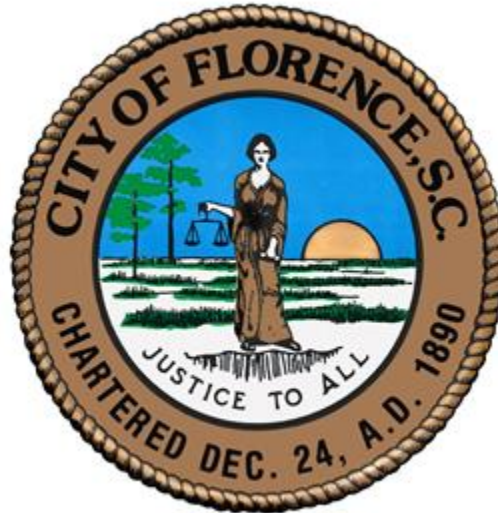


**REGULAR MEETING
OF
FLORENCE CITY COUNCIL**



**COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA**

**MONDAY
MAY 8, 2023
1:00 P.M.**



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, MAY 8, 2023 – 1:00PM
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

April 10, 2023 – Regular Meeting

April 20, 2023 – Special Meeting

IV. APPEARANCES BEFORE COUNCIL

Note: Each person who gives notice to speak may be limited to a five (5) minute presentation at the discretion of the presiding officer, City of Florence Code of Ordinances, Section 2-24(h).

- a. Ms. Heather Crawford, District Director – Office of Congressman Russell Fry**
To present a gift of recognition.

V. ORDINANCES IN POSITION

a. Bill No. 2023-11 – Second Reading

An Ordinance authorizing and directing the City of Florence to enter into an intergovernmental agreement relating to South Carolina local revenue services; to participate in one or more local revenue service programs; to execute and deliver one or more participant program supplements; and other matters relating thereto.

b. Bill No. 2023-12 – Second Reading

An Ordinance to repeal Ordinance No. 2022-24 dated October 10, 2022 and enact a new Ordinance to amend Article I and II of Chapter 12 of the City of Florence Code of Ordinances entitled “Municipal Utilities”.

c. Bill No. 2023-13 – Second Reading

An Ordinance to annex and zone RG-3 parcels located off East Crawford Avenue, identified as Florence County Tax Map Numbers 00179-01-006, 00179-01-007, and 90132-03-015.

d. Bill No. 2023-14 – Second Reading

An Ordinance to annex and zone RG-3 Phase I of Smith’s Field subdivision located off Smith Drive, identified as Florence County Tax Map Numbers 00100-01-265 through -313, previously a portion of Florence County Tax Map Parcel 00100-01-093.

e. Bill No. 2023-15 – Second Reading

An Ordinance to enter into a Development Agreement for Phase I of Smith’s Field subdivision located off Smith Drive, identified as Florence County Tax Map Number 00100-01-093 and 00100-01-265 through -313.

VI. INTRODUCTION OF ORDINANCES

a. Bill No. 2023-16 – First Reading

An Ordinance adopting a redistricting plan for three single member districts of the City of Florence, SC in accordance with the Federal Decennial Census of 2020.

b. Bill No. 2023-17 – First Reading

An Ordinance authorizing the City to extend the lease on the real estate known as 228 West Darlington Street and designated as Florence County Tax Map Parcel 90086-02-004 to Pee Dee Regional Transportation Authority under the terms and conditions set out in the written lease attached as Exhibit A to this Ordinance.

c. Bill No. 2023-18 – First Reading

An Ordinance to annex and zone 136 Wilson Road, identified as Florence County Tax Map Number 90097-01-022.

d. Bill No. 2023-19 – First Reading

An Ordinance to adopt the City of Florence 2020 Comprehensive Plan and the City of Florence 2020 Downtown Masterplan.

e. Bill No. 2023-20 – First Reading

An Ordinance to rezone the parcel located on Dexter Drive at Attwood Avenue, Florence County Tax Map Number 00150-01-140.

VII. INTRODUCTION OF RESOLUTIONS

a. Resolution No. 2023-21

A Resolution authorizing the commitment of \$2,750,000 of the East Florence Redevelopment Appropriation Funds to fund a portion of the Levy Park Redevelopment Project.

b. Resolution No. 2023-22

A Resolution to adopt a Community Development Block Grant Budget for Fiscal Year 2023-2024.

c. Resolution No. 2023-23

A Resolution authorizing the use of a City owned property located on Coit Street for the installation of a sculpture.

d. Resolution No. 2023-24

A Resolution of City Council approving Downtown Redevelopment Grants for Fourth Quarter, FY 23.

(Note: May be discussed in Executive Session.)

e. Resolution No. 2023-25

A Resolution to grant staff the authority to exercise eminent domain on a portion of Florence County Tax Map Parcel 90168-02-022.

(Note: May be discussed in Executive Session.)

f. Resolution No. 2023-26

A Resolution to appoint Haynsworth Sinkler Boyd, P.A. as the City Attorney and authorize the City Manager to execute the negotiated contract for services.

(Note: May be discussed in Executive Session.)

g. Resolution No. 2023-27

A Resolution of Recognition for the accomplishments of D'Asia Gregg.

h. Resolution No. 2023-28

A Resolution of Recognition for the contributions of It Takes a Village in the community.

i. Resolution No. 2023-29

A Resolution of Recognition for the contributions of The Stand Fast Project in the community.

j. Resolution No. 2023-30

A Resolution to recognize May as National Tennis Month in the City of Florence.

