have is a penny that can fund tax reduction and municipal and county operations; that's the one we passed 20 years ago. There's another local option penny which is available, which does nothing but tax relief. It does not fund any municipal or county operations. There's an education penny, there's a tourism penny, there are many different pennies and Senator Leatherman's trying to get one more penny in there. There's a penny in there right now for transportation authority, which can fund road construction, which Richland County just passed for twenty-something years to do their road work. But Senator Leatherman's trying to put another penny in there, referendum, that the money doesn't go to a transportation authority, it goes to the CTC (the County Transportation Committee). It would be solely at their discretion to ask for the referendum before County Council. Then they would be deciding what roads would be paved. Curiously, in his penny, different than in the penny for capital projects and transportation, those two are tied together and it says specifically in the Law that you can't have both of them. It says that, you know, there's the potential you could have a half a percent on one and half a percent on the other one, but you can't have more than one penny between those two – the capital projects and the transportation. The other pennies are totally separate. But in Senator Leatherman's Bill where he is amending House 3412 up there, it specifically, flat out, says that this penny is in addition to any other penny on the books. So it is not restricted, it could be the third penny. I am familiar with one County, there may be two, but Charleston County does have three pennies on at this time. So ... I don't see that it eliminates any other use and I don't see where that, you know, that that's all that could be done, you know. I'd agree with him when he says 'I believe the voters who pay the bills are best suited to decide what capital projects to fund.' That's why this Council has so vigorously tried to promote the Capital Project Sales Tax so that we don't have to use property tax millage increase for bonds or otherwise, to do things like the radio system that need to be done.

With Council's indulgence, I want to comment on one other thing that the City has done and Mr. Sheehy put in his article. And I want to comment on that, one because I'm the Chairman of the Council and two, because I was very much involved in the passage of the Local Option Sales Tax, as some of you can remember, about twenty years ago. I have here an advertisement that ran in the Florence Morning News (that's what it was called in those days). It's called 'Here's the truth' and it was a list of questions and

answers that I was asked when I traveled all over this County about what we were trying to do to pass the Local Option Sales Tax. I would call your attention to the last two questions on the left hand column. It says *'Question: aren't the City and County just trying to get more revenue?'* The answer that was given to the public was *'No. They are substituting sales tax revenue for property tax revenue. Both the County of Florence and the City of Florence are passing ordinances, which require that 100% of all local option revenue be used for property tax reduction. There will be no new revenue for either the City or the County. Question: Won't they raise taxes anyway, even with the local options? Since the City and County are mandating 100% of the local option revenue be used for property tax credit, they will receive no new revenue from this source.'* That is how we went to the community and asked them to approve it. I talked to Mayor Haigh Porter, who was the Mayor at the time, and his recollection and in fact he has some different advertisements hanging on his wall that were run that state the same thing. I would call to your attention, if anyone wants to see what the County did at that day, Ordinance #13-93/94 has Section 4 in it and I told the people when they came to me (I had just lost my seat on City Council by a couple of years) I told them I didn't think I was the right person to lead the charge for the local option sales tax. They said they thought I was, I said, well the only way I'm gonna do it if it's for 100% property tax relief, because I want to be able to cut the legs out from under the opposition. I want to make sure that what we're trying to do is substitute one kind of tax for another and something that 35% of the money will come from people from out of town. Section 4 of the Ordinance that the County passed at that time says this *'This Ordinance #13-93/94 (which is the Ordinance to do the capital projects) says This Ordinance may not be repealed or amended by the Florence County Council unless such action is approved in advance in a countywide referendum by the voters of Florence County.'* Section 2 says *'If the local option sales tax is approved by the voters all of the revenue generated therefrom will be utilized to replace property tax revenues by application of a 100% property tax credit against County ad valorem property taxes so that they are reduced by the greatest amount possible.'* That was the commitment the County made at that time and that is a solid commitment. I talked with Mayor Wukela and he assures me that there is nothing in the City ordinances that they have been able to find that committed the City to the 100%. All I can tell is that I know what we went out there and talked and I know how Mayor Porter feels about it and what Mayor Porter said on the stump twenty years ago, it was 100%. I understand what the City wants to use the money for and that's a very worthwhile cause, but I for one believe that when you talk to the people you should live up to what you say and I haven't had the chance to research City ordinances and City resolutions to see if there's anything to the contrary; they assure me there's not. I do remember at the time saying, we didn't ask to put that restriction on Lake City or Coward or Scranton. One reason we didn't put it on the small towns was because the local option absolutely wiped out every bit of their millage for government service and in fact they had a surplus of funds coming from it. So we didn't feel like it was necessary. We felt like that the City of Florence being the largest city and the County of Florence had an obligation to try to do 100% rollback. So, I just wanted to try to clear that up and let you know that the County is very much dedicated to 100% in the local option as it exists today.

I want to point out one other thing that people can look at. If you wonder about what we are doing in the Capital Project Sales Tax, I would invite you, and whether its legal or not, go to the Aiken County government website and look at the section they have on the capital sales tax projects and ask yourself what you see the people of Aiken and what do they know that maybe the people of Florence County should know or don't know or some other people in this County should know. You'll see a section titled 'Sales Tax I Projects Map (2000-2004)'. You can click on that and see what they did. Then you can see 'Sales Tax II Projects Map (2005-2012)' and if you look on that they'll give you the detail and they will show you that there are a lot of projects completed and then they will show you a lot of projects that are still under construction, like our roads. And then you will see 'Sales Tax III Projects Map (2013-2020)' which is the new penny that they just passed. So they do have a new penny that is on for new projects, which are in no ways connected to the old projects and the old projects are not finished. That is one of the contentions that the Attorney General has made to us as to why we can't do what we are doing. Well, Aiken County is doing it and the State has made no effort to change what they are doing or to call it into question, so I just wanted to point that out to the public.

One other thing, Council asked us to write a letter to the Legislative Delegation asking for their help in explaining to the public what the situation was and why the delay was on the rest of the road projects and also for their help to try to propel those projects forward in working with the DOT and with the Corps of Engineers. Received a response from one member of the Delegation that was more into just telling us why what we are doing in the Capital Project Sales Tax is wrong and it did not in that letter of their's address what we asked, was that they help us try to explain this nor try to do something with the Corps of Engineers. I'm happy to report that Senator Kent Williams, and I have copies of these letters and I'm sure you all will have copies of them, did write the Honorable Lindsay Graham and to Robert St. Onge, Jr., the Secretary of Transportation, SCDOT and ask them to do everything they can to speed up these projects. So, Senator Williams I appreciate your effort to try to get the voters some answer because again this is not something that County Council has much control over. The SIB agreement that we signed with the Infrastructure Bank and DOT gives them all of the control for managing the projects and moving them forward.'

Mr. Smith expressed appreciation for Councilman Mumford's comments regarding Waste Management and stated that in order to address those concerns he wanted to assure him that Mr. Yokim, the County Attorney and he would prudently review the contract extension to ensure it alleviates all of his concerns.

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

COUNCIL MEETING ADJOURNED AT 8:43 A.M.

WAYMON MUMFORD
SECRETARY-CHAPLAIN

CONNIE Y. HASELDEN
CLERK TO COUNTY COUNCIL

FLORENCE COUNTY COUNCIL

June 20, 2013

AGENDA ITEM: Public Hearings

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

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

A. RESOLUTION NO. 28-2012/13

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of Cedar Road Located In Pamplico.

B. RESOLUTION NO. 29-2012/13

A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of A Portion Of Amanda Circle Located In Florence.

C. RESOLUTION NO. 30-2012/13

A Resolution In Support Of The Issuance By The South Carolina Jobs – Economic Development Authority Of Its Economic Development Refunding Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2013 In One Or More Series And In An Aggregate Principal Amount Not To Exceed \$14,085,000 Pursuant To The Provisions Of Title 41, Chapter 43, Code Of Laws Of South Carolina 1976, As Amended.

D. ORDINANCE NO. 33-2012/13

An Ordinance To Amend The Florence County Code, Chapter 7 – Building Regulations, Article II – Standards For Construction, Installations And Maintenance, Division 1 – Generally, Section 7-11 – International Building Code; And Other Matters Related Thereto.

E. ORDINANCE NO. 34-2012/13

An Ordinance To Amend The Florence County Code, Chapter 9.5, Drainage And Stormwater Management; And Other Matters Related Thereto.

F. ORDINANCE NO. 35-2012/13

An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development And Subdivision Ordinance, Article VI. – Subdivision Improvements And Guarantees, Section 6.98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Section 28.6-100 – Reduction Of Guarantee, And Section 28.6-101. – Release Of Guarantee; And Other Matters Related Thereto.

G. ORDINANCE NO. 36-2012/13

An Ordinance Consenting To The Extension Of Time For Project Proton To Complete The Project Pursuant To That Certain Fee Agreement Dated December 1, 2008; And Other Matters Related Thereto.

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Appearances Before Council
 Jack Davis
 P.D.R.T.A.

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Mr. Davis Requests To Appear Before Council To Relay Some Of The Concerns Of The Riders Of The P.D.R.T.A.

ATTACHMENT:

A Copy of the Request To Appear.

Attn: County Council 5 June 2013
Re: Request to speak on behalf of
the riders of the P.D.R.T.A

I, JACK DAVIS, A citizen of
Florence, S.C. request permission to
speak at the upcoming County Council
meeting scheduled for 20 June 2013 at
9:00 AM. in room # 803. I would like to
relay some of the concerns of the
riders of the P.D.R.T.A.

Your consideration would be
greatly appreciated.

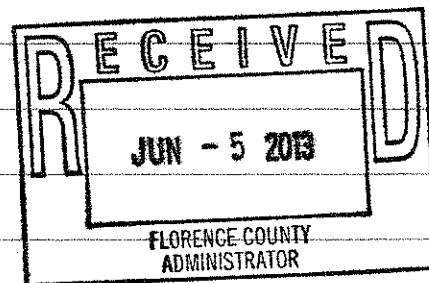
Sincerely,

JACK DAVIS

Jack Davis

5 June 2013

(phone # (843) 610 3304)
Address 612 Norm St Apt. C,
Flo. S.C. 29501



FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Resolution No. 28-2012/13

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

(A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of Cedar Road Located In The Pamlico Area.)

POINTS TO CONSIDER:

Public Works, Planning, EMS and Emergency Management have reviewed the request to end maintenance and abandon Cedar Road and concur with the request.

OPTIONS:

1. *(Recommended)* Approve Resolution No. 28-2012/13.
2. Provide an alternate directive.

ATTACHMENTS:

1. Resolution No. 28-2012/13.
2. Memo from Public Works Director Carlie Gregg approving the request for abandonment and closure of Cedar Road.
3. Aerial photograph depicting subject road.

Sponsor(s)/Department : County Council
Public Hearing : June 20, 2013
Adopted : June 20, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 28-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(Authorizing The Cessation of Maintenance On and Abandonment And Closure of Cedar Road Located In Pamplico.)

WHEREAS:

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

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

Cedar Road is hereby abandoned, closed by Florence County and its use as a prescriptive right of way and all maintenance thereof by Florence County is hereby discontinued. Florence County declares Cedar Road closed as a public way.

ATTEST:

Connie Y. Haselden, Council Clerk

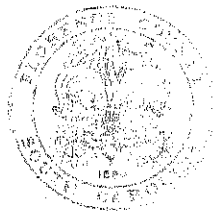
SIGNED:

James T. Schofield, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:



FLORENCE COUNTY
Public Works Department

Arthur C. Gregg, Jr.
Public Works Director

MEMO

TO: K. G. Rusty Smith, Jr., Florence County Administrator
FROM: Arthur C. Gregg, Jr., Public Works Director *WGS*
DATE: April 24, 2013
SUBJECT: Application for Abandonment and Closure of Cedar Road

In consideration of there being no objection by any property owners on Cedar Road, per signature sheet, it is my recommendation for the County to move forward with the request.

Also included is all pertinent information used for the review.

ACG,Jr./ig

Enclosure

CEDAR ROAD



Legend

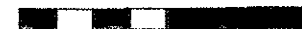
- Address
- Parcel
- ROW
- Cedar Rd Proposed
- Area To Close

Disclaimer- Florence County GIS data is for informational and visualization purposes only. Users of these products should review or consult primary data and information sources to determine the suitability and usability of the data. Florence county will not be held liable for any damages caused by the use of this data.



Florence County GIS, May 8, 2012

500 250 0 500 Feet



FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Resolution No. 29-2012/13

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

(A Resolution Authorizing The Cessation Of Maintenance On And Abandonment And Closure Of A Portion Of Amanda Circle Located In The Florence Area.)

POINTS TO CONSIDER:

Public Works, Planning, EMS and Emergency Management have reviewed the request to end maintenance and abandon a portion of Amanda Circle and concur with the request.

OPTIONS:

1. *(Recommended)* Approve Resolution No. 29-2012/13.
2. Provide an alternate directive.

ATTACHMENTS:

1. Resolution No. 29-2012/13.
2. Memo from Public Works Director Carlie Gregg approving the request for abandonment and closure of a portion of Amanda Circle.
3. Plat depicting subject road.

Sponsor(s)/Department : County Council
Public Hearing : June 20, 2013
Adopted : June 20, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 29-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(Authorizing The Cessation of Maintenance On and Abandonment And Closure Of A Portion Of Amanda Circle Located In Florence.)

WHEREAS:

1. Amanda Circle is located in the Florence area of the County; and
2. Amanda Circle is maintained by the Public Works Department of Florence County through a prescriptive right of way; and
3. Council is requested to abandon and cease maintenance of Amanda Circle.

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

A portion of Amanda Circle, being shown on a plat by Jeffrey Chad Younginer, dated April 26, 2013, attached hereto and incorporated by reference, is hereby abandoned, closed by Florence County and its use as a prescriptive right of way and all maintenance thereof by Florence County is hereby discontinued. Florence County declares said portion of Amanda Circle closed as a public way.

ATTEST:

Connie Y. Haselden, Council Clerk

SIGNED:

James T. Schofield, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:



FLORENCE COUNTY
Public Works Department

Arthur C. Gregg, Jr.
Public Works Director

MEMO

TO: K. G. Rusty Smith, Jr., Florence County Administrator
FROM: Arthur C. Gregg, Jr., Public Works Director *ALG*
DATE: May 9, 2013
SUBJECT: Application for Abandonment and Closure of Amanda Circle

In consideration of there being no objection by any property owners on Amanda Circle, per signature sheet, it is my recommendation for the County to move forward with the request.

Also included is all pertinent information used for the review.

ACG, Jr./ig

Enclosure

Cc: Connie Haselden, Clerk to Council

Misc. Memos

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

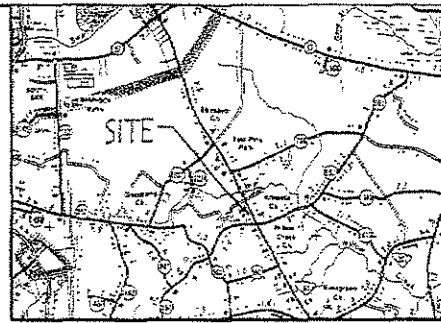
THIS MAP SHOWS THE PROPOSED CLOSING OF
A PORTION OF AMANDA CIRCLE (HAGCO AREA).
THE PROPOSED CLOSING WILL STILL GIVE
GARDEN OF MEMORIES ACCESS.

PLAT SURVEYED FOR
JOHNDA L LEWIS
SURVEYED BY JOHN L JOHNSON
SURVEYED SEPTEMBER 20, 2004
PLATBOOK 85, PAGE 501

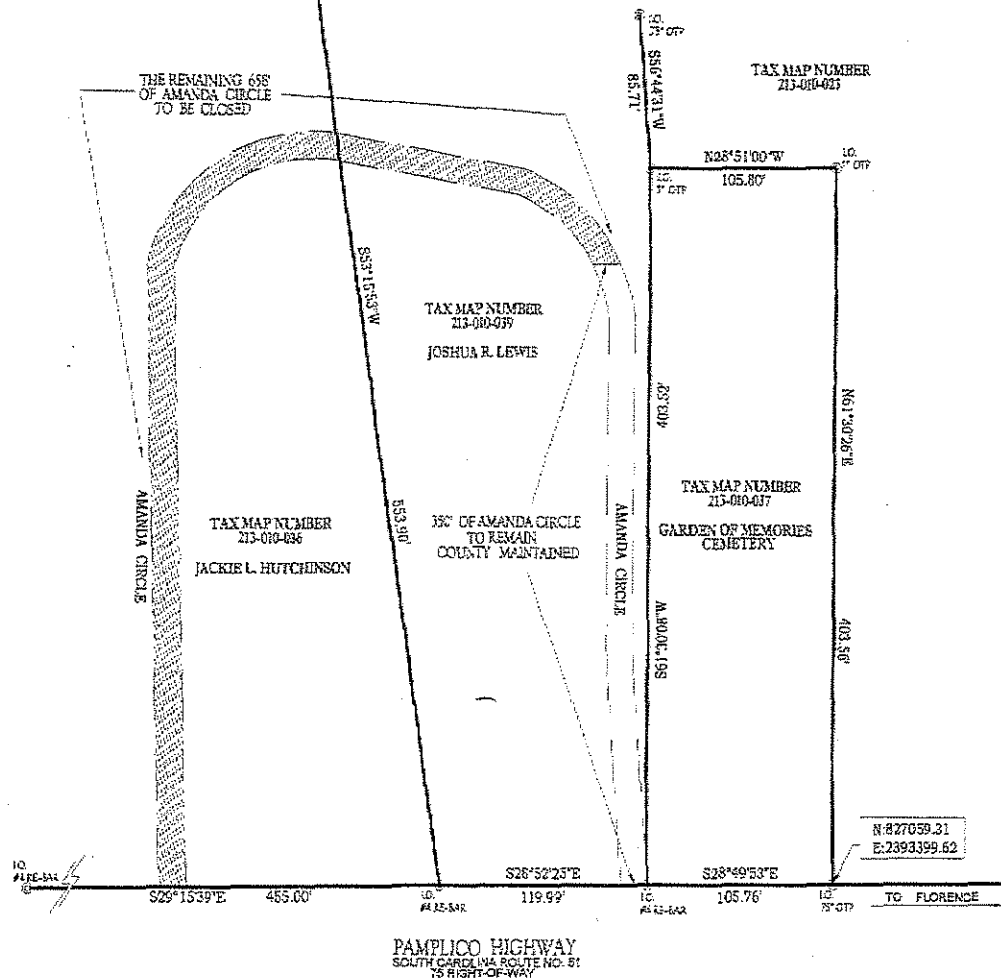
MAP SURVEYED FOR
C.C. HATCHELL
SURVEYED BY DAVID ENGINEERING INC.
SURVEYED NOV. 12, 1955

MAY SURVEYED FOR
DAVID A. KOENIG
SURVEYED BY LIND, HICKS, AND ASSOC. SURVEYORS INC.
SURVEYED MARCH 29, 1994
PLAT BOOK 52, PAGE 478

MAP SURVEYED FOR
A. A. CALVERT
SURVEYED BY FERRELL PROSSER RLS
SURVEYED NOV. 18, 1917
PLAT BOOK 17, PAGE 157



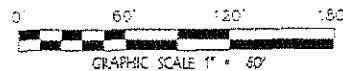
LOCATION MAP- NOT TO SCALE



MAP OF PROPERTY
SURVEYED FOR
JOSHUA R. LEWIS
& JACKIE L. HUTCHINSON

AMANDA CIRCLE IS LOCATED APPROXIMATELY 5 MILES SOUTH-EAST OF
THE CITY OF FLORENCE, FLORENCE COUNTY SOUTH CAROLINA
THIS MAP WAS MADE TO SHOW THE RELATIONSHIP BETWEEN
LAND OWNERS AND AMANDA CIRCLE

"I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO ENCROACHMENTS, PROJECTIONS, OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN."



JEFFREY CHAD YOUNGINER, PLS# 19022
849 CHAMPIONSHIP DRIVE
FLORENCE S.C. 29501 843/992-0396

FLORENCE COUNTY COUNCIL

June 20, 2013

AGENDA ITEM: Resolution No. 30-2012/13

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

A Resolution In Support Of The Issuance By The South Carolina Jobs – Economic Development Authority Of Its Economic Development Refunding Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2013 In One Or More Series And In An Aggregate Principal Amount Not To Exceed \$14,085,000 Pursuant To The Provisions Of Title 41, Chapter 43, Code Of Laws Of South Carolina 1976, As Amended.

OPTIONS:

1. *(Recommended)* Approve Resolution No. 30-2012/13 As Presented.
2. Provide an alternate directive.

ATTACHMENTS:

Copy Of Proposed Resolution No. 30-2012/13

Sponsor(s)	:	County Council
Public Hearing	:	June 20, 2013
Adopted	:	June 20, 2013
Committee Referral	:	N/A
Committee Consideration Date	:	N/A
Committee Recommendation	:	N/A

RESOLUTION NO. 30-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS - ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC DEVELOPMENT REFUNDING REVENUE BONDS (FMU STUDENT HOUSING, LLC – FRANCIS MARION UNIVERSITY PROJECT) SERIES 2013 IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$14,085,000 PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.)

WHEREAS:

1. The South Carolina Jobs - Economic Development Authority (the “*Authority*”) is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, Code of Laws of South Carolina 1976, as amended (the “*Act*”), to utilize any of its program funds to establish loan programs to be utilized to acquire, by construction or purchase, properties and for other purposes described in §41-43-160 of the Act in order to promote and develop the business and economic welfare of the State of South Carolina (the “*State*”), encourage and assist in the location of new business enterprises in the State and in rehabilitation and assistance of existing business enterprises and in the promotion of the export of goods, services, commodities, and capital equipment produced within the State, and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State and in the promotion and advancement of industrial, commercial, agricultural, and recreational development in the State; and
2. The Authority is further authorized by §41-43-110 of the Act to issue bonds to provide funds for any program authorized by the Act; and
3. The Authority and FMU Student Housing, LLC (the “*Borrower*”), a South Carolina single member limited liability company, entered into an Inducement Agreement (the “*Inducement Agreement*”), pursuant to which and in order to implement the public purposes enumerated in the Act and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes to issue its Economic Development Refunding Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2013 in one or more series and in an aggregate principal amount not to exceed \$14,085,000 (the “*Bonds*”) under and pursuant to §41-43-110 of the Act for the purpose of (i) redeeming and refunding a portion of the South Carolina Jobs - Economic Development Authority Student Housing Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2004A heretofore issued by the Authority to finance the acquisition, construction, furnishing, and equipping of a 235-bed student housing facility (the “*2004 Project*”) located at 4822 East Palmetto Street on the campus of Francis Marion

University (the "*University*") in Florence County, South Carolina (the "*County*"), and owned and operated by the Borrower and the acquisition by the Borrower of a leasehold interest in certain existing student housing facilities on the campus of, and owned by, the University; (ii) funding a debt service reserve fund for the Bonds; and (iii) paying certain fees and expenses to be incurred in connection with the issuance of the Bonds (collectively, the "*Undertaking*"), and, subject to such approval of the State Budget and Control Board of South Carolina and the County, as may be required by law, for the purpose of reducing the cost of capital to this business enterprise by lending the proceeds of the Bonds to the Borrower under and pursuant to the terms of loan agreements to be entered into between the Authority and the Borrower; and

4. It is anticipated that the Project will result in the maintenance of permanent employment (both direct and indirect) for approximately seven (7) people from the County and surrounding areas by increased payrolls, capital investment, and tax revenues; and
5. The Authority and the County have this day jointly held a public hearing, duly noticed by publication in a newspaper having general circulation in the County not less than fifteen (15) days prior to the date hereof, at which all interested persons were given a reasonable opportunity to express their views.

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

Section 1. It is hereby found, determined, and declared, that the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise provided locally.

Section 2. The Undertaking will give rise to no pecuniary liability of the County or a charge against its general credit or taxing power.

Section 3. The amount of bonds required to finance the Undertaking shall not exceed \$14,085,000.

Section 4. The County supports the Authority in its determination to issue the Bonds.

Section 5. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this Resolution shall take effect and be in full force from and after its adoption.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

James T. Schofield, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

I, the undersigned, Clerk of Florence County Council, do hereby certify that the foregoing is a true, correct, and verbatim copy of a Resolution duly adopted by Florence County Council on June 20, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2013.

Connie Y. Haselden, Clerk to Council
Florence County Council

DRAFT

CERTIFICATE AS TO PUBLIC HEARING

I, the undersigned, Connie Haselden, Clerk of Florence County Council ("**County Council**"), **DO HEREBY CERTIFY** as follows:

1. Attached hereto is an Affidavit of Publication of Notice of Public Hearing (the "**Notice**") published in the Florence Morning News, a newspaper of general circulation in Florence County, South Carolina (the "**County**") on _____, 2013.

2. The public hearing was conducted by County Council and the South Carolina Jobs - Economic Development Authority (the "**Authority**") on June 20, 2013, in connection with the issuance by the Authority of its Economic Development Refunding Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2013 in one or more series and in an aggregate principal amount not to exceed \$14,085,000 (the "**Bonds**") for the purpose of defraying the cost of redeeming and refunding a portion of the South Carolina Jobs - Economic Development Authority Student Housing Revenue Bonds (FMU Student Housing, LLC – Francis Marion University Project) Series 2004A heretofore issued by the Authority to finance the acquisition, construction, furnishing, and equipping of a 235-bed student housing facility (the "**2004 Project**") located at 4822 East Palmetto Street on the campus of Francis Marion University (the "**University**") in Florence County, South Carolina, and owned and operated by FMU Student Housing, LLC (the "**Borrower**"), a South Carolina single member limited liability company, and the acquisition by the Borrower of a leasehold interest in certain existing student housing facilities on the campus of, and owned by, the University; funding a debt service reserve fund for the Bonds; and paying certain fees and expenses incurred in connection with the issuance of the Bonds.

3. I was present at the public hearing described in the Notice, which hearing was held at the time and place specified therein. All persons desiring to do so were given reasonable opportunity to speak and, if requested, to present their opinions in writing regarding the issuance by the Authority of the Bonds and the use of the proceeds for the purposes described in paragraph 2 above. There were no written comments received nor persons in attendance at the public hearing to speak in opposition to the issuance of the Bonds for the purpose described in paragraph 2 above.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2013.

Connie Y. Haselden, Clerk, Florence County
Council

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Resolution No. 31-2012/13

DEPARTMENT: Florence County Detention Center

ISSUE UNDER CONSIDERATION:

(A Resolution Authorizing A Memorandum Of Understanding, Mutual Aid Between The Beaufort County Detention Center And The Florence County Detention Center For The Purpose Of Mutual Support In The Event Beaufort County Is Uninhabitable And Unable To Accept Inmates and Authorizing The County Administrator To Execute Said Agreement.)

POINTS TO CONSIDER:

1. In an event that the Beaufort County Detention Center is uninhabitable and unable to accept inmates, the Florence County Detention Center will house inmates. A courtesy ten day period will be granted during the time of emergency; thereafter, they will reimburse at a rate of \$52.00 per inmate day.
2. Beaufort County will provide for inmate food, medical coverage, transportation vans, and Correctional Officers to augment the Florence County Detention Center Staff. Beaufort County shall pay all salaries, overtime compensation, benefits, meals and lodging during such time this is needed and upon the conclusion of the emergency or at a mutually agreed upon time, all personnel shall be released from the agreement.
3. This agreement will be reciprocal if Florence County Detention Center would need Beaufort County to provide housing to inmates during a time of emergency.
4. Approval includes for the County Administrator to execute said agreement.

OPTIONS:

1. *(Recommended)* Approve Resolution No. 31-2012/13.
2. Provide An Alternate Directive.

ATTACHMENT:

1. Resolution No. 31-2012/13.
2. Memorandum Of Understanding, Mutual Aid Between Beaufort County Detention Center and Florence County Detention Center.

Sponsor(s) : Sheriff's Office
Adopted: : June 20, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 31-2012/2013

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(A Resolution Authorizing A Memorandum Of Understanding, Mutual Aid Between The Beaufort County Detention Center And The Florence County Detention Center For The Purpose Of Mutual Support In The Event Beaufort County Is Uninhabitable And Unable To Accept Inmates and Authorizing The County Administrator To Execute Said Agreement.)

WHEREAS:

1. In the event that the Beaufort County Detention Center becomes uninhabitable and unable to accept inmates, the Florence County Detention Center will house inmates. A courtesy ten (10) day period will be granted during the time of emergency; thereafter, they will reimburse at a rate of \$52.00 per inmate day; and
2. Beaufort County will provide for inmate food, medical coverage, transportation vans, and Correctional Officers to augment the Florence County Detention Center Staff. Beaufort County shall pay for all salaries, overtime compensation, benefits, meals and lodging during such time this is needed and upon conclusion of the emergency or at a mutually agreed upon time, all personnel shall be released from the agreement; and
3. This agreement will be reciprocal if Florence County Detention Center would need Beaufort County Detention Center to provide housing to inmates during a time of emergency; and
4. The Florence County Sheriff recommends the approval of the agreement with the Beaufort County Detention Center; and
5. Approval includes for the County Administrator to execute said agreement.

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

Council approves a Memorandum Of Understanding Mutual Aid Between the Beaufort County Detention Center and the Florence County Detention Center and authorizes the County Administrator to execute said agreement.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

James T. Schofield., Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:



**COUNTY COUNCIL OF BEAUFORT
DETENTION CENTER**

Multi Government Center • 106 Ribaut Road

P.O. Drawer 1228

Beaufort, South Carolina 29901-1228

Phone: (843) 255-5200 • Fax: (843) 255-5202 / (843) 255-5209

843-255-5178

Direct Phone



May 14, 2013

Florence County Detention Center
William K. Boone, Sheriff
6719 Friendship Road
Effingham, SC 29541

Dear Sheriff Boone:

Enclosed is a renewal of the Memorandum of Understanding, Mutual Aid Between Beaufort County Detention Center and Florence County Detention Center for the period August 1, 2013 – July 31, 2014.

Please review, sign where indicated on the second page, and return to me. If you have any questions, you may contact Major Charles Allen, (843)255-5181.

Sincerely:

Theresa Williams
Administrative Supervisor



COUNTY COUNCIL OF BEAUFORT DETENTION CENTER

Multi Government Center • 106 Ribaut Road
P.O. Drawer 1228
Beaufort, South Carolina 29901-1228
Phone: (843) 255-5200 • Fax: (843) 255-5202 / (843) 255-5209

843-255-5178

Direct Phone



Memorandum of Understanding

Mutual Aid Between Facilities

This Memorandum of Agreement, effective August 1, 2013 through July 31, 2014, is between the Beaufort County Detention Center, Beaufort County, South Carolina, known hereafter as the Requesting Agency, and the Florence County Detention Center, known hereafter as the Supporting Agency, for the purpose of providing mutual support in the event Beaufort County Detention Center is uninhabitable and unable to accept inmates.

I. Requesting Agency

The Requesting Agency will provide support in the manner of food and medical coverage for inmates held by Supporting Agency. The Requesting Agency will also provide facility vans if needed and requested by the Supporting Agency.

If requested by the Supporting Agency, the Requesting Agency will provide Correctional Officers to augment the Supporting Agency's staff. Salaries, overtime compensation, benefits packages, meals and lodging for these Correctional Officers will be provided by the Requesting Agency.

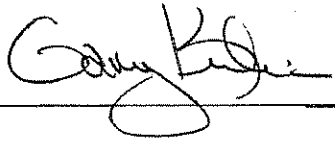
This Memorandum of Agreement will be reciprocal in all sections in that the Requesting Agency will provide housing to inmates from the Supporting Agencies if needed.

II. Supporting Agency

The Supporting Agency agrees to provide secure housing, as a courtesy, for a minimum of ten (10) days for inmates of the Requesting Agency during the time of the emergency. After this courtesy period, the Requesting Agency will reimburse the Supporting Agency at a rate of \$52.00 per inmate per day.

III. Conclusion of the Agreement

All personnel shall be released from the agreement upon the conclusion of the emergency or at a time mutually agreed upon by both agencies.



Gary Kubic, County Administrator

Beaufort County, South Carolina

Date



William K. Boone, Sheriff

Florence County, South Carolina

5-28-13

Date

DRAFT

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Third Reading - Ordinance No. 17-2012/13 (*Deferral*)

DEPARTMENT: Finance

ISSUE UNDER CONSIDERATION:

(An Ordinance To Authorize The Execution and Delivery Of Various Documents In Order To Fund A Portion Of The Costs Associated With Soil Remediation Of The Lake City Park Project; To Authorize The Execution And Delivery Of These Documents In Connection Therewith; And Other Matters Relating Thereto.)

POINTS TO CONSIDER:

1. The Drs. Bruce and Lee Foundation have provided Florence County with a grant in the amount of \$2,500,000 in order to develop a community park in Lake City.
2. The grant terms require Florence County to secure additional funding for the park project in the form of grants.
3. The South Carolina Department of Health and Environmental Control (SCDHEC) is authorized to make loans through the South Carolina Brownfields Cleanup Revolving Fund Loan program to assist with removal actions required when entering into a Voluntary Cleanup Contract with SCDHEC.
4. The County entered into a Voluntary Cleanup Contract earlier this year for the properties which are to be developed for the park in Lake City.
5. The loan funds may be used for removal activities, including demolition and/or site preparation, which are part of the site cleanup.
6. The County will be eligible to have 25% of the amount borrowed, up to a maximum of \$100,000 converted into a grant.
7. The loan carries a 1% interest rate and is amortized over 10 years.

OPTIONS:

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

ATTACHMENTS:

Ordinance #17-2012/13.

Sponsor(s) : Finance
 First Reading : November 15, 2012
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Second Reading : December 13, 2012
 Public Hearing :
 Third Reading :
 Effective Date :

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

ORDINANCE NO. 17-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance To Authorize The Execution And Delivery Of Various Documents In Order To Fund A Portion Of The Costs Associated With Soil Remediation Of The Lake City Park Project; To Authorize The Execution And Delivery Of These Documents In Connection Therewith; And Other Matters Relating Thereto.)

WHEREAS,

1. The County of Florence, South Carolina, a public body corporate and politic and a political subdivision organized and existing under the laws of the State of South Carolina (the "County"), proposes to fund a portion of the costs associated with soil remediation of the Lake City Park Project (the "Project") with a loan in the principal amount of \$500,000; and
2. The South Carolina Department of Health & Environmental Control (the "Lender") acting through its fund manager is authorized to make loans through the Catawba Regional Development Corporation ("CRDC") South Carolina Brownfields Cleanup Revolving Fund Loan (the "Fund"); and
3. CRDC has proposed terms relating to a loan from the Fund to the County which, if it receives final approval from the Lender, CRDC and the County, could provide financing for the Project; and
4. An outline of such proposed terms is attached hereto as Exhibit A; and
5. The security for the proposed borrowing is 2008 Lease Purchase Bond Proceeds and does not constitute a pledge of the full faith, credit and taxing power of the County; and
6. The Project serves a valid corporate and public purpose of the County; and
7. The County expects to receive a final proposal for the financing of the Project on the terms and conditions set forth in Exhibit A; and
8. County Council (the "County") has determined, and hereby determines, that it is in the County's best interest to accept the outline of the proposal of the Lender as shown on Exhibit A hereto; and
9. The County intends to enter into the Promissory Note (the "Note") and a Loan Agreement (the "Loan Agreement") (the Note and the Loan Agreement are hereinafter referred to as the "Loan Documents") between the Lender and the County. The Note and the Loan Agreement are in substantially the forms attached hereto as Exhibits B and C, respectively.

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

1. It is hereby declared that the recitals set forth in the preambles to this Ordinance are in all respects true and correct.
2. The Council hereby authorizes, ratifies, confirms and approves all actions heretofore taken with respect to this transaction.
3. The proposal of the Lender on the proposed terms and conditions attached hereto as Exhibit A is hereby approved and accepted.
4. The Note shall be in the principal amount of \$500,000.00, and shall bear interest and be payable as described in Exhibit A.
5. The County Administrator (the "Administrator") is hereby authorized and directed to execute and deliver the Loan Documents on behalf of the County in such form as he approves, with the advice of counsel, his execution being conclusive evidence of his approval; and the Clerk of Council is hereby authorized and directed to affix the corporate seal of the County to the Loan Documents and to attest the same.
6. The consummation of all transactions contemplated by the Loan Documents is hereby approved.
7. The County Administrator and all other appropriate officials of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County or the Lender or CRDC in order to carry out, give effect to, and consummate the transactions contemplated by the Loan Documents.
8. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.
9. This Ordinance shall become effective immediately upon third reading by the Council.
10. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.
11. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

ATTEST:

SIGNED:

Connie Y. Haselden
Clerk to Council

Chairman
Florence County Council

COUNCIL VOTE:
OPPOSED:
ABSENT:

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

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Third Reading of Ordinance No. 29-2012/13

DEPARTMENT: Finance

ISSUE UNDER CONSIDERATION:

(An Ordinance To Ratify FY13 Budget And Grant Council Actions Previously Authorized By Council And Other Matters Related Thereto.)

POINTS TO CONSIDER:

1. There have been grants received during the year that need to be formally appropriated by Council.
2. Reimbursement from the State of South Carolina for poll worker expenditures for the November 2012 general election required an additional appropriation of \$100,000 above the original FY13 budget.
3. Additional funds from the State of South Carolina for library book and other materials purchases required an additional appropriation of \$60,521 above the original FY13 budget.
4. Contracts and related purchase orders in various stages of completion at the end of FY12 and incomplete as of June 30, 2012 in the amount of \$65,860 require the unexpended balances of the purchase orders to be added to General Fund fund balance.
5. Additional funds above the original FY13 budget for the employee service award dinner require an additional appropriation of \$4,500 above the original FY13 budget, to be funded by a portion of the proceeds from the rebate from the SC Procurement Card program.
6. At its special called meeting on April 4, 2013, Florence County Council approved an increase in the amount of \$450,000 for the IT Department's budget for security enhancements, to be funded from the General Fund fund balance.
7. The Florence County Sheriff's Office has contracted with the Town of Pamplico to provide state-required victim services to the Town, which requires an additional appropriation of \$8,000 above the original FY13 budget.
8. The State Office of Victims Assistance (SOVA) has mandated that Florence County transfer \$52,766 from the General Fund to the Victim/Witness Assistance Fund.
9. Florence County anticipates receiving approximately \$3,000 in sponsorship revenue to partially offset the cost of the golden wedding anniversary luncheon; therefore, the Recreation Department budget is being increased to recognize this revenue.

FUNDING FACTORS:

1. County Council has previously accepted the various grant agreements. This Ordinance approves the formal appropriation for the related grant expenditures.
2. The appropriation to the Voter Registration and Election Commission in the amount of \$100,000 is being funded from a reimbursement from the State of South Carolina.
3. The appropriation to the Florence County Library System in the amount of \$60,521 is being funded from a reimbursement from the State of South Carolina.
4. The allocation for contracts and related purchase orders in various stages of completion at the end of FY12 and incomplete as of June 30, 2012 in the amount of \$65,860 is being funded from General Fund fund balance, since savings in this amount was realized in FY12.
5. The additional funding for the IT Department security enhancements is being taken from the General Fund fund balance.
6. The additional funding for the victim services for the Town of Pamplico in the amount of \$8,000 is being funded from victim witness funds received from the Town.
7. The SOVA mandated transfer is being taken from the General Fund fund balance.
8. The increase in the Recreation Department budget is being funded by sponsorship revenue.

OPTIONS:

1. *(Recommended)* Approve Third Reading of Ordinance #29-2012/2013.
2. Provide An Alternate Directive

ATTACHMENT:

1. Ordinance #29-2012/2013

Sponsor(s) : County Council
 Introduction : April 18, 2013
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Public Hearing : May 16, 2013
 Second Reading : May 16, 2013
 Third Reading : June 20, 2013
 Effective Date : June 20, 2013

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

ORDINANCE NO. 29-2012/2013

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Ratify FY13 Budget And Grant Council Actions Previously Authorized By Council And Other Matters Related Thereto.]