VIII. REPORTS TO COUNCIL

a. Appointments to Boards and Commissions

IX. MAYORAL REPORT

X. COMMITTEE REPORTS

a. Business Development Committee

- b. Community Development Committee**
- c. Marketing and Public Relations Committee**
- d. Finance, Audit and Budget Committee**

(Note: Action may be taken during Committee Reports.)

XI. EXECUTIVE SESSION

- a. For discussion of matters related to a proposed economic development project [30-4-70(a)(5)].**
- b. To receive legal advice regarding eminent domain [30-4-70(a)(2)].**
- c. For discussions related to a contractual matter [30-4-70(a)(2)].**
- d. For discussion of matters related to a proposed Economic Development Project located within an Overlay District [30-4-70(a)(5)].**
- e. Personnel Matter [30-4-70(a)(1)].**

After returning to open session, Council may take action on matters discussed in Executive Session.

XII. ADJOURN



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, APRIL 10, 2023 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT

Mayor Teresa Myers Ervin, Mayor Pro Tempore George Jebaily, Councilwoman Lethonia Barnes, Councilman Chaquez T. McCall, Councilman Bryan A. Braddock, Councilwoman LaShonda NeSmith-Jackson and Councilman J. Lawrence Smith, II

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. Scotty Davis, Deputy City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Casey Moore, Municipal Clerk; Mr. Clint Moore, Assistant City Manager of Development; Chief Allen Heidler, Florence Police Department; Mrs. Jennifer Krawiec, Director of Human Resources; Mr. Jerry Dudley, Director of Utilities; Mr. Michael Hemingway, Director of Utility Planning and Economic Development; Mrs. Amanda Pope, Director of Marketing/Communications and Municipal Services; and Mr. Chuck Pope, Director of Public Works.

MEDIA PRESENT

Ms. Taylor Ford with WBTW was present for the meeting.

Notices of this regular meeting of City Council were provided to the media and individuals requesting a copy of the agenda informing them of the date, location and time of the meeting.

CALL TO ORDER

Mayor Ervin called the April 10, 2023 regular meeting of Florence City Council to order at 1:00 p.m.

INVOCATION

Mayor Ervin gave the invocation for the meeting. The pledge of allegiance to the American Flag followed the invocation.

ADDITION OF EMERGENCY ITEM TO THE AGENDA

Pro tem Jebaily made a motion to add this item to the agenda and Councilwoman NeSmith-Jackson seconded the motion. Council voted unanimously (7-0) to add this item to the agenda.

Mayor Ervin said a special meeting scheduled to follow the regular meeting today will need to be postponed. The special meeting agenda included a hearing for a commissioner of the Housing Authority and that individual's attorney has fallen ill and will not be able to attend the hearing.



**FLORENCE CITY COUNCIL
REGULAR MEETING – APRIL 10, 2023**

Pro tem Jebaily made a motion to postpone and reschedule the hearing and Councilwoman Barnes seconded the motion.

Mr. Jim Peterson, City Attorney, reported the attorney hired by Mrs. Linda Becote has notified him that he will be unable to attend the hearing this afternoon due to illness and has requested postponement of the hearing.

Pro tem Jeabily made a motion to postpone the meeting and have staff coordinate schedules for an alternative date. Council voted unanimously to postpone the meeting.

ADDENDUM TO THE AGENDA

Resolution No. 2023-20

A Resolution to recognize April as Black Women’s History Month.

Councilwoman NeSmith-Jackson made a motion to add Resolution No. 2023-20 to the agenda and Councilwoman Barnes seconded the motion. Council voted unanimously (7-0) to add Resolution No. 2023-20 to the agenda.

APPROVAL OF MINUTES

Councilwoman Barnes made a motion to adopt the minutes of the March 13, 2023 regular meeting and the March 31, 2023 special meeting and Councilwoman NeSmith-Jackson seconded the motion. The minutes were unanimously adopted.

APPEARANCES BEFORE COUNCIL

My Brother’s Keeper

Minister Marcus Simmons, Mr. Henry Badie, Mrs. Cassandra Simmons and Ms Andrea Jackson gave a presentation on My Brother’s Keep (MBK) Shelter. MBK was formed in 2019 to serve those in need by providing essential services. The speakers went over the history of MBK Shelter and spoke of future collaborations, partnerships and needs of the organization. MBK Shelter thanked Council and asked for continuous support from the City.

Each Council Member spoke and expressed their gratitude and appreciation for the efforts of MBK Shelter in the community.

Florence Downtown Development Corporation

Mrs. Hannah Davis, Downtown Development Manager, reported Florence, South Carolina received the Great American Main Street Award, which can only be given to a community one time. Florence was awarded based on the City’s commitment to inclusivity and the City’s commitment to economic development and a wide range of programs the City has been working on over twenty years.

PUBLIC HEARING

A Public Hearing will be held to receive citizen’s input on the allocation of \$304,546 in Community Development Block Grant funds awarded from the U. S. Department of Housing and Urban Development.



**FLORENCE CITY COUNCIL
REGULAR MEETING – APRIL 10, 2023**

Mayor Ervin opened the public hearing at 1:37 p.m.

Mr. Scotty Davis, Deputy City Manager, reported the City is an entitlement city in which they receive CDBG funds each year. The City will receive \$304,546 in CDBG allocations for Fiscal Year 2023-2024. The CDBG formula allocation is based on total population, percentage of low to moderate income persons, and the unemployment rate of a jurisdiction. Each eligible activity must meet one of three national objectives: benefit low-to-moderate income persons, aid in the elimination of slum or blight, and/or meeting a need having particular urgency. There is a 20% cap of total allocation for planning and administration expenses and a 15% cap of total allocation for public service, which includes subrecipients. Mr. Davis summarized previous budget allocations, other activities done in the past with CDBG funds, and past subrecipients of CDBG funds. Mr. Davis also discussed the requests for funding from several community organizations and requests from subrecipients.

There being no other requests to speak, Mayor Ervin closed the public hearing at 1:41 p.m.

ORDINANCES IN POSITION

Bill No. 2023-09 – Second Reading

An Ordinance to annex and zone Light-Industrial (IL) the property located at 1100 South Church Street, identified as Florence County Tax Map Number 00149-01-005.

Pro tem Jebaily made a motion to adopt Bill No. 2023-09 on second reading and Councilwoman Barnes seconded the motion.

Councilwoman NeSmith-Jackson acknowledged that this property has extensive damage and asked for clarification that the City will not have to expend any monies. Mr. Clint Moore, Assistant City Manager of Development, replied the City was able to conduct the Phase I environmental site assessment on the property through an EPA brownfield grant.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-09 was adopted.

Bill No. 2023-10 – Second Reading

An Ordinance to correct clerical errors made in the assignment of zoning designations during the adoption of the Unified Development Ordinance by correcting the City of Florence zoning atlas.

Councilwoman Barnes made a motion to adopt Bill No. 2023-10 on second reading and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-10 was adopted.

INTRODUCTION OF ORDINANCES

Bill No. 2023-07 – First Reading

An Ordinance to rezone a parcel located on Dexter Drive from Neighborhood Conservation-15 to Neighborhood Conservation-6.1, identified as Florence County Tax Map Number 00150-01-140.

Mayor Ervin said it is notated on the agenda for this item to go into Executive Session in order to receive legal advice. Councilman Braddock indicated he would like to have discussion on the bill before it goes into Executive Session. Councilwoman NeSmith-Jackson made a motion to pass Bill No. 2023-07 and Councilman Smith seconded the motion.



FLORENCE CITY COUNCIL
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Councilman Braddock addressed several statements made regarding the rezoning request. First, he said it was stated there is not any current flooding on Dexter. Councilman Braddock said the reason is because there are currently no homes there. Second, he said it was stated the Council is impeding development. Councilman Braddock responded to this statement by saying as the property stands now in its current zoning, four homes could be built. Third, it was stated that the flooding issues in this area wasn't an issue until the rezoning request was submitted. Councilman Braddock responded to this statement by saying it has been an issue for a number of years. Lastly, there are 140 signatures from neighbors in the area that have been burdened by flooding for years. Councilman Braddock concluded by saying he is not in favor of any change.

Pro tem Jebaily made a motion to discuss Bill No. 2023-07 to Executive Session and Councilwoman Barnes seconded the motion. Bill No. 2023-07 will be discussed in Executive Session.

Bill No. 2023-08 – First Reading

An Ordinance to rezone 400 East Pine Street from Planned Development (PDD-C) to Activity Center (AC), identified as Florence County Tax Map Numbers 90103-11-022 and 90103-11-025.

Mayor Ervin said the applicant has asked to defer this item.

Bill No. 2023-11 – First Reading

An Ordinance authorizing and directing the City of Florence to enter into an intergovernmental agreement relating to South Carolina local revenue services; to participate in one or more local revenue service programs; to execute and deliver one or more participant program supplements; and other matters relating thereto.

Pro tem Jebaily made a motion to pass Bill No. 2023-11 on first reading and Councilman Smith seconded the motion.

Mr. Davis reported the South Carolina Business License Tax Standardization Act was enacted in 2020. The City of Florence adopted an ordinance in 2021 to comply with the requirements of the Standardization Act. Currently, the Municipal Association of South Carolina collects business license tax for the City through what has historically been known as the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Collection Program. The Municipal Association has recently rebranded these programs as Local Revenue Services and renamed the three business license programs as the Insurance Tax Program, the Brokers Tax Program, and the Telecommunication Tax Program. As a result of the Local Revenue Services rebranding and the adoption of the new local business license ordinance under Act 176, the Municipal Association is required to update the ordinance and agreement with the City of Florence in order to continue participation in Local Revenue Services.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-11 was passed on first reading.

Bill No. 2023-12 – First Reading

An Ordinance to repeal Ordinance No. 2022-24 dated October 10, 2022 and enact a new Ordinance to amend Article I and II of Chapter 12 of the City of Florence Code of Ordinances entitled “Municipal Utilities”.

Pro tem Jebaily made a motion to pass Bill No. 2023-12 on first reading and Councilman McCall seconded the motion.



FLORENCE CITY COUNCIL
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Mr. Michael Hemingway, Director of Utility Planning and Economic Development, reported City Council recently adopted an ordinance to update City code in order to be consistent with changes implemented by the EPA and SCDHEC. In January 2023 all City Ordinances adopted in 2022 were submitted to Municode for codification, at which point discrepancies were discovered between current code and the adopted ordinance. This ordinance will replace the ordinance in which discrepancies were found and make the corrections that were intended initially.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-12 was passed on first reading.

Bill No. 2023-13 – First Reading

An Ordinance to annex and zone RG-3 parcels located off East Crawford Avenue, identified as Florence County Tax Map Numbers 00179-01-006, 00179-01-007, and 90132-03-015.

Pro tem Jebaily made a motion to pass Bill No. 2023-13 on first reading and Councilwoman NeSmith-Jackson seconded the motion.