WHEREAS:

1. The previous adoption of various resolutions by County Council requires supplemental appropriations for unanticipated revenues received after the adoption of the budget; and
2. As a result of these resolutions, the County Council will adopt a final budget amendment ordinance ratifying budget resolutions authorized by Council during the fiscal year, as well as grants, any other supplemental appropriation actions, and other non-recurring allocations in accordance with the 1976 South Carolina Code of Laws, as amended.

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

1. The Florence County Council hereby amends the FY13 budgetary appropriations and directs the allocation of the receipt of nonrecurring revenue as detailed hereinafter, and authorizes and directs the Florence County Administrator to make the following changes to the FY13 appropriated budgets:

a. GENERAL FUND (FUND #10)

- 1) Based on the fact that the reimbursement from the State of South Carolina for poll worker expenditures for the November 2012 general election was funded directly by the State, Florence County Council hereby directs that budgeted revenue and expenditures be increased accordingly as follows:

Revenue	10-341-335-085-0000	\$100,000
Expenditures	10-411-410-100-0200	\$ 50,000
	10-411-410-100-1100	\$ 4,500
	10-411-410-100-3100	\$ 500
	10-411-410-100-4700	\$ 3,000
	10-411-410-100-6200	\$ 2,000
	10-411-410-100-6900	\$ 20,000
	10-411-410-200-8952	\$ 20,000

- 2) Based on the provision of additional revenue from the State of South Carolina for library books and other materials, Florence County Council hereby directs that budgeted revenue and expenditures be increased accordingly as follows:

Revenue	10-341-335-120-0000	\$ 60,521
Expenditures	10-471-455-000-6800	\$ 60,521

- 3) Contracts and related purchase orders in various stages of completion at the end of FY12 and incomplete as of June 30, 2012 require the unexpended balances of the purchase orders to be added to General Fund fund balance. These unexpended balances are in need of being carried over into FY13. Based on various FY12 uncompleted contracts and purchase orders being carried over into FY13, Florence County Council hereby directs the appropriation of the following expenditure and the use of fund balance for its funding:

Revenue	10-399-999-999-9500	\$ 65,860
Expenditures	10-421-421-200-4705	\$ 2,171
	10-421-421-200-8600	\$ 7,315
	10-421-422-100-4700	\$ 1,306
	10-451-423-000-6400	\$ 8,690
	10-451-423-000-9400	\$ 5,352
	10-471-451-100-8600	\$ 41,026

- 4) Based on the change in format for the employee service awards dinner, to be funded from a portion of the rebate from the SC Procurement Card Program, Florence County Council hereby directs that budgeted revenue and expenditures be increased accordingly as follows:

Revenue	10-371-370-100-0000	\$ 4,500
Expenditures	10-411-412-900-0161	\$ 4,500

- 5) Based on enhanced security requirements, Florence County Council, at its April 4, 2013 special called meeting, approved an increase in the amount of \$450,000 to the IT Department budget, to be funded from General Fund fund balance. Therefore, Florence County Council hereby directs that budgeted revenue and expenditures be increased accordingly as follows:

Revenue	10-399-999-999-9500	\$450,000
Expenditures	10-411-427-000-9500	\$450,000

- 6) Based on a state mandated transfer from the General Fund to the Victim/Witness Assistance Fund in the amount of \$52,766, Florence County Council hereby directs that budgeted revenue and expenditures be increased accordingly as follows:

Revenue	10-399-999-999-9500	\$ 52,766
Expenditures	10-371-391-104-0000	\$ 52,766

- 7) In order to recognize sponsorship revenue estimated to be received in the amount of \$3,000 to partially offset the cost of the annual golden wedding anniversary luncheon, Florence County Council hereby directs that budgeted revenue and expenditures be increased accordingly as follows:

Revenue	10-351-347-700-0000	\$ 3,000
Expenditures	10-471-451-100-4700	\$ 3,000

b. **GRANT FUND (FUND #141)**

The FY13 Budget is hereby amended to increase revenue and expenditures for various grants awarded during the fiscal year. The grants, grant numbers, and amounts are as follows:

School Dist #1 SRO	4201	\$ 256,304
School Dist #2 SRO	4201	\$ 41,124
School Dist #3 SRO	4201	\$ 98,105
School Dist #5 SRO	4201	\$ 34,654
Used Oil contract	4222	\$ 16,912
SCDOT – PCN 42569 – CTC	4240	\$ 2,000
Public Defender	4248	\$ 71,401
DUI Prosecutor	4253	\$ 68,545
Sheriff Dog fundraiser	4262	\$ 5,556
SCEMD 800 mhz radios	4271	\$ 792
DSS Incentives	4277	\$ 78,178
DSS Unit Cost	4278	\$ 316,373
CDV – Solicitor	4294	\$ 112,881
EDC – Misc	4296	\$ 1,815
Lake City Library renovations	4318	\$ 10,000
Timmons ville Library	4322	\$ 500
Johnsonville Library	4328	\$ 1,043
E-Scrap Reimbursement	4360	\$ 1,045
GIS Day Event	4385	\$ 100
Records Improvement – Clerk of Court	4392	\$ 2,400
EMD – SLED – 8SHSP71	4395	\$ 10,000
SLED – 12EMPG01	4397	\$ 119,840
Solicitor's Juvenile Arbitrator	4399	\$ 84,579
Solicitor's Salary Supplement	4400	\$ 254,888
Solicitor's Pre-trial Intervention	4401	\$ 222,728
Juvenile Drug Court	4402	\$ 92,693
SCDOT – PCN 41636 – CTC	4403	\$ 42,500
Body Armor & Tasers	4404	\$ 84,285
Live Scan	4405	\$ 50,000
Permanent Library Gifts	4406	\$ 40
Drug Lab	4407	\$ 75,892
VW Equipment	4409	\$ 5,880
HMEP Planning Grant	4410	\$ 3,250
Circle Park	4411	\$ 6,000
SCCCED Warehouse	4412	\$ 100,000
SCPRT-TAG	4413	\$ 90,335
SCDHEC Used Oil Grant FY13	4414	\$ 6,538
SCDHEC Waste Tire Grant FY13	4415	\$ 29,625
EDC Benefactor Tree	4417	\$ 100
USDOJ 2012-DJ-BX-0885	4418	\$ 30,257
SCCCED – McCall Farms	4419	\$ 500,000
Waste Management – LRCP Rain Garden	4420	\$ 3,000
SCCCED – ICE Recycling	4421	\$ 165,000
Library of America	4422	\$ 500
SLED – 12SHSP28	4423	\$ 55,313
Sheriff	4424	\$ 34,428
SCDHEC – GIA FY13	4425	\$ 24,313
SCEMD – 2011 LEMPG	4426	\$ 17,200
Website DVD – Drs. Bruce & Lee	4427	\$ 12,000
Santee Electric	4428	\$ 100,000
Library Lottery Funds	4429	\$ 18,700

LRCP – First Saturday	4430	\$ 1,600
Sheriff – Prison Ministry	4431	\$ 1,000
Johnsonville Library	4432	\$ 2,000
Library Summer Reading – Dollar General	4433	\$ 1,000
SCDOT – PCN 42417 – CTC	4434	\$ 83,840
Library Summer Reading – SCSL LSTA	4435	\$ 2,000
SCDOT – C Funds	4436	\$ 39,200
SCSL – Library	4437	\$ 250
Sheriff – CSE-DSS	4452	\$ 27,506
SCDOT – PCN 42570 – CTC	4463	\$ 750

c. **VICTIM/WITNESS FUND (FUND #154)**

Based on the contract between the Town of Pamplico and the Florence County Sheriff's Office whereby the Sheriff's Office has agreed to provide victim/witness services to the Town of Pamplico Florence County Council hereby directs that budgeted revenue and expenditures be increased accordingly as follows:

Revenue	154-341-338-404-0000	\$ 8,000
Expenditures	154-421-421-000-1100	\$ 4,000
	154-421-421-000-3000	\$ 4,000

2. This Ordinance includes the ratification of all grant and budget related resolutions and actions previously approved by Florence County Council for the fiscal year ending 06/30/13.
3. All provisions in other County Ordinances or Resolutions in conflict with this Ordinance are hereby repealed.
4. If any provision of this Ordinance or the application thereof to any person or circumstances 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
 Clerk to Council

 James T. Schofield, Chairman
 Florence County Council

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

COUNCIL VOTE:
 OPPOSED:
 ABSENT:

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Third Reading of Ordinance No. 01-2013/14

DEPARTMENT: Administration
Finance

ISSUE UNDER CONSIDERATION:

(An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2013 And Ending June 30, 2014; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto.)

POINTS TO CONSIDER:

1. Ordinance No. 01-2013/14 is the budget ordinance for next fiscal year.
2. The budget document with the budget message was distributed prior to the April 4, 2013 meeting of Council.
3. The proposed budget includes a 3.5 mill increase for the General Fund as well as a \$2.18 increase in the household solid waste fee to cover items already built into the FY2013/14 budget, including the increased cost of the employer's share of the health insurance premium, the increased employer contribution percentage for the Police Officers Retirement System, the annualization of the cost to add twelve EMS employees approved at the December 2012 Council meeting, and the absorption of the City's share of the cost to operate the City-County Complex, along with funding eight additional EMS employees in order to run two twelve hour "prime time" ambulances and provide a market-based increase to all EMS employees whose job description requires them to be a certified EMT or paramedic.
4. The proposed budget also includes a 1.0 mill increase in the County Debt Service Fund. This one mill was moved to the General Fund in the FY2011/12 budget to avoid an overall millage increase in that fiscal year's budget. It needs to be restored to the debt service fund to avoid a future cash flow shortage in this fund.
5. The proposed budget also includes a \$1.00 increase in the household solid waste fee to cover an anticipated contracted price increase.
6. If the South Carolina General Assembly restores the legally mandated level of the Local Government Fund to South Carolina municipalities and counties then most of the 3.5 mill increase in the General Fund can be eliminated.

FUNDING FACTORS:

NONE

OPTIONS:

1. *(Recommended)* Approve Third Reading of Ordinance No. 01-2013/2014.
2. Provide An Alternate Directive.

ATTACHMENTS:

1. Ordinance No. 01-2013/14

Sponsor(s) : County Council
Introduction : April 18, 2013
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Public Hearing : May 16, 2013
Second Reading : May 16, 2013
Third Reading : June 20, 2013
Effective Date : July 1, 2013

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

ORDINANCE NO. 01-2013/14

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Provide For The Levy Of Taxes In Florence County For The Fiscal Year Beginning July 1, 2013 And Ending June 30, 2014; To Provide For The Appropriation Thereof; To Provide For Revenues For The Payment Thereof; And To Provide For Other Matters Related Thereto.]

WHEREAS:

1. The Florence County Council, pursuant to state statutes, is authorized and required to adopt an annual budget for all departments, offices, and agencies (hereinafter collectively termed offices or departments) of the County Government; and
2. Pursuant to state statutes, total funds appropriated in fiscal year 2013-2014 for the above purposes do not exceed estimated revenues and funds available for expenditure in fiscal year 2013-2014.

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

SECTION 1. APPROPRIATIONS

a. Procedures Compliance: The fiscal year 2013-2014 County Budget for Florence County, South Carolina is hereby adopted and detailed budget appropriation documentation attached hereto is incorporated herein by reference. The Florence County Council certifies that it has complied with all state laws and regulations regarding readings, notices, and public hearings for mills levied herein, and that it will comply in the case of mill levies which may be adjusted by resolution based on more current information at the time of final issuance of the levies and after the adoption of this ordinance.

b. Levy Process: In all cases, all property shall be taxed unless otherwise exempt from taxation pursuant to the South Carolina Code of Laws, 1976, as amended. The taxes are due and payable and shall be collected in the manner as provided for collection of taxes in the South Carolina Code of Laws, 1976, as amended, and in accordance with procedures established in County enacting ordinances.

(1) Motor Vehicle Taxes: Taxes levied on motor vehicles shall be collected pursuant to the schedules and procedures as established by State Statute and nothing herein shall be deemed to extend or defer the time of payment for such motor vehicle taxes.

(2) Motor Vehicle Owner Responsibility for Taxes: No motor vehicle registered in the State of South Carolina and property of a person, a resident of the County, shall be operated on the streets and public ways of the County unless all the motor vehicle taxes and fees duly assessed against such vehicle shall have first been paid. In the event that any person violates the provisions of this Section, he shall be guilty of a misdemeanor and subject to the penalties prescribed in Title 46, 1976 South Carolina Code of Laws, as amended. Nothing in this section shall preclude the collection of taxes and fees upon such motor vehicle after the prosecution of the offender for failure to pay such tax.

c. Appropriation Management:

(1) Reallocation: Unless otherwise restricted by State law or specific limitation of accounting standards, all of the appropriations hereinafter and those in the budgetary detail incorporated herein by reference are subject to adjustment and reallocation by County Council by voice motion or resolution. Any amount appropriated in this Ordinance may be discontinued at any time by appropriate action of a majority of the County Council. Expenditures from the General Fund contingency are generally done by resolution or voice motion.

(2) Duplication: If any of the items, or portions thereof, for which funds are herein appropriated is taken over by the State or Federal government and appropriations therefrom be made by either or paid by either directly to a County Office, or if the same shall become available in any manner, then the amounts for said Office herein appropriated shall be reduced in the amount of said appropriation, direct payment, or other available funds or support, unless otherwise restricted by law.

(3) Direct Assistance: All agencies receiving direct assistance payments from the County shall be funded quarterly in arrears no more than twenty-five (25%) percent of their direct assistance line item or on an alternate schedule at the discretion of the County Administrator in the case of emergencies. The quarterly allotments shall be paid around the 15th of the month following the end of each quarter. The final 4th quarter funding may be withheld by the Finance Director pending the reconciliation of outstanding obligations between the County and the Agency receiving funding or in the case of grant irregularities. Agencies, boards, and commissions, which are partially funded by Florence County Government, must provide annual audited financial statements to include a copy of the management letter and a copy of the A-133 Single Audit report, if applicable. State funded agencies must provide an annual report or a summary of local office-specific funding. Quarterly funding may be withheld pending the County's receipt of an agency's annual audited financial statements.

d. Mill Levy: The following mills are levied to provide the property tax revenues to fund a portion of the appropriated expenditures noted directly below in Section e, which shall be reflected on tax bills:

	<u>FY13</u>	<u>FY14</u>
Florence County	71.9	75.4
Debt Service	8.0	9.0

Additionally, the following mill levies for the operation of the special purpose fire districts and the mill levy for Florence-Darlington Technical College are hereby approved: (Estimated FY13 debt service millages are shown for informational purposes and may be subject to adjustment by the County Auditor.)

	Operating Mills FY13	Debt Mills FY13	Total FY13	Operating Mills FY14	Estimated Debt Mills FY14	Total FY14
Johnsonville Rural Fire District	25.5	12.4	37.9	27.5	12.4	39.4
Sardis-Timmons ville Rural Fire District	15.0	0.0	15.0	15.0	0.0	15.0
Howe Springs Fire District	19.4	5.8	25.2	19.4	5.8	25.2
Hannah-Salem-Friendfield Fire District	18.1	5.7	23.8	18.1	5.7	23.8
West Florence Rural Fire District	8.0	0.0	8.0	8.0	0.0	8.0
Windy Hill/Olanta Rural Fire District	24.5	3.2	27.7	24.5	3.2	27.7
Florence-Darlington Technical College	4.9	0.0	4.9	4.9	0.0	4.9

Any millage adopted by this ordinance can be lowered by resolution of County Council prior to issuance of the tax notices.

Any fire district debt service millage will remain in effect for the entire fire district in which it was levied until the associated debt has been completely paid, regardless if a portion of the fire district is annexed by a municipality.

e. Funds: The following funds are hereby established for the purposes set forth with appropriations/budgeted amounts where applicable. Other funds may be delineated elsewhere:

Fund	Fund Name	Appropriation
10	County General Fund	\$52,394,780
45	Debt Service Fund*	\$ 3,954,622
111	Economic Development Capital Project Fund*	\$ 2,105,000
112	Economic Development Partnership Fund*	\$ 439,749
121	65% State Accommodations Tax (2%) Fund*	\$ 200,000
122	30% State Accommodations Tax (2%) Fund*	\$ 90,000
123	Local Accommodations Tax (3%) Fund*	\$ 2,474,087
124	Local Hospitality Tax Fund*	\$ 1,190,511
131	District Utility Allocation Fund*	\$ 1,007,516
132	District Infrastructure Allocation Fund*	\$ 994,427
133	District Rocking and Paving Fund*	\$ 1,100,146
145	Sheriff Camps Fund*	\$ 36,898
146	Sex Offender Registry Fund*	\$ 17,235
151	Law Library Fund*	\$ 88,586
153	Road Maintenance Fund*	\$ 3,791,395
154	Victim/Witness Fund*	\$ 206,327
155	Solicitor Check Law Fund*	\$ 230,690
421	Solid Waste Management Fund*	\$ 4,132,092
431	E-911 System Fund*	\$ 1,208,939

* At the close of the fiscal year, any unexpended budgeted monies within these funds and within all capital project funds shall be carried forward with their respective fund balance for the continued established use of that fund subject to appropriations, unless specifically authorized otherwise by ordinance or directed by State law.

f. County General & Debt Service Funds: The Florence County Auditor is authorized and directed to levy upon all taxable property in Florence County, South Carolina, and the Florence County Treasurer is directed to collect, taxes sufficient to meet all County General Fund appropriations directed by this Ordinance, except as provided for by other revenue sources for the operation of the County Government for the Fiscal Year beginning July 1, 2013 through June 30, 2014. The Florence County Auditor is authorized and directed to levy upon taxable property in Florence County, South Carolina and the Florence County Treasurer is directed to collect taxes sufficient to meet the appropriation of \$3,954,622 for Debt Service provided by this Ordinance.

g. Major Funds Determination: In accordance with Governmental Accounting Standards Board (GASB) Statement No. 34 and other appropriate regulations requiring Government-wide Financial Statements, major funds will be determined annually at the end of the fiscal year during the audit process.

h. Grants Management:

(1) Grant Fund Balances: Notwithstanding any other provisions of this ordinance, all unexpended balances from previous appropriations of state and federal grant funds, any State Accommodations Tax Funds not committed to the County General Fund, and capital improvement or special project appropriations outstanding as of June 30th in the calendar year in which this budget ordinance is effective, shall be carried forward into the subsequent fiscal year budget appropriations. All grants are to be budgeted and accounted for in a special revenue fund, and authorized local match transfers will be completed by the County Finance Director based on County Council's acceptance of the grant.

(2) County Acceptance: The expenditure of funds for grant programs included in this budget shall not be authorized unless evidence that the respective grants have been approved by the grantor agency is provided to the County Administrator, who is authorized to accept grants. The County Administrator may require that the grant be accepted and funded by proper action of County Council. In all cases, total program expenditures shall be limited to the lesser of the total grant award(s), or the amount(s) designated in the current budget appropriations, as amended, or as approved by County Council. The County Finance Director must be listed as a contact on all grant applications and awards; all correspondence must be copied to the County Grants Manager.

(3) Budgeting: Grant funds requiring matching County funds not budgeted shall be authorized by County Council approving the grant application and identifying matching expenditure funds from other previously appropriated funds. Grants requiring no new local match appropriation may be approved by the County Administrator or County Council, and the budget amended accordingly. The Finance Director is authorized to create the necessary general ledger accounts; the opening of bank accounts, when necessary, shall be executed by the County Treasurer in coordination with the Finance Director. When grant award payments are received, the Treasurer's Office or County Offices shall provide the Grants Manager with copies of all checks received for the reimbursement of grant expenditures and any other related documentation determined by the Finance Director as necessary to ensure audit compliance. All grant revenues shall be credited to the appropriate revenue line item as established by the Finance Director. Grant revenues will not be applied directly to expenditure line items. All grant disbursements shall be authorized only through the Finance Office unless State or Federal law specifically provides otherwise and the County is exempt from financial reporting on those funds at both the State and Federal levels.

(4) Federal Reporting: In accordance with Federal A-133 Audit Requirements related to Federal grants, all County offices and Component Units must report the expenditures and provide copies of grant awards and any other grant related reports to the County Grants Manager. All offices must present all voucher requests for payments related to grants to Procurement for purchase and the Finance Office before the disbursement of grant related funds, as well as coordinating with the County Grants Manager. County offices that do not comply with this ordinance and any other published administrative procedures necessary for complete and timely reporting of grants such that the County incurs additional independent audit costs or loses grants funds will have these costs deducted from the Office or Component Unit's budget appropriations annually until any unfunded expenditures are fully recouped.

SECTION 2. FUND BALANCE MANAGEMENT

a. Compliant Fund Balance Policy: Florence County Council utilizes a compliant fund balance methodology based on the cash-flow needs of the County to maintain sufficient reserves in order to maintain County operations. End of year fund balance estimations and associated cash flow projections for all cash-discrete funds are developed annually in the budget process to maintain a minimum of annualized appropriations in operational funds to ensure routine operations remain uninterrupted and in sinking funds (debt service fund) balances as required to timely service all scheduled debt.

Should any individual fund balance fall below the required minimum balance, inter-fund cash transfers are hereby authorized, provided that the allocation of interest is accounted for appropriately no less than once per fiscal year.

b. Tax Anticipation Note Authority: The County is hereby empowered to borrow in anticipation of tax or other revenues for County purposes any sum not exceeding the amount anticipated to be received from taxes and other revenues during the current or following fiscal year, and not only to pledge the taxes or other revenues anticipated in the current or succeeding fiscal year, but to pledge, also, the full faith and credit of Florence County for the repayment of any sums so borrowed. Such sums shall be borrowed from any banking institution or lending agency and shall be payable at such time, upon such terms, and in such sums as may be negotiated between the County and the lender.

SECTION 3. BUDGET YEAR END

a. Purchase Authority Cutoff: The budget year shall expire on June 30 of this fiscal year. No monies shall be disbursed pursuant to this Ordinance unless such funds have been obligated (i.e. an order has been placed or a contract signed for the delivery of goods or services in accordance with County procurement procedures) prior to the close of the fiscal year, which is June 30. The County Administrator will take action to preclude all purchase order activity except business required for expedient operations and emergencies after June 15 of the fiscal year; no capital purchases other than emergencies will be initiated after May 31 of the fiscal year without the express written approval of the County Administrator. In addition, all items must be received and invoiced June 30th or earlier, or the items will be deducted from the originating office's subsequent fiscal year budget, except in the case of emergency procurement items, the procurement of which has been approved in advance by the County Administrator.

b. Purchase Order Liquidation: All offices are responsible for providing documentation regarding outstanding obligations for this fiscal year to the Finance Department on or before June 15th to facilitate the proper accrual of outstanding obligations of the County or the obligation(s) may be deducted from the office's budget for the subsequent fiscal year.

c. No Roll-Forward: Budget line item balances shall under no circumstances roll forward at the end of this fiscal year into the next fiscal year's budget, except for bond funds and grants crossing the fiscal year or as otherwise specified or appropriated within this budget ordinance.

SECTION 4. NATURE OF REVENUES, EXPENDITURES, AND CHART OF ACCOUNTS

a. Transfers Prohibited: Unbudgeted transfers are prohibited except as approved herein and in accordance with generally accepted accounting principles.

b. Overspending: Any office which overspends its straight-line spending levels for two consecutive months shall be reviewed by the County Administrator, who may freeze position vacancies, capital expenditures, and funds transfers, and remove sufficient personnel from the County payroll to offset fully the impending budget overrun prior to the close of the fiscal year. The County Administrator is authorized to transfer County Government functions and allocated appropriations among the various County divisions and offices in order to combine compatible employee positions and functions, eliminate duplicate work, gain performance efficiencies, or reduce overall operating costs of the County Government.

c. Intra-departmental Transfers by Finance Department: In order to process claims for payment submitted to the Finance Department, the Finance Director, or his designee, is hereby authorized to make intra-departmental transfers between line items in any department's budget in order to ensure that no line item is over-spent by the processing of these claims.

SECTION 5. FIXED ASSETS

a. Reporting: The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the useful life of the asset are not capitalized. The threshold for determining if an item is considered to be a fixed or capital asset is the value or the purchase price (whichever is higher) of \$5,000 or greater and the item must have a useful life of more than one year. Appropriate depreciation schedules are maintained on the straight-line basis over the estimated useful life of each asset in accordance with Generally Accepted Accounting Principles (GAAP). The estimated useful life is determined by guidelines developed by the State of South Carolina Office of Comptroller General, and in some cases, applicable Federal IRS regulations and/or Governmental Accounting Standards Board (GASB) Statement No. 34 implementation guidelines.

b. Inventory Control: Each Office is responsible for verification of all of its items required to be listed in the Fixed Asset System maintained by County Finance and for providing documentation of the annual inventory review to Finance on or before the third week in June annually. Finance will distribute forms for the inventory verification process and will provide current inventory listings to County Offices for verification of inventory on hand by May 30th annually.

c. Insurance Proceeds: In order to comply with GASB42 regulations, all insurance payments will be processed by the County Finance Office.

SECTION 6. RECEIPT, MANAGEMENT, AND REPORTING OF CASH:

a. Timely Deposit: All service charges, fees, fines, reimbursements, grant funds, etc. received by County Offices shall be deposited with the County Treasurer or directly to the bank that serves as checking depository as soon as possible after collection. All County Offices that collect funds on a daily basis shall reconcile receipts to funds received and submit funds to the Treasurer's Office by the following business day in the format as prescribed by the County Treasurer. Offices collecting less than \$200 on any single day may delay one business day. This policy does not apply where State law specifically provides authority for other actions to a specific official.

b. Bank Reconciliation: The Treasurer is responsible for reconciling bank accounts maintained in the Treasurer's Office in order to properly record revenues to the books of the County in accordance with the County's chart of accounts and properly allocating interest and all other funds to various funds and bank accounts as required by SC Law.

c. Cash Accounting: The County Treasurer's Office is responsible for annual external audit reporting of revenues to the State Comptroller's Office and for providing the Finance Office and External Auditors with sufficient data to convert revenues from the cash basis of accounting to the modified accrual basis of accounting in order to ensure legal and annual audit compliance with Governmental Accounting Standards Board (GASB) regulations, in particular GASB Statement No. 34 which requires revenue reporting on the modified accrual basis of accounting during the fiscal year and year-end conversion to accrual basis to produce Government-Wide Financial Statements.

SECTION 7. ANNUAL FISCAL REPORTING REQUIREMENTS

Boards, Commissions, Agencies, and Institutions: All boards, commissions, agencies, and institutions receiving County funds shall make a full detailed annual fiscal report to the County Council at the end of the fiscal year. Agencies receiving less than \$5,000 annually in direct assistance from the County may submit internally prepared financial statements in lieu of an audited statement. The County governing body, the County Administrator, or the Finance Office may require reports, estimates, and statistics from any County office as may be necessary in the preparation of annual budgets or supplemental appropriations. Prior year audits are required for acceptance of annual budget requests.

SECTION 8. COMPENSATION AND CLASSIFICATION PLAN AND PERSONNEL

a. Solicitor and Public Defender Funding Supplement Commitments: Salary supplements are included for various employees in the Solicitor's and Public Defender's departments' budgets. Disbursement of these supplements is contingent upon available funding received from these offices. The Solicitor and Public Defender shall reimburse Florence County for the cost of these supplements, including applicable fringe benefits, on a monthly basis. Should this funding become unavailable, the supplements shall be removed from the payroll system of Florence County and the salaries reduced accordingly.

b. FY14 Christmas Bonus: A Christmas bonus is hereby included in the budget in the amount of \$100 per employee, to be paid between the first and second pay dates in December 2013, if authorized by County Council by motion. All full-time and regular part-time employees who are in pay status during the first pay period in December are eligible to receive this bonus. In addition, all PRN employees who have worked at least 1,000 hours in each of the last two fiscal years and who are also in pay status during the first pay period in December are eligible to receive this bonus.

c. Travel: When employees are required to travel on official business, the County pays reasonable amounts for transportation, meals, and lodging in accordance with the County's Personnel Policies, Administrative Directives, and this ordinance. When an office has County Vehicles assigned to it, employees in that particular office should utilize a County Vehicle if this use does not impede County Operations. If the employee's personal vehicle is utilized, the employee shall be reimbursed at the same rate per mile traveled as is paid to state employees. This includes use of an employee's personal vehicle for travel within Florence County as required by their supervisor. Meal expenses will be \$40.00 for a twenty-four hour period and will be \$25.00 for periods less than twenty-four hours. Per diem is not provided for meals related to meetings inside Florence County, unless the meeting is an official, required function. Per diem is provided for in-state, one-day meetings for which an employee leaves the county and returns to the county in the same day. However, if lunch is provided for this meeting, then per diem will not be provided. Travel advances for meals shall not include per diem for the day of departure or the day of return. For a Law Enforcement employee transporting a prisoner, the employee will be reimbursed at per diem rates for his own meal at any food stop mandated by statute on behalf of the prisoner. In all other cases, Law Enforcement employees shall be required to follow the regular requirements for reimbursement of meal expenses provided for other County employees. There is no provision for advance per diems to the individual for Hotel Reservations, Airline Tickets, Conference/Seminar registration costs or all other costs related to travel; all Hotel Reservations, Airline Tickets, Conference/Seminar registration costs or other costs related to travel will normally be paid directly to the vendor providing the service. Original, dated, detailed receipts must accompany all travel reimbursement requests. County Departments and Elected Officials Offices shall have no authority to waive the requirement for receipt of original, dated, detailed receipts under this section. Under no circumstances shall the County reimburse any persons eligible for travel reimbursement by the County for alcoholic beverages, personal purchases of any kind not specifically authorized in the personnel policy, or any amounts for which appropriated funds are not available or which are a violation of the State Ethics Laws and regulations.

d. Credit Cards and Accounts: Credit cards which obligate Florence County directly are not permitted unless specifically authorized by written resolution of County Council. Requests for establishing credit accounts in the name of the County must be forwarded to the County Finance Office which is responsible for establishing credit accounts with vendors upon written approval by the County Administrator or the Finance Director. The County Finance Department is also responsible for the control and monitoring of all credit accounts in the County's name, verification of goods received and reconciling of such credit purchases to invoices received. Accounts not established in accordance with this ordinance are the sole responsibility of the initiating person, and the County shall not be liable or obligated to make payment on behalf of the initiator or the person using the account.

e. Tuition Assistance Program: An amount of \$9,100 has been appropriated in Department 412, Division 900 of the General Fund to assist County employees who wish to further their education in a field of study beneficial to their employment with Florence County. Tuition will be reimbursed for courses only at accredited colleges and for which college credit can be obtained toward a two-year or higher degree. This assistance will be available based on the recommendation of the department head and the approval of the County Administrator. The Human Resources Director is authorized and directed to establish the administrative procedures necessary to operate this program, including but not limited to the establishment of an annual credit hour and dollar reimbursement per employee caps. All expenditures under this program will be for tuition and/or book and supply fees and will not include such other charges such as application fees, matriculation fees, or late fees. In addition, all expenditures will be reimbursement-based according to the grade received. Employees will be reimbursed 90% of the costs

noted above for a grade of "A", 75% for a grade of "B", 50% for a grade of "C", and nothing for any grade lower. If the employee receives any other funding such as state or federal grant or any other allocation, the reimbursement percentages above apply only to the remaining unpaid portion of tuition. If the funding for this program becomes exhausted, the program will be suspended until it is funded further.

f. Retirees' Health Insurance Assistance: All post-retirement health insurance assistance available to eligible retirees, including any established by the Florence County Personnel Policy Manual, is subject to annual appropriation by County Council each fiscal year. For any employee commencing full time employment after June 30, 2011, the baseline financial assistance is as follows: 20 years of continuous full-time County employment service – 50%, over 25 years of continuous full-time County employment service – 75%. Financial assistance is a percentage of the current retiree only premium which is based on continuous years of employment service attained with Florence County. All financial assistance ceases when the employee first becomes Medicare eligible.

g. Blood Borne Pathogens Standards: Emergency Medical Services, Sheriff's Office, and Detention Center are to provide a copy of the department's current Infection Control Plan to the Human Resources Director annually to demonstrate conformance with Federal and other guidelines.

h. Victim/Witness Fund: The Solicitor agrees to sign a Memorandum of Understanding with the County stating that he will reimburse Florence County for any payments made from his portion of the Victim/Witness Fund that the State of South Carolina may find to be ineligible expenditures of Victim/Witness funds.

i. Beginning Of Fiscal Year Payroll Changes: Payroll changes made as a result of the FY14 budget will become effective on the first day of the first full payroll period of the fiscal year.

j. Workers' Compensation Benefit: Upon adoption of the budget ordinance, all General Fund budgeted workers compensation amounts included in line 0112 in various departmental/divisional budgets will be transferred to Division 010-411-489-300 – Employee Non-Departmental. As workers compensation claims are incurred, twenty percent (20%) of each claim will be paid from the respective department/division, up to a maximum total per claim of \$2,000. In addition, with the exception of 24/7 shift workers, while an employee is on workers compensation leave, the budgeted salary or wages for this employee during the workers compensation leave period will be transferred from the respective department/division salary and wage budget line (account 0100) to the Employee Non-Departmental Division.

k. Solicitor and Public Defender Funding of Certain Positions: The Solicitor and Public Defender are hereby authorized, upon approval by the County Administrator and in accordance with the County's compensation and classification plan, to add positions to the payroll system of Florence County, to be funded with non-County funds. Disbursement for these positions is contingent upon available funding received from these offices. The Solicitor and Public Defender shall reimburse Florence County for the cost of these positions, including applicable fringe benefits, on a monthly basis. Should this funding become unavailable, the positions shall be removed from the payroll system of Florence County.

l. Advanced EMT position: As a result of federal and state regulation, the EMT-Intermediate position title is hereby eliminated effective July 1, 2013 and replaced with the title Advanced-EMT, whose entry level pay will be 15% less than the entry level pay for a paramedic position.

m. EMS Compensation Adjustment: Effective beginning with the first full pay period after July 1, 2013, the base annual pay for all EMS positions whose job descriptions require an employee to be either a certified EMT or paramedic is increased by \$2,000.

SECTION 9. INDEPENDENT AUDIT

An independent annual audit of all financial records and transactions of the County shall be made by a Certified Public Accountant or firm of public accountants with no personal interest, direct or indirect in the fiscal affairs of the County government of Florence County or any of its officers. The County Council may, without requiring competitive bids, designate such accountant or firm. Unless included in the annual County audit, an annual audit of each county agency, board, bureau, or commission of Florence County, funded in whole or in part by County funds, shall be made. Copies of the annual County audit shall be filed in the office of the Clerk of Court for Florence County and provided for the Florence County Administrator.

The County Administrator is hereby authorized to continue work with the County's existing software programming vendor, Strawn Services, for the purpose of providing automation efficiencies at the departmental level to the extent budgeted funds are available.

SECTION 10. FEES AND CHARGES

a. Disposition of Collections: All taxes, fees, charges, and assessments not otherwise allocated specifically by this ordinance with the supporting detail incorporated herein by reference or by law shall be deposited in the Florence County General Fund with other general fund revenues. All such taxes, fees, charges, and assessments shall be appropriated and allocated by the Florence County Council in the same manner as other general revenues. No such taxes, fees, charges, or assessments shall be paid to or shall accrue to the personal benefit of any officer or employee of Florence County. Use of fees, fines, and charges to reimburse expenditure budget line items through deposit credits is prohibited.

b. Manned Convenience Centers: Commercial use and non-County residential use of the Florence County manned convenience centers (MCCs) is prohibited, subject to a fine of up to \$500 per incident plus court costs, which is hereby established. Law enforcement officers with appropriate jurisdiction and Florence County environmental services officers are hereby authorized to write tickets and the Florence County Magistrate's Office is hereby authorized to try the cases. The County Administrator is hereby authorized to amend the manned convenience center contract with Waste Management to reduce hours of operation in accordance with appropriations.

c. Outstanding EMS Bills: Outstanding EMS bills totaling \$1,482,377 posted from the period of January 2000 through December 2009 on which no payment has been made for a period in excess of three years, and which are uncollectible under the three year statute of limitations provision of South Carolina Code of Laws Section 12-54-85, are hereby written off as uncollectible.

d. Coroner Fees: Fees for services provided by the Coroner's Office are hereby established as follows: autopsy report fee - \$25, coroner report fee - \$5.00, toxicology report fee - \$10, CD/photo fee - \$10, and case file fee - \$50. Members of the decedent's family, as well as members of law enforcement and the Solicitor's Office are exempt from these fees.

SECTION 11. DEBT COLLECTION

Setoff Debt: Florence County is hereby authorized to participate in the Setoff Debt Program through the South Carolina Association of Counties on an annual basis as approved by the Florence County Administrator, who is authorized to execute all documentation and direct all designations of personnel participating as necessary.

SECTION 12. CONTRACTING AND FUNDS OR OTHER COMMITMENTS

a. Contract Execution: The County Administrator or County Administrator's designee is the sole authority who can obligate the county and any county funds in any manner through signature of contracts, purchase orders, or other such agreements or documents as an authorized agent. Any purchase made or contract executed without appropriate authorization is hereby deemed to be a personal obligation of the party making the purchase or executing the contract and is not an obligation of Florence County.

b. Check Enforcement Unit: The County Administrator is authorized to execute annual agreements between Florence County and the 12th Circuit Solicitor's Office for the operation of the Solicitor's check enforcement unit.

c. Title IV-D Contracts: The County Administrator, Clerk of Court, and Sheriff are authorized to enter jointly into agreements with the South Carolina Department of Social Services for receipt of Title IV-D (Child Support Enforcement) Federal Funds.

d. School Resource Officer Contracts: The County Administrator is authorized to execute contracts at the request of the Florence County Sheriff with the various school districts in Florence County for School Resource Officers, provided that Florence County's share of the funding for each of the contracts does not exceed the amount available in the General Fund for the Florence County Sheriff's Office grant match/contract match line item. If the contracts for FY14 are not signed prior to June 30, 2013, or if County Council does not approve the Sheriff's portion of the contract's budget, the school districts will be required to provide 100% of the funding for these contracts. If the school districts are unwilling to provide 100% of this funding, then the positions funded by these contracts will be discontinued in FY14.

e. Lease Renewals: The County Administrator is authorized to execute renewals of any existing leases for real or personal property for the terms and conditions included in the various leases as the existing lease periods expire and the leases therefore come up for renewal and for which funds are available through appropriation in this year's budget.

f. SCDOC Agreements: The County Administrator is authorized to execute annual agreements between Florence County and the South Carolina Department of Corrections for the use of pre-release inmates by the Recreation Department. In addition, the County Administrator is authorized and required to execute any contracts between the Florence County Detention Center and the South Carolina Department of Corrections.

g. DSN Resolution: The Chairman of County Council is authorized to execute a resolution designating the Florence County Disabilities and Special Needs Board as an entity in Florence County to provide transportation to persons with disabilities.

h. EMS Medical Control Physician: The County Administrator is authorized to renew the EMS Medical Control Physician contractual arrangement provided funds are appropriated herein.

i. Independent Contractor's Contracts Or Agreements For Various Services At The Florence County Detention Center: The County Administrator is authorized to execute independent contractor's contracts and/or agreements which are in the best interests of the citizens of Florence County for the provision of medical, mental health, psychological, polygraph, commissary, pharmacy, and clergy services at the Florence County Detention Center at the written recommendation of the Sheriff.

j. Planning and Building Inspection Agreements with Municipalities: The County Administrator is authorized to enter into agreements for the provision and enforcement of planning and building inspection services by the County for various municipalities within Florence County.

k. Council Allocation Expenditure: Should an expenditure of Council Infrastructure allocation balances and/or Council Utility Fund allocation balances result in an available balance being exhausted, any remaining project expenditures may be funded from available Council Road Maintenance allocation balances, in accordance with guidelines and any other legal restrictions.

l. De-obligation of previously approved Council Allocation expenditures: Any remaining balances from projects approved to be funded from council district allocations that were approved prior to July 1, 2012 are hereby de-obligated.

m. Municipal Loan Agreements: The County Administrator is authorized to enter into loan agreements with any Florence County municipality whereby such agreement permits any municipal inmate per diem balance outstanding for more than 30 days may be collected from Florence County Treasurer distributions to that municipality.

n. SCDJJ Agreements: The County Administrator is authorized to execute contracts between the Florence County Detention Center and the South Carolina Department of Juvenile Justice.

o. Florence School District One Agreements: The County Administrator is authorized to execute contracts between the Florence County Detention Center and Florence School District One for inmate adult education services at the Poyner/Adult Education Center.

p. Funding For Attorney Fees: Funds for attorney fees for County officials acting as primary plaintiffs and bringing suit against the County cannot be transferred to the appropriate budgetary line item or paid without prior approval by County Council.

SECTION 13. AGRICULTURAL ASSESSMENT EXTENSION PROCESS – PRIVATE CITIZENS

A fixed Agricultural Assessment Extension Policy for private citizens is hereby authorized. Any private citizen may apply for agricultural assessment for no more than two tax years prior to the then current tax year. Businesses, including partnerships, corporations, etc., are not eligible to receive consideration under this fixed policy, but must continue to make applications to Council demonstrating to Council's satisfaction that the business had reasonable cause for not filing timely.

SECTION 14. VEHICLES – OFFICIAL COUNTY FLEET

- a. The approval by resolution of County Council or authorization as provided in annual budget ordinances shall be required to permanently place any additional vehicles in the County fleet. Without such authorization, no vehicle shall be added to the fleet or to the County's insurance policies except where a currently insured vehicle is being removed from same. Vehicles removed from the fleet and the insurance policies must be surplus, through Council resolution, and disposed of in accordance with County procedures.
- b. If the County Administrator deems it in the best financial interests of the County, the County Administrator is hereby authorized to approve the trade-in of certain County-owned surplus vehicles against the cost of replacing said vehicles, rather than holding surplus vehicles for auction, and to dispose of motorized equipment in accordance with policies approved by County Council.
- c. The County Administrator is hereby authorized to allow departments to select alternate vehicles from those approved in the FY14 budget if the change is budget neutral for the same number of vehicles, the alternates are more fuel efficient, and the alternate will perform the functions for which the original vehicle was funded.

SECTION 15. DESIGNATION OF AGENCIES FOR SPECIFIC ACCOMMODATIONS TAX FUNDS

Pursuant to the requirements of South Carolina Law with regard to administration of State Accommodations Tax Funds (Fund 122), the Florence Convention and Visitors Bureau and the Lake City Chamber of Commerce are hereby designated as the tourism bodies in Florence County. These organizations shall be responsible for administering and reporting expenses for these State Accommodations Tax Funds (Fund 122) to County Finance. Total amount of funds shall be adjusted annually based on actual funds the County receives from the State related to the promotion of tourism. County Council reserves the right to designate alternate agencies by voice motion at its discretion.

SECTION 16. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 17. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect any 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
Clerk to Council

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

SIGNED:

James T. Schofield, Chairman
Florence County Council

COUNCIL VOTE:
OPPOSED:
ABSENT:

FLORENCE COUNTY COUNCIL

June 20, 2013

AGENDA ITEM: Ordinance No. 36-2012/13 – Third Reading

DEPARTMENT: County Council/Economic Development

ISSUE UNDER CONSIDERATION:

An Ordinance Consenting To The Extension Of Time For Project Proton To Complete The Project Pursuant To That Certain Fee Agreement Dated December 1, 2008; And Other Matters Related Thereto.

OPTIONS:

1. *(Recommended)* Approve Third Reading of Ordinance No. 36-2012/13.
2. Provide an alternate directive.

ATTACHMENTS:

Copy Of Proposed Ordinance No. 36-2012/13 and Proposed Amendment to Fee Agreement

Sponsor(s) : County Council/Economic Development
 First Reading/Introduction : May 16, 2013
 Committee Referral : N/A
 Committee Consideration Date : N/A
 Committee Recommendation : N/A
 Second Reading : May 29, 2013
 Public Hearing : June 20, 2013
 Third Reading : June 20, 2013
 Effective Date : Immediately

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

ORDINANCE NO. 36-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

AN ORDINANCE

(CONSENTING TO THE EXTENSION OF TIME FOR GENERAL ELECTRIC COMPANY TO COMPLETE THE PROJECT PURSUANT TO THAT CERTAIN FEE AGREEMENT DATED DECEMBER 1, 2008; AND OTHER MATTERS RELATED THERETO.)

WHEREAS:

1. Florence County, South Carolina (the "County"), acting by and through the Florence County Council (the "Council") and acting pursuant to Title 12, Chapter 44, South Carolina Code, 1976, as amended (the "Act"), heretofore has entered into a negotiated fee-in-lieu-of-tax arrangement (for purposes hereof, the "FILOT") authorized by the Act with General Electric Company ("GE"), pursuant to a Fee Agreement dated December 1, 2008 (the "Fee Agreement"); and
2. Under the Fee Agreement, GE contemplated that the capital expansions at its Florence County, South Carolina facility (the "Project") would be completed not later than December 31, 2013; however, the Fee Agreement provides that the County may agree to an extension of the time in which to complete the Project; and
3. GE has satisfied the minimum investment obligations under the Act and the Fee Agreement and, in view of the fact that GE anticipates additional investment in the future, GE desires that the County grant its consent, as permitted under the Act, to a five year extension of the time under the Fee Agreement in which to complete the Project (the "Extension").

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

1. The consent of the Council to the Extension is hereby granted. The consent of the Council shall be reflected and executed through a First Amendment to Fee Agreement, the form of which amendment is attached to this Ordinance. The Chairman of the County Council is hereby authorized and directed to execute the First Amendment to Fee Agreement by and on behalf of

the County in substantially the form as now appears before the Council, with such minor changes and corrections thereto as shall not increase the cost or liability to the County and as shall be approved by the Chairman of the "Council," upon the advice of counsel, his signature thereon reflecting his approval of any such changes. The Clerk to the Council is hereby authorized and directed to attest such execution.

2. This Ordinance shall take effect and be effective from and after third and final reading and approval by the Council.
3. All Ordinances, Orders, Resolutions, and actions of the County inconsistent herewith are hereby, to the extent of such inconsistency only, revoked, repealed, and superseded.
4. Should any part, portion, or term of this Ordinance be deemed invalid or unenforceable by any court of competent jurisdiction, such ruling shall not affect the remainder hereof, all of which is hereby deemed separable.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

James T. Schofield, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

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

FIRST AMENDMENT TO FEE AGREEMENT

THIS FIRST AMENDMENT TO FEE AGREEMENT (this "Amendment") is made and entered into as of this ____ day of _____, 2013 by and between FLORENCE COUNTY, SOUTH CAROLINA (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through the Florence County Council (the "County Council") as the governing body of the County; and GENERAL ELECTRIC COMPANY (the "Company"), a corporation duly qualified to transact business in the State of South Carolina.

WITNESSETH:

Recitals.

Pursuant to an Inducement and Millage Rate Agreement dated as of August 14, 2008 (the "Inducement Agreement") between the County and Company which was authorized by a Resolution adopted by the County Council on July 17, 2008 (the "Inducement Resolution") and adopted by an Ordinance on August 21, 2008, the County entered into a Fee Agreement (the "Fee Agreement") with Company to obtain property tax incentives under South Carolina law with respect to certain capital expansions at its Florence County, South Carolina facility (the "Project"). Under the Fee Agreement, Company contemplated that the Project would be completed not later than December 31, 2013. However, the Fee Agreement provides that the County may agree to an extension of the time in which to complete the Project. Under §12-44-40(13) of the South Carolina Code of Laws, 1976 as amended, (the "Code") such an extension is also permitted.

Since Company has met the minimum investment obligations under the Act by investing approximately \$13,800,000 at the Project and further anticipates an additional investment in the Project of \$14,000,000 to \$17,000,000 in the future, Company requests as required by § 4-29-67(c)(2)(A) of the Act, and the County has indicated its willingness to consent, to a five (5) year extension of time to complete the Project until December 31, 2018.

1. The Investment Period, as defined in the Fee Agreement, shall be extended to December 31, 2018.
2. All other references throughout the Fee Agreement which shall require amending as a consequence of this Amendment, including schedules and exhibits, shall be deemed so amended.
3. Except as amended by this Amendment, the Fee Agreement shall remain unchanged and shall continue in full force and effect. The Fee Agreement as amended by this Amendment, constitutes the entire agreement between the parties hereto and supersedes any prior or contemporaneous written or oral understandings of the parties with respect to the matters covered hereunder.

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

WITNESSES:

FLORENCE COUNTY,
SOUTH CAROLINA

By: _____
James T. Schofield
Chairman, Florence County Council

Attest: _____
Connie Y. Haselden
Clerk, Florence County Council

WITNESSES:

PROJECT PROTON

By: _____
Name:

STATE OF SOUTH CAROLINA)

PROBATE

COUNTY OF FLORENCE)

PERSONALLY appeared the undersigned witness and made oath that (s)he saw the within named Florence County, South Carolina, by its duly authorized officers, seal and as its act and deed, deliver the within written First Amendment to Fee Agreement and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this _____
day of _____, 2013

_____(SEAL)
Notary Public for South Carolina
My commission expires:

STATE OF _____)

PROBATE

COUNTY OF _____)

PERSONALLY appeared the undersigned witness and made oath that (s)he saw the within named Project Proton, by its duly authorized officer, sign, seal and as its act and deed, deliver the within written First Amendment to Fee Agreement and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this _____
day of _____, 2013

_____(SEAL)
Notary Public for _____
My commission expires:

FLORENCE COUNTY COUNCIL MEETING

Thursday, June 20, 2013

AGENDA ITEM: Ordinance No. 31-2012/13
Second Reading

DEPARTMENT: Planning and Building Inspections / 

ISSUE UNDER CONSIDERATION:

[An Ordinance To ~~Rezone~~ Zone Properties Owned By Ladonna M. Beylotte, Cephus & Maxine Peterson Jr., Bessie Wilks, Erik T. & Sarah L. Knotts, Vanona M. Dubose Morris, Ryan J. Johnson, McArthur & Yvonne F. Lynch, James T. Hurst And Located At 227, 233, 237, 241, 243, 247, 249, And 251 Mill Street, Town Of Scranton, As Shown On Florence County Tax Map No. 00194, Block 31, Parcels 25, 077 And 104; And A Portion Of 021, 022, 023, 024 and 111; Consisting Of Approx. 3.16 Acres From Unzoned, To R-1, Single-Family Residential District; And Other Matters Related Thereto.]

(Planning Commission 7 to 0; Council District 1)

POINTS TO CONSIDER:

1. The subject properties are currently unzoned.
2. Surrounding land uses consist of Single-Family Residential and manufactured/mobile home.
3. The Comprehensive Plan currently designates the subject properties as Residential Preservation. The designation will support R-1, Single-Family zoning.

OPTIONS:

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

ATTACHMENTS:

1. Ordinance No. 31-2012/13
2. Staff report for PC#2013-01
3. Location Map
4. Comprehensive Plan Land Use Map
5. Zoning Map
6. Aerial Map

Sponsor(s)	: Planning Commission	I, _____,
Planning Commission Consideration	: April 23, 2013	Council Clerk, certify that
Planning Commission Public Hearing	: April 23, 2013	this Ordinance was
Planning Commission Action	: April 23, 2013 [Approved: 7 to 0]	advertised for Public
First Reading/Introduction	: May 16, 2013	Hearing on _____.
Committee Referral	: N/A	
County Council Public Hearing	: N/A	
Second Reading	: June 20, 2013	
Third Reading	:	
Effective Date	: Immediately	

ORDINANCE NO. 31-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Rezone Zone Properties Owned By Ladonna M. Beylotte, Cephus & Maxine Peterson Jr., Bessie Wilks, Erik T. & Sarah L. Knotts, Vanona M. Dubose Morris, Ryan J. Johnson, McArthur & Yvonne F. Lynch, James T. Hurst And Located At 227, 233, 237, 241, 243, 247, 249, And 251 Mill Street, Town Of Scranton, As Shown On Florence County Tax Map No. 00194, Block 31, Parcels 025, 077 And 104; And A Portion Of 021, 022, 023, 024 and 111; Consisting Of Approx. 3.16 Acres From Unzoned, To R-1, 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 April 23, 2013.

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

1. Properties located at 227, 233, 237, 241, 243, 247, 249, and 251 Mill Street, Scranton, bearing Tax Map 00194, Block 31, Parcels 025, 077, 104; and a portion of 021, 022, 023, 024, and 111 are hereby zoned as R-1, Single-Family Residential District.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

James T. Schofield, Chairman

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

COUNCIL VOTE:
OPPOSED:
ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
Tuesday, April 23, 2013
PC#2013-01
ORDINANCE NO. 31-2012/13**

SUBJECT: Zoning amendment request to R-1, Single Family Residential District

LOCATION: 227, 233, 237, 241, 243, 247, 249, and 251 Mill St. Scranton, SC

TAX MAP NUMBERS: 00194, Block 31, Parcels 25, 077 and 104; and a portion of 021, 022, 023, 024 and 111

COUNCIL DISTRICT(S): 1; County Council

OWNER OF RECORD: Cephus & Maxine Peterson Jr., Bessie Wilks, Erik T. & Sarah L. Knotts, Vanona M. Dubose Morris, Ryan J. Johnson, McArthur & Yvonne F. Lynch, James T. Hurst, Ladonna M. Beylotte

APPLICANT: Town of Scranton

LAND AREA: 3.16 Acres

WATER /SEWER AVAILABILITY: These services are provided by the City of Scranton.

**ADJACENT WATERWAYS/
BODIES OF WATER:** There does not appear to be any waterway/body of water adjacent to the property.

FLOOD ZONE: The properties are not located in a flood zone.

STAFF ANALYSIS:

1. Existing Land Use and Zoning:
The subject area properties are currently occupied by single-family residential uses and manufactured/mobile home. The subject area properties are currently unzoned.
2. Proposed Land Use and Zoning:
The proposal is to rezone the subject properties to R-1, Single-Family Residential District.
3. Surrounding Land Use and Zoning:
North: Vacant/UZ/Town of Scranton
South: Vacant/UZ/Town of Scranton
West: Single-Family Residential/R-1/Vacant/UZ/Town of Scranton
East: Vacant/UZ/Town of Scranton

4. Transportation Access and Circulation:
Present access to the properties is by way of Mill Street.
5. Traffic Review:
The rezoning of these properties will not have an effect on traffic flow for the area.
6. Florence County Comprehensive Plan:
The Land Use for the following tax map numbers is Residential Preservation. The designation will support R-1 zoning.
7. Chapter 30-Zoning Ordinance:
The intent of the R-1, Single-Family Residential District, Aside from differences in lot sizes and densities, these districts are intended 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.

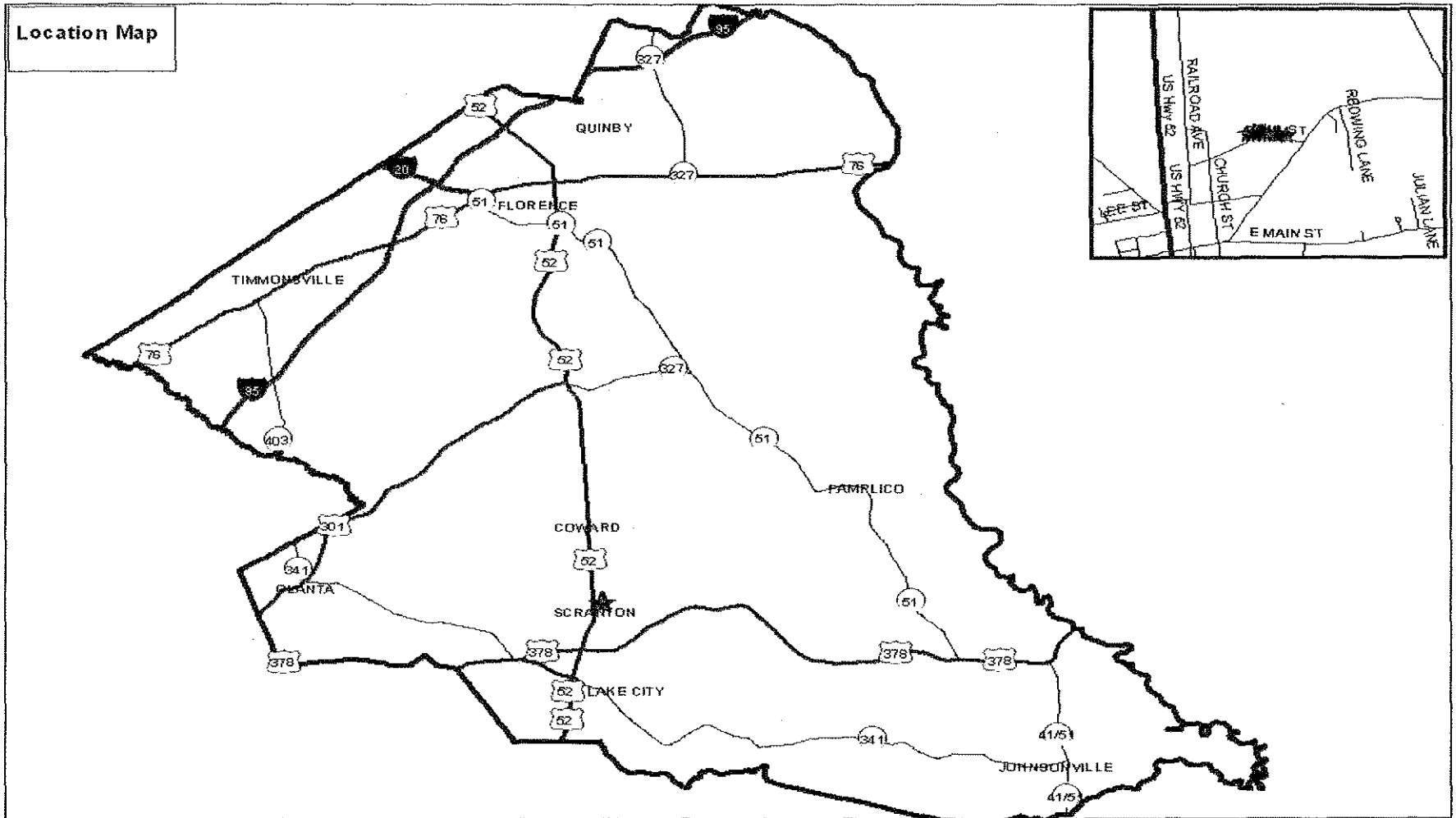
FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, APRIL 23, 2013:

The seven Planning Commission members present approved the zoning amendment request unanimously based on the request being in compliance with the Land Use Map and Land Use Element of the Comprehensive Plan.

FLORENCE COUNTY PLANNING COMMISSION RECOMMENDATION:

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

Location Map



0 1 2 3 4 Miles



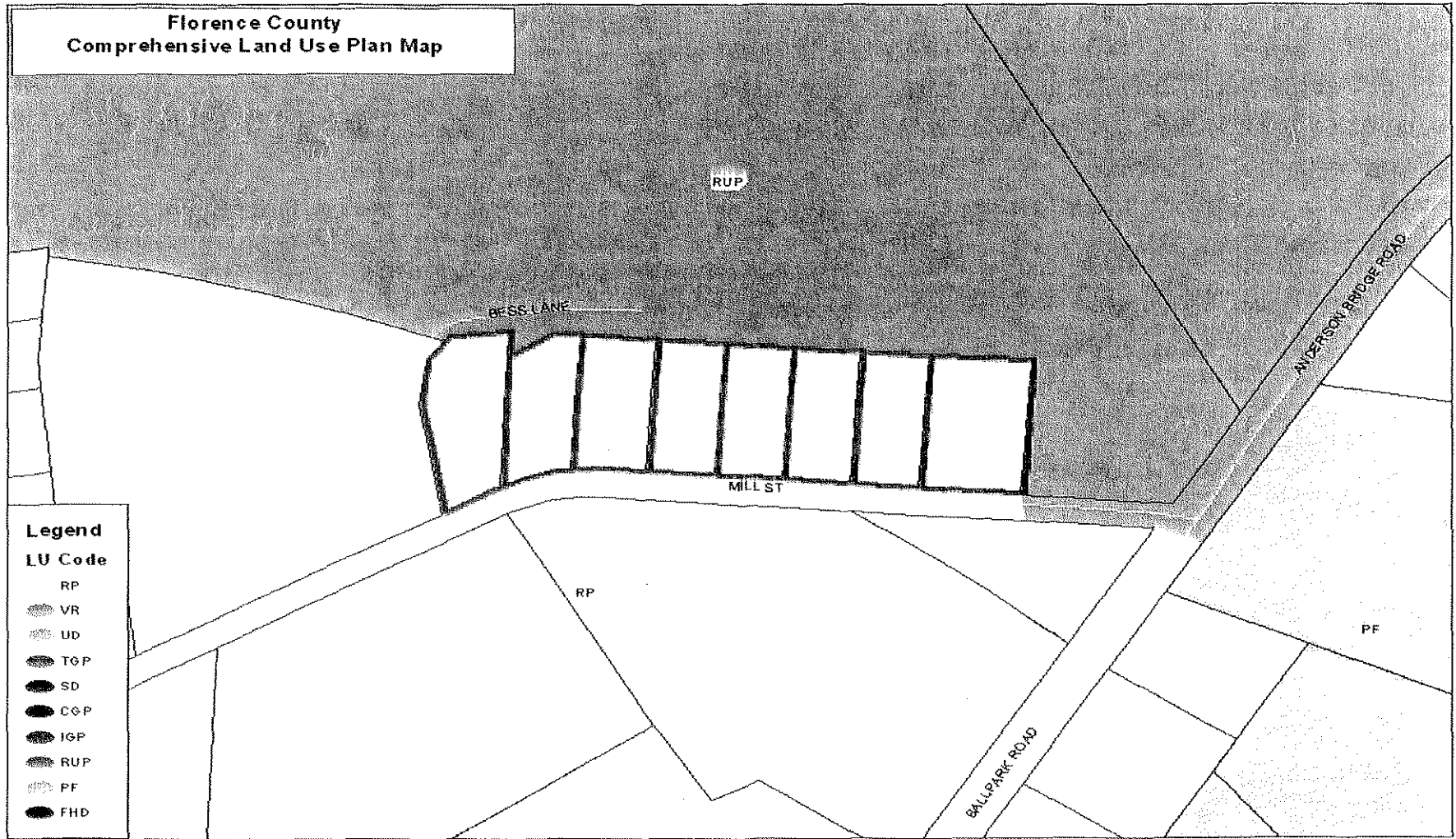
Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
03/06/2013

N



COUNTY COUNCIL DISTRICT(S): 1
PC#2013-01

**Florence County
Comprehensive Land Use Plan Map**



Legend

LU Code

- RP
- VR
- UD
- TGP
- SD
- CGP
- IGP
- RUP
- PF
- FHD

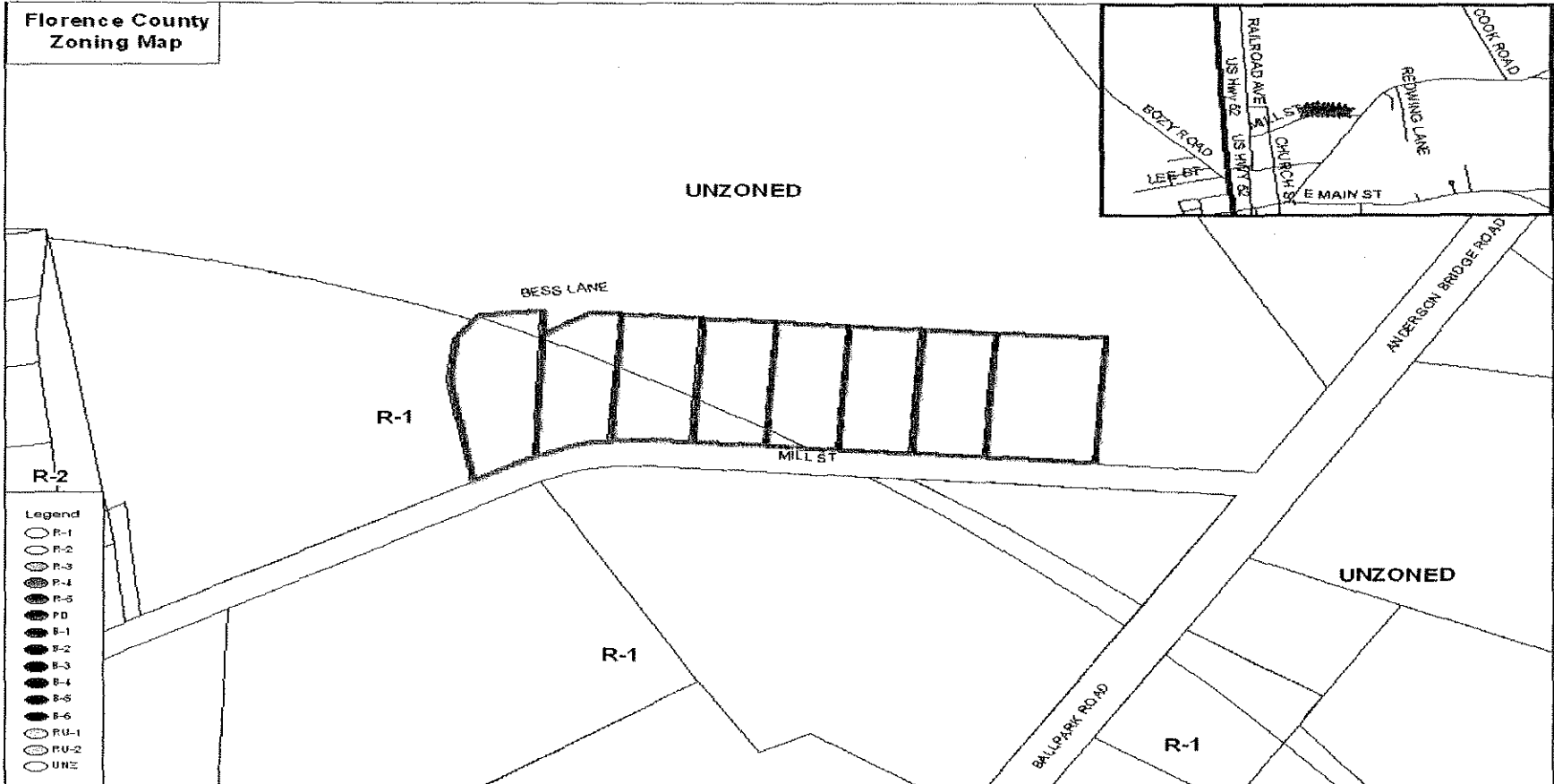
0 170 340

Map Prepared by RWE
Copyright 2010, Florence County Planning
& Building Inspections Department
Geographic Information Systems
03/06/2013



COUNTY COUNCIL DISTRICT(S): 1
PC#2013-01

**Florence County
Zoning Map**



- Legend**
- R-1
 - R-2
 - R-3
 - R-4
 - R-5
 - PD
 - F-1
 - F-2
 - F-3
 - F-4
 - F-5
 - F-6
 - RU-1
 - RU-2
 - UNZ



Map Prepared by **MAURICE WEST**
 Copyright 2010: Florence County Planning
 & Building Inspections Department
 Geographic Information Systems
 03/06/2013



COUNTY COUNCIL DISTRICT(S): 1
PC#2013-01

Florence County 2011 Orthophotography Map



Map Prepared by: RWE
Copyright 2010: Florence County Planning
& Building Inspections Department
Geographic Information Systems
03/06/2013



COUNTY COUNCIL DISTRICT(S): 1
PC#2013-01

FLORENCE COUNTY COUNCIL MEETING

Thursday, June 20, 2013

AGENDA ITEM: Ordinance No. 32-2012/13
Second Reading

DEPARTMENT: Planning and Building Inspections / 

ISSUE UNDER CONSIDERATION:

[An Ordinance To Rezone Property Owned By Judy H. Thomas And Debra A. Holloway Located At 2005 Hazelwood Lane, Florence, As Shown On Florence County Tax Map No. 00127, Block 01, Parcel 008; Consisting Of Approx. 8.709 Acres From R-3, Single Family Residential District To RU-1, Rural Community District; And Other Matters Related Thereto.]

(Planning Commission approved 7 to 0; Council District 5)

POINTS TO CONSIDER:

1. The subject property is currently zoned R-3, Single- Family Residential District.
2. Surrounding land uses consist of mixture of vacant land manufactured/mobile home currently zoned R-3, Single-Family Residential District.
3. The Comprehensive Plan currently designates the subject property as Suburban Development according to the Comprehensive Plan Land Use Map.
4. The zoning designation of RU-1, Rural Community District, is in compliance with the Comprehensive Plan land Use Map.

OPTIONS:

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

ATTACHMENTS:

1. Ordinance No. 32-2012/13
2. Staff report for PC#2013-04
3. Location Map
4. Comprehensive Plan Land Use Map
5. Zoning Map
6. Aerial Map

Sponsor(s)	: Planning Commission	I, _____,
Planning Commission Consideration	: April 23, 2013	Council Clerk, certify that
Planning Commission Public Hearing	: April 23, 2013	this Ordinance was
Planning Commission Action	: April 23, 2013 [Approved: 7 to 0]	advertised for Public
First Reading/Introduction	: May 16, 2013	Hearing on _____.
Committee Referral	: N/A	
County Council Public Hearing	: N/A	
Second Reading	: June 20, 2013	
Third Reading	:	
Effective Date	: Immediately	

ORDINANCE NO. 32-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Rezone Property Owned By Judy H. Thomas and Debra A. Holloway Located At 2005 Hazelwood Lane, Florence, As Shown On Florence County Tax Map No. 00127, Block 01, Parcel 008; Consisting Of Approx. 8.709 Acres From R-3, Single Family Residential District, To RU-1, Rural Community District, Limited; 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 April 23, 2013

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

1. Property located at 2005 Hazelwood Lane, Florence, bearing Tax Map 00127, Block 01, Parcel 008; and is hereby rezoned to RU-1, Rural Community District, Limited.
2. Provisions in other Florence County ordinances in conflict with this Ordinance are hereby repealed.
3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

James T. Schofield, Chairman

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

COUNCIL VOTE:
OPPOSED:
ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
Tuesday, April 23, 2013
PC#2013-04
ORDINANCE NO. 32-2012/13**

SUBJECT: Rezoning request from R-3, Single Family Residential District to RU-1, Rural Community District

LOCATION: Property is located at 2005 Hazelwood Lane, Florence County

TAX MAP NUMBER: 00127, Block 01, Parcel 008

COUNCIL DISTRICT(S): 5; County Council

OWNER OF RECORD: Judy H. Thomas & Debra A. Holloway

APPLICANT: Judy H. Thomas & Debra A. Holloway

LAND AREA: 8.709 Acres

WATER /SEWER AVAILABILITY: These services are not provided by the City of Florence

**ADJACENT WATERWAYS/
BODIES OF WATER:** There does not appear to be any waterway/body of water adjacent to the property.

FLOOD ZONE: The property is not located in a Flood zone.

STAFF ANALYSIS:

1. Existing Land Use and Zoning:
The subject property is currently single-family residential and zoned R-3, Single-Family Residential District.
2. Proposed Land Use and Zoning:
The proposal is to rezone the subject property to RU-1, Rural Community District.
3. Surrounding Land Use and Zoning:
North: Vacant/ R-3/Florence County
South: Mobile Homes/R-3/Florence County
West: Vacant/Mobile Homes/R-3/Florence County

East: Vacant/Mobile Homes/R-3/Florence County

4. Transportation Access and Circulation:

Present access to the property is by way of Hazel Lane.

5. Traffic Review:

The rezoning of this property will not have an effect on traffic flow for the area.

6. Florence County Comprehensive Plan:

The subject property is located in a suburban Development area according to the Comprehensive Plan Land Use Map. While the applicant has requested to rezone to RU-1, this request does comply with Comprehensive Plan.

7. Chapter 30-Zoning Ordinance:

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

STAFF RECOMMENDATION:

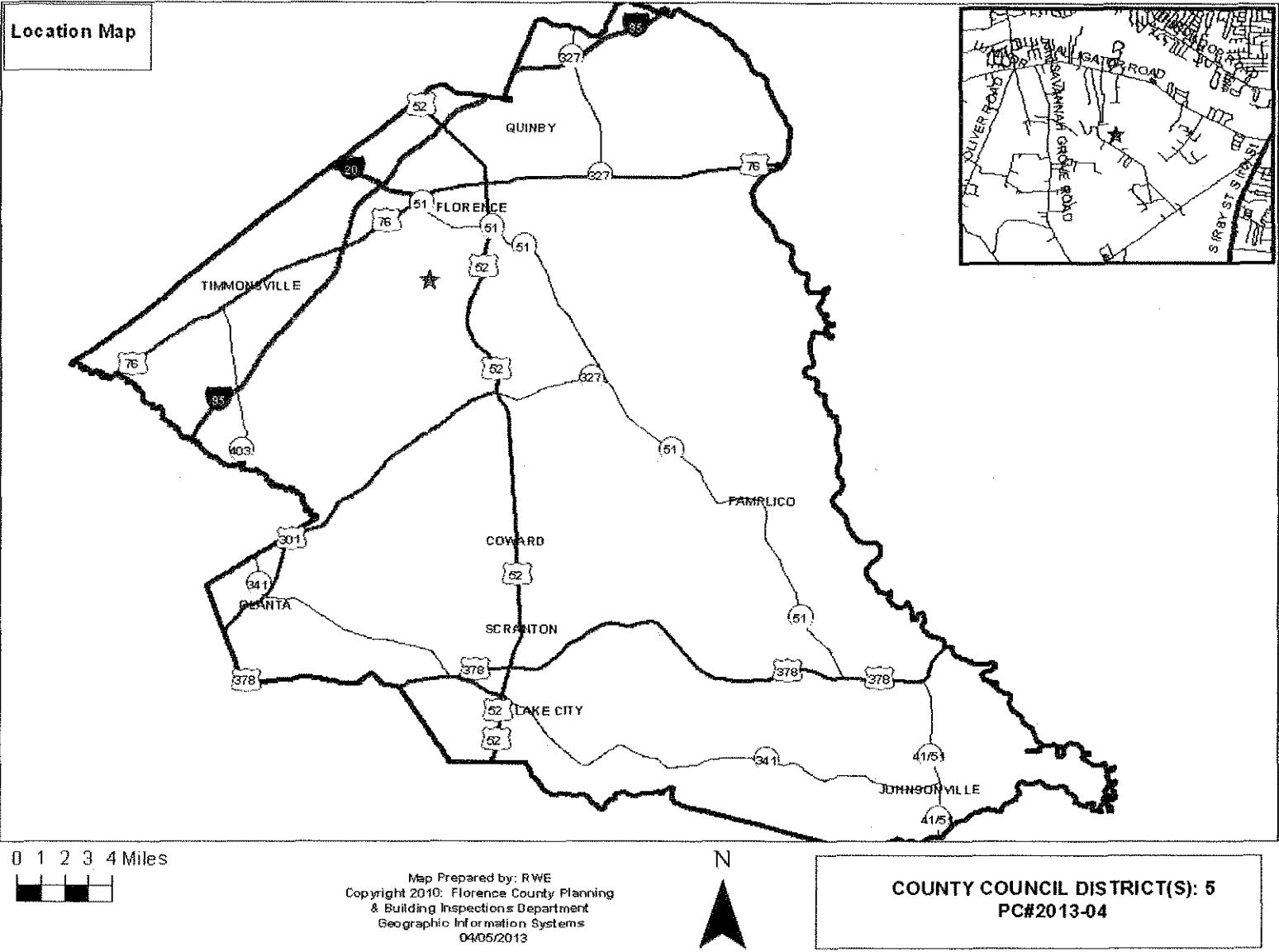
Staff recommends approval of the zoning amendment request based on the request being in compliance with the Land Use Map and Land Use Element of the Comprehensive Plan.

FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, APRIL 23, 2013:

The seven Planning Commission members present approved the zoning amendment request unanimously based on the request being in compliance with the Land Use Map and Land Use Element of the Comprehensive Plan.

FLORENCE COUNTY PLANNING COMMISSION RECOMMENDATION:

The Planning Commission members present approved the zoning amendment request to Florence County Council base on the request being in compliance with the Land Use Map and Land Use Element of the Comprehensive Plan.



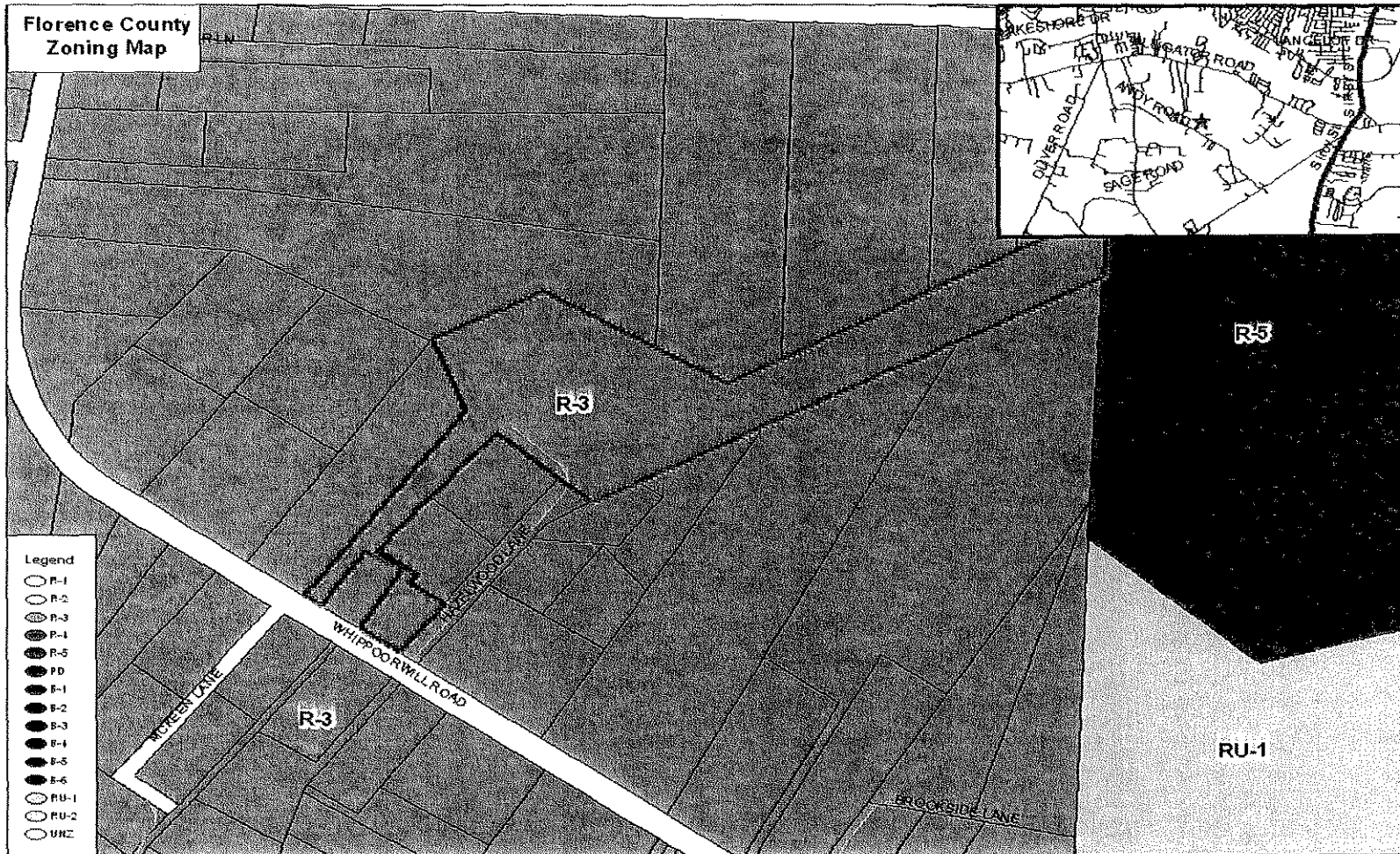


0 170 340 680 Feet

Map Prepared by: RWE
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 & Building Inspections Department
 Geographic Information Systems
 04/05/2013



**COUNTY COUNCIL DISTRICT(S): 5
 PC#2013-04**



0 187.5 375 750 Feet

Map Prepared by: RWE
 Copyright 2010: Florence County Planning
 & Building Inspections Department
 Geographic Information Systems
 04/05/2013



COUNTY COUNCIL DISTRICT(S): 5
PC#2013-04

Florence County 2011 Orthophotography Map



0 150 300 Feet

Map Prepared by: RWE
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& Building Inspections Department
Geographic Information Systems
04/05/2013



COUNTY COUNCIL DISTRICT(S): 5
PC#2013-04

FLORENCE COUNTY COUNCIL MEETING

Thursday, June 20, 2013

AGENDA ITEM: Ordinance No. 33-2012/13
Second Reading

DEPARTMENT: Florence County Planning & Building Department / 

ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend The Florence County Code, Chapter 7 - Building Regulations, Article II - Standards For Construction, Installations And Maintenance, Division 1 - Generally, Sec. 7-11 - International Building Code; And Other Matters Related Thereto.]
(Planning Commission *approved* 6-0: All Council Districts)

POINTS TO CONSIDER:

1. The State of South Carolina adopted, by reference and amendment, the latest editions of the codes nationally recognized for regulation of construction.
2. The Florence County Code must comply with the SC Code of Laws.