Mr. Moore reported this annexation request has been submitted by the developer. The property is intended to be developed as a single-family residential subdivision. City water and sewer services are not currently available; however, the developer is required to extend water and sewer services to the property for development.

Planning Commission held a public hearing for the RG-3 zoning and voted unanimously to recommend the zoning upon annexation.

Councilwoman NeSmith-Jackson inquired on the surrounding zoning and Mr. Moore replied the surrounding area is currently unzoned in the county.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-13 was passed on first reading.

Bill No. 2023-14 – First Reading

An Ordinance to annex and zone RG-3 Phase I of Smith's Field subdivision located off Smith Drive, identified as Florence County Tax Map Numbers 00100-01-265 through -313, previously a portion of Florence County Tax Map Parcel 00100-01-093.

Councilman Smith made a motion to pass Bill No. 2013-14 and Pro tem Jebaily seconded the motion.

Mr. Moore reported this annexation request is for Phase I of three phases of Smith's Field Subdivision. Each phase will be annexed once the development process is completed. Water and sewer services are currently available.

Councilwoman NeSmith-Jackson asked why the developer is annexing in phases instead of all at once. Mr. Moore replied the developer has already gone through the permitting and planning process with Florence County. They will continue construction and inspections approval with the County and then annex as completed.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-14 was passed on first reading.

Bill No. 2023-15 – First Reading



FLORENCE CITY COUNCIL
REGULAR MEETING – APRIL 10, 2023

An Ordinance to enter into a Development Agreement for Phase I of Smith’s Field subdivision located off Smith Drive, identified as Florence County Tax Map Number 00100-01-093 and 00100-01-265 through -313.

Pro tem Jebaily made a motion to pass bill No. 2023-15 and Councilman Smith seconded the motion.

Mr. Moore said the City will be entering into a development agreement with the developers of Smith’s Field subdivision. The development agreement will lock in zoning for the development of this subdivision and ensures that the developer’s plans and funding established are secured and also ensures that the property will be annexed into the city upon completion of the development. The agreement also ensures the infrastructure will be at City’s standards even though it is being developed in the County.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2023-15 was passed on first reading.

INTRODUCTION OF RESOLUTIONS

Resolution No. 2023-14

A Resolution of Recognition for the Florence 14U All Star Boys Basketball team for winning the South Carolina Recreation and Parks Association State SCAP Championship.

Councilman McCall made a motion to pass Resolution No. 2023-14 and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-14 was passed.

Resolution No. 2023-15

A Resolution of Recognition for the Florence 8U All Star Boys Basketball team for winning the South Carolina Recreation and Parks Association State SCAP Championship.

Councilman McCall made a motion to pass Resolution No. 2023-15 and Councilwoman Barnes seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-15 was passed.

Resolution No. 2023-16

A Resolution of Recognition for the contributions of Lila’s Full Court in the community.

Councilwoman Barnes made a motion to pass Resolution No. 2023-16 and Councilwoman NeSmith-Jackson seconded the motion.

Councilwoman NeSmith-Jackson presented the Resolution to Ms. Shelanda Deas, founder, and thanked her for contributions to the community.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-16 was passed.

Resolution No 2023-17

A Resolution of Recognition for the contributions of Royaltz Finest in the community.

Councilwoman Barnes made a motion to pass Resolution No. 2023-17 and Councilwoman NeSmith-Jackson seconded the motion.



**FLORENCE CITY COUNCIL
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Councilwoman NeSmith-Jackson presented the Resolution to representatives of the organization and thanked them for work in the community.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-17 was passed.

Resolution No. 2023-18

A Resolution of Recognition for the contributions of Four Giving Hearts in the community.

Councilwoman Barnes made a motion to pass Resolution No. 2023-18 and Councilwoman NeSmith-Jackson seconded the motion.

Councilwoman NeSmith-Jackson presented the Resolution to representative of the organization and thanked them for work in the community.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-18 was passed.

Resolution No. 2023-19

A Resolution to proclaim April as Fair Housing Month

Pro tem Jebaily made a motion to pass Resolution No. 2023-19 and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-19 was passed.

Resolution No. 2023-20

A Resolution to recognize April as Black Women's History Month.

Councilwoman Barnes made a motion to pass Resolution No. 2023-20 and Councilwoman NeSmith-Jackson seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2023-20 was passed.

REPORTS TO COUNCIL

Appointments to Boards and Commissions

Mr. Davis presented the packet of appointments to Boards and Commissions to Council.

Civic Center Commission

Being no applicants, Councilwoman Barnes deferred her nomination to this board.

Housing Authority

Mayor Ervin deferred her nomination to this board.

2023 NLC Congressional City Conference report



**FLORENCE CITY COUNCIL
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Councilwoman Barnes said several members of Council attended the conference in Washington, DC. They were able to tour the Capital and meet with several members of Congress to advocate for monies to come back to Florence.

MAYORAL REPORT

Mayor Ervin congratulated Florence and the Florence Downtown Development Corporation for receiving the 2023 Great American Main Street Award and thanked the community for their support. Mayor Ervin also welcomed the Post and Courier to the City. Also upcoming is a celebration of life the Senator Hugh Leatherman and this event will occur on Mother's Day. Mayor Ervin mentioned a marker will be placed at 712 Wilson Street to signify the Ebony House.

COMMITTEE REPORTS

Business Development Committee, Chaired by Pro tem Jebaily

Pro tem Jebaily said the Committee received an update from staff on elements of the Comprehensive Plan. They also had discussions on some activities happening with particular developments including the connector to extend the rail trail from The Grove subdivision to the Soccer Complex.