OPTIONS:

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

ATTACHMENTS:

1. Ordinance No. 33-2012/13 Existing w/Markup
2. Ordinance No. 33-2012/13 New Proposed
3. Staff report for PC#2013-03

Sponsor(s)	: Planning Commission	I. _____
Planning Commission Consideration	: April 23, 2013	Council Clerk, certify that this
Planning Commission Public Hearing	: April 23, 2013	Ordinance was advertised for
Planning Commission Action	: April 23, 2013 [Approved: 6-0]	Public Hearing on _____.
First Reading/Introduction	: May 16, 2013	
Committee Referral	: N/A	
County Council Public Hearing	: June 20, 2013	
Second Reading	: June 20, 2013	
Third Reading	:	
Effective Date	: Immediately	

ORDINANCE NO. 33-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend The Florence County Code, Chapter 7 - Building Regulations, Article II - Standards For Construction, Installations And Maintenance, Division 1 - Generally, Sec. 7-11 - International Building Code; And Other Matters Related Thereto.]

WHEREAS:

1. The State of South Carolina adopted, by reference and amendment, the latest editions of the codes nationally recognized for regulation of construction; and
2. The Florence County Code must comply with the SC Code of Laws.

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

1. The Florence County Code, Chapter 7 - Building Regulations, Article II - Standards For Construction, Installations And Maintenance, Division 1 - Generally, Sec. 7-11 - International Building Code is hereby amended to read as follows:

Sec. 7-11. - International Building Code adopted Administration.

Chapter I - Administration of the 2006 International Building Code is hereby adopted for the enforcement of the standards as set forth herein Administration of the International Building Code® and the National Electrical Code® shall be as set forth in the following referenced standards:

The 2012 International Building Code®, Chapter 1, Scope and Administration

The 2012 International Residential Code®, Chapter 1, Scope and Administration

The 2012 International Plumbing Code®, Chapter 1, Scope and Administration

The 2012 International Mechanical Code®, Chapter 1, Scope and Administration

The 2012 International Fuel Gas Code®, Chapter 1, Scope and Administration

The 2012 International Fire Code®, Chapter 1, Scope and Administration

The 2011 National Electric Code®, Article 90, Introduction

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

James T. Schofield, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

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

DRAFT

Sponsor(s)	: Planning Commission	I, _____,
Planning Commission Consideration	: April 23, 2013	Council Clerk, certify that this
Planning Commission Public Hearing	: April 23, 2013	Ordinance was advertised for
Planning Commission Action	: April 23, 2013 [Approved: 6-0]	Public Hearing on _____.
First Reading/Introduction	: May 16, 2013	
Committee Referral	: N/A	
County Council Public Hearing	: June 20, 2013	
Second Reading	: June 20, 2013	
Third Reading	:	
Effective Date	: Immediately	

ORDINANCE NO. 33-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend The Florence County Code, Chapter 7 - Building Regulations, Article II - Standards For Construction, Installations And Maintenance, Division 1 - Generally, Sec. 7-11 - International Building Code; And Other Matters Related Thereto.]

WHEREAS:

1. The State of South Carolina adopted, by reference and amendment, the latest editions of the codes nationally recognized for regulation of construction; and
2. The Florence County Code must comply with the SC Code of Laws.

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

1. The Florence County Code, Chapter 7 - Building Regulations, Article II - Standards For Construction, Installations And Maintenance, Division 1 - Generally, Sec. 7-11 - International Building Code is hereby amended to read as follows:

Sec. 7-11. - Building Code Administration.

Administration of the International Building Code® and the National Electrical Code® shall be as set forth in the following referenced standards:

The 2012 International Building Code®, Chapter 1, Scope and Administration

The 2012 International Residential Code®, Chapter 1, Scope and Administration

The 2012 International Plumbing Code®, Chapter 1, Scope and Administration

The 2012 International Mechanical Code®, Chapter 1, Scope and Administration

The 2012 International Fuel Gas Code®, Chapter 1, Scope and Administration

The 2012 International Fire Code®, Chapter 1, Scope and Administration

The 2012 International Energy Conservation Code®, Chapter 1, Scope and Administration

The 2012 International Energy Conservation Code®, Chapter 1, Scope and Administration

The 2011 National Electric Code®, Article 90, Introduction

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

James T. Schofield, Chairman

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

COUNCIL VOTE:
OPPOSED:
ABSENT:

DRAFT

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
Tuesday, April 23, 2013
PC#2013-03
ORDINANCE NO. 33-2012/13**

SUBJECT: Request for text amendment to the Florence County Code, Chapter 7 - Building Regulations, Article II. - Standards for Construction, Installations and Maintenance, Division 1. - Generally, Sec. 7-11. - International Building Code.

APPLICANT: Florence County Planning & Building Department

STAFF ANALYSIS:

Periodically, the State of South Carolina adopts, by reference and amendment, the latest editions of the following nationally recognized codes, and the standards referenced in those codes, for regulation of construction within this State: International Building Code®, International Residential Code®, International Plumbing Code®, International Mechanical Code®, International Fuel Gas Code®, International Fire Code®, International Energy Conservation Code®, and the National Electric Code®. The International Codes are promulgated, published, or made available by the International Code Council, Inc. and the National Electrical Code® is published by the National Fire Protection Association. These codes are referenced in the South Carolina Code of Laws, Title 6, Chapter 9, Section 6-9-50.

The South Carolina Code of Laws directs that all municipalities and counties in this State shall enforce the latest editions of the Building, Residential, Plumbing, Mechanical, Fuel Gas, Fire, Energy Conservation, and Electric codes relating to the construction, livability, sanitation, erection, energy efficiency, installation of equipment, alteration, repair, occupancy, classification, or removal of structures located within their jurisdictions and promulgate regulations to implement their enforcement. The municipality or county shall enforce only the national building and safety codes provided in the South Carolina Code of Laws.

The State of South Carolina, consistent with the aforementioned requirements, adopted the 2012 edition of the International Building Code® and the 2011 edition of the National Electrical Code® in August 2012 with an effective date of July 2013.

Compliance with the SC Code of Laws requires The Florence County Code, Chapter 7 - Building Regulations, Article II - Standards for Construction, Installations and Maintenance, Division 1 - Generally, Sec. 7-11 - International Building Code adopted be amended to read as follows:

Sec. 7-11. - ~~International Building Code adopted~~ Administration.

Chapter I - Administration of the 2006 International Building Code is hereby adopted for the enforcement of the standards as set forth herein Administration of the International Building Code® and the National Electrical Code® shall be as set forth in the following referenced standards:

The 2012 International Building Code®, Chapter 1, Scope and Administration

The 2012 International Residential Code®, Chapter 1, Scope and Administration

The 2012 International Plumbing Code®, Chapter 1, Scope and Administration

The 2012 International Mechanical Code®, Chapter 1, Scope and Administration

The 2012 International Fuel Gas Code®, Chapter 1, Scope and Administration

The 2012 International Fire Code®, Chapter 1, Scope and Administration

The 2012 International Energy Conservation Code®, Chapter 1, Scope and Administration

The 2011 National Electric Code®, Article 90, Introduction

FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, MARCH 26, 2013:

The March 26, 2013 meeting of the Planning Commission was cancelled due to the lack of a quorum. There were only five members present. The item will be rescheduled to appear on the agenda for the Planning Commission meeting to be held April 23, 2013.

STAFF RECOMENDATION:

Staff recommends approval by Florence County Planning Commission of the amendment request as presented.

FLORENCE COUNTY PLANNING COMMISSION ACTION-TUESDAY, APRIL 23, 2013:

The six Planning Commission members present approved the text amendment request unanimously.

FLORENCE COUNTY COUNCIL:

This item is tentatively scheduled to appear for introduction on the agenda on Thursday, May 16, 2013 @ 9:00 a.m. in room 803 of the City-County Complex, 180 North Irby St., Florence.

FLORENCE COUNTY COUNCIL MEETING

Thursday, June 20, 2013

AGENDA ITEM: Ordinance No. 34-2012/13
Second Reading

DEPARTMENT: Planning and Building Department / 

ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend The Florence County Code, Chapter 9.5, Drainage And Stormwater Management; And Other Matters Related Thereto.] (*Planning Commission approved 6-0: All Council Districts*)

POINTS TO CONSIDER:

1. Chapter 9.5 – Drainage and Stormwater Management Ordinance was adopted August 16, 2007.
2. The Planning Commission and Engineering Division staff developed the proposed amendment to bring the Ordinance into compliance with the recently updated National Pollutant Discharge Elimination System (NPDES) general permit.
3. The proposed Ordinance removes irrelevant information as it applies to Drainage and Stormwater Management and reduces the current format from 77 pages to 60 pages.
4. The regulatory requirements of Chapter 9.5 – Drainage and Stormwater Management has been moved into a proposed working document called The Florence County Stormwater Design Manual.
5. The proposed Florence County Stormwater Design Manual is scheduled to appear for Public hearing before the Florence County Planning Commission June 25, 2013.
6. The six Planning Commission members present at the April 23, 2013 meeting voted unanimously to adopt a resolution recommending that County Council amend the Drainage and Stormwater Management Ordinance.
7. Florence County Planning Commission recommends approval of the request to Florence County Council in order to keep County Ordinances current and accurate.

OPTIONS:

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

ATTACHMENTS:

Ordinance No. 34-2012/13 New Proposed

Sponsor(s)	: Planning Commission	I, _____,
Planning Commission Consideration	: April 23, 2013	Council Clerk, certify that this
Planning Commission Public Hearing	: April 23, 2013	Ordinance was advertised for
Planning Commission Action	: April 23, 2013 [Approved: 6-0]	Public Hearing on _____.
First Reading/Introduction	: May 16, 2013	
Committee Referral	: N/A	
County Council Public Hearing	: June 20, 2013	
Second Reading	: June 20, 2013	
Third Reading	:	
Effective Date	: Immediately	

ORDINANCE NO. 34-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend The Florence County Code, Chapter 9.5, Drainage And Stormwater Management; And Other Matters Related Thereto.]

WHEREAS:

1. Chapter 9.5 - Drainage and Stormwater Management was adopted into the Florence County Code of Ordinances on August 16, 2007; and
2. The South Carolina Department of Health and Environmental Control (SCDHEC) issued an update to the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities on October 15, 2012; and
3. The Florence County Code of Ordinances must be maintained as compliant with the current NPDES permit.

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

1. The Florence County Code, Chapter 9.5, Drainage and Stormwater Management, is hereby amended to read as follows:

Chapter 9.5 - STORMWATER MANAGEMENT AND SEDIMENTATION CONTROL

ARTICLE I. - GENERALLY

DIVISION 1. - GENERAL

Sec. 9.5-1. - Purpose, authority and jurisdiction.

- (a) Purpose. In order to protect the general health, safety and welfare of the people of the County, to enhance the water quality of the County and to protect the natural assets and resources of the County for posterity, this Stormwater Management and Sediment control article is enacted to protect the lands and waters from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and lakes, to

prevent clogging of draining channels, to prevent excessive flood damage and to prevent damage to the property of adjacent landowners.

- (b) Permit Compliance. It is further the purpose of this article to comply with the federal and corresponding State Stormwater discharge regulations (40 CFR 122.26 and SC Regulation 61-9.122.26) developed pursuant to the Clean Water Act (CWA) and to grant the County the authority to take any action required by it to obtain and comply with its National Pollutant Discharge Elimination System (NPDES) permit for Stormwater discharges. Among other things, these regulations require the County to establish legal authority which authorizes or enables the County at a minimum to attempt to:
- (1) Control the contribution of Pollutants to the County's Small Municipal Separate Storm Sewer System (SMS4) and receiving waters by Stormwater discharges associated with residential, commercial, industrial and related facilities activity and the quality of Stormwater discharged from sites of residential, commercial, industrial and related facility activity; and
 - (2) Prohibit illicit discharges to the SMS4 and receiving waters; and
 - (3) Control the discharge to the SMS4 and receiving waters of spills, dumping, or disposal of materials other than Stormwater; and
 - (4) Control, through intergovernmental agreements, contribution of Pollutants from one municipal Stormwater system to another; and
 - (5) Require compliance with conditions in ordinances, permits, contracts or orders; and
 - (6) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the SMS4 and receiving waters.
- (c) Minimum Requirements. The application of this article and the provisions expressed herein shall be the minimum Stormwater Management requirements and shall not be deemed a limitation or repeal of any other powers granted by statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the owner and operator's responsibility to exceed management practices control techniques and system, design and engineering methods and such other programs and controls as are required by the County's NPDES Permit as defined below.
- (d) Construction. This article is to be construed to further its purpose of controlling and reducing Pollutant discharges to the SMS4 and to the waters of the State and to meet the County's obligations under its NPDES permit issued by the South Carolina

Department of Health and Environmental Control (DHEC) as required by 33 USC 1342 and 40 CFR 122.26 (the "NPDES Permit").

- (e) Authority. This article is adopted pursuant to the authority conferred upon the County by the South Carolina Constitution, the South Carolina General Assembly and in compliance with the requirements imposed upon the County by the NPDES Permit issued in accordance with the Federal Clean Water Act, the South Carolina Pollution Control Act and regulations promulgated thereunder.
- (f) Jurisdiction. The provisions of this article shall apply to all lands within the jurisdiction of the County, including incorporated areas of the County where the municipality has entered into an intergovernmental agreement with the County to perform Stormwater Management services on behalf of the municipality.
- (g) Relationship with other laws, regulations and ordinances. Whenever the provisions of this article impose more restrictive standards than are required in or under any other law, regulation or ordinance, the requirements contained in this article shall prevail. Whenever the provisions of any other law, regulation or ordinance require more restrictive standards than are required in this article, the requirements of such law, regulation or ordinance shall prevail. Approvals of Stormwater Management and Sediment Control Plans which were obtained by the County Engineering Division prior to September 18, 2007 shall remain in effect for the original term of the approval.
- (h) Amendments. This article may be amended in the same manner as prescribed by law for its original adoption.
- (i) Notification forms. The Florence County Engineering Department, shall attempt to provide proper notification of the requirements of this article to those persons desiring to conduct a Land Disturbing Activity and shall provide the necessary forms required for application for securing approval of the Stormwater Management and Sediment Control Plan as defined below. A copy of this article shall be made available upon reasonable request.

Sec. 9.5-2. to 9.5-15 Reserved

DIVISION 2. - DEFINITIONS

Sec. 9.5-16. - Definitions.

Administrator: means the Administrator of the Environmental Protection Agency or any employee of the Agency to whom the Administrator may, by order, delegate the authority to carry out his functions under Section 307(a) of the CWA, or any person who shall, by operation of law, be authorized to carry out such functions.

Adverse impact: significant negative impact to land, water and associated resources resulting from a land disturbing activity. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife and other resources; and threatened public health.

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls.

Allowable Discharges: means Stormwater and non-Stormwater discharges allowed to discharge to WoS as authorized by the Construction General Permit. See Sections 1.3.1.A and 1.3.1.B of the CGP.

Alternative General Permit: means Stormwater and non-Stormwater discharges allowed to discharge to WoS as authorized by an alternative general permit. See Sections 1.3.1.A and 1.3.1.B of the CGP.

Antidegradation Policy: means the water quality standards regulation that requires States and Tribes to establish a three-tiered antidegradation program:

- (1) Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
- (2) Tier 2 maintains and protects "high quality" water bodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, State and Tribal Tier 2 programs identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.
- (3) Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically. Decisions regarding which water bodies qualify to be ONRWs are made by States and authorized Indian Tribes.

Applicant: means a person, firm, or governmental agency applying to the Division for a State or NPDES permit to obtain approval or a permit for a land disturbing activity.

Application: means the application form entitled Notice of Intent (NOI) or other specific uniform NPDES application form created or adopted by the County, including subsequent additions, revisions, or modifications.

Approved: accepted by the Division director or the staff reviewer as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

As-built plans: set of engineering or site drawings that delineate the specific permitted Stormwater management facility as actually constructed

Bank: (e.g., stream bank or river bank) - the rising ground bordering the channel of a water of the U.S.

Berm: means a mound of soil, either natural or man-made, intended to buffer land uses or limited access.

Best Management Practices (BMPs): means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Surface Waters of the State. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities.

Best Management Practices (BMP) Handbook: is a tool designed by the Department (SCDHEC) to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect Waters of the State. It also aids in the development of other reports, plans, or specifications required by water quality regulations.

Borrow and Fill Areas: are areas where erodible material (typically soil) is dug for use as fill and the areas where the fill is used, either onsite or off-site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, borrow and fill areas are considered construction activity for the purpose of the Construction General Permit.

Buffer Zone: an area, strip, or plot of dense undisturbed perennial native vegetation, either original or reestablished, surrounding streams and rivers, ponds and lakes, wetlands, seeps, or other surface waters within which construction activities are restricted, and which are established for the primary purpose of protecting water quality and maintaining a healthy aquatic ecosystem in the receiving surface waters.

Building: any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or parts thereof."

CFR: means the Code of Federal Regulations, as amended.

Clean Water Act (CWA): means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

Clearing: means the removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction and/or non-construction activities. (For instance, clearing forested land in order to convert forestland to pasture for wildlife management purposes would be considered clearing in anticipation of non-construction activities.) In reference to the Construction General Permit, clearing does not refer to the removal of vegetation and disturbance of soil along existing or new roadways, highways, dams, power lines for sight distance, other maintenance and/or safety concerns, and cold milling of roadway pavement surfaces.

Combined sewer: a sewer receiving both surface runoff and sewage.

Commencement of Construction Activities: means the initial disturbance of soils (or breaking ground) associated with clearing, grading, or excavating activities or other construction-related activities (e.g., installation of perimeter controls, stockpiling of fill material, etc).

Commercial Development: any intended use of a building, structure or property for any retail trade, service, professional, office, amusement, entertainment, multi-family developments or similar purpose as defined by the County Zoning Ordinance or County Code of Ordinances and as specifically permitted within any business or commercial district under the Zoning Ordinance.

Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP): as used in the Construction General Permit means the Stormwater Pollution Prevention Plan (SWPPP) prepared according to requirements outlined in Section 3 of the Construction General Permit. The comprehensive SWPPP must be submitted with the Notice of Intent (NOI) and must include the Engineering Report (project design calculations). This document must be submitted and approved by the Florence County Engineering Division prior to obtaining coverage under the Construction General Permit.

Construction Activities: means earth-disturbing activities, such as the clearing, grading, and excavation of land.

Construction General Permit (CGP) or General Permit: means an NPDES permit issued under 40 CFR section 122.28 authorizing a category of discharges or activities under the PCA and CWA within a geographical area.

Construction Site: means the land or water area where any construction "facility or activity" is physically located or conducted and where Stormwater controls will be installed and maintained. The construction site also includes adjacent land used in connection with the

facility or activity and support activities, which may be located at a different part of the property where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

Construction Waste: means discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and styrofoam) and contaminated soil generated by construction activities.

Contaminant: a substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

Contractor: means a person, group, company, etc. hired by the Developer to commence and complete construction activities covered by these regulations. See Section 2.2.3 of the Construction General Permit for additional information.

Control Measure: refers to any Stormwater control, Best Management Practice (BMP), or other method used to prevent or reduce the discharge of pollutants to "Waters of the United States."

Conveyance Channel: means a temporary or permanent feature designed for the movement of Stormwater through the drainage system, such as concrete pipes, ditches, depressions, swales, channels, etc.

Corrective Action: for the purposes of the Construction General Permit, means any action taken to (1) repair, modify, or replace any Stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

County: Florence County or any duly authorized official acting on its behalf.

Culvert: shall mean a structure designed to convey a watercourse under a roadway, railway, pedestrian walk, or through an embankment.

Curve Number (CN): means the runoff curve number. The curve number is an empirical parameter used in hydrology for predicting direct runoff or infiltration from rainfall excess. The curve number method was developed by the USDA Natural Resources Conservation Service, which was formerly called the *Soil Conservation Service* or *SCS*. The number is still popularly known as a "SCS runoff curve number". The runoff curve number was developed from an empirical analysis of runoff from small catchments and hill slope plots monitored by the USDA. It is widely used and is an efficient method for determining the approximate amount of direct runoff from a rainfall event in a particular area.

The runoff curve number is based on the area's hydrologic soil group, land use, treatment and hydrologic condition. References, such as from USDA indicate the runoff curve numbers

for characteristic land cover descriptions and a hydrologic soil group. *CN* has a range from 30 to 100; lower numbers indicate low runoff potential while larger numbers are for increasing runoff potential.

Delegated Entity: means a local government (or other governmental entity such as a tribal government or Conservation District) that has received authority to administer an environmental regulatory program in lieu of the State Agency counterpart.

Delegation: means the acceptance of responsibility by a Local Government or Conservation District for the implementation of one or more elements of the statewide Stormwater management and sediment control program.

Department means the South Carolina Department of Health and Environmental Control (SCDHEC or DHEC). This includes staff from the Bureau of Water, Office of Ocean and Coastal Resource Management (OCRM), and Regional Offices.

Design storm events: shall mean the frequency storm used for the design of Stormwater management facilities (two-year, ten-year, twenty five-year and one hundred-year frequency storms). See Storm Events.

Detention Structure: means a permanent Stormwater management structure whose primary purpose is to temporarily store Stormwater runoff and release the stored runoff at controlled rates.

Developed land use conditions: shall mean the land use conditions according to the current county land use map or proposed site plan. Also the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, quality, volume or direction of Stormwater runoff.

Developer: means a person undertaking, or for whose benefit, activities covered by these regulations are commenced and/or carried out.

Development activity: should generally mean any of the following actions undertaken by a public or private individual or entity:

- (1) The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed;
- (2) The construction, installation or alteration of a structure, impervious surface, or drainage facility;
- (3) Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land; and,
- (4) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, and mud, sand or rock of a site.

Dewatering: means the act of draining rainwater and/or groundwater from building foundations, vaults, and trenches.

Discharge: means any discharge or discharge of any sewage, industrial wastes or other wastes into any of the waters of the State, whether treated or not. When used without qualification, means the “discharge of a pollutant.”

Discharge of a Pollutant: means any addition of any pollutant or combination of pollutants to waters of the State from any point source or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This term includes additions of pollutants into waters of the State from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Discharge of Stormwater Associated with Construction Activity: as used in the Construction General Permit, refers to a discharge of pollutants in Stormwater from areas where land disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial Stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

Discharge Point: for the purposes of the Construction General Permit, means the location where collected and concentrated Stormwater flows are discharged from the construction site.

District: means any soil and water conservation district created pursuant to Chapter 9, Title 48, S.C. Code of Laws.

Division: means the Florence County Engineering Division.

Drainage: surface water runoff; the removal of surface water or groundwater from lands by drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving water supply and the prevention or alleviation of flooding.

Drainage Area: means that area contributing runoff to a single point.

Drainage system: any previously existing or newly constructed drainage facility that conveys Stormwater or surface runoff such as drainage ways, watercourses, storm drainage pipe, culverts, catch basins, sewers, specifically designed for Stormwater, open ditches, swales with or without inverts, and all appurtenances thereto.

Drainage Area Map: means a map showing areas of a construction site contributing runoff to a single point.

Easement: means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Effluent Limitation: means any restriction imposed by the Department on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the State, the waters of the contiguous zone, or the ocean.

Effluent Limitations Guidelines: means a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

Effluent Standards and Limitations: means restrictions or prohibitions of chemical, physical, biological, and other constituents which are discharged from point sources into State waters, including but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, pretreatment standards and schedules of compliance. Limits are based on applicable technology-based and water quality-based standards.

Eligible: means qualified for authorization to discharge Stormwater and allowable non-Stormwater discharges under the Construction General Permit.

Endangered Species: is defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insects determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

Engineering Report: as applied to the Construction General Permit refers to the report or document submitted to the Department containing the specific Project or Site design calculations and supporting documents. This report includes as a minimum, calculation of parameters and design criteria specified in SC Regulation 72-300 and identified in Section 3.2.8 of the Construction General Permit. The Engineering Report must be included in the Comprehensive SWPPP.

Environmental Protection Agency (EPA): means the United States Environmental Protection Agency.

Ephemeral Streams: mean streams that generally have defined natural watercourses that flow only in direct response to precipitation (rainfall or snowmelt) in which discrete periods of flow persist no more than 29 consecutive days per event and whose channel is at all times above the water table.

Erosion: means the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

Erosion and Sediment Control: means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.

Exemption: means those land-disturbing activities that are not subject to the sediment and Stormwater requirements contained in these regulations. See Appendix D of the Construction General Permit for additional information.

Extended Natural Buffer: in reference to the Construction General Permit, means an area, strip, or plot of undisturbed, natural cover adjacent to surface waters, classified as Sensitive Waters, that may be utilized to provide water quality control of Stormwater discharges from adjacent land-disturbing activities. Natural cover includes the vegetation, exposed rock, or barren ground that existed prior to commencement of land-disturbing activities. The minimum width of an Extended Natural Buffer is typically greater than the width required for Natural Buffers.

Facility or Activity: means any "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

Farm: a tract of land cultivated for the purpose of agricultural production.

Filter strips: shall mean vegetated sections of land designated to accept runoff as overland sheet flow from upstream developments.

Final Stabilization: means that all land-disturbing activities at the construction site have been completed and that on all areas not covered by permanent structures, either (1) a uniform (e.g., evenly distributed, without large bare areas) vegetative cover with a density of 70 percent of the natural background vegetative cover has been established excluding areas where no natural background vegetative cover is possible (e.g., on a beach), or (2) equivalent permanent stabilization measures (such as the use of landscaping mulch, riprap, pavement, and gravel) have been implemented to provide effective cover for exposed portions of the construction site not stabilized with vegetation.

Flood: shall mean a general and temporary condition of partial or complete inundation of land areas from the overflow of inland waters, tidal conditions, or the unusual and rapid accumulation of runoff of surface waters from any source.

General Permit or Construction General Permit (CGP): means an NPDES permit issued under section 40 CFR 122.28 authorizing a category of discharges or activities under the PCA and CWA within a geographical area.

Good Engineering Practice (GEP): is a term applied to engineering and technical activities to ensure that a company manufactures products of the required quality as expected by the relevant regulatory authorities. Good engineering practices are to ensure that the engineering development methodology generates deliverables that support the requirements for qualification or validation.

Grading: means excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Groundwater: means water below the land surface in a zone of saturation.

Hazardous materials: any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hydrologic response: the hydrologic response of a property is the manner and means whereby Stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area, the size, shape, topographic, vegetative, and geologic conditions of a property, antecedent moisture conditions, and groundwater conditions on a property.

Illegal or illicit discharge: an illicit discharge is defined as any discharge to a municipal/public separate storm sewer system (Stormwater drainage system) that is not composed entirely of Stormwater runoff (except for non-polluting discharges that may be allowed under a permit or by exemption).

Illicit connections: An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to, any conveyances which allow any non-Stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system. This also includes any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Impaired Waters: means waters identified by a State, Tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards to support classified uses as promulgated in S.C. Regulation 61-68, Water Classifications and

Standards and S.C. Regulation 61-69, Classified Waters. Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established. A list of the streams and lakes not meeting water quality standards can be found at <http://www.scdhec.gov/environment/water/tmdl> under 303(d) & TMDLs.

Impervious Surface: for the purpose of the Construction General Permit, means any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

Inactive Sites: means sites or projects in which construction activities have been abandoned or ceased for long periods of time.

Indirect Discharge: means the “discharge of a pollutant” from a source indirectly into a receiving water body (i.e., an indirect source may discharge to a POTW, which in turn discharges into the receiving water body).

Individual Permit: is a permit specifically tailored to an individual facility.

Industrial Development: organized activity concerned with the manufacturing, extracting and processing of raw materials.

Infiltration: means the passage or movement of water through the soil profile.

Inspector: for the purposes of the Construction General Permit, means a person certified by the State or Department through a Construction Site Inspector Certification Course approved by DHEC. An inspector performs and documents required inspections of Stormwater construction activities, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector typically has the following responsibilities:

- (1) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit or Corps of Engineers permit for construction activities in or around Waters of the State;
- (2) Update the records, logs, and inspection reports within the OS-SWPPP as necessary due to an on- site inspection;
- (3) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and
- (4) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the CGP and other environmental permits.

Intermittent or Seasonal Streams: means streams that generally have defined natural watercourse which do not flow year round, but flow at certain times of the year when

groundwater provides water for stream flow, as well as during and immediately after some precipitation events or snowmelt.

Jurisdictional Waters of the State: is defined as water bodies, including wetlands, over which a state may exercise jurisdiction or control. Jurisdiction may overlap and be concurrent with the federal government, or it may be reposed only to the state.

Jurisdictional Waters of the United States or Waters of the U.S.: are defined as water bodies, including wetlands, under the jurisdiction or control of the United States federal government. Federal jurisdiction may overlap and be concurrent with a state. Section 404 of the Clean Water Act regulates the placement of dredged or fill material into waters of the United States, including wetlands. The Army Corps of Engineers (Corps) is the agency responsible for the processing and issuing of permits for proposed projects that will impact Waters of the United States, including wetlands.

Land Disturbance or Land Disturbing Activity: by definition means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of Stormwater runoff. Such activities include, but are not limited to: clearing, removal of vegetation that disturbs the soil, stripping, grading, grubbing, excavating, filling, logging and storing of materials. Clearing of areas where soils are not exposed and an adequate vegetative structure is left in place is not considered land disturbance, provided that the clearing is not in anticipation of other construction activities such as grubbing and grading.

Land subdivision regulations: the land subdivision regulations of the County, however adopted/enacted.

Lot: a piece, parcel, tract, or plot of land intended as a unit for transfer of ownership or for development, the size of which shall be regulated by the County Zoning Ordinance and County Code of Ordinances, as amended.

Large Construction Activity: is defined in section 122.26(b) of SC Regulation 61-9 and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the Site.

Larger Common Plan for Development or Sale (LCP): is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. [63 Federal Register No. 128, July 6, 1998, p. 36491].

A common plan for development or sale identifies a site where multiple separate and distinct construction activities (areas of disturbance) are occurring on contiguous areas. Such sites may have one operator or owner or several operators and owners. Construction activities may take place at different times on different schedules, in separate stages, and/or in separate phases, and/or in combination with other construction activities. Each Developer, Operator or Owner for each Site or Project determined to be a part of a LCP are subject to permitting requirements as defined by the CGP.

Projects and sites identified as part of a larger common plan for development or sale are linked thru permitting by the Division as part of one plan, referred to as the larger common plan. LCP projects must ensure that adequate Stormwater management facilities are designed into the Project(s) or Site(s) to control pollution and protect water quality during all stages or phases of development.

Projects or Sites added as part of a LCP may be required to expand existing or provide additional Stormwater management facilities to control pollution from land disturbance activities from other contiguous areas or proposed additional phases as required by the CGP.

LCP projects are typically identified by the documentation that identifies the scope of the project including such things as plats, blueprints, marketing plans, contracts, building permits, public notice or hearing, and zoning requests. If master calculations have been prepared and/or submitted for an entire site, then all phases and parcels at that site would be considered part of a LCP.

Late Notifications: means NOIs submitted after initiating clearing, grading, filling and excavation activities (including borrow pits and stockpile material storage areas), or other similar construction activities for projects or sites required to obtain authorization under the Construction General Permit are considered late.

Level Spreader: a temporary Stormwater control used to spread Stormwater flow uniformly over the ground surface as sheet flow to prevent concentrated, erosive flows from occurring.

Limits of Disturbance (LOD): means specific areas of a site or individual lot in which construction and other land disturbing activities must be contained.

Linear Project or Linear Construction: is a land disturbing activity that includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated

with the linear project. Land disturbance specific to the development of a residential and/or commercial subdivision is not considered a linear project.

Load Allocation (LA): means the portions of a receiving water's TMDL that is allocated to its non- point sources of pollution. See definition of TMDL.

Local Government: means any county, municipality, or any combination of counties or municipalities, acting through a joint program pursuant to the provisions of the Construction General Permit.

Low Impact Development (LID): means an approach to land development (or re-development) that works with nature to manage Stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat Stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions.

Maintenance: shall mean any action necessary to preserve Stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this article and to prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics aspects associated with Stormwater management facilities and BMPs.

Major drainage channels: all channels which drain an accumulation of primary and/or secondary drainage channels. These channels shall be the natural drainage channels of the watershed or man-made channels draining an area of one square mile or more.

Minimize: means to reduce and/or eliminate to the extent achievable using Stormwater controls (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

Minor drainage channels: are convenience systems that quickly remove Stormwater runoff from areas such as streets and sidewalks for public safety purposes. The minor drainage system consists of inlets, street and roadway gutters, roadside ditches, small channels and swales, and underground pipe systems which collect Stormwater runoff and transport it to structural control facilities, pervious areas and/or the major drainage system.

Modification: refers to the requirements defined in Section 3.1.7 of the Construction General Permit for making and documenting major and minor revisions to an approved Stormwater Pollution Prevention Plan (SWPPP). Revisions to an approved SWPPP that

present minor changes to design, construction, operation, or maintenance, thus minor changes in potential impacts to WoS are termed “**Minor Modifications**.” Minor modifications require only on-site documentation of the modified construction activity or facility on the On-Site SWPPP. Revisions to an approved SWPPP that present major changes to design, construction, operation, or maintenance, thus major changes in potential impacts to WoS are termed “**Major Modifications**”. Major modifications must be reviewed and approved by the Division as outlined in the CGP for inclusion in the Comprehensive SWPPP previously approved by the Division.

Modified SWPPP: means a Stormwater pollution prevention plan submitted to the Division to incorporate revisions or modifications to the construction Project or Site in accordance with Section 3.1 of the Construction General Permit or as required to meet submission deadlines for ongoing projects as defined in Section 2.4 the Construction General Permit.

Multi-family: shall mean developed land whereon more than one (1) residential dwelling unit is located, and shall include, but not be limited to duplexes, triplexes, apartment houses, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which more than one (1) family group commonly and normally reside or could reside.

Municipality: means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of CWA.

Municipal Separate Storm Sewer System (MS4): means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (1) Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, Stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to Surface Waters of the United States;
- (2) Designed or used for collecting or conveying Stormwater;
- (3) Which is not a combined sewer; and
- (4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in section 122.2 of SC Regulation 61-9.

National Pollutant Discharge Elimination System (NPDES): means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an “approved program.”

Natural Buffer: in reference to the Construction General Permit, means an area, strip, or plot of undisturbed, natural cover adjacent to surface waters that may be utilized to provide water quality control of Stormwater discharges from adjacent land-disturbing activities. Natural cover includes the vegetation, exposed rock, or barren ground that existed prior to commencement of land-disturbing activities.

Natural outlet: Any outlet in a water course, pond, ditch, lake or other body of surface water or groundwater.

Natural Waterways: waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.

Navigable Waters: as defined in 33 CFR 329, means those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce while the waterway is in its ordinary condition. Navigable waters are waters that provide a channel for business (commerce) and transportation of people and goods. Jurisdiction over navigable waters belongs to the federal government rather than states or municipalities. The federal government can determine how the waters are used, by whom, and under what conditions. It also has the power to alter the waters, such as by dredging or building dams. Section 10 of the *Rivers and Harbors Act of 1899* (33 U.S.C. 403), approved 3 March 1899, prohibits the unauthorized obstruction of a navigable water of the U.S. This statute also requires a permit from the U.S. Army Corps of Engineers for any construction in or over any navigable water, or the excavation or discharge of material into such water, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters.

New Owner or New Operator: means an operator or owner that replaces an existing operator or owner on a construction project through transfer of ownership and/or operation.

New Project: means a construction project that commenced construction activities after the effective date of the Construction General Permit.

New Source: for the purpose of the Construction General Permit, a construction project that commenced construction activities after February 1, 2010, and that requires NPDES permit coverage for its construction discharges under Section 1.2 of the CGP.

Non-erodible: a material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.

Non-Numeric Effluent limitations: for purposes of the Construction General Permit means design of site-specific non-numeric erosion and sediment control methods and practices (i.e., minimizing amount of exposed soil during construction activity, maximizing infiltration, structural Best Management Practices, etc.) and other practices and procedures as defined in Section 3.2.12 of the CGP to meet effluent limitations imposed by the Department. Non-numeric effluent limitations will apply to all permitted construction sites, regardless of disturbed area.

Non-Point Source Pollution: means pollution contained in Stormwater runoff from ill-defined, diffuse sources such as runoff from urbanized or agricultural areas. The majority of agricultural facilities are defined as non-point sources and are exempt from NPDES regulation.

Non-Stormwater Discharges: means discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

Notice of Intent (NOI): means the NPDES application form developed by the Division and Department to request coverage under the Construction General Permit. Required information and contents are as defined in Section 2.3 of the CGP.

Notice of Termination (NOT): means the NPDES application form developed by the Department to terminate land disturbance activities and coverage under the Construction General Permit. Required information and contents are as defined in Section 5.2 of the CGP.

NPDES Form or Application: means any uniform permit application or any uniform form used by the Division and Department or developed for use in the NPDES program, including a NPDES application, a Refuse Act permit application and a reporting form.

NPDES Permit: means a permit issued by the Department to a discharger pursuant to NPDES regulations for all point source discharges into surface waters, and shall constitute a final determination of the Department.

Ongoing Project: means the "commencement of construction activities" occurs before the effective date of the Construction General Permit.

On-Site Stormwater Pollution Prevention Plan (OS-SWPPP): as used in the Construction General Permit means the Stormwater Pollution Prevention Plan prepared according to requirements outlined in Section 3 of the CGP. The On-Site SWPPP is a condensed version of the Comprehensive SWPPP and is stored on site. This SWPPP does not include the Engineering Report (project design calculations). This document does not require submission or approval by the Division prior to obtaining coverage under this permit.

Operator: for the purpose of the Construction General Permit and in the context of Stormwater

associated with construction activity, means any party associated with a construction Project that meets one of the following two criteria:

- (1) The person has operational control over construction plans, SWPPPs, and specifications, including the ability to request modifications to those plans, SWPPPs, and specifications by a qualified individual identified in Section 3.1.2.B of the Construction General Permit. This person is typically the owner or developer of the project or a portion of the project (subsequent builders), and is considered the Primary Permittee; or
- (2) The person has day-to-day operational control of those activities at a construction site which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is often referred to as the Operator of Day-to-Day Site Activities (ODSA) and is typically a contractor or a commercial builder who is hired by the Primary Permittee. This person is considered a Secondary Permittee.

See Section 2.0 of the Construction General Permit for additional information.

Outfall: means a point source at the discharge point of a waste stream, sewer, or drain into a receiving body of water. See discharge point.

Outstanding National Resource Waters (ONRW): means a classification of waters that is pursuant to South Carolina's Classification & Standards (R.61-68) and Classified Waters (R.61-69) regulations and that is intended to protect unique and special waters having excellent water quality and of exceptional state or national ecological or recreational significance.

Owner or Operator: means the owner or operator of any "facility or activity" subject to regulation under the NPDES program. For purposes of the Construction General Permit, when local governments (counties, cities, etc.) construct or improve state roads, the owner of these road construction projects during the construction is the local government. See definition of Operator and details in Section 2.0 of the CGP for additional information.

Perennial Stream or Perennial River: is a stream or river (channel) that has continuous flow in parts of its bed all year round during years of normal rainfall. Base flow is maintained by groundwater discharge, as the stream channel is usually below the water table.

Permit: means an authorization, license, or equivalent control document issued by the Department to implement the requirements of this regulation, 40 CFR Parts 123, and R.61-9.124. Permit includes an NPDES general permit (section 122.28). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Permitted Ongoing Project: means a construction project that commenced prior to the effective date of the Construction General Permit, which has been covered by a prior NPDES permit for Stormwater discharges associated with construction activities.

Permitting Authority: means the United States Environmental Protection Agency, EPA, a Regional Administrator of the Environmental Protection Agency, or an authorized representative.

Person Responsible: means any individual, public or private corporation, political subdivision, association, partnership, corporation, municipality, State or Federal agency, industry, copartnership, firm, trust, estate, any other legal entity whatsoever, or an agent or employee thereof.

Point Source: means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non point-source agricultural and silvicultural activities, including Stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands or return flows from irrigated agriculture or agricultural Stormwater runoff.

Point Source Discharge: means a discharge which is released to the waters of the State by a discernible, confined and discrete conveyance, including but not limited to a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft from which waste is or may be discharged. Typical point source dischargers include discharges from publicly owned treatment works (POTWs), discharges from industrial facilities, and discharges associated with urban runoff.

Pollutant: is defined in 122.2 of SC Regulation 61-9. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste. Typical construction site pollutants include sediment, oil and grease, pesticides and fertilizers, pollutants from construction wastes, and pollutants from construction materials. Pollutant does not mean sewage from vessels or water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located, and if the State determines that the injection or disposal will not result in the degradation of ground or surface water resources.

Pollution Control Act (PCA): means the South Carolina Pollution Control Act (PCA), S.C. Code Ann. section 48-1-10 et seq. (1976).

Pollution Prevention Measures: means Stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

Post-Development or "Post-Construction": means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of Stormwater runoff.

Pre-Development or Pre-Construction: means the conditions which existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of Stormwater runoff. These conditions shall mean the land use conditions shown on the March 2008 aerial photographs available from the County.

Primary Permittee: means the person that has operational control over construction plans, SWPPPs, and specifications, including the ability to request modifications to those plans, SWPPPs, and specifications by a qualified individual identified in Section 3.1.2.B of the Construction General Permit. This person is typically the owner or developer of the project or a portion of the project (subsequent builders). See Section 2.2.1 of the CGP for additional information.

Private: shall mean property or facilities owned and maintained by individuals, corporations, and other organizations and not by the County.

Prohibited Discharges: means discharges that are not allowed under this permit, including:

- (1) Wastewater from washout of concrete;
- (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- (4) Soaps or solvents used in vehicle and equipment washing;
- (5) Toxic or hazardous substances from a spill or other release; and
- (6) Waste, garbage, floatable debris, construction debris, and sanitary waste from pollutant-generating activities.

Project: means an undertaking such as, but not limited to, construction of commercial development, residential development, industrial development, roadways, railways, and utility lines.

Project Area: means:

- (1) The areas on the construction Site where Stormwater discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, Site development, or other ground disturbance activities occur) and the

immediate vicinity. (Example: 1. Where bald eagles nest in a tree that is on or bordering a construction Site and could be disturbed by the construction activity or where grading causes Stormwater to flow into a small wetland or other habitat that is on the Site that contains listed species.)

- (2) The areas where Stormwater discharges flow from the construction Site to the point of discharge into receiving waters. (Example: Where Stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as amphibians) are found in the ditch, swale, or gully.)
- (3) The areas where Stormwater from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where Stormwater from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- (4) The areas where Stormwater BMPs will be constructed and operated, including any areas where Stormwater flows to and from BMPs. (Example: Where a Stormwater retention pond would be built.)
- (5) The areas upstream and /or downstream from construction activities discharge into a stream segment that may be affected by the said discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

Provisionally Covered Under this Permit: for the purposes of the Construction General Permit, means the Department provides temporary coverage under the CGP for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the CGP during the period of temporary coverage.

Qualified Personnel or Qualified Individual: means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction Site that could impact Stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of Stormwater discharges from the construction activity.

Receiving Waters or Receiving Water Bodies (RWB): means the "Waters of the United States" as defined in 122.2 of SC Regulation 61-9 into which the regulated Stormwater discharges.

Redevelopment: A land disturbance activity that alters the current use of the land but does not necessarily alter the pre-development runoff characteristics.

Refuse Act Permit application: means an application for a permit issued under authority of Section 13 of the United States Rivers and Harbors Act of March 3, 1899.

Regional Administrator: means the Regional Administrator of Region IV of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

Registered landscape architect: A landscape architect properly registered and licensed in South Carolina or permitted by the licensing board.

Registered professional engineer (engineer): A person who is registered by the State of South Carolina pursuant to S.C. Code 1976, Tit. 40, Ch. 22, as amended.

Registered tier B land surveyor: A person who is registered by the State of South Carolina pursuant to S.C. Code 1976, Tit. 40, Ch. 22, as amended.

Retention Structure: means a permanent structure whose primary purpose is to permanently store a given volume of Stormwater runoff. Release of the given volume is by infiltration and/or evaporation.

Residential Development: means developed land containing one (1) structure which is not attached to another dwelling and which contains one (1) or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one (1) family. Detached dwelling units may include single-family houses, single duplex units under common ownership, patio homes, manufactured homes, and mobile homes located on one (1) or more individual lots or parcels of land and residential condominium and townhouse units. Developed land may be classified as a detached single-family dwelling unit despite the presence of incidental structures associated with residential uses such as barns, garages, carports, or small storage buildings. Detached single-family dwelling units shall not include developed land containing: structures used primarily for nonresidential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple residential properties.

Riparian Buffer: means a permanent area, strip, or plot of undisturbed, naturally vegetated and/or engineered land cover consisting of vegetation (e.g., grass, brush, trees, foliage) adjacent to surface waters that is utilized to provide water quality control for post-construction Stormwater discharges. These buffers may be designed to provide many types of water quality benefits including, but not limited to, water quality protection, wildlife habitat preservation and flood mitigation.

Runoff Coefficient: means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is NOT absorbed by the surface to the total amount of water that falls during a rainstorm. The value of the coefficient is determined on the basis of climatic conditions and physiographic characteristics of the drainage area and is expressed as a constant between zero and one and symbol C.

SCDHEC or DHEC: means Department or the South Carolina Department of Health and Environmental Control's Office of Environmental Quality Control (EQC).

Secondary Permittee: means the person who has day-to-day operational control of those activities at a residential development that are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically an individual lot owner or residential builder.

Section 404 Permit or U. S. Army Corps of Engineers 404 Permit: refers to permits issued by the U.S. Army Corps of Engineers for certain activities conducted in wetlands or other U.S. waters as defined in Section 404 of the Clean Water Act. Construction projects affecting wetlands in any state cannot proceed until a 404 permit has been issued.

Sediment: means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.

Sediment Basin: means a temporary basin consisting of an embankment constructed across a wet weather conveyance, or an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, dam, impoundment, permanent pool, primary spillway, secondary or emergency spillway, and surface dewatering device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., impaired, HQ, or unimpaired).

Sensitive Waters: means any waters with approved or established TMDLs, any waters included in the most recent SC DHEC Bureau of Water Clean Water Act (CWA) Section 303(d) list, and/or any waters pursuant to South Carolina's Classification & Standards (R.61-68) and Classified Waters (R.61-69) regulations that are classified as either Outstanding National Resource Waters, Outstanding Resource Waters, Trout Waters, or Shellfish Harvesting Waters.

Silvicultural Point Source: means any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the State. The term does not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA section 404 permit (See 33 CFR 209.120 and Part 233).

Site Plan: The development plan for one or more lots which shows the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood-plains, waterways, easements, streets and any other information pertaining to the proposed development of the storm drainage system.

Small Construction Activity: is defined under the definition of "Stormwater discharge associated with small construction activity" at 122.26(b) of SC Regulation 61-9 as follows: "Stormwater discharge associated with small construction activity means the discharge of Stormwater from:

- (1) Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres and, in coastal counties within one-half (1/2) mile of a receiving water body (but not for single-family homes which are not part of a subdivision development), that result in any land disturbance less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The Division may waive the otherwise applicable requirements in a general permit for a Stormwater discharge from construction activities that disturb less than five acres where:
 - (a) The value of the rainfall erosivity factor ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. An Operator must certify to the Division that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five; or
 - (b) Stormwater controls are not needed based on a "total maximum daily load" (TMDL) approved or established by EPA that addresses the pollutant(s) of concern or, for non-impaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction Sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this paragraph, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The Operator must certify to the Division that the construction activity will take place, and Stormwater discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis.
- (2) Any other construction activity designated by the Department, or in States with approved NPDES programs either the Department or the EPA Regional Administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

Soil: means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

South Carolina Navigable Waters (SCNW): means those waters which are now navigable, or have been navigable at any time, or are capable of being rendered navigable by the removal of accidental obstructions, by rafts of lumber or timber or by small pleasure or sport fishing boats. Navigability shall be determined by the Division.

Stabilization: means the installation of vegetative and/or non-vegetative (structural measures) to establish a soil cover to prevent and/or reduce soil erosion and sediment loss in areas exposed during the construction process.

State: means the State of South Carolina.

Steep Slope: means slopes of 30% (~3H:1V) or greater in grade.

Stop Work Order (SWO): an order directing the Person Responsible for the land disturbing activity to cease and desist all or any portion of the work that violates the provisions of this chapter.

Storm drain: a conveyance which carries storm and surface waters and drainage, but excludes sewage and polluted wastes.

Storm Event: means a precipitation event that results in a discharge.

One Hundred-Year Storm or One Hundred-Year Storm Event: means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as an exceedence probability with a one (1) percent chance of being equaled or exceeded in any given year. Likewise, a one hundred-year 24-hour storm event means the maximum 24-hour precipitation event with a probable recurrence interval of once in one hundred years.

Ten-Year Storm or Ten-Year Storm Event: means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedence probability with a 10 percent chance of being equaled or exceeded in any given year. Likewise, a ten-year 24-hour storm event means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years.

Twenty Five-Year Storm or Twenty Five-Year Storm Event: means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It may also be expressed as an exceedence probability with a 4 percent chance of being equaled or exceeded in any given year. Likewise, a twenty five-year 24-hour storm event means the maximum 24-hour precipitation event with a probable recurrence interval of once in twenty five years.

Two-Year Storm or Two-Year Storm Event: means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 2 years. It may also be expressed as an exceedence probability with a 50 percent chance of being equaled or exceeded in any given year. Likewise, a two-year 24-hour storm event means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years.

Stormwater: means rainfall Stormwater runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater Discharge-Related Activities: as used in this permit, include: activities that cause, contribute to, or result in Stormwater point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control Stormwater including the citing, construction and operation of BMPs to control, reduce or prevent Stormwater pollution.

Stormwater Management: means, for:

- (1) quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of Stormwater runoff caused by manmade changes to the land;
- (2) qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by Stormwater runoff.

Stormwater Management and Sediment Control Plan: means a set of drawings, other documents, and supporting calculations submitted as a prerequisite to obtaining a permit to undertake a land disturbing activity. This plan must contain all required information and specifications identified in Section 3.2.2 of the Construction General Permit. In general, this plan is considered to be a part of the Stormwater Pollution Prevention Plan (SWPPP).

Stormwater management services: activities and functions conducted by the County that together result in the collection, conveyance, and disposal of Stormwater runoff, including support activities and functions necessary to accomplish the mission of the Stormwater management program, and shall include but not be limited to the administration, engineering, operation and maintenance, regulation and enforcement, and improvement of systems and facilities, review of development proposals and of the installation and maintenance of Stormwater systems on private properties, provision of Stormwater quality management programs to eliminate or mitigate the impact of pollutants contained in Stormwater runoff, and flood emergency response and recovery measures.

Stormwater management systems and facilities: include, but are not limited to, rivers, streams, creeks, lakes, ponds, channels, ditches, swales, other drainage ways, storm sewers, culverts, inlets, catch basins, headwalls, dams, reservoirs and other impoundments, flumes,

Stormwater detention and retention storage areas, filters, riparian areas, plants, works, instrumentalities, properties, and other structural and nonstructural components that control, capture, collect, convey, route, restrict, store, detain, retain, infiltrate, cleanse, or otherwise affect or influence the flow of Stormwater within the County and the quality of Stormwater discharged from the County.

Stormwater Pollution Prevention Plan (SWPPP): generally means a site-specific written document that (1) identifies potential sources of Stormwater pollution at the construction site; (2) describes Stormwater control measures to reduce or eliminate pollutants in Stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit. The SWPPP includes site map(s), drawings and plans, other documents, and supporting calculations, and identification of construction/contractor activities that could cause pollutants in the Stormwater, and a description of measures or practices to control these pollutants. "SWPPP" as used in the Construction General Permit, generally means Comprehensive Stormwater Pollution Prevention Plan (SWPPP), unless specific reference is given to the On-Site SWPPP.

Stormwater Runoff: means direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.

Subdivision: means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale, legacy, or building development, or includes all division of land involving a new street or a change in existing streets (public or private), and includes resubdivision and, where appropriate, in the context, shall relate to the process of subdividing or to the land or area subdivided.

Support Activities: means various construction-related activities that occur or facilities provided at a construction site alongside the construction activity that are directly related to and implemented as support to the construction activity or facility. Typical support activities include concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas.

Surface Water: means any waters where the surface of which is exposed to the atmosphere, such as water collecting on the ground or in a stream, river, lake, wetland, or ocean. It is related to water collecting as groundwater or atmospheric water. Surface water is naturally replenished by precipitation and naturally lost through discharge to evaporation and sub-surface seepage into the ground.

Surface Waters of the State: means "Waters of the State" as defined in 122.2 of SC Regulation 61-9 except for groundwater.

Swale: means a structural measure with a lining of grass, riprap or other materials, which can function as a detention structure and convey Stormwater runoff without causing erosion.

Temporary Stabilization: means a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area. Temporary controls must be installed, maintained, and removed according to specifications in the BMP Manual.

Ten-percent point: is the location in the drainage system downstream from the proposed development, where the proposed development represents less than ten (10) percent of the total watershed draining to this location.

Total Maximum Daily Load (TMDL): is a calculation of the maximum amount of a specific pollutant that a waterbody can receive and still meet water quality standards. It is the sum of the allowable loads or allocations of a given pollutant from all contributing point (wasteload allocation (WLA)) and nonpoint (load allocation (LA)) sources. It also incorporates a margin of safety and consideration of seasonal variation. For an impaired waterbody, the TMDL document Specifies the level of pollutant reductions needed for waterbody use attainment. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

Tracking or Permit Number: refers to the permit numbering systems used by the Department to track each Notice of Intent (NOI) application. The permit number is generally formatted as SCR10XXXX.

Turbidity: is a condition of water quality characterized by cloudiness or haziness of a fluid caused by the presence of individual particles (suspended solids and/or organic material) that are generally invisible to the naked eye, similar to smoke in air.

Undeveloped land: Land in an unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of Stormwater or cause Stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

Unpermitted Ongoing Project: a construction project that commenced prior to the effective date of this permit, but the discharges related to this project have not been authorized under an NPDES permit.

Upset: means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Variance: means the modification of the minimum sediment and Stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of these regulations.

Waiver: means the relinquishment from sediment and Stormwater management requirements by the County Engineering Division for a specific land disturbing activity on a case-by-case review basis. Rainfall Erosivity Waiver, TMDL Waiver, and Equivalent Analysis Waiver are defined for small construction activities in Appendix B of the General Construction Permit.

Waste Load Allocation (WLA): is the portion of a receiving water's TMDL that is allocated to one of its existing or future point sources of pollution (EPA-823-B-94-005a). See definition of TMDL.

Water Quality: means those characteristics of Stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

Water Quality Standards (WQS): are provisions of State or Federal law which consist of a designated (classified) use or uses for the Waters of the United States, water quality criteria, expressed in numeric or narrative form, for such waters based upon such uses, and an antidegradation policy that protects existing uses and provides a mechanism for maintaining high water quality. Water quality standards are measurable parameters of standards established as criteria to evaluate characteristics of Stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water. Water quality standards are to protect public health or welfare, enhance the quality of water and serve the purposes of the Federal Clean Water Act and the S.C. Pollution Control Act.

Water Quantity: means those characteristics of Stormwater runoff that relate to the rate and volume of the Stormwater runoff to downstream areas resulting from land disturbing activities.

Watershed: means the drainage area contributing Stormwater runoff to a single point.

Waters of the State (WoS): means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

Waters of the United States or Waters of the U.S.: means:

- (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters, including interstate "wetlands;"

- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (a) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (c) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (5) Tributaries of waters identified in paragraphs (1) through (4) of this definition;
- (6) The territorial sea; and
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.

Wetland: that area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland generally includes swamps, marshes, bogs, and similar areas.

You and Your: as used in the Construction General Permit is intended to refer to the Applicant (Permittee), the Operator, or the discharger, as the context indicates, and that party's responsibilities (e.g., the city, the county, the flood control district, the U.S. Air Force, etc.).

Zoning ordinance: means the officially adopted Zoning Ordinance of the County or County code of Ordinances, as amended.

Sec. 9.5-17. to 9.5-25. – Reserved.

ARTICLE II. - PROCEDURE

DIVISION 1. – PROCEDURE

Sec. 9.5-26. - Florence County Stormwater Management Plan (SWMP).

The SWMP developed by the County to comply with the NPDES Permit serves as the basis for the County's Stormwater program implementation and administration. The SWMP, as amended from time to time by the County, is hereby adopted for the life of the County's NPDES Permit as the official operational program. The mapping and geographical information system (GIS) developed as part of the SWMP shall serve as an information source for program administration purposes.

Sec. 9.5-27. - Stormwater management design manual.

(a) The County shall develop and maintain a stormwater management design manual in accordance with the approved SWMP. The manual shall serve as minimum criteria for the design, construction, and maintenance of facilities which collect, control, treat (through pollutant removal), and convey stormwater. This manual will include, but not be limited to, the following information:

- (1) Details describing the policies, goals, and tasks of the stormwater management program.
- (2) Design requirements and specifications for the preparation of stormwater management plans. Acceptable techniques for obtaining, calculating and presenting the information required in the plans shall be described, along with design conditions which must be accounted for.
- (3) Minimum specifications for designing, constructing, and maintaining stormwater management facilities. These specifications shall be established in accordance with current good engineering practices.
- (4) Minimum easement requirements for the inspection and maintenance of stormwater management facilities.
- (5) Site design approaches that minimize the impact of development on runoff, and protect natural resources and sensitive areas.

(b) The manual shall be reviewed and, if needed, updated periodically (at a minimum every three years) to reflect the most current and effective practices, regulations and most current water quality standards and shall be made available to the public. Although the intention of the manual is to establish minimum design practices for the protection of water quality and downstream impacts, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct stormwater studies as required or approved by the Engineering Department.

Sec. 9.5-28. - Permits and Stormwater Management and Sediment Control Plans.

Unless otherwise exempt under this article, all Land Disturbing Activities are required to obtain permit coverage for their Stormwater discharges by submitting a Stormwater Management and Sediment Control Plan. The plan shall be prepared in accordance with the requirements of section 9.5-51 of this Chapter and the Florence County Stormwater Design Manual.

Sec. 9.5-29. - Application for permit; Approval and Disapproval.

- (a) The Person Responsible for the Land Disturbing Activity shall apply in writing to the County Engineering Division for a permit for such activity. Such application shall be accompanied by One Copy of the Stormwater Management and Sediment Control Plan prepared in accordance with the provisions of this article.
- (b) Specific requirements of the permit application and approval process are based upon the extent of the Land Disturbing Activity. The permit application and approval procedure is as follows:
 - (1) For Land Disturbing Activities that will ultimately disturb more than one (1) acre, a Stormwater Management and Sediment Control Plan is required. The use of measures other than ponds to achieve Water Quality improvement, such as Low Impact Development (LID), are encouraged. Plans and specifications for these activities shall be prepared by the designers specified in subsections (i) and (j) of this section. Upon receipt of a completed Stormwater Management and Sediment Control Plan, the County Engineering Division shall accomplish its review and have either the approval or review comments transmitted to the Applicant within 20 working days. If notice is not given to the Applicant or if action is not taken by the end of the 20- working-day period, the Applicant's plan is considered approved.
 - (2) For Land Disturbing Activities that will disturb less than one (1) acre and is not part of a greater common plan, a designer specified in subsections (i) and (j) of this section is not required. However, a completed Stormwater Management and Sediment Control Plan that meets the specifications of the Florence County Stormwater Design Manual must be submitted. Upon receipt of the prepared plan, the County Engineering Division shall accomplish its review and have either the approval or review comments transmitted to the Applicant within 20 working days. If notice is not given to the Applicant or if action is not taken by the end of the 20- working-day period, the Applicant's plan is considered approved.
 - (3) These requirements may be modified by the County Engineering Division on a case-by-case basis to address specific Stormwater quantity or quality issues or to meet other regulatory requirements which are more stringent than the requirements of this article.
 - (4) When the Land Disturbing Activity consists of the construction of a pond, lake or reservoir which is individually built and not part of a permitted Land Disturbing Activity, the following procedures apply:
 - (a) A Stormwater Management and Sediment Control Plan will not be required

if the pond, lake or reservoir is permitted under the state Dams and Reservoirs Safety Act (Regulation 72-1 thru 72-9) or has received a certificate of exemption under the state Dams and Reservoirs Safety Act. Best Management Practices (BMPs) must be used to minimize the impact of Erosion and Sediment.

- (5) If the application for a Stormwater Management and Sediment Control Plan is denied, written notification indicating the reason or reasons for denial shall be forwarded to the Applicant.
- (6) Any plan approval may be suspended, revoked or modified by the County Engineering Division upon finding that the holder is not in compliance with this article.
- (c) A Stormwater Management and Sediment Control Plan, or an application for a Waiver or Variance, shall be submitted to the County Engineering Division by the Person Responsible for the Land Disturbing Activity, unless otherwise exempted. The Stormwater Management and Sediment Control Plan shall contain supporting computations, drawings and information sufficient to describe the manner, location and type of measures in which Stormwater Runoff from the entire Land Disturbing Activity will be managed. The County Engineering Division shall review the plan to determine compliance with the requirements of these regulations prior to approval. The approved Stormwater Management and Sediment Control Plan shall serve as the basis for Water Quantity and Water Quality control on all subsequent Construction Activity specific to the site.
- (d) No permit shall be required under this article for Land Disturbing Activities that are conducted under a State or Federal environmental permitting, licensing, or certification program where the State or Federal environmental permit, license, or certification is conditioned upon compliance with the minimum standards and criteria developed under this article.
- (e) All Stormwater Management and Sediment Control Plans submitted for approval shall contain a certification by the Person Responsible for the Land Disturbing Activity that the Land Disturbing Activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project.
- (f) All Stormwater Management and Sediment Control Plans shall contain a certification by the Person Responsible for the Land Disturbing Activity acknowledging the right of DHEC and the Florence County Engineering Division to conduct on-site inspections.
- (g) The Stormwater Management and Sediment Control Plan shall not be considered approved without an approval stamp signed and dated by an authorized person with the County Engineering Division. The stamp of approval on the plans is solely an

acknowledgement of satisfactory design with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision of or omission from the Stormwater Management and Sediment Control Plan.

- (h) DHEC may request to review and comment on Stormwater Management and Sediment Control Plans. The County will not approve the Stormwater Management and Sediment Control Plan until all DHEC comments, if any are addressed and approved by DHEC.
- (i) All Stormwater Management and Sediment Control Plans submitted to the County Engineering Division for approval shall be certified by a designer. The following disciplines may certify and stamp/seal plans as allowed by their respective licensing act and regulations:
 - (1) Registered professional engineers as described in S.C. Code 1976, § 40-22-10 et seq.
 - (2) Registered landscape architects as described in S.C. Code 1976, § 40-28-10(b).
 - (3) Tier B land surveyor as described in S.C. Code 1976, § 40-22-10 et seq.
- (j) Pursuant to S.C. Code 1976, § 40-22-280, Stormwater Management and Sediment Control Plans may also be prepared by employees of the Federal Government and submitted by the Person Responsible for the Land Disturbing Activity to the County Engineering Division for approval.
- (k) This article does not prohibit other disciplines or certified professionals, including, but not limited to, certified professional Erosion and Sediment Control specialists, which have appropriate background and experience from taking active roles in the preparation of the plan and design process. All Stormwater plans and specifications submitted to the County Engineering Division for approval shall be stamped/sealed by those listed in subsection (i) of this section or prepared by employees of the Federal Government under subsection (j) of this section.
- (l) Approved plans remain valid for five (5) years from the date of an approval. Extensions or renewals of the plan approvals may be granted by the County Engineering Division upon approval of an updated application by the Person Responsible for the Land Disturbing Activity. If changes to the original SWPPP are not needed, only a completed application form and the appropriate application fee are required.
- (m) The Applicant must notify the County Engineering Division prior to commencement of any Land Disturbing Activity or construction under an approved plan.

Sec. 9.5-30. - Fee Schedule.

- (a) The application for a Stormwater Management and Sediment control permit to disturb land in the County shall be accompanied by nonrefundable fees. The County Engineering Division shall establish a fee schedule, located in the Appendix of the Florence County Stormwater Design Manual, subject to County Council approval according to the following criteria:
- (1) An application fee of a set dollar amount per disturbed acre up to a maximum application fee for any application submitted.
 - (2) An application fee will be charged for land disturbing activities which disturb less than one (1) acre and are not part of LCP.
 - (3) An additional fee for all applications requesting a Waiver or Variance from the requirements of this article will be assessed.
 - (4) The fees above do not include any fee charged separately by DHEC to issue the NPDES permit for all construction activities one acre or larger.
 - (5) An appropriate application fee will be charged for extensions or renewals of a Stormwater Management and Sediment control permit.
 - (6) A fee for Major changes (as defined in the Florence County Stormwater Design Manual) to Stormwater Management and Sediment Control Plans will be established.

Sec. 9.5-31. - Waivers.

- (a) Waivers may be granted from the Stormwater Management requirements of this article for individual land disturbing activities provided that a written request is submitted by the applicant to the County Engineering Division containing descriptions, drawings and any other information that is necessary to evaluate the proposed Land Disturbing Activity. A separate written Waiver request shall be required if there are subsequent additions, extensions or modifications which would alter the approved Stormwater Runoff characteristics to a Disturbing Activity receiving a Waiver.
- (b) A project may be eligible for a Waiver of Stormwater Management for both quantitative and qualitative control if the applicant can demonstrate that the proposed project will return the disturbed area to a Pre- Development runoff condition and the Pre-Development land use is unchanged at the conclusion of the project.

- (c) A project may be eligible for a Waiver of Stormwater Management for Quality control if the applicant can demonstrate that:
 - (1) The proposed project will have no significant Adverse Impact on any receiving natural waterway or downstream properties: or
 - (2) The imposition of peak control requirements, for rates of Stormwater Runoff, would aggravate downstream flooding.
- (d) The County Engineering Division will conduct its review of the request for Waiver within 20 working days. Failure of the County Engineering Division to act by the end of the 20 working day period will result in the automatic approval of the Waiver.

Sec. 9.5-32. - Variances.

The County Engineering Division may grant a written Variance from any requirement of this article if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this article will not fulfill the intent of this article. A written request for a Variance shall be provided to the County Engineering Division and shall state the specific Variances sought and the reasons with supporting data for their granting. The County Engineering Division shall not grant a Variance unless and until sufficient specific reasons justifying the Variance are provided by the applicant. The County Engineering Division will conduct its review of the request for the Variance within 20 working days. Failure of the County Engineering Division to act by the end of the 20 working day period will result in the automatic approval of the Variance.

Sec. 9.5-33. - Appeals and administrative hearings.

Appeals from the decisions made by the County Engineering Division under this article shall be heard by the County Planning Commission and shall be subject to the procedures set forth in Section 30-297 of this Code.

Sec. 9.5-34. - Inspection and enforcement.

- (a) The Person Responsible for the Land Disturbing Activity shall notify the County Engineering Division before initiation of a Land Disturbing Activity and upon project completion related to that Land Disturbing Activity so a final inspection may be conducted to ensure compliance with the approved Stormwater Management and Sediment Control Plan.
- (b) Inspections shall be conducted by qualified personnel. For projects that disturb more

than one (1) acre, "Qualified personnel" means a person knowledgeable in the principles and practice of Erosion and Sediment Controls who possesses the skills to assess conditions at the construction site that could impact Stormwater Quality and to assess the effectiveness of any Sediment and Erosion control measures selected to control the quality of Stormwater discharges from the Construction Activity.

This person must be either the preparer of the SWPPP or an individual who is under the direct supervision of the preparer of the approved SWPPP and who meets the requirements in this paragraph or an individual who has been certified through a Construction Site Inspector Certification Course that has been approved by DHEC.

Inspections may also be conducted by a person with a registration equivalent to the registration of the preparer of the SWPPP and who meets the qualifications of this paragraph or an individual who is under the direct supervision of the person with an equivalent registration and who meets the requirements in this paragraph.

Additional specific requirements for construction inspection are included in the Florence County Stormwater Design Manual. Copies of this document can be obtained from Florence County Planning Commission, County Engineering Division.

- (c) In order to implement its responsibilities as an SMS4 and to comply with the terms and conditions of the NPDES Permit, the County, through its duly designated employees and officials, may enter private property to perform the following:
 - (1) Inspection of the County's storm sewer system for purposes consistent with its obligations under the NPDES Permit including, but not limited to, outfall identification, mapping, and detection of illicit discharges.
 - (2) Installation of monitoring stations and collection of Water Quality data.
 - (3) Inspection of construction activities to ascertain compliance with approved Stormwater Management and Sediment Control Plans as described in this article.
- (d) The County Engineering Division shall, for inspection purposes, do all of the following:
 - (1) Diligently attempt to ensure that the approved Stormwater Management and Sediment Control Plan ("approved plan") is located on the project site and that the Person(s) Responsible for the Land Disturbing Activity are in compliance with the approved plan.
 - (2) Diligently attempt to ensure that every active site is inspected for compliance with the approved plan on a regular basis.
 - (3) Diligently attempt to provide the Person Responsible for the Land Disturbing Activity with a written report after every inspection that describes:

- a) The date and location of the site inspection; and
 - b) Whether the approved plan has been properly implemented and maintained at the time of inspection; and
 - c) Any approved plan or practice deficiencies discovered; and
 - d) Any action taken.
- (4) Diligently attempt to notify the Person Responsible for the Land Disturbing Activity in writing when violations are observed and describe the:
- a) Nature of the violation; and
 - b) Required corrective action; and
 - c) Time period for violation correction.
- (e) The County Engineering Division may require a revision to the approved plan as necessary due to changes in or newly discovered site conditions. The County Engineering Division shall establish guidelines to facilitate the processing of revised plans where field conditions necessitate plan modification. Where changes to the approved plan are necessary, those changes shall be in accordance with the following:
- (1) Major changes (as defined in the Florence County Stormwater Design Manual) to the approved Stormwater Management and Sediment Control Plans must be submitted to the County Engineering Division for review and receive approval prior to implementing any of the changes.
 - (2) Minor changes (as defined in the Florence County Stormwater Design Manual) to Stormwater Management and Sediment Control Plans may be made without the County Engineering Division's approval and documented on the field inspection report by the Person Responsible for the Land Disturbing Activity, their representative or the County Engineering Division.
- (f) Stormwater Management on construction sites may be inspected at any time without notice. The inspector shall present proper credentials upon reasonable request by the Person Responsible for the Land Disturbing Activity.
- (g) The County Engineering Division may, in addition to local enforcement options, refer a site to DHEC for review.
- (h) Referral of a site to DHEC may initiate a construction inspection of the site to verify site conditions. That construction inspection may result in the following actions by DHEC:
- (1) Notification through appropriate means to the person engaged in a Land Disturbing Activity to comply with the approved plan within a specified time frame; and

- (2) Notification of plan inadequacy, with a time frame for the person engaged in the Land Disturbing Activity to submit a revised plan to the County Engineering Division and to receive approval from the same.
- (i) Failure of the person engaged in the Land Disturbing Activity to comply with DHEC requirements may result in other penalties as provided in S.C. Code 1976, § 48-14-10 et seq., in addition to such penalties as may be imposed by the County under this article.
 - (1) The County Engineering Division shall have the power to request any person violating any provision of S.C. Code 1976, § 48-14-10 et seq., or this article to cease and desist from any site work activity other than those actions necessary to achieve compliance with any administrative order.
 - (2) The County Engineering Division may refrain from issuing any further land use or Stormwater Management permits to any person having outstanding violations until those violations have been remedied and accepted by the County Engineering Division.
 - (3) The County Engineering Division may levy fines and/or recommend that fines be levied by DHEC.
- (j) The County Engineering Division may utilize Stop Work Orders as a part of its inspection and enforcement program. When a Stop Work Order is issued, the following procedure shall be followed:
 - (1) The County Engineering Division may issue a Stop Work Order if it is found that a Land Disturbing Activity is being conducted in violation of this article or of any regulation adopted or order issued pursuant to this article, and that either:
 - a) Off-site Sedimentation, or the imminent threat thereof, resulting from noncompliance with the approved plan, has impacted or degraded use of a lake or natural waterway or that such degradation is imminent; or
 - b) Off-site Sedimentation, or the imminent threat thereof, resulting from noncompliance with an approved plan, has caused material damage to adjacent land or that there is an imminent threat of such damage; or
 - c) The Land Disturbing Activity which requires an approved plan under this article is being conducted without the required approved plan.
 - (2) The Stop Work Order shall be in writing and shall state what work is to be stopped and what measures are required to abate the violation. The order shall include a statement of the findings made and shall list the conditions under which work may be resumed. The delivery of equipment and materials, which does not contribute to the violation, may continue while the Stop Work Order is in effect. A copy of this section may be attached to the Stop Work Order.

- (3) The Stop Work Order shall be served by the County Engineering Division or by some other person duly authorized by law to serve process, and shall be served on a Person Responsible for the Land Disturbing Activity. The County Engineering Division or other person duly authorized by law to serve process shall post a copy of the Stop Work Order in a conspicuous place at the site of the Land Disturbing Activity. The County Engineering Division may also deliver a copy of the Stop Work Order to any person that the County Engineering Division has reason to believe may be responsible for the violation.
- (4) The directives of a Stop Work Order become effective upon service of the order. Thereafter, any person notified of the Stop Work Order who violates any of the directives set out in the Stop Work Order may be assessed a civil and/or a criminal penalty as provided in section 9.5-35. A Stop Work Order issued pursuant to this section may remain in force until all non-compliant issues are rectified in the sole discretion of the County Engineering Division.
- (5) The County Engineering Division shall designate an employee to monitor compliance with the Stop Work Order. The name of the employee so designated shall be included in the Stop Work Order. The employee so designated shall rescind the Stop Work Order if all the violations, for which the Stop Work Order is issued, are corrected, no other violations have occurred and all measures necessary to abate the violations have been taken. The County Engineering Division, through its designated employee, shall rescind any Stop Work Order that is issued in error.

Sec. 9.5-35. - Penalties.

- (a) Any person who violates any provision of this article or who initiates or continues a Land Disturbing Activity, for which a Stormwater Management and Sediment Control Plan is required, except in accordance with the terms, conditions and provisions of an approved plan, is subject to a civil penalty of not more than \$1,000.00 for each violation. No civil penalty may be assessed and no prosecution for a misdemeanor may occur until the person alleged to be in violation has been notified of each violation. Each separate day of a continued violation constitutes a new violation for civil or criminal purposes, once said party has been given notification of each violation, as set forth above. In addition to any applicable civil penalties, any person who negligently, willfully, or intentionally violates any provision of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Upon conviction, a person who violates this article may be fined not more than \$500.00 or confined for not more than 30 days for each violation.
- (b) The County Engineering Division shall determine the amount of the civil penalty to be assessed under this section for violations under its jurisdiction. It shall make

written demand for payment upon the Person Responsible for the violation and set forth, in detail, the violation for which the penalty has been invoked. If payment is not received within 30 days after demand for payment is made, a civil action may be filed in the circuit court in the County to recover the amount of the penalty.

- (c) Where the County is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and the County can identify the person(s) who caused such violation(s) to occur, the County may assess the penalty and cost of compliance against that Person(s) Responsible as a civil penalty.
- (d) The County may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal conviction, for the enforcement of this article or to correct violations of this article, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Secs. 9.5-36. to 9.5-50. – Reserved.

ARTICLE III – PLAN AND APPLICATION

DIVISION 1. – PLAN AND APPLICATION

Sec. 9.5-51. - Standards and requirements for preparation of Stormwater Management and Sediment Control Plans.

- (a) Stormwater Management and Sediment Control Plan submittal requirements shall be included in the Florence County Stormwater Management Design Manual and/or the Sediment and Erosion Control Plan Review Checklist for Design Professionals.
- (b) The County Engineering Division shall require that plans and design reports be sealed by a qualified design professional and certified that the plans have been designed in accordance with this article and all other relevant and applicable Sediment and Stormwater laws and regulations.
- (c) The Person Responsible for the Land Disturbing Activity shall submit as-built or record document plans for all plans that include any structural BMPs. In addition, the Person Responsible for the Land Disturbing Activity is required to submit written certification from the professional engineer, landscape architect or tier B land

surveyor responsible for the field supervision of the Land Disturbing Activity that the Land Disturbing Activity was accomplished in substantial accordance with the approved Stormwater Management and Sediment Control Plan.

- (d) Additional information necessary for a complete project review may be required by the County Engineering Division as deemed appropriate. This additional information may include items such as location of public sewers, water lines, septic fields, wells, etc.
- (e) The Florence County Stormwater Design Manual, DHEC Stormwater BMP Handbook, and BMP Field Manual includes a list of acceptable BMPs, including their specific design performance criteria and operation and maintenance requirements for each Stormwater practice. Copies of these documents may be obtained through the Florence County Engineering Division, local DHEC office or can be downloaded from the Stormwater section of the Florence County and DHEC website.
- (f) Specific Florence County requirements, Erosion and Sediment Control BMPs and Post-Construction Water Quality BMPs to be used in the Stormwater Management and Sediment Control Plan are included in the Florence County Stormwater Design Manual.

Secs. 9.5-52. to 9.5-60. – Reserved.

ARTICLE IV. – MAINTENANCE REQUIREMENTS

DIVISION 1. – MAINTENANCE REQUIREMENTS

Sec. 9.5-61. - Permanent Stormwater maintenance requirements.

- (a) The Person Responsible for permanent maintenance of all completed Stormwater Management practices shall perform, or cause to be performed, preventive maintenance to ensure proper functioning.
- (b) Where permanent Stormwater BMPs are employed, the Person(s) Responsible for maintenance shall execute a permanent Stormwater Management maintenance agreement to assure proper maintenance of BMPs in accordance with the approved plan. The maintenance agreement shall also specify responsibilities for financing permanent maintenance with options that may include (1) the property owner, (2) a homeowner's association, provided that provisions for financing necessary permanent maintenance are included in deed restrictions or other contractual agreements, or (3) other financing mechanisms acceptable to the County.