Community Development Committee, Chaired by Councilwoman Barnes

Councilwoman Barnes said the Committee received a report on demolitions. Thirteen homes have been demolished, four homes are out for bid, five homes are under review, and twenty-eight homes are on the demolition list. The Committee also discussed some beautification efforts that will be occurring in May. Councilwoman Barnes also mentioned that the City is still in search of an Executive Director to the Community Development Corporation.

Marketing and Public Relations Committee, Chaired by Councilwoman NeSmith-Jackson

Councilwoman NeSmith-Jackson reported the Committee discussed the development of an annexation plan and working for smart growth.

Finance, Audit and Budget Committee, Chaired by Councilman McCall

Councilman McCall said the Committee did not meet, therefore he does not have anything to report.

EXECUTIVE SESSION

Mayor Ervin said Council will be entering into Executive Session to receive legal advice.

Without objection, Council entered into Executive Session at 2:26 p.m.

Council resumed open session at 3:15 p.m. and took action on the following items:

Bill No. 2023-07 – First Reading

An Ordinance to rezone a parcel located on Dexter Drive from Neighborhood Conservation-15 to Neighborhood Conservation-6.1, identified as Florence County Tax Map Number 00150-01-140.



**FLORENCE CITY COUNCIL
REGULAR MEETING – APRIL 10, 2023**

There is currently a motion on the floor by Councilwoman NeSmith-Jackson to pass Bill No. 2023-07 and a second by Councilman Smith.

Mayor Ervin said an individual has signed up to speak and invited Mr. Piyush Mehta, developer, to the podium to address Council. Mr. Mehta said he has been working to have the property rezoned since January and he's provided all he has been asked, yet he is still having a difficult time. He said the flooding that occurred with the most recent storm did not flood his property and the area that was affected by the storm is 0.6 miles away from the Dexter property. The news media reported flooding on many parts of the City with none reported on Dexter Drive, yet his development is still being stopped.

Councilman McCall stated he feels as though Mr. Mehta is alleging that Council is discriminating against him with this particular development; however, that is false. There are many people in the surrounding community going through flooding issues and these individuals are depending on Council to make the proper decision. Councilman McCall said he is often fighting for developers so they can move forward and have equitable rights, sometimes against the wishes of citizens. Councilman McCall said they are simply listening to the concerns of the residents and making sure they are doing what is right in the City.

Mr. Mehta said he has submitted engineering drawings, among other things, to the City to ensure flooding won't be an issue with this property. He restated that he has provided everything that has been asked of him.

Pro tem Jebaily said the request to increase the density of a property in an area that has flooding issues is what is concerning Council. Pro tem Jebaily made a motion to amend the current motion and send this matter back to the Planning Commission to have an evaluation done of the impact the density would have on this area and bring back a recommendation and Councilman McCall seconded the motion.

Council voted unanimously (7-0) on the amendment. The amendment passed.

Councilwoman NeSmith-Jackson made a motion to approve the motion, as amended and send this matter back to the Planning Commission to have an evaluation done of the impact the density would have on this area and bring back a recommendation and Councilwoman Barnes seconded the motion. Council voted unanimously (7-0) on the motion, as amended. The motion, as amended, passed.

Mr. Moore said staff will work with the applicant to address the concerns of Council and provide all information to Planning Commission at their next meeting. Planning Commission will then bring back a recommendation to Council.

ADJOURN

Without objection, the April 10, 2023 Regular meeting of City Council was adjourned at 3:35 p.m.

Dated this 8th day of May 2023.

Casey C. Moore, Municipal Clerk

Teresa Myers Ervin, Mayor



**SPECIAL MEETING OF FLORENCE CITY COUNCIL
THURSDAY, APRIL 20, 2023 – 11:00AM
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT

Mayor Teresa Myers Ervin, Mayor Pro Tempore George Jebaily, Councilwoman Lethonia Barnes, Councilman Chaquez T. McCall, Councilman Bryan A. Braddock, Councilwoman LaShonda NeSmith-Jackson, and Councilman J. Lawrence Smith, II

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. Scotty Davis, Deputy City Manager; Mr. James W. Peterson, Jr., City Attorney; and Mrs. Amanda Pope, Director of Marketing, Communications and Municipal Services; Mrs. Linda Becote, Defendant; and Mr. John Bledsoe, Attorney for the Defendant

MEDIA PRESENT

Ms. Natasha Laguerre with WMBF News, Mrs. Tonya Brown with WPDE, Ms. Taylor Ford with WBTW and Mr. Christian Smith with the Florence Morning News were present for the meeting.

Notices of this special meeting of City Council were provided to the media and individuals requesting a copy of the agenda informing them of the date, location and time of the meeting.

CALL TO ORDER

Mayor Ervin called the April 20, 2023 special meeting of Florence City Council to order at 11:06 a.m.

INVOCATION

Mayor Ervin gave the invocation for the meeting. The pledge of allegiance to the American Flag followed the invocation.

HEARING FOR REMOVAL OF HOUSING AUTHORITY COMMISSIONER

Mayor Ervin said a hearing will be held to determine whether Linda Becote shall be removed as a Commissioner of the Housing Authority for inefficiency, neglect of duty, or misconduct in office and declared the hearing open.

Mr. Jim Peterson, City Attorney, said as the public body which appoints commissioners to the Housing Authority of Florence, South Carolina statutes gives City Council the authority to remove a commissioner upon a finding of inefficiency, neglect of duty, or misconduct in office. However, a commissioner may only be removed only after he has been given a copy of the charges at least ten days before the hearing on it and had an opportunity to be heard in person or by counsel. Mrs. Linda Becote and her attorney, Mr. John Bledsoe, were provided with the required notice and they are present at today's hearing to participate.



**FLORENCE CITY COUNCIL
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Mr. Peterson submitted to Council Exhibit 1, a copy of the notice of hearing for removal. A copy of the notice is attached to and made part of the minutes. Mr. Bledsoe has also been provided a copy of the Exhibit. Mr. Peterson noted that the notice has the original scheduled date for the hearing of March 31, 2023 at 10:00am; however, the hearing was postponed on several occasions, once being at the request of Mr. Bledsoe.

Mr. Peterson said Council conducted an investigation before determining this hearing was appropriate. From the investigation, three exhibits will be submitted as evidence for Council to consider. Mr. Peterson reminded the attendees that Council does not have subpoena power to force witness testimony; therefore, two of the exhibits are affidavits that were submitted. Mr. Peterson noted for the record that he received a written objection from Mr. Bledsoe on the inclusion of any affidavits. The objection is based on the inability to cross examine a witness due to submission of affidavits as opposed to witness testimony.

Mr. Peterson submitted to Council Exhibit 2, Exhibit 3, and Exhibit 4 which are being submitted in subject to Mr. Bledsoe's objection. With Mr. Bledsoe's permission, Mr. Peterson also submitted to Council his written objection. The written objection is attached to and made part of these minutes.

Mr. Peterson published Exhibit 2. Exhibit 2 is the affidavit of Mr. Esperone Huggins, Director of Facility Management, Housing Authority of Florence. A copy of this affidavit is attached to and made part of these minutes.

Mr. Peterson published Exhibit 3. Exhibit 3 is the affidavit of Ms. Monica White, Director of Finance, Housing Authority of Florence. A copy of this affidavit is attached to and made part of these minutes.

Mr. Peterson published Exhibit 4. Exhibit 4 is a Resolution passed by the Florence Housing Authority Board of Commissioners authorizing the submission of petition to the Mayor of the City of Florence requesting removal of Commissioner Linda Becote. A copy of this Resolution is attached to and made part of these minutes.

Mr. Peterson turned the podium over to Mr. Bledsoe to present matters on behalf of Mrs. Becote. Mr. Bledsoe stated that the affidavit of Mr. Esperone Huggins (Exhibit 2) is full of false accusations, hearsay, and lies. Mr. Bledsoe called attention to several accusations within the affidavit of Mr. Huggins, beginning with the statement that Ms. Becote created a largely dysfunctional board. Mr. Bledsoe stated this statement is hearsay. Mr. Huggins never attended a single board meeting and, therefore, has no personal knowledge of how Mrs. Becote conducted herself as Chairperson at meetings.

Mr. Bledsoe then called attention to the statement within the affidavit that Mrs. Becote purchased appliances and had them installed by the Housing Authority maintenance crew. Mr. Bledsoe said this statement is a lie; the appliances were purchased and installed by Home Depot. Mr. Bledsoe submitted to Council service invoices from Home Depot. These invoices are attached to and made part of these minutes.

Mr. Bledsoe called attention to the statement within the affidavit that Mrs. Becote used special influence to repaint the inside of her house and said this statement is false. Mr. Bledsoe said Mrs. Becote approached Ms. Clamentine Elmore, who was the Executive Director of the Housing Authority at the time and asked her if she was able to paint the inside of her house different colors, to which Ms. Elmore replied she could but only if she paid for it. Mr. Bledsoe said Mrs. Becote purchased the paint and did the painting; the maintenance crew was not involved in the paint job at all.



FLORENCE CITY COUNCIL
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Mr. Bledsoe called attention to the statement within the affidavit that Mrs. Becote did not allow certain Housing Authority employees to her house to make repairs or turned them away. Within the affidavit, Mr. Huggins claims other tenants were not allowed to do this, but Mr. Bledsoe said this statement is not true; any tenant had the ability to tell maintenance that the time was inconvenient.

Mr. Bledsoe called attention to the catering bill submitted as an attachment to the affidavit. The catering check is attached to and made part of these minutes. Mr. Bledsoe said Mrs. Becote was a member of the board for 18 years and this was the only check found made out to the catering service. Mr. Bledsoe said there is a good explanation. Upon the hire of Ms. Elmore as Executive Director of the Housing Authority, Ms. Elmore decided to have a party. Having heard Mrs. Becote had a catering business, Ms. Elmore approached Mrs. Becote and asked if she would cater the event. Mrs. Becote said she would, however, she will not be able to charge a fee and she will only be able to charge for expenses because of her position on the board. Mr. Bledsoe said the check written to the catering service was solely for expenses related to the catering with no profit at all charged.

Mr. Bledsoe called attention to the statement regarding the fencing, stating this is another falsehood in the affidavit of Mr. Huggins. Mr. Bledsoe said at that time, the Becotes wished to place a fence in their yard and they asked Ms. Elmore if Palmetto Housing Corporation, who was in control of the Becote's house, would pay for the fence. Ms. Elmore then directed Mr. Huggins to go to the home to measure for the fence to see if Palmetto Housing Corporation would pay for the fence. Palmetto Housing Corporation would not pay for the fence, so the Becotes did nothing at that time about the fence. It was not until a later time that the Becotes purchased fencing material and hired Mr. Wilbur Johnson to install the fence with the maintenance crew having nothing to do with the fence.