- (c) The County Engineering Division and any other permitting authority must be notified in writing of any changes in maintenance responsibility for the Stormwater BMPs at the site. This requirement shall be included in the maintenance agreement.
- (d) Periodic Post-Construction inspections may also be performed by the County Engineering Division. These inspection reports shall be maintained by the County Engineering Division on all Detention and Retention Structures and shall include the following items, as applicable:
- (1) The date of inspection.
 - (2) The name of the inspector.
 - (3) The condition of, if applicable:
 - a) Vegetation;
 - b) Spillways;
 - c) Embankments;
 - d) Reservoir area;
 - e) Outlet channels;
 - f) Underground drainage;
 - g) Sediment load; or
 - h) Other items which could affect the proper function of the structure.
 - (4) Description of needed maintenance.
- (e) The County Engineering Division shall provide procedures to ensure that deficiencies identified by inspections are rectified. The procedures shall include the following:
- (1) Notification to the Person Responsible for maintenance of deficiencies including a time frame for repairs;
 - (2) Subsequent inspection to ensure completion of repairs; and
 - (3) If repairs are not undertaken or not performed properly, the Person Responsible may be assessed a civil and/or a criminal penalty as provided in section 9.5-35 and/or referred to SCDHEC.

Sec. 9.5-62. - Off-site damage correction.

- (a) The following criteria shall be used by the County Engineering Division in evaluating and remedying off-site damages resulting from the Land Disturbing Activity:
- (1) Determine the extent of damage by Sediment resulting from the Land Disturbing Activity;
 - (2) Determine the classification of the impaired waterbody, if any;
 - (3) Determine the impact and severity of the damage resulting from noncompliance with or lack of an approved Stormwater Management and Sediment Control Plan;
 - (4) Attempt to develop an agreement for cleanup and corrections, including a schedule of implementation between the damaged landowner(s) and the owner/custodian of the property causing the damage;
 - (5) Evaluate alternatives for correction of the damage and prevention of future damage.
- (b) The unreasonable failure of the owner/custodian of the property that is causing the damage to implement the agreement with the damaged landowner(s) will constitute a violation of this article.
- (c) In cases of flooding, where the County Engineering Division has determined the cause of flooding issues in an area are due to, but not limited to; BMPs such as silted detention or retention basins, clogged ditches, inlet basins, culverts, and the cause of impaired BMPs is due to; improper maintenance, neglect, or intentional compromising of affected BMPs, the County Engineering Division will send notice to the owner/custodian of property that is the cause of the flooding. The notice will state the problem and include potential solutions to correct the problem. The notice shall establish a deadline for remediation of the problem. The notice shall advise that, should the owner fail to remedy the situation within the allotted time frame, the County Engineering Division, at its discretion, may perform the work or contract the work to be performed, and that the expense of the remediation work shall be charged to the owner. In performing the work, the County Engineering Division does not assume any future responsibility to ensure proper maintenance and operation of said BMP.

Secs. 9.5-63. to 9.5-70. - Reserved

ARTICLE V. – ILLICT DISCHARGES

DIVISION 1. – ILLICT DISCHARGES

Sec. 9.5-71. - Applicability.

This division shall apply to all water entering the County Storm Drain System or County watercourses generated on any developed and undeveloped lands unless explicitly exempted by the NPDES permitting authority.

Sec. 9.5-72. - Administration.

The County Engineering Division shall administer and implement the provisions of this division of this article. Other duly authorized officers of the County may also enforce provisions of this article.

Sec. 9.5-73. - Discharge Prohibitions.

(a) Prohibition of Illegal Discharges

- (1) No person shall discharge or cause to be discharged into the Storm Drain System or watercourses any materials, including but not limited to Pollutants or waters containing any Pollutants, that cause or contribute to a violation of applicable Water Quality standards other than Stormwater.
- (2) This prohibition includes spillage or leakage of leachate during transport from all vehicles used to collect and/or transport municipal solid wastes into the storm drain system or County watercourses.
- (3) The commencement, conduct or continuance of any illegal discharge to the Storm Drain System is prohibited except as follows:
 - a) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one part per million chlorine), firefighting activities, and any other water source not containing Pollutants.

- b) Discharges specified in writing by DHEC or the United States Environmental Protection Agency (EPA) as being necessary to protect public health and safety.
 - c) Dye testing is an allowable discharge, but requires a verbal notification to the County Engineering Division 10 days prior to the event.
 - d) The prohibition shall not apply to any non-Stormwater discharge permitted under an NPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and all other applicable laws and regulations, provided that written approval has been granted for any discharge into the Storm Drain System.
- (b) Prohibition of Illicit Connections
- (1) The construction, use, maintenance, or continued existence of Illicit Connections to the Storm Drain System is prohibited.
 - (2) This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable at the time of connection.
 - (3) A person is considered to be in violation of this article if the person connects to a line conveying Wastewater or any other non-Stormwater discharge to the SMS4, or allows such connection to continue.

Sec. 9.5-74. - Exemptions.

- (a) The following discharges do not require NPDES permits:
 - (1) Any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to a storage facility or a seafood processing facility, or when secured to the bed of the ocean, contiguous zone or waters of the State for the purpose of mineral or oil exploration or development.
 - (2) Discharges of dredged or fill material into waters of the United States which are regulated under section 404 of the Clean Water Act (CWA).

- (3) The introduction of sewage, industrial wastes or other Pollutants into publicly owned treatment works by indirect dischargers. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of Pollutants to waters of the State are eliminated. This exclusion does not apply to the introduction of Pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other party not leading to treatment works.
- (4) Any discharge in compliance with the instructions of an On-Scene Coordinator pursuant to 40 CFR Part 1510 (The National Oil and Hazardous Substances Pollution Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances).
- (5) Any introduction of Pollutants from non-point-source agricultural and silvicultural activities, including Stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations, discharges from concentrated aquatic animal production facilities, discharges to aquaculture projects, and discharges from silvicultural point sources.
- (6) Return flows from irrigated agriculture.
- (7) Discharges into a privately owned treatment works, except as DHEC may otherwise require in its regulations.

Sec. 9.5-75. - Suspension of SMS4 Access.

- (a) The County Engineering Division may, without prior notice, suspend SMS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health and welfare of persons, or to the SMS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the County Engineering Division may take such steps as deemed necessary to prevent or minimize damage to the SMS4 or waters of the United States, or to minimize danger to persons.
- (b) Any person discharging to the SMS4 in violation of this article may have their SMS4 access terminated if such termination would abate or reduce an illicit discharge.

Sec. 9.5-76. - Unauthorized Connection.

It shall be unlawful for any person to make any connection to the SMS4 without written permission, or to reconnect access when it has been suspended or terminated due to an illicit discharge without the prior approval of the County Engineering Division.

Sec. 9.5-77. - Litter and Refuse Control

- (a) It shall be unlawful for any person to throw litter, garbage, vegetative matter, bottles, cans, or containers upon public right-of-way or property or the premises of another without permission of the owner.
- (b) It shall be the duty of the property owner to keep piles of leaves out of any gutter, inlet, catch basin or ditch.
- (c) It shall be unlawful to place yard waste into any storm drain, stream, or conveyance where concentrated Stormwater flows will wash such wastes into the storm sewer system or County watercourse.

Sec. 9.5-78. - Monitoring of Discharges.

- (a) This section applies to all facilities that have Stormwater discharges associated with industrial activity, including Construction Activity, or in the investigation of an Illicit Connection to the storm drain system or County watercourses.
 - (1) The County Engineering Division shall be permitted to enter and inspect facilities subject to regulations under this article as often as may be necessary to determine compliance with this article. If a discharging facility has security measures in force that require proper identification and clearance before entry into its premises, the facility shall make the necessary arrangements to allow access to representatives of the County Engineering Division.
 - (2) Facility operators shall allow the County Engineering Division ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES Permit to discharge Stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The County Engineering Division shall have the right to set upon any permitted facility such devices as are necessary in the opinion of the County Engineering Division to conduct monitoring and/or sampling of the facilities Stormwater discharge.
 - (4) The County Engineering Division has the right to require the discharging facility to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the facility at its own expense. All devices used to measure Stormwater flow and quality shall be calibrated to ensure its accuracy.

- (5) If the County Engineering Division has been refused access to any part of the premises from which Stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the County may seek issuance of a search warrant from any court of competent jurisdiction or refer the case to DHEC.

Sec. 9.5-79. Notification of Spills

- (a) Notwithstanding other requirements of law, as soon as any Person Responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected releases of materials which are resulting or may result in illegal discharges or Pollutants discharging into Stormwater, the SMS4, or waters of the United States, that person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release, and in addition to other notification requirements, the person shall notify the County Engineering Division in person, by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County's Public Works Department, Stormwater Division within three business days of the original notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- (b) For facilities that operate under existing NPDES permits for Stormwater discharge, spill reporting shall be made to the permitting authority in accordance with the permit. The County Engineering Division shall be provided with copies of any written notification required by the NPDES permitting authority.

Sec. 9.5-80. Enforcement

- (a) Whenever the County Engineering Division finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the County Engineering Division may order compliance by written notice violation to the Person Responsible. Such notice may require without limitation:
- (1) The elimination of Illicit Connections or discharges;
 - (2) That violating discharges, practices or operations shall cease and desist;
 - (3) The abatement or remediation of Stormwater pollution or contamination hazards and the restoration of any affected property; and

- (4) The implementation of source control or treatment BMPs.
- (b) If abatement of a violation and/or restoration of the damaged property is required, the notice shall set forth a deadline for remediation or restoration to be completed. The notice shall advise that, should the violator fail to remediate or restore within the established deadline, the County Engineering Division or a contractor will do the work and the expense thereof shall be charged to the violator.

Sec. 9.5-81. Penalties

Any person found to be in violation of the prohibition of illicit discharges that fails to comply with a compliance directive issued by the County Engineering Division referenced in the previous Section shall be subject to any and all applicable penalties as set forth in Section 9.5-35 of this Ordinance. Each day in violation of the provisions shall constitute a separate and distinct offense. The penalties shall be in addition to the remedial process provided for in this Ordinance.

Sec. 9.5-82. Remedies Not Exclusive

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Secs. 9.5-83. to 9.5-90. - Reserved

ARTICLE VI – DRAINAGE

DIVISION 1. – DRAINAGE

Sec. 9.5-91. - Drainage.

- (a) Every proposed development must have a drainage system which shall be designed by a registered engineer and constructed by the developer to provide for the proper drainage of surface water of the development and the drainage area of which it is a part; to permit the unimpeded flow of natural watercourses; and to provide positive drainage away from on-site sewage disposal facilities. The subdivider/developer's responsibility shall include those drainage facilities to discharge such developer's storm runoff to an existing facility outside the secondary area capable of receiving the runoff with no adverse effects.
- (b) A drainage study and report shall be prepared by a registered engineer engaged by the developer. This report shall include both existing and proposed drainage conditions and shall include an evaluation of the ability of the proposed drainage facilities and other improvements pertaining to drainage or flood control within the development to handle

any runoff generated by the development. The report will also contain a section devoted to the analysis of the downstream drainage facilities and its ability to handle existing flow and any increased flow from the development. The report shall also contain the following items:

- (1) Calculated estimates of the quantity of Stormwater entering the development naturally; also, estimates of such water when the upper watershed area shall have been developed for the maximum land use permitted under the official land use plan.
 - (2) Existing conditions of the watershed that may affect the proposed development, such as subsoil type, positive drainage channels, obstructions and the like.
 - (3) Quantities of flow at each pickup point.
 - (4) Estimates of temporary erosion and pollution controls necessary while the development is under construction.
 - (5) Description of major, primary and secondary systems. The report shall include an evaluation of proposed facilities under both frequent and infrequent storms. (2-year, 10-year, 25-year, 50-year, 100-year).
 - (6) Drainage analysis for minor developments. Minor development projects as defined in Article I of this chapter shall also be studied in order to determine the adequacy of any existing storm drainage systems or the effect on proposed improvements. The County Engineer may require as much or as little of the above information as needed to conduct an appropriate drainage analysis of the site plan, grading plan, or storm drainage analysis of the site plan, grading plan, or storm drainage plans submitted to the County as part of the requirements of the site plan needed for a zoning certificate and building permit. The County Engineer may waive the requirement that a registered professional engineer conduct the drainage study for minor developments.
- (c) In designing storm drainage facilities, special consideration shall be given to the avoidance of problems which may arise from concentration of Stormwater runoff onto adjacent developed or undeveloped properties.
- (d) Storm drainage facilities shall be designed to handle the anticipated peak discharge from the property being developed and the anticipated increase in runoff that will occur when all property at a higher elevation in the same drainage area is fully developed.

- (e) In those instances when underground piped storm drainage facilities are reasonably accessible to the proposed development, the developer shall connect such developer's on-site drainage system to the public system based on standard storm drainage design practices or other special design standards deemed necessary by the County Engineer.
- (f) Drainage easements shall be provided in accordance with the following criteria:
 - (1) Where development is traversed by a drainage facility, adequate areas for storm drainage, including ponding, shall be allocated, conforming substantially with the lines of such drainage facility, and of sufficient width to carry off storm drainage and provide for maintenance and improvement of the drainage facility. An adequate access easement for maintenance and equipment is required. Generally, for underground storm drain pipe, the minimum width of the easement shall be not less than 20 feet or the outside diameters of the pipes in feet plus eight feet each side of the pipe whichever is greater. Where open improved drainage channels, paved or unpaved, are permitted, the width of the easement shall be a minimum of three feet on one side measured at the intersection of the existing ground and channel cut plus the width of the channel at the top or ground level, plus 15 feet on the opposite side to allow equipment to enter for maintenance operations. Depending on the design of the paved channel, this requirement may be reduced to not less than ten feet on one side.
 - (2) The location of any surface or underground drainage facilities shall not be changed without the approval of the County Engineer.

Sec. 9.5-92. - Drainage system standards.

- (a) All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters, and storm sewers.
 - (1) All streets shall be designed so as to carry the Stormwater drainage of at least the street itself and adjacent property.
 - (2) Curb drainage inlets shall be provided at appropriate intervals along streets with curb and gutter drainage facilities. These inlets shall connect to a storm drain system and a drainage inlet structure with a protective grating shall be installed in accordance with standard specifications of the State Department of Highways and Public Transportation.

- (3) Inlet spacing and capacity shall be adequate to limit the spread of water into the street and to maintain pedestrian walks and street crosswalks free of standing water.
 - (4) Where driveways connect to existing streets with side ditch drainage facilities, a culvert shall be provided under such driveway as required by the County Engineer. The minimum pipe size is 15 inches and shall conform to standard specifications of the State Department of Highways and Public Transportation.
 - (5) All streets having curb and gutter shall not allow Stormwater flow across intersections and/or driveways and shall have a suitable cross-gutter system.
- (b) The design of the off-street drainage system shall include the watershed that affects the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. The design shall be in accordance with the following requirements:
- (1) When the drainage system is outside of the street right-of-way, the subdivider shall provide all required easements in accordance with section 9.5-91(f).
 - (2) Open ditch drainage may be used, provided that such ditches are "V" ditches with side slopes not exceeding one to three (1:3) ratio, (one vertical to three horizontal) and a maximum depth of two feet. Where open ditches meeting these requirements are not adequate to provide satisfactory storm drainage, an underground piped system shall be installed as required by the County Engineer. These open ditches shall be protected from erosion by either sodding or seeding as approved by the County Engineer.
 - (3) No open natural major storm drainage course shall be permitted within 75 feet of the rear or side of a building as measured from the building to the top of the edge of the drainage facility or vice versa, unless exceptional site planning opportunity is afforded and the improvement will not be jeopardized by flooding or erosion.
 - (4) Off-street drainage from private parking lots or other buildings/uses shall be channeled to and collected at one or more catch basins located on the private property of the development and piped underground to any reasonably accessible existing storm drainage facility. Such surface storm runoff shall not be allowed to flow over public sidewalks.

Sec. 9.5-93. - Areas subject to flooding; floodplain management administrator.

The Zoning Administrator shall be the floodplain manager for developments in the County.

Sec. 9.5-94. - Methods of calculating stream flow and runoff.

- (a) Minimum design frequencies for calculating rainfall runoff:
 - (1) Residential – (25 – years)
 - (2) Light industrial and commercial – (25 – years)
 - (3) Heavy industrial and high-value commercial – (50 – years)
 - (4) Any development in a FEMA regulated flood zone – (100 – years)
- (b) Variance in design frequency shall depend upon the density of development, existing and expected; value of development; and cost effectiveness of design. Minimum design frequency may be used if approved by the County Engineer. The following formula and values may be used for calculating all stream flow and runoff for the policies and regulations established herein:
 - (1) Runoff from drainage areas of 20 acres or less may be determined by the "Rational Formula". ($Q=C*I*A$)
 - (2) The size of closed storm sewers, open channels, culverts, and bridges may be determined by using the "Manning Formula" which may be modified for use with runoff determined by the "Rational Formula". ($Q=(1.486/n)*R^{2/3}*S^{1/2}*A$)
 - (3) The rational method may not be used for calculating flows for sizing Stormwater detention/retention facilities or for any drainage areas greater than 20 acres. In these cases all hydrologic computations shall be accomplished using a volume based hydrograph method acceptable to the County.

Sec. 9.5-95. - Natural primary and/or major drainage channel requirements.

- (a) All natural primary and/or major drainage channels which are located within or along the property line of an improvement, development or subdivision shall be protected and improved by the developer as follows:

- (1) The existing channel lying within or along the property line of the subdivision or parcel of land proposed for development or redevelopment shall be cleaned to provide for the free flow of water. The existing channel shall be cleaned to provide free flow of water, straightened, widened, levied or diked, or otherwise improved to the extent required to prevent overflow from a 50-year frequency flood. Improvements shall extend beyond the limits of the dedicated drainage easement provided in section 9.5-91(f) sufficient to provide compliance.
- (2) Site improvement shall provide for the grading of all building pads to an elevation where all building pads will not be subject to overflow from 100-year flood event and in a manner that will provide for a rapid runoff of Stormwater.
- (3) Whenever channel improvements are carried out, sodding, back-sloping, cribbing, and other bank protection shall be designed and constructed to control erosion for the anticipated conditions and flow resulting from a 50-year frequency rainfall.
- (4) An existing natural drainage channel shall not be located in a street easement unless it is placed in an enclosed storm drain system except under the following conditions:
 - a) Where a paved street surface at least two lanes wide is provided on both sides of a paved channel so as to provide access to abutting properties.
 - b) When a condition exists as outlined above, adequate space shall be dedicated as right-of-way to provide for maintenance of the paved drainage channel.
- (5) Culverts, bridges and other drainage structures shall be constructed in accordance with the specifications and design criteria of the County when the County shall have present or future maintenance responsibility.
- (6) No open natural storm drainage course shall be permitted within 75 feet of the rear or side of a building as measured from the building to the top of the edge of the drainage facility or vice versa, unless exceptional site planning opportunity is afforded and the improvement will not be jeopardized by flooding or erosion.

Sec. 9.5-96. - Secondary drainage and/or minor drainage channel requirements.

- (a) All secondary drainage channels which are within, or immediately adjacent to, an improvement, development or subdivision shall be protected and improved by the developer as follows:

- (1) Secondary drainage channels which have a primary function of collecting surface water from adjacent properties or intercepting and diverting side hill drainage shall be underground and piped.
- (2) Developments:
 - a) In single-family residential, duplex or apartment/townhouse/condominium development, site grading shall be carried out in such a manner that surface water from each dwelling lot will flow directly to a storm drain system, sodded swale, or paved street with storm drainage without crossing more than four adjacent lots in overland flow and with no adverse effects to adjacent property.
 - b) In commercial, industrial and institutional development, roofs, paved area, yards, courts and courtyards shall be drained into a storm drain system.
- (3) Surface water collected on streets shall be diverted to storm drains at satisfactory intervals to prevent overflow of six-inch high curbs during a 25-year frequency rain for the area and grades involved. Design frequency may vary with the classification of street, highway, or land use in the area. Drainage area allowed for surface flow on streets at point of diversion shall not exceed 20 acres, regardless of flow.
- (4) Drainage easement of satisfactory width to provide working room for construction and maintenance shall be provided for all storm drains as detailed in section 9.5-91(f).

Sec. 9.5-97. - Major channel requirements.

- (a) All major channels which are located outside the floodplain area as defined by the Federal Emergency Management Agency's flood insurance study and maps, or the U.S. Army Corps of Engineers, whichever is most appropriate to the situation, and which are located within or immediately adjacent to an improvement or subdivision shall be protected and improved by the developer as follows:
 - (1) The existing channel shall be cleaned to provide free flow of water, straightened, widened, levied or diked, or otherwise improved to the extent required to prevent overflow from a 50-year frequency flood.
 - (2) Site improvements shall be in accordance with the provisions of the County's adopted zoning ordinance.

Sec. 9.5-98. - Bridge and culvert requirements.

All flow of water across continuous streets or alleys shall be through culverts or bridges. Bridges and culverts shall be sized to accommodate a 50-year frequency rain. Design of bridges and culverts shall conform to County and construction specifications of the State Department of Highways and Public Transportation, and approved by the County Engineer.

Sec. 9.5-99. - Closed storm drain system.

Closed storm drain system shall be constructed of pre-cast, prefabricated pipe, or built in place of closed box design to conform to County and construction specifications of the State Department of Highways and Public Transportation. Sizing shall be calculated by the "Manning Formula." However, storm drains carrying runoff from streets may be designed to serve the design frequency rainfall for the drainage area involved, provided that overflow from a 100-year frequency rainfall can reach a suitable outlet without inundating any building pad.

Sec. 9.5-100. - Open paved storm drainage.

Open paved storm drainage channels shall be constructed in accordance with County specifications. Side slopes above the paved section shall be shaped and sodded on a slope of three horizontal to one vertical or flatter. Fences shall not be located any more than one foot (measured horizontally) from the right-of-way/easement line as provided for in section 9.5-91(f).

Sec. 9.5-101. - Areas outside subdivision or development.

County reserves the right to require improvements to preclude any backup of tail water inundating any areas outside of the dedicated drainage easements in the subdivision or development as a result of a 50-year frequency flood.

Sec. 9.5-102. - Existing open ditches.

At the time of development, any existing man-made waterway shall be included in the Stormwater management plan. Modifications, including piping, may be required by the County.

Sec. 9.5-103. - Review by County Engineer.

Prior to authorization of any building permit by the County Building Department, the County Engineer shall review and approve all such stream flow, runoff calculations, and drainage plans as such engineer may require of a developer under the terms of this article. The County Engineer shall have final authority of engineer interpretations of all required fifty (50)-

year and one-hundred (100)-year flood elevations necessary to this article and shall report the findings to the County's Floodplain Management Administrator for appropriate action.

Sec. 9.5-104. - Application and enforcement of this article.

- (a) Sufficient inspections shall be made to insure compliance with the specifications set forth in this article. A registered engineer, employed by the developer and approved by the County Engineer, may certify in writing to the County Engineer that such engineer has inspected each phase of the construction of the storm drainage improvements required in this article and said inspection certification shall meet the terms of this article. The County Engineer, however, shall make a final inspection of said improvements before accepting said improvements for dedication to the County for permanent maintenance.
- (b) No zoning certificate or building permit shall be issued for any new building or development by the zoning secretary or codes enforcement division without a written statement from the County Engineering division stating that the storm drainage facilities for said property and building meet all of the requirements of this article.
- (c) The County Council may amend the regulations or provisions of this article after study and a written report by the Planning Commission and the holding of a public hearing as required by law.
- (d) Any violation of these regulations will be a misdemeanor and upon conviction is punishable as provided by law.

Sec. 9.5-105 - Variations and exceptions.

- (a) Whenever strict compliance with these regulations would result in extraordinary hardship or injustice to the subdivider because of unusual topography, unusual size or shape of the property, or unusual conditions in surrounding property or development, the planning commission, acting only upon the written concurrence of the County Engineer, may modify, vary or waive such regulations in order that the subdivider or developer may subdivide or develop the property in a reasonable manner, provided that such modification, variation or waiver will not nullify the intent or purpose of this article and that the public welfare, interest of the County and the surrounding area shall be protected. Any such variance, together with reasons therefore, shall be entered upon the minutes of the planning commission.
- (b) In granting modifications, variations or waivers, the planning commission may impose such other reasonable conditions as well, in its judgment, in order to justify such modification, variation or waiver and still maintain the objectives of these regulations.

- (c) Each modification, variation or waiver of these regulations sought by a subdivider or developer shall be applied for specifically on forms supplied by the planning and development division, copies of which shall be forwarded to the County Engineer for such engineer's review and comments and an evaluation of such submitted to the planning and development division and the County planning commission.

Sec. 9.5-106. - Interpretation and conflict.

In interpreting and applying the provisions of this article, the provisions shall be held to be minimum requirements necessary to uphold the purpose of this article. It is not intended by this article to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, where this article imposes greater restriction on the subdivision and/or use of buildings or land, or requires more open spaces or more stringent development standards than required by other resolutions, ordinances, rules or regulations, or by easements, covenants, or agreements, the provisions of this article shall govern. When the provisions of any other statute require more restrictive standards than are required by the regulations of this article, the provisions of the more restrictive statute shall govern.

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:

James T. Schofield, Chairman

COUNCIL VOTE:

OPPOSED:

ABSENT:

FLORENCE COUNTY COUNCIL MEETING

Thursday, June 20, 2013

AGENDA ITEM: Ordinance No. 35-2012/13
Second Reading

DEPARTMENT: Florence County Planning and Building Department



ISSUE UNDER CONSIDERATION:

[An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development and Subdivision Ordinance, Article VI. –Subdivision Improvements and Guarantees, Sec.6-98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Sec. 28.6-100 – Reduction Of Guarantee, And Sec. 28.6-101. – Release Of Guarantee.; And Other Matters Related Thereto.] *(Planning Commission approved 6-0: All Council Districts)*

POINTS TO CONSIDER:

1. Chapter 28.6 – Land Development and Subdivision Ordinance was adopted August 16, 2007.
2. The Planning Commission and Florence County Planning and Building Department staff developed the amendments to simplify the process in which a project can be accepted in lieu of full completion.
3. Provides developers a clear process of what is expected of them if they choose to provide a financial guarantee.

OPTIONS:

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

ATTACHMENTS:

1. Ordinance No. 35-2012/13 Existing w/Markup
2. Ordinance No. 35-2012/13 New Proposed
3. Staff report for PC#2013-06

Sponsor(s)	: Planning and Building Department I, _____	
Planning Commission Consideration	: April 23, 2013	Council Clerk, certify that this
Planning Commission Public Hearing	: April 23, 2013	Ordinance was advertised for
Planning Commission Action	: April 23, 2013 [Approved: 6-0]	Public Hearing on _____.
First Reading/Introduction	: May 16, 2013	
Committee Referral	: N/A	
County Council Public Hearing	: June 20, 2013	
Second Reading	: June 20, 2013	
Third Reading	:	
Effective Date	: Immediately	

ORDINANCE NO. 35-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development and Subdivision Ordinance, Article VI. –Subdivision Improvements and Guarantees, Sec.6-98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Sec. 28.6-100 – Reduction Of Guarantee, And Sec. 28.6-101. – Release Of Guarantee; And Other Matters Related Thereto.]

WHEREAS:

1. Periodic amendments need to be made to the Code to facilitate an efficient procedure and uniformity with County Laws and regulations; and
2. In recognition that the progress of development, 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 28.6 – Land Development and Subdivision Ordinance has been followed by the Florence County Planning Commission at a public hearing on April 23, 2013.

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

1. The Florence County Code, Chapter 28.6 – Land Development and Subdivision Ordinance, Article VI. –Subdivision Improvements and Guarantees, Sec.6-98. Acceptance techniques in lieu of completion of all improvements, Sec. 28.6-100 – Reduction of guarantee, and Sec. 28.6-101. – Release of guarantee is hereby amended to read as follows:

Sec. 28.6-98. - Acceptance techniques in lieu of completion of all improvements.

- (a) ~~In lieu of requiring the completion of all improvements prior to final plat approval, the county administrator may, at his/her discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this chapter, or otherwise specified by the planning commission, in a manner satisfactory to the county administrator. Any funds unused by the county to complete said~~

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improvements shall be returned to the subdivider. Financial guarantees may be posted in lieu of completing improvements required by these regulations to allow for the recording of a final plat or to obtain building permits for properties for which ownership will be transferred. Acceptance of financial guarantees is discretionary and the County Administrator reserves the right to refuse a financial guarantee for any remaining improvements and require that such improvements be completed before the recording of a final plat or issuance of building permits. Acceptance of a financial guarantee by the County Administrator shall not be construed as an obligation to any other agency, utility or property owner within affected developments.

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- (b) Prior to the granting of final plat approval by the planning commission, the county administrator and subdivider shall agree upon a deadline for the completion of all required improvements; such deadline not to exceed one (1) year from the date of final plat approval. The county administrator shall have the right to extend the deadline for one (1) additional year where the subdivider can present substantial reason for doing so. Florence County shall not approve a subdivision guarantee until a copy of the SC DHEC "Approval To Place Into Operation" for water and sewer systems are provided. An engineer's cost estimate for financial guarantees shall be submitted to the Florence County Engineering Division and follow the procedures enumerated below. Failure to follow these procedures may delay the approval of such guarantee and recording of a final plat or issuance of building permits.

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- (1) An itemized cost estimate shall be submitted for the improvements that the financial guarantee will cover. Such estimate shall bear the original signature and seal of a licensed professional engineer, be on company letterhead, and be in a form acceptable to the Florence County Engineering Division. Cost estimates may include, but are not limited to the following:

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- a. Storm drainage systems and erosion control measures.
- b. Street improvements including curbs, gutters, temporary culs-de-sac and required grassing or landscaping within rights-of-way or easements.
- c. Street monuments.
- d. Street intersection lighting.

- (2) The Florence County Engineering Division will determine if the proposed cost estimate is consistent with the prevailing costs for construction materials. Upon such determination, the Engineering Division will inform the Planning Department that the cost estimate is acceptable and a financial guarantee for the proposed amount may be submitted.

(c) ~~To secure this contract, the subdivider shall provide, subject to this approval, of the county administrator one of the following guarantees:~~ The County Administrator may accept letters of credit as financial guarantees to ensure the completion of public improvements in accordance with the requirement enumerated below.

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(1) ~~Escrow account.~~ The subdivider shall deposit cash or other instrument readily convertible into cash at face value, either with the county, or in escrow with a financial institution in the State of South Carolina. The use of any instrument other than cash, and, in the case of an escrow account, and the financial institution with which the funds are deposited, shall be subject to the approval of the county. The amount of the deposit shall be at least equal to the cost of installing all required improvements plus ten percent, as estimated by the subdivider and approved by the planning commission staff engineer and the county.

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In the case of an escrow account, the subdivider shall file with the county an agreement between the financial institution and himself guaranteeing the following: Approved guarantees shall be independent of the development project's construction loan. The County Administrator will not accept any guarantee that requires drawdowns for monthly expenditures. Payment of monthly expenditures is the sole responsibility of the developer and does not affect the amount of money held by Florence County. Approved letters of credit shall adhere to the following standards:

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a. ~~That the funds of said escrow account shall be held in trust until released by the county and may not be used or pledged by the subdivider as security in any other matter during that period.~~

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b. ~~And that in the case of a failure on the part of the subdivider to complete said improvements, then the financial institution shall immediately make the funds in said account available to the county for use in completion of those improvements.~~

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a. Be equal to 125 percent of the approved cost estimate.

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b. Be issued for an initial coverage period not less than 12 months from the date that the final plat is submitted for recording.

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c. Be irrevocable, unconditional and subject to presentation for drawing within the State of South Carolina. Upon consent of the issuing institution and Florence County, facsimile drawing may be permitted. In no instance shall a letter of credit only include a facsimile number for the purpose of potential drawing.

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d. Be payable to Florence County.

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e. Be for no less than \$10,000.00 of construction.

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f. Substantially conform to the format shown in Appendix B.

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~~(2) Real Property Escrow. The subdivider may offer real property as a guarantee. The value of any such property shall be at least equal to the cost of all contracted improvements, as estimated by the subdivider and approved by the planning commission staff engineer and county administrator, plus ten percent. The county tax assessor shall establish the value of any property so used and, in so doing, shall take into account the likelihood of a decline in the value of said property during the guarantee period. The county shall retain the right to reject the use of any property when the value of such property is sufficiently unstable, when it believes that the property will be unusually difficult to sell, or for other reasons such as will inhibit the county from exchanging the property for a sufficient amount of money to complete the required improvements.~~

~~When property is offered as an improvement guarantee, the subdivider shall:~~

- ~~a. Deed, in fee simple, the property to Florence County.~~
- ~~b. Provide title insurance, to the satisfaction of the county.~~
- ~~c. Pay all closing costs, including deed preparation and recording.~~

~~(3) Letter of credit. The subdivider shall provide a letter of credit from a bank or other financial institution or individual. The letter of credit is subject to the approval of the county administrator, and shall certify the following:~~

- ~~a. That the creditor does guarantee funds in an amount equal to the cost plus ten percent for completing all required improvements as estimated by the subdivider, verified by the planning commission staff engineer, and approved by the county administrator.~~
- ~~b. That the letter of credit shall remain valid for a period of two years, unless it is released by the county.~~
- ~~c. That the letter of credit can be released only by the county.~~
- ~~d. That, in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the county immediately, and without further action, the value of credit stated in the letter.~~
- ~~e. That if the letter of credit is not released by Florence County, within 30 calendar days of its expiration date any remaining amount of credit shall be paid to Florence County by the bank, financial institution, or individual who provides the letter.~~
- ~~f. That the letter of credit is in the county's name and may not be withdrawn, or reduced in amount, unless released by the county.~~

(d) A developer may extend a letter of credit before the expiration date of its initial coverage period. To qualify for an extension a revised construction cost estimate shall be supplied to the Engineering Department showing the improvements that the extended letter of

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credit will guarantee. The revised construction cost estimate shall meet the standards enumerated in subsection Sec.28.6-98 (b), above. The extension request must be received thirty days prior to the expiration of the initial coverage period. Upon approval of the revised construction cost estimate, the extended letter of credit shall be provided to the County Administrator no fewer than ten days prior to the expiration date of the letter of credit. The extension may be in the form of an amendment or new letter of credit. Extensions shall be no longer than 1 year and may occur in two six-month extensions. No individual extension shall be for a period less than six-months. If the improvements for which the letter of credit were posted have not been completed within one year, the County Administrator may allow one additional one year extension. Such extension is subject to approval of a revised construction cost estimate. Additional extensions may be considered on a case by case basis.

Sec. 28.6-100. - ~~Reduction of guarantee.~~ Setup, extensions, and reduction of guarantee.

~~In those cases where improvement guarantees have been made, the amount of the guarantee may be reduced upon acceptance, in compliance with section 28.6-99, of the dedication of a portion of the required improvements. The amounts of the reduction shall not exceed the percentage of the original improvements just accepted for dedication. In no case, however, shall the guarantee be reduced to less than 15 percent of the original amount, until the project is complete and acceptable.~~

- a) The fees listed below will apply to letters of credit established with Florence County or extended before their expiration. All fees shall be paid at the time of guarantee submittal or prior to the guarantee's expiration. Payment shall not be a portion of the guarantee amount and will be in the form of a cashier's check made payable to Florence County.

<u>Setup</u>			
<u>\$500.00</u>	<u>plus</u>	<u>\$0.25</u>	<u>for every</u> <u>\$100.00</u>
<u>Extensions</u>			
<u>\$250.00</u>	<u>plus</u>	<u>\$0.25</u>	<u>for every</u> <u>\$100.00</u>

- b) A developer may reduce a financial guarantee during the initial coverage period. A request to reduce the financial guarantee shall be submitted to the Planning Department and include a revised construction cost estimate. The Planning Department will forward the revised cost estimate to the Florence County Engineering Division for review. Reductions of financial guarantees will not be allowed within 6-months of any previous reduction request and shall be no less than the greater of 25 percent or \$10,000 of the revised of construction cost estimate. A fee of \$100.00 shall be charged for any letter of credit that is authorized for reduction before its expiration. Requests involving both the reduction and extension of a letter of credit shall be subject to the extension fees listed in subsection Sec. 28.6 – 100. (a) above.

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Sec. 28.6-101. - Release and draw of guarantee.

- (a) ~~Escrow accounts or letters of credit.~~ Upon acceptance of the project, in accordance with section 28.6-99 of the dedication of the final portion of improvements, the governing body shall authorize the release of any remaining portion of the improvements guarantee. The Planning Department may draw a letter of credit when it has been determined that the improvements for which the financial guarantee were posted will not be completed in accordance with these regulations. Any unexpended funds, once construction is complete, shall be released to the financial institution or responsible entity that posted the guarantee.
- (b) ~~Real property.~~ Upon acceptance of the project, the county will execute a deed transferring the real property back to the developer. This deed must be prepared and filed by the developer. The Florence County Engineering Division shall authorize the Planning Department to release guarantees to the financial institution or responsible entity. Authorization will occur once all improvements have been installed, received final inspection and a warranty financial guarantee (when applicable) has been submitted and approved by the Florence County Engineering Division. In addition, the developer's engineer shall furnish the Engineering Division a letter certifying that all non-county owned or maintained improvements have been completed and accepted by the applicable entities who will own or maintain such improvements. Such letter shall be on company letterhead with an original signature and professional seal.
2. Florence County Code Chapter 28.6 – Land Development and Subdivision Ordinance, is hereby amended with the insertion of the following language:

Appendix D

Format for Letter of Credit

[Bank/Issuer name, address and telephone number]

[Date] _____ Letter of Credit Number _____

Amount: \$ _____ U.S.

To: _____ The County of Florence, South Carolina

Re: _____ Irrevocable Letter of Credit issued on behalf of [Name of developer]

Dear Sirs:

The Issuer opens its Irrevocable Letter of Credit in your favor available in the following manner and on the following terms:

1. Issuer: [name of bank/issuer]

2. Beneficiary: The County of Florence, South Carolina, a political subdivision of the State of South Carolina

3. Customer: [name of developer]

4. Project: [name of project, site, subdivision]

5. Obligation of Issuer: The Credit is irrevocable.

6. Transferability: The Credit is to be non-transferable.

7. Total: The sum total of the Credit is \$ U. S.

8. Purpose: To provide surety for a developer's bond required by County Code Section 28.6-98 to ensure construction of required public improvements at [name of project, site, subdivision] to include installation of [list of public facilities to be constructed/installed] in accordance with the specifications of the County of Florence, South Carolina.

9. Default: In the event that any or all of the above-stated public improvements are not constructed and/or installed in accordance with the specifications of the County of Florence within twelve (12) months from this date, the Beneficiary may upon written notice to Issuer and Customer at the addresses noted herein demand and receive payment from the Issuer in cash in the entire amount of \$ if one of the required public improvements have been constructed and/or installed or in such lesser amount as may be required to complete construction and/or installation of the aforesaid improvements if said improvements have been partially constructed and/or installed. All drafts drawn under this Letter of Credit shall contain the clause "Drawn under [name of Issuer] Letter of Credit Number ." This letter of Credit is based on an Engineers Estimate for construction; if cost of construction or repair exceeds the amount of funds designated by this Letter of Credit the owner/developer shall remit those additional funds immediately to the County. By this letter the County of Florence reserves the right to recover any excess costs for completion of the required public improvements from the owner/developer by any legal means necessary.

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The Issuer shall have ninety (90) days from the receipt of said notice to effect a cure by procuring completion of construction and/or installation of the aforesaid public improvements in accordance with the specifications of the County of Florence, South Carolina, and thereby receive a refund of any sum paid in default.

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10. Addresses:

Issuer:

[name of Issuer]

[street address]

[city, state, zip]

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Customer:

[name of Customer]

[street address]

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[city.state.zip]

Beneficiary: County of Florence, South Carolina
c/o County Administrator
City-County Complex
180 North Irby Street MSC-G
Florence, SC 29501

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11. Termination: This is a continuing agreement and shall remain in full force and effect until written notice is received by the County of Florence that it has been terminated and revoked.

12. Miscellaneous: This Letter of Credit and the terms hereof shall be binding upon the respective parties, heirs, executors, administrators, successors and assigns. None of the terms of this agreement or its provisions may be waived, altered, modified or amended except in writing signed by the Beneficiary and the Issuer.

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13. Applicable Law: This Letter of Credit is to be governed by the Uniform Commercial Code of the State of South Carolina.

Given under our hands this _____ day of _____, 20____.

[Issuer Bank name], Issuer By:

[Title]

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Seen: _____
Customer

County of Florence, South Carolina, Beneficiary

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

James T. Schofield, Chairman

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

COUNCIL VOTE:
OPPOSED:
ABSENT:

Sponsor(s)	: Planning and Building Department I, _____.	
Planning Commission Consideration	: April 23, 2013	Council Clerk, certify that this
Planning Commission Public Hearing	: April 23, 2013	Ordinance was advertised for
Planning Commission Action	: April 23, 2013[Approved: 6-0]	Public Hearing on _____.
First Reading/Introduction	: May 16, 2013	
Committee Referral	: N/A	
County Council Public Hearing	: June 20, 2013	
Second Reading	: June 20, 2013	
Third Reading	:	
Effective Date	: Immediately	

ORDINANCE NO. 35-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

[An Ordinance To Amend The Florence County Code, Chapter 28.6 – Land Development and Subdivision Ordinance, Article VI. –Subdivision Improvements and Guarantees, Sec.6-98. Acceptance Techniques In Lieu Of Completion Of All Improvements, Sec. 28.6-100 – Reduction Of Guarantee, And Sec. 28.6-101. – Release Of Guarantee; And Other Matters Related Thereto.]

WHEREAS:

1. Periodic amendments need to be made to the Code to facilitate an efficient procedure and uniformity with County Laws and regulations; and
2. In recognition that the progress of development, 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 28.6 – Land Development and Subdivision Ordinance has been followed by the Florence County Planning Commission at a public hearing on April 23, 2013.

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

1. The Florence County Code, Chapter 28.6 – Land Development and Subdivision Ordinance, Article VI. –Subdivision Improvements and Guarantees, Sec.6-98. Acceptance techniques in lieu of completion of all improvements, Sec. 28.6-100 – Reduction of guarantee, and Sec. 28.6-101. – Release of guarantee is hereby amended to read as follows:

Sec. 28.6-98. - Acceptance techniques in lieu of completion of all improvements.

- (a) Financial guarantees may be posted in lieu of completing improvements required by these regulations to allow for the recording of a final plat or to obtain building permits for properties for which ownership will be transferred. Acceptance of financial guarantees is discretionary and the County Administrator reserves the right to refuse a financial guarantee for any remaining improvements and require that such improvements

be completed before the recording of a final plat or issuance of building permits. Acceptance of a financial guarantee by the County Administrator shall not be construed as an obligation to any other agency, utility or property owner within affected developments

- (b) An engineer's cost estimate for financial guarantees shall be submitted to the Florence County Engineering Division and follow the procedures enumerated below. Failure to follow these procedures may delay the approval of such guarantee and recording of a final plat or issuance of building permits.

- (1) An itemized cost estimate shall be submitted for the improvements that the financial guarantee will cover. Such estimate shall bear the original signature and seal of a licensed professional engineer, be on company letterhead, and be in a form acceptable to the Florence County Engineering Division. Cost estimates may include, but are not limited to the following:

- a. Storm drainage systems and erosion control measures.
 - b. Street improvements including curbs, gutters, temporary culs-de-sac and required grassing or landscaping within rights-of-way or easements.
 - c. Street monuments.
 - d. Street intersection lighting.

- (2) The Florence County Engineering Division will determine if the proposed cost estimate is consistent with the prevailing costs for construction materials. Upon such determination, the Engineering Division will inform the Planning Department that the cost estimate is acceptable and a financial guarantee for the proposed amount may be submitted.

- (c) The County Administrator may accept letters of credit as financial guarantees to ensure the completion of public improvements in accordance with the requirement enumerated below.

(1)

Approved guarantees shall be independent of the development project's construction loan. The County Administrator will not accept any guarantee that requires drawdowns for monthly expenditures. Payment of monthly expenditures is the sole responsibility of the developer and does not affect the amount of money held by Florence County. Approved letters of credit shall adhere to the following standards:

- a. Be equal to 125 percent of the approved cost estimate.

- b. Be issued for an initial coverage period not less than 12 months from the date that the final plat is submitted for recording.
- c. Be irrevocable, unconditional and subject to presentation for drawing within the State of South Carolina. Upon consent of the issuing institution and Florence County, facsimile drawing may be permitted. In no instance shall a letter of credit only include a facsimile number for the purpose of potential drawing.
- d. Be payable to Florence County.
- e. Be for no less than \$10,000.00 of construction.
- f. Substantially conform to the format shown in Appendix B.

(d) A developer may extend a letter of credit before the expiration date of its initial coverage period. To qualify for an extension a revised construction cost estimate shall be supplied to the Engineering Division showing the improvements that the extended letter of credit will guarantee. The revised construction cost estimate shall meet the standards enumerated in subsection Sec.28.6-98 (b), above. The extension request must be received thirty days prior to the expiration of the initial coverage period. Upon approval of the revised construction cost estimate, the extended letter of credit shall be provided to the County Administrator no fewer than ten days prior to the expiration date of the letter of credit. The extension may be in the form of an amendment or new letter of credit. Extensions shall be no longer than 1 year and may occur in two six-month extensions. No individual extension shall be for a period less than six-months. If the improvements for which the letter of credit was posted have not been completed within one year, the County Administrator may allow one additional one year extension. Such extension is subject to approval of a revised construction cost estimate. Additional extensions may be considered on a case by case basis.

Sec. 28.6-100. - Setup, extensions, and reduction of guarantee.

- a) The fees listed below will apply to letters of credit established with Florence County or extended before their expiration. All fees shall be paid at the time of guarantee submittal or prior to the guarantee's expiration. Payment shall not be a portion of the guarantee amount and will be in the form of a cashier's check made payable to Florence County.

Setup			
\$500.00	plus	\$0.25 for every	\$100.00
Extensions			
\$250.00	plus	\$0.25 for every	\$100.00

- b) A developer may reduce a financial guarantee during the initial coverage period. A request to reduce the financial guarantee shall be submitted to the Planning Department and include a revised construction cost estimate. The Planning Department will forward the revised cost estimate to the Florence County Engineering Division for review. Reductions of financial guarantees will not be allowed within 6-months of any previous

reduction request and shall be no less than the greatest of 25 percent or \$10,000 of the revised construction cost estimate. A fee of \$100.00 shall be charged for any letter of credit that is authorized for reduction before its expiration. Requests involving both the reduction and extension of a letter of credit shall be subject to the extension fees listed in subsection Sec. 28.6-100. (a) above.

Sec. 28.6-101. - Release and draw of guarantee.

- (a) The Planning Department may draw a letter of credit when it has been determined that the improvements for which the financial guarantee were posted will not be completed in accordance with these regulations. Any unexpended funds, once construction is complete, shall be released to the financial institution or responsible entity that posted the guarantee.
 - (b) The Florence County Engineering Division shall authorize the Planning Department to release guarantees to the financial institution or responsible entity. Authorization will occur once all improvements have been installed, received final inspection and a warranty financial guarantee (when applicable) has been submitted and approved by the Florence County Engineering Division. In addition, the developer's engineer shall furnish the Engineering Division a letter certifying that all non-county owned or maintained improvements have been completed and accepted by the applicable entities who will own or maintain such improvements. Such letter shall be on company letterhead with an original signature and professional seal.
2. Florence County Code Chapter 28.6 – Land Development and Subdivision Ordinance, is hereby amended with the insertion of the following language:

Appendix D

Format for Letter of Credit

[Bank/Issuer name, address and telephone number]

[Date]

Letter of Credit Number _____

Amount: \$ _____ U.S.

To: The County of Florence, South Carolina

Re: Irrevocable Letter of Credit issued on behalf of [Name of developer]

Dear Sirs:

The Issuer opens its Irrevocable Letter of Credit in your favor available in the following manner and on the following terms:

1. Issuer: [name of bank/issuer]
2. Beneficiary: The County of Florence, South Carolina, a political subdivision of the State of South Carolina
3. Customer: [name of developer]
4. Project: [name of project, site, subdivision]
5. Obligation of Issuer: The Credit is irrevocable.
6. Transferability: The Credit is to be non-transferable.
7. Total: The sum total of the Credit is \$ _____ U. S.
8. Purpose: To provide surety for a developer's bond required by County Code Section 28.6-98 to ensure construction of required public improvements at [name of project, site, subdivision] to include installation of [list of public facilities to be constructed/installed] in accordance with the specifications of the County of Florence, South Carolina.

9. Default: In the event that any or all of the above-stated public improvements are not constructed and/or installed in accordance with the specifications of the County of Florence within twelve (12) months from this date, the Beneficiary may upon written notice to Issuer and Customer at the addresses noted herein demand and receive payment from the Issuer in cash in the entire amount of \$ _____ if one of the required public improvements have been constructed and/or installed or in such lesser amount as may be required to complete construction and/or installation of the aforesaid improvements if said improvements have been partially constructed and/or installed. All drafts drawn under this Letter of Credit shall contain the clause "Drawn under [name of Issuer] Letter of Credit Number _____." This letter of Credit is based on an Engineers Estimate for construction; if cost of construction or repair exceeds the amount of funds designated by this Letter of Credit the owner/developer shall remit those additional funds immediately to the County. By this letter the County of Florence reserves the right to recover any excess costs for completion of the required public improvements from the owner/developer by any legal means necessary.

The Issuer shall have ninety (90) days from the receipt of said notice to effect a cure by procuring completion of construction and/or installation of the aforesaid public improvements in accordance with the specifications of the County of Florence, South Carolina, and thereby receive a refund of any sum paid in default.

10. Addresses:

Issuer:

[name of Issuer]

[street address]

[city, state, zip]

Customer:

[name of Customer]

[streetaddress]

[city.state.zip]

Beneficiary:

County of Florence, South Carolina
c/o County Administrator
City-County Complex
180 North Irby Street MSC-G
Florence, SC 29501

11. Termination: This is a continuing agreement and shall remain in full force and effect until written notice is received by the County of Florence that it has been terminated and revoked.

12. Miscellaneous: This Letter of Credit and the terms hereof shall be binding upon the respective parties, heirs, executors, administrators, successors and assigns. None of the terms of this agreement or its provisions may be waived, altered, modified or amended except in writing signed by the Beneficiary and the Issuer.

13. ApplicableLaw: This Letter of Credit is to be governed by the Uniform Commercial Code of the State of South Carolina.

Given under our hands this _____ day of _____, 20__ .

[Issuer Bank name], Issuer By:

[Title]

Seen: _____
Customer

County of Florence, South Carolina, Beneficiary

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

James T. Schofield, Chairman

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

COUNCIL VOTE:
OPPOSED:
ABSENT:

**STAFF REPORT
TO THE
FLORENCE COUNTY PLANNING COMMISSION
Tuesday, April 23, 2013
PC#2013-06
ORDINANCE NO. 35-2012/13**

SUBJECT: Request for text amendments to the Florence County Code, Chapter 28.6 – Land Development and Subdivision Ordinance, Article VI. –Subdivision Improvements and Guarantees, Sec.6-98. Acceptance techniques in lieu of completion of all improvements, Sec. 28.6-100 – Reduction of guarantee, and Sec. 28.6-101. – Release of guarantee.

APPLICANT: Florence County Planning & Building Department

STAFF ANALYSIS:

Periodically staff reviews ordinance items that need to be updated to meet the needs of Florence County as a whole. The amendments proposed provide more discretion to staff when accepting new developments in the County and gives developers more options when developing a property.

The proposed amendment changes simplify the process in which a project can be accepted in lieu of full completion. It also gives developers a clear process of what is expected of them if they chose to provide a financial guarantee.

The Florence County Code, Chapter 28.6 – Land Development and Subdivision Ordinance, Article VI. –Subdivision Improvements and Guarantees, Sec.6-98. Acceptance techniques in lieu of completion of all improvements, Sec. 28.6-100 – Reduction of guarantee, and Sec. 28.6-101. – Release of guarantee. The text amendments shall read as follows:

Sec. 28.6-98. - Acceptance techniques in lieu of completion of all improvements.

- (a) ~~In lieu of requiring the completion of all improvements prior to final plat approval, the county administrator may, at his/her discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this chapter, or otherwise specified by the planning commission, in a manner satisfactory to the county administrator. Any funds unused by the county to complete said improvements shall be returned to the subdivider.~~ Financial guarantees may be posted in lieu of completing improvements required by these regulations to allow for the recording of a final plat or to obtain building permits for properties for which ownership will be transferred. Acceptance of financial guarantees is discretionary and the County

Administrator reserves the right to refuse a financial guarantee for any remaining improvements and require that such improvements be completed before the recording of a final plat or issuance of building permits. Acceptance of a financial guarantee by the County Administrator shall not to be construed as an obligation to any other agency, utility or property owner within affected developments

- (b) ~~Prior to the granting of final plat approval by the planning commission, the county administrator and subdivider shall agree upon a deadline for the completion of all required improvements; such deadline not to exceed one (1) year from the date of final plat approval. The county administrator shall have the right to extend the deadline for one (1) additional year where the subdivider can present substantial reason for doing so. Florence County shall not approve a subdivision guarantee until a copy of the SC DHEC "Approval To Place Into Operation" for water and sewer systems are provided. An engineer's cost estimate for financial guarantees shall be submitted to the Florence County Engineering Division and follow the procedures enumerated below. Failure to follow these procedures may delay the approval of such guarantee and recording of a final plat or issuance of building permits.~~

(1) An itemized cost estimate shall be submitted for the improvements that the financial guarantee will cover. Such estimate shall bear the original signature and seal of a licensed professional engineer, be on company letterhead, and be in a form acceptable to the Florence County Engineering Division. Cost estimates may include, but are not be limited to the following:

- a. Storm drainage systems and erosion control measures.
- b. Street improvements including curbs, gutters, temporary culs-de-sac and required grassing or landscaping within rights-of-way or easements.
- c. Street monuments.
- d. Street intersection lighting.

(2) The Florence County Engineering Division will determine if the proposed cost estimate is consistent with the prevailing costs for construction materials. Upon such determination, the Engineering Division will inform the Planning Department that the cost estimate is acceptable and a financial guarantee for the proposed amount may be submitted.

- (c) ~~To secure this contract, the subdivider shall provide, subject to this approval, of the county administrator one of the following guarantees: The County~~

Administrator may accept letters of credit as financial guarantees to ensure the completion of public improvements in accordance with the requirement enumerated below.

- (1) ~~Escrow account.~~ The subdivider shall deposit cash or other instrument readily convertible into cash at face value, either with the county, or in escrow with a financial institution in the State of South Carolina. The use of any instrument other than cash, and, in the case of an escrow account, and the financial institution with which the funds are deposited, shall be subject to the approval of the county. The amount of the deposit shall be at least equal to the cost of installing all required improvements plus ten percent, as estimated by the subdivider and approved by the planning commission staff engineer and the county.

~~In the case of an escrow account, the subdivider shall file with the county an agreement between the financial institution and himself guaranteeing the following:~~ Approved guarantees shall be independent of the development project's construction loan. The County Administrator will not accept any guarantee that requires drawdowns for monthly expenditures. Payment of monthly expenditures is the sole responsibility of the developer and does not affect the amount of money held by Florence County. Approved letters of credit shall adhere to the following standards:

- ~~a. That the funds of said escrow account shall be held in trust until released by the county and may not be used or pledged by the subdivider as security in any other matter during that period.~~
- ~~b. And that in the case of a failure on the part of the subdivider to complete said improvements, then the financial institution shall immediately make the funds in said account available to the county for use in completion of those improvements.~~
- a. Be equal to 125 percent of the approved cost estimate.
- b. Be issued for an initial coverage period not less than 12 months from the date that the final plat is submitted for recording.
- c. Be irrevocable, unconditional and subject to presentation for drawing within the State of South Carolina. Upon consent of the issuing institution and Florence County, facsimile drawing may be permitted. In no instance shall a letter of credit only include a facsimile number for the purpose of potential drawing.
- d. Be payable to Florence County.
- e. Be for no less than \$10,000.00 of construction.
- f. Substantially conform to the format shown in Appendix B.

~~(2) Real Property Eserow. The subdivider may offer real property as a guarantee. The value of any such property shall be at least equal to the cost of all contracted improvements, as estimated by the subdivider and approved by the planning commission staff engineer and county administrator, plus ten percent. The county tax assessor shall establish the value of any property so used and, in so doing, shall take into account the likelihood of a decline in the value of said property during the guarantee period. The county shall retain the right to reject the use of any property when the value of such property is sufficiently unstable, when it believes that the property will be unusually difficult to sell, or for other reasons such as will inhibit the county from exchanging the property for a sufficient amount of money to complete the required improvements.~~

~~When property is offered as an improvement guarantee, the subdivider shall:~~

- ~~a. Deed, in fee simple, the property to Florence County.~~
- ~~b. Provide title insurance, to the satisfaction of the county.~~
- ~~c. Pay all closing costs, including deed preparation and recording.~~

~~(3) Letter of credit. The subdivider shall provide a letter of credit from a bank or other financial institution or individual. The letter of credit is subject to the approval of the county administrator, and shall certify the following:~~

- ~~a. That the creditor does guarantee funds in an amount equal to the cost plus ten percent for completing all required improvements as estimated by the subdivider, verified by the planning commission staff engineer, and approved by the county administrator.~~
- ~~b. That the letter of credit shall remain valid for a period of two years, unless it is released by the county.~~
- ~~c. That the letter of credit can be released only by the county.~~
- ~~d. That, in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the county immediately, and without further action, the value of credit stated in the letter.~~
- ~~e. That if the letter of credit is not released by Florence County, within 30 calendar days of its expiration date any remaining amount of credit shall be paid to Florence County by the bank, financial institution, or individual who provides the letter.~~
- ~~f. That the letter of credit is in the county's name and may not be withdrawn, or reduced in amount, unless released by the county.~~

~~(e)(d) A developer may extend a letter of credit before the expiration date of its coverage period. To qualify for an extension a revised construction cost estimate~~

shall be supplied to the Engineering Division showing the improvements that the extended letter of credit will guarantee. The revised construction cost estimate shall meet the standards enumerated in subsection Sec.28.6-98 (b), above. The extension request must be received thirty days prior to the expiration of the initial coverage period. Upon approval of the revised construction cost estimate, the extended letter of credit shall be provided to the County Administrator no fewer than ten days prior to the expiration date of the letter of credit. The extension may be in the form of an amendment or new letter of credit. Extensions shall be no longer than 1 year and may occur in two six-month extensions. No individual extension shall be for a period less than six-months. If the improvements for which the letter of credit were posted have not been completed within one year, the County Administrator may allow one additional one year extension. Such extension is subject to approval of a revised construction cost estimate. Additional extensions may be considered on a case by case basis.

Sec. 28.6-100. - Reduction of guarantee.Setup, extensions, and reduction of guarantee.

In those cases where improvement guarantees have been made, the amount of the guarantee may be reduced upon acceptance, in compliance with section 28.6-99, of the dedication of a portion of the required improvements. The amounts of the reduction shall not exceed the percentage of the original improvements just accepted for dedication. In no case, however, shall the guarantee be reduced to less than 15 percent of the original amount, until the project is complete and acceptable.

- a) The fees listed below will apply to letters of credit established with Florence County or extended before their expiration. All fees shall be paid at the time of guarantee submittal or prior to the guarantee's expiration. Payment shall not be a portion of the guarantee amount and will be in the form of a cashier's check made payable to Florence County.

<u>Setup</u>			
<u>\$500.00</u>	<u>plus</u>	<u>\$0.25</u>	<u>for every</u>
			<u>\$100.00</u>
<u>Extensions</u>			
<u>\$250.00</u>	<u>plus</u>	<u>\$0.25</u>	<u>for every</u>
			<u>\$100.00</u>

- b) A developer may reduce a financial guarantee during the initial coverage period. A request to reduce the financial guarantee shall be submitted to the Planning Department and include a revised construction cost estimate. The Planning Department will forward the revised cost estimate to the Florence County Engineering Division for review. Reductions of financial guarantees will not be allowed within 6-months of any previous reduction request and shall be no less than the greater of 25 percent or \$10,000 of the revised of construction cost estimate. A fee of \$100.00 shall be charged for any letter of credit that is authorized for reduction before its expiration. Requests involving both the

reduction and extension of a letter of credit shall be subject to the extension fees listed in subsection Sec. 28.6 – 100. (a) above.

Sec. 28.6-101. - Release and draw of guarantee.

- (a) ~~Eserow accounts or letters of credit.~~ Upon acceptance of the project, in accordance with section 28.6-99 of the dedication of the final portion of improvements, the governing body shall authorize the release of any remaining portion of the improvements guarantee. The Planning Department may draw a letter of credit when it has been determined that the improvements for which the financial guarantee were posted will not be completed in accordance with these regulations. Any unexpended funds, once construction is complete, shall be released to the financial institution or responsible entity that posted the guarantee.
- (b) ~~Real property.~~ Upon acceptance of the project, the county will execute a deed transferring the real property back to the developer. This deed must be prepared and filed by the developer. The Florence County Engineering Division shall authorize the Planning Department to release guarantees to the financial institution or responsible entity. Authorization will occur once all improvements have been installed, received final inspection and a warranty financial guarantee (when applicable) has been submitted and approved by the Florence County Engineering Division. In addition, the developer's engineer shall furnish the Engineering Division letter certifying that all non-county owned or maintained improvements have been completed and accepted by the applicable entities who will own or maintain such improvements. Such letter shall be on company letterhead with an original signature and professional seal.

Florence County Code Chapter 28.6 is hereby amended as follows:

Appendix D

Format for Letter of Credit

[Bank/Issuer name, address and telephone number]

[Date] _____ Letter of Credit Number _____

Amount: \$ _____ U.S.

To: The County of Florence, South Carolina

Re: Irrevocable Letter of Credit issued on behalf of [Name of developer]

Dear Sirs:

The Issuer opens its Irrevocable Letter of Credit in your favor available in the following manner and on the following terms:

1. Issuer: _____ [name of bank/issuer]
2. Beneficiary: _____ The County of Florence, South Carolina, a political subdivision of the State of South Carolina
3. Customer: _____ [name of developer]
4. Project: _____ [name of project, site, subdivision]
5. Obligation of Issuer: The Credit is irrevocable.
6. Transferability: _____ The Credit is to be non-transferable.
7. Total: _____ The sum total of the Credit is \$ _____ U. S.

8. Purpose: _____ To provide surety for a developer's bond required by County Code Section 28.6-98 to ensure construction of required public improvements at [name of project, site, subdivision] to include installation of [list of public facilities to be constructed/installed] in accordance with the specifications of the County of Florence, South Carolina.

9. Default: _____ In the event that any or all of the above-stated public improvements are not constructed and/or installed in accordance with the specifications of the County of Florence within twelve (12) months from this date, the Beneficiary may upon written notice to Issuer and Customer at the addresses noted herein demand and receive payment from the Issuer in cash in the entire amount of \$ _____ if one of the required public improvements have been constructed and/or installed or in such lesser amount as may be required to complete construction and/or installation of the aforesaid improvements if said improvements have been partially constructed and/or installed. All drafts drawn under this Letter of Credit shall contain the clause "Drawn under [name of Issuer] Letter of Credit Number _____." This letter of Credit is based on an Engineers Estimate for construction; if cost of construction or repair exceeds the amount of funds designated by this Letter of Credit the owner/developer shall remit those additional funds immediately to the County. By this letter the County of Florence reserves the right to recover any excess costs for completion of the required public improvements from the owner/developer by any legal means necessary.

The Issuer shall have ninety (90) days from the receipt of said notice to effect a cure by procuring completion of construction and/or installation of the aforesaid public improvements in accordance with the specifications of the County of Florence, South Carolina, and thereby receive a refund of any sum paid in default.

10. Addresses:

Issuer:

[nameofIssuer]
[streetaddress]
[city,state,zip]

Customer:

[nameofCustomer]
[streetaddress]
[city,state,zip]

Beneficiary: County of Florence, South Carolina
c/o County Administrator
City-County Complex
180 North Irby Street
MSC-G Florence, SC
29501

11. Termination: This is a continuing agreement and shall remain in full force and effect until written notice is received by the County of Florence that it has been terminated and revoked.

12. Miscellaneous: This Letter of Credit and the terms hereof shall be binding upon the respective parties, heirs, executors, administrators, successors and assigns. None of the terms of this agreement or its provisions may be waived, altered, modified or amended except in writing signed by the Beneficiary and the Issuer.

13. Applicable Law: This Letter of Credit is to be governed by the Uniform Commercial Code of the State of South Carolina.

Given under our hands this _____ day of _____, 20____.

[Issuer Bank name], Issuer

By: _____
[Title]

Seen: _____ Customer

County of Florence, South Carolina, Beneficiary

Florence County Planning Commission Action: April 23, 2013:

The six Planning Commission members present voted unanimously to adopt a resolution recommending that County Council amend the Land Development and Subdivision Ordinance.

Florence County Planning Commission Recommendation:

Florence County Planning Commission recommends approval of the request to Florence Council in order to keep County Ordinances current and accurate.

FLORENCE COUNTY COUNCIL

June 20, 2013

AGENDA ITEM: Ordinance No. 37-2012/13 – Introduction

DEPARTMENT: County Council/Economic Development

ISSUE UNDER CONSIDERATION:

An Ordinance Confirming The Inclusion Of Certain Property Of Angus-Palm LLC In A Joint County Industrial And Business Park With Marion County; Providing For An Extension Thereof; And Addressing Other Matters Related Thereto.

OPTIONS:

1. *(Recommended)* Approve Introduction of Ordinance No. 37-2012/13.
2. Provide an alternate directive.

ATTACHMENTS:

Copy Of Proposed Ordinance No. 37-2012/13

Sponsor(s) : Economic Development
 First Reading/Introduction : June 20, 2013
 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. 37-2012/13

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR FLORENCE COUNTY

(An Ordinance Confirming The Inclusion Of Certain Property Of Angus-Palm LLC In A Joint County Industrial And Business Park With Marion County; Providing For An Extension Thereof; And Addressing Other Matters Related Thereto.)

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

SECTION I: By the authority of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended and pursuant to Ordinance No. 11-2000/01 enacted by Florence County, South Carolina ("Florence County") on February 15, 2001 and Ordinance No. 00-14 enacted by Marion County, South Carolina ("Marion County") on November 14, 2000, Florence County and Marion County entered into an Agreement for Development of a Joint County Industrial Park dated June 1, 2001 (the "Park Agreement"), initially including property located in Florence County.

SECTION II: The Park Agreement was established to include certain property of Crenlo, Inc. (the "Property"). The Property was subsequently conveyed to Angus-Palm LLC (the "Company"), which is currently undertaking an expansion of a manufacturing facility thereon. The Property is generally described on Exhibit A attached hereto.

SECTION III: Section 8 of Florence County Ordinance No. 11-2000/01 provides that the Ordinance terminates on January 2, 2025, unless extended by concurrent ordinances of Florence County Council and Marion County Council.

SECTION IV: Section 8 of Marion County Ordinance No. 00-14 provides that the Ordinance terminates on January 2, 2025, unless extended by concurrent ordinances of Florence County Council and Marion County Council.

SECTION V: Section 16 of the Park Agreement provides that the Park Agreement may not be terminated for a period of twenty-five (25) years commencing with the effective date thereof.

SECTION VI: The Company has requested confirmation that the Property is included in the Park and an agreement by Florence County and Marion County that the Park Agreement shall not be terminated for at least the term of the fee in lieu of tax agreement dated May 29, 2013 between Florence County and the Company (the "Fee Agreement").

SECTION VII: Florence County hereby amends Section 8 of Ordinance No. 11-2000/01 to provide that such Ordinance does not terminate on January 2, 2025 and likewise adopts this ordinance for purposes of allowing Marion County to amend its Ordinance No. 00-14 in the same manner.

SECTION VIII: Florence County hereby confirms that the Property is included in the Park Agreement. To the extent that any or all of the Property was not previously included, it is hereby added.

SECTION IX: Florence County hereby agrees to amend Section 16 of the Park Agreement to provide that it may not be terminated prior to the expiration of the Fee Agreement.

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

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

ATTEST:

SIGNED:

Connie Y. Haselden, Council Clerk

James T. Schofield, Chairman

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

COUNCIL VOTE:
OPPOSED:
ABSENT:

EXHIBIT A

PROPERTY DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND AND ALL IMPROVEMENTS THEREON SITUATE, LYING AND BEING IN THE COUNTY OF FLORENCE, SOUTH CAROLINA CONTAINING 54.85 ACRES, MORE OR LESS AS SHOWN ON A PLAT MADE BY ERVIN ENGINEERING CO., INC. DATED DECEMBER 20, 2007, LAST REVISED DECEMBER 27, 2007 AND IS MORE FULLY DESCRIBED AS FOLLOWS TO WIT: BEGINNING AT A POINT ON THE ABOVE MENTIONED PLAT NOTED AS P.O.B. "1"; WHICH IS ARRIVED AT BY COMING FROM A POINT WHERE THE PROJECTED SOUTHERN RIGHT OF WAY LINE OF FLORENCE HARLLEE BOULEVARD INTERSECTS THE PROJECTED EASTERN RIGHT OF WAY LINE OF GENERAL WILLIAM W. DRIVE; THENCE, GOING ALONG THE SOUTHERN RIGHT OF WAY LINE OF FLORENCE HARLLEE BOULEVARD IN A SOUTHEASTERLY DIRECTION S62°47'49"E A DISTANCE OF 76.88 FEET TO A 5/8" IRON PIN (WHICH IS THE POINT OF BEGINNING, AND INDICATED ON PLAT AS P.O.B. "1"); THENCE, CONTINUING ALONG THE SOUTHERN RIGHT OF WAY LINE OF SAID FLORENCE HARLLEE BOULEVARD IN A SOUTHEASTERLY DIRECTION S2°47'49"E A DISTANCE OF 66.07 FEET TO A 5/8" IRON PIN AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 1554.98 FEET AND A CHORD OF S75°16'49"E - 672.39 FEET), A DISTANCE OF 677.75 FEET TO A 1/2" PIPE AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 75.00 FEET AND A CHORD OF S62°39'46"E - 63.64 FEET) A DISTANCE OF 65.72 FEET TO A 1/2" PIPE AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 125.00 FEET AND A CHORD OF N86°23'30"E - 207.38 FEET), A DISTANCE OF 244.56 FEET TO A 1/2" PIPE AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 75.00 FEET AND A CHORD OF N55°26'45"E - 63.64 FEET), A DISTANCE OF 65.72 FEET TO A 1/2" PIPE AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 1554.98 FEET AND A CHORD OF N78°43'14"E 99.27 FEET), A DISTANCE OF 99.29 FEET TO A 5/8" IRON PIN; THENCE, DEPARTING THE SOUTHERN RIGHT OF WAY OF SAID FLORENCE HARLLEE BOULEVARD IN A SOUTHERLY DIRECTION S16°47'05"E A DISTANCE OF 1323.57 FEET TO A 5/8" IRON PIN; THENCE, IN A SOUTHWESTERLY DIRECTION S50°18'54"W A DISTANCE OF 622.61 FEET TO A 5/8" IRON PIN; THENCE, IN A WESTERLY DIRECTION N81°29'19"W A DISTANCE OF 1171.17 FEET TO A 1/2" PIPE ON THE EASTERN RIGHT OF WAY LINE OF SAID GENERAL WILLIAM W. DRIVE AT IN A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 684.97 FEET AND A CHORD OF N00°44'37"W 342.35 FEET) A DISTANCE OF 346.01 FEET TO A 1/2" PIPE; THENCE, IN A NORTHERLY DIRECTION N15°12'07"W A DISTANCE OF 198.61 FEET TO A 1/2" PIPE AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 1605.56 FEET AND A CHORD OF N04°34'40"E 1086.85 FEET) A DISTANCE OF 1108.75 TO A 3/8" ROD AT THE BEGINNING OF A CURVE WHICH CONNECTS THE EASTERN RIGHT OF WAY OF GENERAL WILLIAM W. DRIVE TO THE SOUTHERN RIGHT OF WAY OF FLORENCE HARLLEE BOULEVARD; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 75.00 FEET AND A CHORD OF N70°46'56"E - 108.66 FEET) A DISTANCE OF 121.53 FEET TO A 5/8" IRON PIN WHICH IS THE POINT OF

BEGINNING AND LABELED P.O.B. "1" ON THE ABOVE NOTED PLAT. ALL MEASUREMENTS BE A LITTLE MORE OR LESS.

SAID PROPERTY BEING FURTHER SHOWN AND DELINEATED AS 54.86 ACRES, MORE OR LESS, ON A PLAT OF CRENLO, INC., PREPARED BY NESBITT SURVEYING CO., INC.. DATED JUNE 20, 2000, LAST REVISED AUGUST 13, 2002 AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR FLORENCE COUNTY ON JUNE 9, 2003 IN PLAT BOOK 81, PAGE 921. ALL MEASUREMENTS BEING A LITTLE MORE OR LESS.

Being the same property conveyed to Crenlo, LLC by deed of Pee Dee Electricom, Inc, dated May 23, 2003 and recorded in the Office of the Register of Deeds for Florence County in Book A744, page 910.

TMS No.: 00236-01-018

DRAFT

the present and continued present throughout the meeting.

the excerpts of the minutes of the meetings of the Council with the Freedom of Information Act, Chapter 4, Title 1, in connection with said meetings of County Council.

now in full force and effect.

WHEREOF, I have hereunto set my Hand and the Seal of Florence, South Carolina, as of this _____ day of _____, 2013.

Clerk to Florence County Council
Florence, South Carolina

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 _____. 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 _____, and notice of the public hearing was published in the _____ on _____. At each meeting, a quorum of County Council was present and remained present throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the Florence County Council, South Carolina, as of this _____ day of _____, 2013.

Clerk to Florence County Council
Florence, South Carolina

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Boards & Commission
 Commission on Alcohol & Drug Abuse

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve The Re-Appointment Of Dawn Floyd To Serve On The Commission On Alcohol And Drug Abuse, Serving In The At-Large Seat Representing Pharmacy, With Appropriate Expiration Term.

ATTACHMENTS:

1. Current list of Board members.

COMMISSION ON ALCOHOL AND DRUG ABUSE

Authority: Ordinance #04-81/82, #07-81/982, #23-84/85,

Ordinance #30-87/88, #07-96/97

Appointed by: County Council

Membership
Roster

Nine (9) members for an initial, staggered period, term of one to four (4) years. Succeeding terms of four years, appointees holding office until successor is appointed and qualified. Three at-large, voting members, nominated by the Commission: 1) Pharmacy Expert, 2) Accounting Expert, 3) Business Law Expert. Succeeding terms of four years after initial terms as follows: 1) Pharmacy: Expires 6-89; 2) Accounting: Expires 6-90; 3) Business Law: Expires 6-91.

<u>SEAT</u>	<u>DIST.</u>	<u>APPOINTEE</u>	<u>TERM TO EXPIRE</u>
1	7	Elizabeth Thomas Post Office Box 1416 Florence, SC 29503	6/2014 665-0389 669-3691
2	1	Bishop Oscar Hardman 241 S. Blanding Street Lake City, SC 29560	6/2013 389-9727
3	3	Audrey Davis 138 Wilson Road Florence, SC 29506	6/2015
4	4	Ben McInville 3509 Twin Church Road Timmonsville, SC 29161	6/2015
5	5	Don Coker 312 Morris Street Lake City, SC 29560	6/2014 394-2519 - O
6	2	Charles Munn 860 Poppie Lane Pamplico, SC 29583	6/2013 687-8598
7	6	Richard Sale 620 Lansdowne Drive Florence, SC 29501	6/2014 665-8889 - H

<u>SEAT</u>	<u>DIST.</u>	<u>APPOINTEE</u>	<u>TERM TO EXPIRE</u>
8	8	W. Joe McMillan, Jr. McMillan Tiller and Associates Coldwell Banker 667-1100 491 W. Cheves Street Florence, SC 29501	6/2016
9	9	David P. Milligan 3710 W. Pineneedles Rd. Florence, SC 29501	6/2015

AT LARGE, VOTING MEMBERS

1 Pharmacy:	Dr. Dawn Floyd CVS Pharmacy Lake City P O Box 372 Olanta, SC 29114	6/2013
2 Accounting:	Marshall T. Rainey 610 South Gaillard St. Florence, SC 29506	6/2014
3 Business Law:	James R. "Randy" McDonald 319 Scotland Road Lake City, SC 29560	6/2015

Randy Cole: 665-9349 -O
(Rose Santiago-Toca)
Post Office Box 6196
Florence, SC 29502-6196

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Reports to Council
Monthly Financial Reports

DEPARTMENT: Administration

ISSUE UNDER CONSIDERATION:

Monthly Financial Reports Are Provided To Council For Fiscal Year 2013 Through April 30, 2013 As An Item For The Record.

ATTACHMENTS:

Copies of the monthly financial reports.