Mr. Bledsoe called Mr. Thurmond Becote as a witness and Mr. Becote was sworn in by Mr. Peterson. Mr. Becote stated his full name and said he is married to the defendant, Mrs. Becote. Mr. Bledsoe asked Mr. Becote if he was aware that Mrs. Becote had been a Commissioner of the Housing Authority for many years, to which Mr. Becote replied his wife was placed on the Housing Authority board right after his tenure on the school board from 2006-2010. Mr. Bledsoe said there were allegations from Mr. Huggins that they purchased appliances and had the maintenance crews install them and asked if this were true. Mr. Becote said this is not true. Mr. Bledsoe asked what exactly took place. Mr. Becote said they purchased new appliances in their home in 2021. He said his wife spoke with Ms. Elmore about replacing the appliances and were told they could do so. They went to Home Depot and purchased a refrigerator, microwave, dishwasher, and stove. Mr. Bledsoe asked where the appliances were purchased to which Mr. Becote replied Home Depot. Mr. Bledsoe asked who installed the appliances, to which Mr. Becote responded Home Depot. Mr. Bledsoe called attention to the Home Depot service invoice that was submitted to Council and asked Mr. Becote to read what was highlighted in yellow. Mr. Becote said highlighted in yellow on the invoice is "install." Mr. Bledsoe asked if this was on an invoice from Home Depot to which Mr. Becote replied yes. Mr. Bledsoe asked if any maintenance crew member of the Housing Authority was involved in the installation of these appliances, to which Mr. Becote replied no, the installation was done by Home Depot and their people. Mr. Bledsoe said Mr. Huggins made allegations that Mrs. Becote interfered with the Housing Authority maintenance crews and asked Mr. Becote who in fact dealt with the maintenance crews, to which Mr. Becote replied he always dealt with the maintenance crews when they came to the home and his wife was normally upstairs. Whenever the crews came to the home, Mr. Becote said he would open the door and direct them to the problem or concern at that time and leave them to do their job. Mr. Bledsoe asked if Mrs. Becote ever had direct involvement with the maintenance crews at any time, to which Mr. Becote replied no. Mr. Bledsoe asked if Mrs. Becote ever turned any maintenance crews away to which Mr. Becote replied no one was ever turned away because normally whenever there was a concern or something to be done at the home, they would give a date and a time for them to approve to come to the house and they would be sure to be at the



FLORENCE CITY COUNCIL
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house at that time. Mr. Becote said he can't remember a time they ever turned a crew away. Mr. Bledsoe spoke of the fencing and asked Mr. Becote to tell Council about the fencing situation. Mr. Becote said they were raising their granddaughter and, due to safety concerns with the openness of the yard, they wanted to have the back yard enclosed by a fence. Mr. Bledsoe asked who they initially contacted about the fence, to which Mr. Becote replied his wife spoke with Ms. Elmore about the fence and Ms. Elmore sent Mr. Huggins to the home. Mr. Becote said he saw Mr. Huggins in the yard and walked outside to speak with him and Mr. Huggins told him he was there to do some measuring. Mr. Bledsoe asked if he or Mrs. Becote requested Mr. Huggins to come take measurements, to which Mr. Becote replied no. Mr. Bledsoe asked if they ultimately put up fencing, to which Mr. Becote replied yes, sometime later they did put up fencing and most modifications done to the home was in 2021. Mr. Becote spoke of the appliances again, saying on the particular day the appliances were picked up was the day their daughter passed away. He said Mr. Woods with the Housing Authority came to the house to pick up the old appliances when they received a phone call from their son-in-law that their daughter passed out and they needed to come over as soon as possible. He said they picked up the kids and took them back to the house they had no appliances because the old ones had been picked up by Mr. Woods, but the new ones had not been installed yet by Home Depot. Mr. Bledsoe asked again if they ultimately put up fencing, to which Mr. Becote replied they did put up fencing about six month after their daughter passed away. He said they got Mr. Wilbur Johnson to install the fence. Mr. Bledsoe then presented a proposal from Mr. Johnson and asked if this proposal was from Mr. Johnson to install the fence, to which Mr. Becote said it is. Mr. Bledsoe asked who measured the fence, to which Mr. Becote replied Mr. Johnson. Mr. Bledsoe asked who put the fencing in, to which Mr. Becote replied Mr. Johnson. Mr. Bledsoe asked if any member of the maintenance crews with the Housing Authority had anything to do with the fencing being measured or installed, to which Mr. Becote replied no. Mr. Becote further stated that after the fencing was up, Mr. Woods asked him who put up their fence, as he was interested in having a fence installed at his home, and Mr. Becote told him Mr. Johnson installed it. Mr. Bledsoe asked Mr. Becote if he personally knew anything about the catering job that was done for Ms. Elmore, to which Mr. Becote replied yes. He said they only received the cost of the food and the decorations for the event and received no profit. Mr. Bledsoe asked if they made a profit at all, to which Mr. Becote replied they didn't try to. Mr. Bledsoe asked if they charged a fee, to which Mr. Becote replied they didn't try to.