**FLORENCE COUNTY GOVERNMENT
GENERAL FUND
REVENUE & EXPENDITURE REPORT FY13
7/1/12 TO 04/30/13**

	YEAR-TO-DATE			
	BUDGETED	ACTUAL	REMAINING	PCT
	REVENUE	REVENUE	BALANCE	
REVENUES				
Taxes	35,540,067	33,815,605	1,724,462	4.85%
Licenses & Permits	1,329,750	1,051,599	278,151	20.92%
Fines & Fees	3,240,000	2,623,535	616,465	19.03%
Intergovernmental	5,926,783	3,596,400	2,330,383	39.32%
Sales and Other Functional	5,418,050	4,649,279	768,771	14.19%
Miscellaneous	499,000	358,613	140,387	28.13%
Operating Transfers	(1,452,343)	-	(1,452,343)	100.00%
Use of Fund Balance	-	-	-	
TOTAL	50,501,307	46,095,031	4,406,276	8.73%

**FLORENCE COUNTY GOVERNMENT
GENERAL FUND
REVENUE & EXPENDITURE REPORT FY13
7/1/12 TO 04/30/13**

		YEAR-TO-DATE		REMAINING BALANCE	PCT
		BUDGETED EXPENDITURE	ACTUAL EXPENDITURE		
EXPENDITURES					
10-411-401	County Council	352,229	244,383	107,846	30.62%
10-411-402	Administrator	618,172	541,784	76,388	12.36%
10-411-403	Clerk of Court	1,821,092	1,510,019	311,073	17.08%
10-411-404	Solicitor	1,051,131	840,786	210,345	20.01%
10-411-405	Judge of Probate	507,403	403,034	104,369	20.57%
10-411-406	Public Defender	771,702	569,210	202,492	26.24%
10-411-407	Magistrates	2,239,713	1,742,371	497,342	22.21%
10-411-409	Legal Services	79,650	53,908	25,742	32.32%
10-411-410	Voter Registration & Elections	572,617	561,623	10,994	1.92%
10-411-411	Finance	753,545	597,866	155,679	20.66%
10-411-412	Human Resources	345,813	284,228	61,585	17.81%
10-411-413	Procurement & Vehicle Maintenance	589,131	598,969	(9,838)	-1.67%
10-411-414	Administrative Services	399,454	315,468	83,986	21.03%
10-411-415	Treasurer	1,224,670	971,397	253,273	20.68%
10-411-416	Auditor	465,256	361,576	103,680	22.28%
10-411-417	Tax Assessor	1,301,398	1,013,468	287,930	22.12%
10-411-418	Planning and Building	2,084,547	1,330,134	754,413	36.19%
10-411-419	Complex	1,186,224	1,143,787	42,437	3.58%
10-411-420	Facilities Management	735,247	560,825	174,422	23.72%
10-411-427	Information Technology	1,560,218	1,228,835	331,383	21.24%
10-411-446	Veteran's Affairs	148,551	118,105	30,446	20.50%
10-411-480	Senior Citizen Centers	327,008	192,146	134,862	41.24%
10-411-485	General Direct Assistance	217,996	194,303	23,694	10.87%
10-411-488	Contingency	999,010	1,458,701	(459,691)	-46.01%
10-411-489	Employee Non-Departmental	399,502	561,729	(162,227)	-40.61%
10-421-421	Sheriff's Office	15,422,473	12,196,985	3,225,488	20.91%
10-421-422	Emergency Management	2,466,321	1,896,938	569,383	23.09%
10-421-481	Rural Fire Departments	15,140	3,546	11,594	76.58%
10-451-423	EMS	4,411,492	3,271,139	1,140,353	25.85%
10-451-424	Rescue Squads	537,798	380,493	157,305	29.25%
10-451-425	Coroner	282,034	220,053	61,981	21.98%
10-451-441	Health Department	80,934	84,090	(3,156)	-3.90%
10-451-442	Environmental Services	733,706	556,294	177,412	24.18%
10-451-485	Health Direct Assistance	14,502	5,678	8,825	60.85%
10-461-485	Welfare - MIAP & DSS	427,134	398,124	29,010	6.79%
10-471-451	Recreation	1,784,270	1,439,692	344,578	19.31%
10-471-455	County Library	3,569,732	2,860,673	709,059	19.86%
10-481-485	Literacy Council	4,515	2,258	2,258	50.00%
TOTAL		50,501,330	40,714,616	9,786,714	19.38%

Percent of Fiscal Year Remaining = 16.67%

**FLORENCE COUNTY
BUDGET REPORT - OTHER FUNDS
CURRENT PERIOD: 7/1/12 TO 04/30/13**

	BUDGETED EXPENDITURE	YEAR TO DATE CURRENT	REMAINING BALANCE	PCT	BUDGETED REVENUE	YEAR TO DATE CURRENT	REMAINING BALANCE	PCT
45 County Debt Service Fund	3,723,817	3,736,759	-	0.00%	3,723,817	3,468,895	254,922	6.85%
112 Economic Development Partnership Fund	436,079	302,509	133,570	30.63%	436,079	53,853	382,226	87.65%
123 Local Accommodations Tax Fund	2,508,780	2,512,843	-	0.00%	2,508,780	1,933,779	575,001	22.92%
124 Local Hospitality Tax Fund	738,955	834,481	-	0.00%	738,955	1,054,099	-	0.00%
131 District Utility Allocation Fund	2,000,000	98,554	1,901,446	95.07%	2,000,000	2,000,000	-	0.00%
132 District Infrastructure Allocation Fund	1,315,000	156,519	1,158,481	88.10%	1,315,000	1,000,000	315,000	23.95%
151 Law Library Fund	87,787	21,791	65,996	75.18%	87,787	37,423	50,364	57.37%
153 Road System Maintenance Fee Fund	3,098,767	2,194,957	903,810	29.17%	3,098,767	2,377,370	721,397	23.28%
154 Victim/Witness Assistance Fund	192,119	151,822	40,297	20.98%	192,119	199,214	-	0.00%
421 Landfill Fund	4,131,276	3,050,909	1,080,367	26.15%	4,131,276	2,985,989	1,145,287	27.72%
431 E911 System Fund	486,254	252,400	233,854	48.09%	486,254	448,278	37,976	7.81%
TOTALS:	18,718,834	13,313,542	5,517,822	29.48%	18,718,834	15,558,900	3,482,173	18.60%

Percent of Fiscal Year Remaining: 16.67%

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

\$ 124,819,052

**Florence County Council
District Allocation Balances
April 30, 2013**

Council District #	Type of Allocation	Beginning Budget FY12	Commitments & Current Year Expenditures	Current Available Balances
1	Infrastructure	162,165.00	91,833.00	70,332.00
	Paving	167,125.00	112,437.00	54,688.00
	Utility	253,623.00	10,000.00	243,623.00
	In-Kind	19,800.00	18,188.00	1,612.00
2	Infrastructure	35,000.00	31,835.00	3,165.00
	Paving	201,465.00	63,888.00	137,577.00
	Utility	51,364.00	25,457.00	25,907.00
	In-Kind	19,800.00	16,922.00	2,878.00
3	Infrastructure	35,000.00	34,950.00	50.00
	Paving	211,878.00	40,227.00	171,651.00
	Utility	106,697.00	103,768.00	2,929.00
	In-Kind	19,800.00	5,726.00	14,074.00
4	Infrastructure	178,531.00	33,953.00	144,578.00
	Paving	100,998.00	30,180.00	70,818.00
	Utility	75,586.00	37,000.00	38,586.00
	In-Kind	19,800.00	-	19,800.00
5	Infrastructure	41,128.00	28,816.00	12,312.00
	Paving	99,387.00	-	99,387.00
	Utility	25,549.00	-	25,549.00
	In-Kind	19,800.00	98.00	19,702.00
6	Infrastructure	234,268.00	30,019.00	234,249.00
	Paving	252,910.00	58,366.00	194,544.00
	Utility	343,770.00	24,007.00	319,763.00
	In-Kind	19,800.00	3,248.00	16,552.00
7	Infrastructure	62,347.00	35,669.00	26,678.00
	Paving	211,021.00	-	211,021.00
	Utility	299,978.00	130,050.00	169,928.00
	In-Kind	19,800.00	-	19,800.00
8	Infrastructure	178,520.00	49,536.00	128,984.00
	Paving	78,485.00	-	78,485.00
	Utility	38,702.00	20,983.00	17,719.00
	In-Kind	19,800.00	-	19,800.00
9	Infrastructure	75,081.00	43,352.00	31,729.00
	Paving	110,303.00	88,652.00	21,651.00
	Utility	122,962.00	-	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 March 31, 2013

EXPENDITURES	Project Budget	Design or Engineering	Right of Way	Construction	Total Expended	Balance Unexpended	Budget % Expended
Pine Needles Road Widening	\$ 17,676,768.00	\$ 710,297.09	\$ 1,225,607.80	\$ 14,229,979.96	\$ 16,165,884.85	\$ 1,510,883.15	91.45%
US 378 Widening	\$ 138,751,620.00	\$ 4,751,828.41	\$ 4,463,877.39	\$ 263,229.88	\$ 9,478,935.68	\$ 129,272,684.32	6.83%
US 76 Widening	\$ 31,641,621.00	\$ 2,240,743.92	\$ 1,840,860.97	\$ 103,277.79	\$ 4,184,882.68	\$ 27,456,738.32	13.23%
TV Road Widening	\$ 34,519,290.00	\$ 2,106,831.01	\$ 2,250,571.05	\$ 59,704.50	\$ 4,417,106.56	\$ 30,102,183.44	12.80%
SC 51 Widening	\$ 151,533,817.00	\$ 2,482,275.78	\$ 23,697.20	\$ 10,549.24	\$ 2,516,522.22	\$ 149,017,294.78	1.66%
US 301 Bypass Extension	\$ 73,464,146.00	\$ 8,109.77	\$ 127.58	\$ -	\$ 8,237.35	\$ 73,455,908.65	0.01%
	\$ 447,587,262.00	\$ 12,300,085.98	\$ 9,804,741.99	\$ 14,666,741.37	\$ 36,771,569.34	\$ 410,815,692.66	8.22%

REVENUES	Revenue Budget				Received/Earned to Date	Balance To Be Rcvd/Earned	Balance % Rcvd/Earned
Capital Project Sales Tax	\$ 148,000,000.00				\$ 116,865,509.00		
Sales Tax Interest Earnings	\$ -				\$ 7,953,543.33	\$ 31,134,491.00	84.34%
Earned State SIB Fund Match	\$ 250,000,000.00				\$ 249,638,104.66	\$ 361,895.34	99.86%
	\$ 398,000,000.00				\$ 374,457,156.99	\$ 31,496,386.34	94.08%

NOTE 1: Revenue Received/Earned to Date is as of March 31, 2013, 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.

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Reports
FY2013/2014 State Accommodations Tax Allocations Recommended

DEPARTMENT: Finance

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of \$200,000 In State Accommodations Tax Funding Allocations To Be Distributed To The Various Recipients As Recommended By The Accommodations Tax Advisory Committee For FY2013/2014.

POINTS TO CONSIDER:

1. The Florence County Accommodations Tax Advisory Committee met on June 4, 2013 and received applications for the FY2013/2014 State Accommodations Tax funds.
2. The Committee deliberated allocation of the available funding.
3. Attached is their recommendation to County Council regarding the allocation of the funds.

FUNDING FACTORS:

1. \$200,000 = Total one-time costs for FY2013/2014
2. \$200,000 is funded from State Accommodations Tax funds budgeted in Fund 121. (See p. 168 in FY13/14 budget book)

OPTIONS:

1. *(Recommended)* Approve the expenditure of \$200,000 in State accommodations tax funding allocations as recommended by the Accommodations Tax Advisory Committee for FY2013/2014.
2. Refer all or some of the allocation recommendations to an Accommodations Tax Reconciliation Committee.

ATTACHMENT:

1. Minutes of the meeting of the Accommodations Tax Advisory Committee.
2. Spreadsheet listing the recommendation of the Accommodations Tax Advisory Committee.

Minutes of Florence County Accommodations Tax Advisory Committee
6-04-2013 4:30pm Hilton Garden Inn

Attending: Gregg Parsons, Holly Beaumier, Johnny Fryar, Robert Hawkins, Shelby Kirby
Absent: Kanti Patel

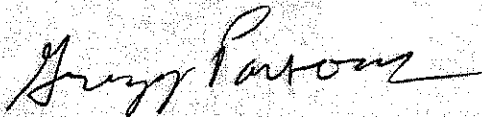
The meeting was called to order. There was discussion regarding the disbursement of accommodations tax funds.

It was concurred that the attached recommendations be forwarded to the county.

There being no further business, the meeting was adjourned.

Respectfully submitted by:
Holly Beaumier, 6-5-13

Reviewed by:



Gregg Parsons
Chairperson

Organization / Event/Project Name	FY13-14 recommendation
Florence County Recreation	\$ 2,000.00
Florence Regional Arts Alliance	\$ 6,000.00
The Frontage Road Association	\$ 4,000.00
Freedom Florence / Tennis Complex (City of Florence)	\$ 20,000.00
Francis Marion University - Arts International Festival	\$ 1,000.00
Florence Tennis Association	\$ 3,000.00
Boys & Girls Clubs of the Pee Dee - CC Basketball Tournament	\$ -
Florence City-County Civic Center	\$ 37,000.00
Masterworks Choir	\$ 500.00
The Florence CVB	\$ 97,000.00
Pee Dee Tourism - Darlington Car Hauler Parade	\$ 7,000.00
Florence Symphony Orchestra	\$ 500.00
Florence Downtown Development Corp. / Pecan Festival	\$ 500.00
Lake City Community Theatre	\$ 1,950.00
Southeastern Bluegrass Association of SC	\$ 500.00
Browntown Museum	\$ 500.00
Woods Bay State Natural Area	\$ 300.00
Florence Area Sports Council	\$ 3,500.00
Pee Dee Tourism Commission - Welcome Center	\$ 10,000.00
SC Senior Sports Classic	\$ 750.00
City of Johnsonville	\$ 500.00
Daffodil Festival	\$ 1,500.00
Lake City Chamber of Commerce	\$ 1,000.00
Eastern SC Heritage Region	\$ 500.00
Lee County Young Farmers	\$ 500.00

\$ 200,000.00

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Reports to Council

DEPARTMENT: Information Technology
Procurement Department

ISSUE UNDER CONSIDERATION: Request Approval Of The Sole Source Purchase Of The Bradford Networks, Inc. "Network Sentry" Network Access Control Solution from Converged Networks of Charleston, SC In The Amount Of \$53,225.00 As Funded And Approved In The FY12-13 Budget.

POINTS TO CONSIDER:

- 1) Bradford Networks, Inc. is the designer, developer, and holder of all copyrights for, and is the sole source for the Network Access Control Solution titled "Network Sentry".
- 2) Bradford Networks, Inc. is protected by trade secrets and is unique in the marketplace.
- 3) Converged Networks Inc. of Charleston, SC is Bradford Networks' only authorized seller and certified reseller.
- 4) Bradford Networks, Inc. is the only Network Access Control solution that provides the following functionality within a single appliance:
 - a) VMware server or multiple appliances located in a central data center using a single administrative interface
 - b) True "out of band" architecture via a separate control and application server for Centralized Management utilizing lightweight protocols such as SNMP, CLI and Radius.
- 5) The IT Director recommends the sole source purchase of the "Network Sentry" as part of the server network security project.

FUNDING FACTORS:

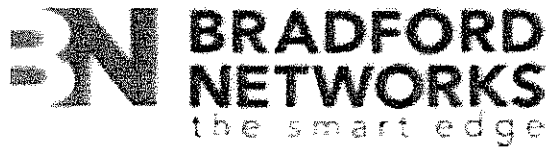
- 1) \$53,225.00 = Total cost to be funded from the approved FY 12-13 budget under line item 010-411-427-000-9500.

OPTIONS:

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

ATTACHMENTS:

- 1) Sole Source Letter dated October 15, 2012 from Bradford Networks, Inc.
- 2) Sole Source Justification form signed by Robert Franks, IT Director and Patrick Fletcher, Procurement Director.
- 3) Quote from Bradford Networks.



October 15th, 2012

Bradford Networks, Inc. is the designer, developer, and holder of all copyrights for, and is the **sole source** of, the Network Access Control solution titled "Network Sentry", Bradford Networks is protected by trade secrets and is unique in the marketplace.

Converged Networks is our only authorized Bradford Networks Reseller with offices in the State of South Carolina. Only Certified Resellers are authorized to sell, assist with the installation, configuration and training – on behalf of Bradford Networks, Inc. – the "Network Sentry" solution at our mutual customers' location(s).

BRADFORD NETWORKS is the only Network Access Control solution that provides the following functionality within a single appliance, VMware server or multiple appliances located in a central data center, using a single administrative interface:

True "Out of Band" architecture via a separate CONTROL and APPLICATION servers (both interfaces on one server for our small appliance) for Centralized Management utilizing lightweight protocols such as SNMP, CLI and Radius. Network Sentry is unique as we do not need to "see the traffic" in facilitating the NAC solution.

If you desire additional information, don't hesitate to contact me. Thank you for your interest in our product.

Sincerely,

Charlie Provenza



Charlie Provenza | Regional Sales Manager - Southeast U.S.
Bradford Networks – the smart edge
Toll Free: +1 866.990.3799 | Office + Mobile +1 727-560-7164

Bradford Networks Inc. One Broadway, 4th Floor, Cambridge, MA 02142, Toll Free +1 866.990.3799 +1 617.401.2515

SOLE SOURCE JUSTIFICATION

Based upon the following determination, the proposed procurement action described below is requested pursuant to the authority of the current Florence County Code.

This department, Information Technology, proposes to procure
Bradford Networks Network Access Control software (Network Sentry)

from Converged Networks

based on the following: (check all that apply)

- ☐ Item 1: Sole Source request is for the original manufacturer or provider; there are no regional distributors. (Attach the manufacturers written certification that no regional distributors exist.) Item 4 must also be checked
- ☒ Item 2: Sole Source request is for the only area distributor of the original manufacturer or provider. (Attach the manufacturers - not the distributor's -written certification that identifies all regional distributors.) Item 4 must also be checked
- ☐ Item 3: The parts/equipment are not interchangeable with similar parts of another manufacturer. (Explain below or in separate memorandum.)
- ☒ Item 4: This is the only known item or service that will meet the specialized needs of this department or perform the intended function. (Explain below or in separate memorandum describing basis for standardization request)
- ☐ Item 5: The parts/equipment is required for trial basis or testing.
- ☐ Item 6: None of the above apply. A detailed explanation and justification for this sole source request is contained below or in the attached memorandum.

Bradford Networks is the only Network Access Control solution that provides the following functionality within a single, appliance, VMware server or multiple appliances located in a central data center, using a single administrative interface: True "Out of Band" architecture via a separate Control and Application servers for Centralized Management utilizing lightweight protocols such as SNMP, CLI and Radius. Network Sentry is unique as it does not need to "see the traffic" in facilitating the NAC solution.

5/21/2013

Date

Robert A. Branks
Department Head

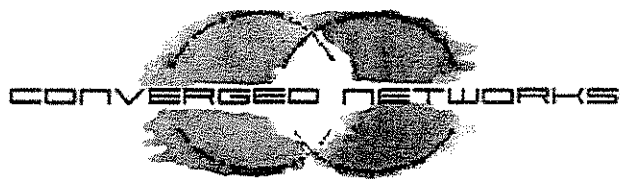
5 - 28 - 2013

Date

Patrick D. White
Procurement Dir. or County Administrator

Vendor # 20505

-Page 4 -



**Bradford Networks
Network Access Control Quote**

Item Number	Description	Qty	Unit Price	Total Price
NS1200VM	Network Sentry 1200VM Control Server (VMware)	1	0.00	0.00
NS8200VM	Network Sentry 8200VM Application Server (VMware)	1	0.00	0.00
SEA-2500	Secure Enterprise Advanced License for 2,500 concurrent endpoint devices	1	35,000	35,000
BNS-GLD	Gold Support 8am to 8pm ET and emergency phone support, new version and maintenance software releases, and 3 day hardware replacement	1	5,250.00	5,250.00
NSA-TIER1	Network Sentry Analytics Data Hosting Tier 1: Under 500GB (Annual Subscription per GB, priced at \$0.99/ GB/Mo)	50	0.00	0.00
BNS-NSA-PF	Network Sentry Analytics Provisioning Fee (One-Time)	1	0.00	0.00
BNS-PS-TE	8 hours of on-site professional services with travel expenses included	5	2,595.00	12,975.00
Total				\$53,225.00



Converged Networks LLC

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Report to Council
Declaration of Surplus Property

DEPARTMENT: Procurement Department

ISSUE UNDER CONSIDERATION:

Declaration of five (5) pickups, one (1) van, one (1) ambulance and one (1) tractor as surplus property for disposal through public internet auction via GovDeals.

POINTS TO CONSIDER:

1. Attached listing of vehicles/equipment is recommended to be declared surplus by the using department.
2. The vehicles/equipment has little value or are obsolete to the using department.
3. Disposal will not impact on-going operations.
4. Florence County Code requires County Council approval for disposal of surplus property.
5. The vehicles have been offered to all county fire departments, rescue squads, municipalities, and school districts.
6. Disposal by internet auction is efficient and requires significantly less staff time/coordination than other public offer methods.

FUNDING FACTORS:

\$0=Cost of disposal by internet auction via GovDeals is 7% of highest winning bid paid.

OPTIONS:

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

ATTACHMENTS:

List of vehicles.

<u>UNIT</u>	<u>MAKE</u>	<u>MODEL</u>	<u>YEAR</u>	<u>MILEAGE</u>	<u>VIN #'S</u>
V0620	DODGE	RAM 3500 VAN	1999	57,787	2B5WB35YXXK531132
V0961	CHEVROLET	1500 PK TRUCK	2005	112,377	3GCEC14V06G186670
V0962	CHEVROLET	1500 PK TRUCK	2006	135,110	3GCEC14VX6G187485
V0963	CHEVROLET	1500PK TRUCK	2006	176,252	3GCEC14V36G186453
V0967	DODGE	RAM 2500	2006	114,532	1D7KS28D96J156875
VS113	FORD	F-150 PK	2007	166,161	1FTRF12W77NA65793
V2126	FORD	F-350 AMBULANCE	2005	99,552	1FDWF36P75EC19364
V8078	JOHN DEERE	6215 TRACTOR	2003	7,077	LO6215B388053

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Reports to Council

DEPARTMENT: Florence County Sheriff's Office

ISSUE UNDER CONSIDERATION:

Approve a Contractual Agreement with the Town of Pamplico To Provide Victim Services.

POINTS TO CONSIDER:

1. Florence County Sheriff's Office will provide the Town of Pamplico with services of a Victim Advocate for the purpose of assistance, notification of release offenders, notification of court appearances, as well as other services mandated by SC Code Ann. § 16-3-1505.
2. The Town of Pamplico will provide Florence County with the monies collected pursuant to SC Code Ann. § 14-1-211 that are retained by the Town of Pamplico for the purpose of providing services for victims of crime, including those required by law.
3. The Town of Pamplico will transmit the funds to Florence County to be placed in the Victim Services Account through the Florence County Treasurer's Office.
4. Approval of the contract includes the authorization of appropriate general ledger accounts within the Florence County Sheriff's Office Victim Witness Fund Departmental budget.
5. The contract period is July 1, 2013 until June 30, 2014 and will be renewable annually to run concurrent with fiscal years.
6. The Sheriff recommends the contractual agreement.

FUNDING FACTORS:

FY2013/14 budgeted revenue in the Victim Witness Fund and FY2013/14 budgeted expenditures in the Florence County Sheriff's Office Victim Witness Fund Departmental budget will be increased by the amount of funds received from the Town of Pamplico. These increases will be included in the FY2013/14 end of year budget amendment ordinance.

OPTIONS:

1. (*Recommended*) Approve as presented.
2. Decline.

ATTACHMENTS:

1. Contractual Agreement

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

)
)
)
AGREEMENT

The parties entering into this agreement, the Florence County Sheriff's Office and the Town of Pamplico Police Department, hereby enter this agreement to provide the Town of Pamplico with Victim Assistance as mandated by South Carolina Law. The General Assembly, in enacting the Victim's Bill of Rights, recognized the civic and moral duty of victims of and witnesses to a crime to cooperate fully and voluntarily with law enforcement and prosecution agencies. The General Assembly further recognized that to ensure that all victims of and witnesses to a crime are treated with dignity, respect, courtesy, and sensitivity, the rights and services extended in the law to victims of and witnesses to a crime are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protections afforded criminal defendants. The purpose of this agreement is to maintain a level of service throughout Florence County and the Town of Pamplico as contemplated by the Victim's Bill of Rights, S.C. Code Ann. § 16-3-1505 *et seq.*

It is agreed that the Florence County Sheriff's Office will provide the Town of Pamplico with the services of a Victim Advocate for the purposes of assistance, notification of release of offenders, notification of court appearances, assistance with reimbursement forms, and other counseling services, as well as the other services mandated by S.C. Code Ann. § 16-3-1505 *et seq.*, to be provided by the law enforcement agency.


It is agreed that in consideration of this agreement, the Town of Pamplico will provide Florence County with the monies collected pursuant to S.C. Code Ann. § 14-1-211 that are retained by the Town of Pamplico for the purpose of providing services for victims of crime, including those required by law.

It is agreed that the monies collected pursuant to S.C. Code Ann. § 14-1-211 by the Town of Pamplico and transmitted to Florence County will be placed in the Victim Services Account through the Florence County Treasurer's Office just as if those funds were maintained by Florence County through general sessions and magistrate's court surcharges.

It is agreed that the Victim Advocates will be employees of the Florence County Sheriff's Office at all times even when rendering services within the Town of Pamplico. Further, with the exception of officers specifically named in other agreements between these two agencies, this agreement does not in any way render officers of the Town of Pamplico Police Department as employees of the Florence County Sheriff's Office.

The term of this agreement will be from July 1, 2013 until June 30, 2014 and shall be renewed annually on July 1, 2014 unless notice of termination is sent to either party by written notice at least 30 days prior to the date of renewal.

In witness whereof the parties attached here have set the hands and seals this _____
day of _____, 20 ____.



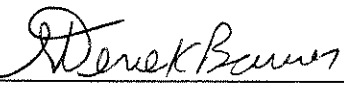
William K. Boone
Sheriff, Florence County

K. G. "Rusty" Smith, Jr.
Administrator, Florence County

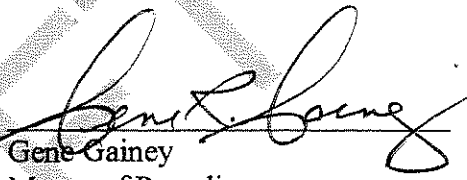
5-23-13

Date

Date



Steven K. Bowen
Chief of Police, Pamplico, SC



Gene Gainey
Mayor of Pamplico

5/20/13

Date

5/20/13

Date:

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Grant Award
United States Department of Justice

DEPARTMENT: Florence County Sheriff's Office
Grants Department

ISSUE UNDER CONSIDERATION:

Approve The Submission Of A Grant Application For The FY 2013 USDOJ Edward Byrne Memorial Justice Grant (JAG) Program Local Solicitation In The Amount Of \$22,738 To Provide Capital/Replacement Equipment For The Florence County Sheriff Office.

POINTS TO CONSIDER:

1. Florence County Sheriff's Office will utilize the Fiscal Year 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation grant appropriation to cover capital / replacement equipment for the Florence County Sheriff's Office.
2. The grant funds will be utilized to pay for equipment in the form of virtual server components for support of the criminal justice information system.
3. Florence County will make the application available to the public at the County Administrator's Office, City-County Complex, Room 802, from June 7th until July 8th, 2013 for comment.
4. The grant does not require matching funds.

FUNDING FACTORS:

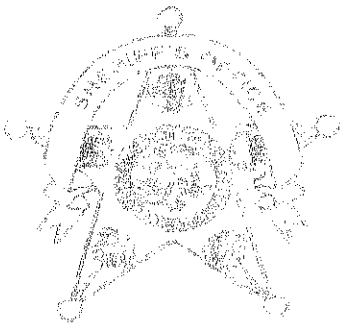
1. \$22,738 = Total costs for the Fiscal Year 2013 USDOJ Edward Byrne Memorial Justice Grant (JAG) Program Local Solicitation to be used for capital replacement costs for the Florence County Sheriff's Office.
2. \$0 = no matching funds required.

OPTIONS:

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

ATTACHMENTS:

1. Letter of Recommendation from the Florence County Sheriff.
2. Application Narrative.



FLORENCE COUNTY SHERIFF'S OFFICE

Kenney Boone, Sheriff

June 5, 2013

K. G. "Rusty" Smith, Jr.
County Administrator
180 North Irby Street
Florence, South Carolina 29501

RE: Edward Byrne Memorial Justice Assistance Grant Program
FY2013 Local Solicitation

Dear Mr. Smith: *Rush*

In efforts to streamline resources, the Florence County Sheriff's Office would like to request Council's approval for the submission of the Edward Byrne Memorial Justice Assistance Grant Program's FY13 Local Solicitation to provide for capital/replacement equipment. I am recommending the grant funds be utilized to pay for replacement of existing computer servers with a virtual server system and components needed for the migration to the replacement servers.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "William K. Boone", is placed above the printed name.

William K. Boone
Florence County Sheriff

WKB/bc

USDOJ Edward Byrne Memorial JAG Grant Program
FY13 Local Solicitation
Program Narrative
Attachment 1

The Florence County Sheriff Office (FCSO) proposes to utilize funds made available by the United States Department of Justice (USDOJ) under the Edward Byrne Memorial JAG Grant Program Local Solicitation for the purpose area of equipment that will enhance our criminal justice information systems for our existing Law Enforcement and Corrections Program.

The FCSO will utilize funding to purchase robust virtual computer system servers that will have the capacity to handle our systems data. As a result of current fiscal cutbacks, reductions in force, and ever increasing workloads, we are streamlining processes where feasible. Our Patrol Division, through the use of mobile data units, key incident reports directly into the Records Management System as soon as they have responded to a call for service. This process eliminates the recording and dictation process that our Records Department Clerks were previously doing. Currently, the Records Division pulls the reports, proof for NCIC coding, assign a jacket number and data is then electronically available for the Investigations Division to review for Case Assignment. Throughout the investigation of the case, files, statements, photos, wrecker/towing, forensic information, etc. can be added to the jacket. As warrants are issued and an arrest is made, the information is then directly linked to the Jail Management System which tracks all information about the inmate. The jacket allows for all pertinent information concerning the inmate, previous arrest and charges, medical information, current court status, commissary, and in the near future will add for grievance tracking. We are in the process of installing a kiosk machine in each Pod of the Detention Center. The kiosk will allow inmates to file grievances electronically, order commissary direct, and be provided with documents as required by the Prison Rape Elimination Act. This process will eliminate Correctional Officer Staff time and create an electronic paper trail, saving manpower and resources while streamlining a process.

Within the Records Management System, as crimes are reported, the ability to produce crime mapping and other analytical tools is made available. This allows our Specialized Enforcement Unit to focus on hot spot crime areas in efforts to deter criminal activities within neighborhoods. This highly trained crime suppression Unit deals with street level drug dealers and local crime figures involved in theft or gangs that threaten and intimidate others within the communities of Florence County.

In order for this to be possible, the data must be stored in a virtual environment that will give reliable services, less down time, and will allow for redundancy so that no data would be lost. Keeping law enforcement on the cutting edge of technology is a must during these austere economic times. Utilizing grant funding made available through the EBM JAG Program will increase our services, reduce manpower and streamline efforts for case documentation from the moment a crime occurs until successful prosecution.

Florence County Council Meeting
June 20, 2013

AGENDA ITEM: Other Business
Infrastructure Project
Council District 1

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of Up To \$14,000 From Council District 1 Infrastructure Funding Allocation To Assist The South Lynches Fire Department With The Purchase And Installation Of Emergency Lights, Striping, Radios, Water Tank, Pump And Hoses Necessary For A Brush Truck.

FUNDING SOURCE:

XXX Infrastructure

_____ Road System Maintenance Fee

_____ Utility

Signed: verbally approved – signature pending
Requested by Councilman Jason M. Springs

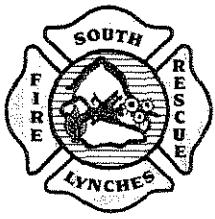
Date: _____

ATTACHMENTS:

Copy of the Request from South Lynches Fire Department.

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



SOUTH LYNCHES FIRE DEPARTMENT

STATION 1 - LAKE CITY
STATION 2 - COWARD
STATION 3 - CAMP BRANCH
STATION 4 - CADES
STATION 5 - LEO-CAMERONTOWN
STATION 6 - SCRANTON

April 29, 2013

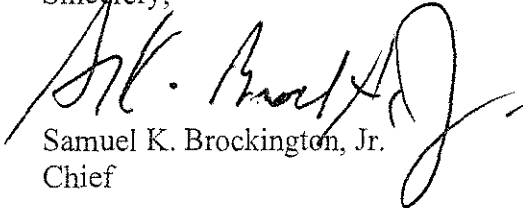
Honorable Jason Springs
Florence County Councilman
N Blanding St.
Lake City, SC 29560

Dear Councilman Springs:

Thank you for the facilitation of the donation of the Chevrolet pick-up truck from Florence County to the South Lynches Fire Department. This vehicle will replace a truck that is ten years older with extremely high mileage that has served us well but has more than reached the end of its useful life as an emergency vehicle. We need your further assistance in converting this pick-up into a brush truck. We are requesting \$14,000 from you to equip this truck with the necessary emergency lights, striping, radios, water tank, pump and hoses necessary. Brush trucks are playing an ever increasing role in our firefighting arsenal when dealing with the growing wildland/urban interface in our district.

Thank you again for your willingness to assist us to be prepared to protect our citizens.

Sincerely,


Samuel K. Brockington, Jr.
Chief

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Other Business
Council District #7

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approval of the expenditure of up to \$46,557.50 from Council District #7 funding allocations to pay for full depth patching and resurfacing on Aaron Circle.

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:

Councilmember: Waymon Mumford

Date: 05/20/13

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

June 20, 2013

AGENDA ITEM: Other Business
Council District #7

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

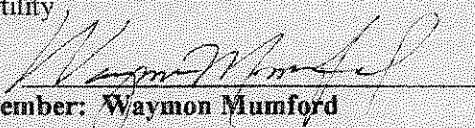
Approval of the expenditure of up to \$11,154.00 from Council District #7 funding allocations to pay for resurfacing on N. Carnaby Circle.

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: 
Councilmember: Waymon Mumford

Date: 05/20/13

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
June 20, 2013

AGENDA ITEM: Other Business
Utility Project
Council District 2

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Declare One (1) 2008 Ford F-250 Truck (VS137) As Surplus; Authorize The Sale Of The Vehicle To The Town Of Pamplico In The Amount Of \$15,300; And, Approve The Expenditure Of Up To \$7,500 From Council District 2 Utility Funding Allocation To Assist The Town Of Pamplico With The Purchase Of The Truck.

FUNDING SOURCE:

_____ Infrastructure
_____ Road System Maintenance Fee
XXX Utility

Signed: verbally approved – signature pending

Requested by Councilman Roger M. Poston

Date: _____

ATTACHMENTS:

Copy of the Surplus Property Request form for the Vehicle.

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

Connie Y. Haselden, Clerk to Council

FLORENCE COUNTY SURPLUS PROPERTY REQUEST

IDENTIFICATION OF VEHICLE OR MOTORIZED PROPERTY ON SURPLUS LIST BEING REQUESTED:

Property Identification Number: VS137
Year: 2008
Make: FORD
Model: F-250
Mileage: 144,649
VIN: 1FTSX21558EB66555

Signature

Gene R. Gainey

5-23-13

Town of Pamlico
P O Box 296
Pamlico SC 29583

Date

843-493-5551

Town

843-687-8464

Cell - Mayor

Pamlico-Mayor@SC.rr.com e-mail

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Other Business
Council District #4

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approval of the expenditure of up to \$300.00 from Council District #4 funding allocations to pay for 20 feet of 24" metal pipe for Sardis Timmons ville Fire Department Station #3.

The cost estimate was prepared by Florence County Public Works.

Funding availability subject to confirmation by Finance Department.

Encroachment permit will have to be acquired from SCDOT.

FUNDING SOURCE:

____ Infrastructure
____ Road System Maintenance
☒ Utility

SIGNED: 
Requested by Councilmember: Mitchell Kirby

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
June 20, 2013

AGENDA ITEM: Other Business
Utility Project
Council Districts 1 and 5

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of Up To \$4,200 From Council Districts 1 And 5 Utility Funding Allocations (\$2,100 From Each District) To Pay For A Concrete Drive For The Olanta Rural Fire Department Substation Located At 2160 Old Creek Road.

FUNDING SOURCE:

_____ Infrastructure
_____ Road System Maintenance Fee
XXX Utility

Requested by Councilmember:

Amount: \$2,100 _____ \$2,100 _____

Signed: verbally approved – signature pending verbally approved – signature pending
 Jason M. Springs, District 1 Kent C. Caudle, District 5

Date: _____

ATTACHMENTS:

Copy of the Request from Olanta Rural Fire Department.

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

Olanta Rural Fire Department
P. O. Box 366
Olanta, S.C. 29114
Phone 843-659-4556 **James L. Coker, Jr., Chief**

Florence County Council
City – County Complex
180 North Jrby Street
Florence S.C. 29501

May 31, 2013

Dear Florence County Council,

The Olanta Rural Fire Department would like to ask for your help, as you know we have a substation at 2160 Old Creek road in Scranton, that station has a dirt drive at this time . We would like for you to consider helping us pour this drive from the building to the road with concrete. This pad would make sure that we are able to get this truck out with no problem if we have a call for this unit. This job will cost about \$4200.00 that amount would take care of the labor and the material to do the job. If the county can help us we would greatly appreciate it, thanks for all that you do to help all of the fire departments.

Thanks,

Chief Jimmy Coker

Florence County Council Meeting
June 20, 2013

AGENDA ITEM: Other Business
Infrastructure/Utility Project

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Approve The Expenditure Of Up To \$17,000 From Council Districts 2, 4, 5, 6, 7, and 8 Infrastructure/Utility Funding Allocations (Approximately \$2,834 From Each District) To Pay For Sewer Repairs At The Howe Springs Fire Department Headquarters Station Located On Howe Springs Road.

FUNDING SOURCE:

XXX Infrastructure _____ Road System Maintenance Fee XXX Utility

Requested by Councilmember: James T. Schofield, District 8

Amount: <u>\$2,833 (I/U)</u>	\$2,833 (I/U)	\$2,833 (I/U)
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Signed: _____ Roger M. Poston	_____	_____
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Amount: <u>\$2,834 (I/U)</u>	\$2,833 (I/U)	\$2,834 (I/U)
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Signed: _____ Russell W. Culberson	_____	_____
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Date: _____

ATTACHMENTS:

Request From Howe Springs Fire District

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

HOWE SPRINGS FIRE DISTRICT

May 15, 2013

Chairman James Schofield
180 N. Irby St.
Florence, SC 29501

Mr. Schofield

The Howe Springs Fire District is currently seeking funding to help repair a major sewer issue here at our headquarters station located on Howe Springs Rd. As we spoke about before, our membership has grown, the septic system is old, and several other County departments use our facility. This has caused our system to become costly to maintain. I have received quotes on the project and we for see the cost being approximately \$17,000.00. This includes installing the lift station, electrical work, concrete work, and running the pipe 900' to connect to the City of Florence's sewer main. Please let me know if I can do anything else to make this a successful project. Thank you in advance for all your support in this matter.

Sincerely,



William Dillon
Fire Chief

2229 Howe Springs Rd., Florence, SC 29505
www.howespringsfire.org
Bus. 843-669-4196
Fax. 843-669-1557

Chief William Dillon
bdillon@howespringsfire.org

PROPOSED ADDITIONS TO THE
JUNE 20, 2013 AGENDA

DESCRIPTION
(Requested by)

DATE REC'D

ITEM

RESOLUTIONS:

Resolution of
Appreciation

06/12/13

A Resolution Of Appreciation For James Edward
Delaine In Recognition And Appreciation For His
Commendable Service To The Citizens Of Florence
County.

FLORENCE COUNTY COUNCIL MEETING

June 20, 2013

AGENDA ITEM: Presentation of A Resolution of Appreciation
James Edward Delaine

DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

A Resolution Of Appreciation For James Edward Delaine In Recognition And
Appreciation For His Commendable Service To The Citizens Of Florence County.

ATTACHMENTS:

Copy Of Proposed Resolution.

STATE OF SOUTH CAROLINA)

COUNTY OF FLORENCE)

RESOLUTION OF APPRECIATION

WHEREAS, the Florence County Council deems it appropriate to recognize individuals within a community who strive to improve the quality of life for its residents; and,

WHEREAS, **James Edward Delaine** serves as an exceptional role model as a husband, and father, having been married to Dorothy Daniels Delaine for 41 years, being the proud father of 5 children, 12 grandchildren and 7 great grandchildren; and,

WHEREAS, the Florence County Council acknowledges that **Mr. Delaine** has worked tirelessly to combat litter in the North Florence Community in Florence County since retiring after 31 years of working with McLeod Hospital; and,

WHEREAS, **Mr. Delaine** further contributes to the community through his volunteer service with various community programs such as Meals on Wheels, currently serving as Sergeant of Arms for the Greater Wilson Heights Community Association and an active member of Maxwell Baptist Church; and,

WHEREAS, his personal commitment of time and effort; his dedication and hard work have contributed greatly to the stability and aesthetics of the community; and,

WHEREAS, his admirable service has not gone unnoticed by the Florence County Council.

NOW, THEREFORE, BE IT RESOLVED, by the Florence County Council, the governing body of Florence County, that **JAMES EDWARD DELAINE**, richly deserves both Council's recognition and appreciation for his commendable service to the citizens of Florence County.

Done in meeting duly assembled this 20th day June, 2013.

THE FLORENCE COUNTY COUNCIL:

James T. Schofield, Chairman

Alphonso Bradley, Vice Chairman

Waymon Mumford, Secretary-Chaplain