Mr. Bledsoe called Mrs. Linda Becote as a witness and Mrs. Becote was sworn in by Mr. Peterson. Mr. Bledsoe asked Mrs. Becote if it is correct that she's been on the Housing Authority board for approximately 18 years, to which Mrs. Becote said yes. Mr. Bledsoe asked if it is correct that she's served as the Chair of the board for last six years, up until January of this year, to which Mrs. Becote replied yes. Mr. Bledsoe asked if it was correct that she decided not to run for chairperson again due to health reasons, to which Mrs. Becote replied yes. Mr. Bledsoe asked if, while she was on the board and elected as chairperson of the board, how she would describe the functioning of the board under her guidance, to which Mrs. Becote replied it was great and meetings went very well and it was a very good board. Mr. Bledsoe asked when she decided not to run for chair again, did the board do anything for her, to which Mrs. Becote replied they held a reception for her at Victor's and gave her a plaque. Mr. Bledsoe published the plaque, which states "The Housing Authority of Florence Growing Strong Communities. We the Housing Authority Board of Directors present to Linda Becote this award of recognition. We would like to recognize your six years of outstanding service, loyalty and dedication in your job as board chairman for the Housing Authority of Florence 2016-2022." Mr. Bledsoe referenced the catering job and asked did she charge a fee or profit in any way from the catering job for Ms. Elmore, to which Mrs. Becote replied she did not, it actually cost her more than \$1400 to cater that event. Mr. Bledsoe asked did she solicit for the catering job, to which Mrs. Becote replied no. Mr. Bledsoe asked how it was she came about the catering job, to which Mrs. Becote replied Ms. Elmore approached her about the catering and she agreed, but only at cost and she could receive no profit. Mr. Bledsoe asked her why she felt she could charge no fee, to which Mrs. Becote replied due to a conflict of interest. Mr. Bledsoe asked if she ever



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had any direct dealings with the maintenance crews from the Housing Authority, to which Mrs. Becote replied no. Mr. Bledsoe asked how maintenance was acquired if it needed to be done, to which Mrs. Becote replied she would call Ms. Stevens, who is the Assistant Director. Mr. Bledsoe asked if she had ever called or dealt with Mr. Huggins, to which Mrs. Becote replied no. Mr. Bledsoe asked if she ever turned any maintenance crews away, to which Mrs. Becote replied no. Mr. Bledsoe asked if she ever had any direct dealings with any maintenance crews when they came to her house, to which Mrs. Becote replied no. Mr. Bledsoe stated he had no further questions for Mrs. Becote.

Mr. Peterson approached the podium and notified Council that Mr. Jerrod Moultrie is attending the meeting and has requested the opportunity to testify. He said it is Council's decision as to whether they would like to hear Mr. Moultrie's testimony as a witness. Mr. Bledsoe objected, saying he had no prior knowledge of this witness or his testimony. Mayor Ervin asked Council to vote on if they will hear Mr. Moultrie. Councilman Smith recused himself from the vote due to a conflict of interest. A copy of the recusal statement is attached to and made part of these minutes. Council voted 5-1 against hearing Mr. Moultrie, with Councilwoman NeSmith-Jackson voting yes and Councilman Smith having recused himself.

In closing, Mr. Peterson asked Council to focus on the reasons for removal set out in the notice and said it is up to Council to decide whether or not there is evidence to support these findings of inefficiency, neglect of duty, or misconduct in office and therefore determine whether or not to remove Mrs. Becote as a commissioner of the Housing Authority of Florence.

Councilman Braddock spoke, saying Council is not here today to determine guilt or innocence. They are here to determine whether a commissioner is removed because of either inefficiency, neglect of duty or misconduct in office. Councilman Braddock acknowledged Mrs. Becote's service to the Housing Authority and said it is greatly appreciated. He addressed Mrs. Becote, saying service on this Board is of great privilege and an honor and service is at the will of and representative of Council. Councilman Braddock defined misconduct as unacceptable or improper behavior and he further defined unacceptable as not satisfactory and not pleasing or welcome. Councilman Braddock said is not pleased with the situation that has brought everyone here today or the request for removal from the Housing Authority Board. The Housing Authority exists to help people with housing and there's many people in need. The situation on the current Board takes away from that and the Board needs to be focused on other things. Councilman Braddock made a motion to remove Linda Becote as a Commissioner of the Housing Authority, effective today, based on misconduct in office and Councilman McCall seconded the motion.

Mr. Peterson reminded Council that Councilman Smith has recused himself from the vote and has recused himself for every vote involving this matter, due to having served on the Housing Authority board prior to being elected to Council.

Councilman McCall spoke in favor of the removal of Mrs. Becote. He addressed Mrs. Becote, saying she was the chair of the Housing Authority for six years and he is basing his decision on inefficiency of the Board.

Pro tem Jebaily also spoke in favor of the removal of Mrs. Becote saying the critical and influential piece for him was the Resolution by the Housing Authority Board.

Councilwoman Barnes spoke in favor of removal also, saying when members are appointed to boards, they are an extension of Council and Council expects them to do the bidding of the people.



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Council voted 6-0 in favor of the motion to remove Mrs. Linda Becote as a Commissioner of the Housing Authority of Florence, with Councilman Smith having recused himself.

ADJOURN

Without objection, the April 20, 2023 Special meeting of City Council was adjourned at 11:59 a.m.

Dated this 8th day of May 2023.

Casey C. Moore, Municipal Clerk

Teresa Myers Ervin, Mayor

Exhibits and Attachments submitted by the Plaintiff – Florence City Council:

- Exhibit A – video of hearing
- Exhibit 1 – Notice of Hearing for Removal
- Exhibit 2 – Affidavit of Esperone Huggins
- Exhibit 3 – Affidavit of Custodian of Records
 - Exhibit A – Catering check
- Exhibit 4 – Resolution by the Board of Commissioners of the Housing Authority
- Recusal Statement – Councilman J. Lawrence Smith, II

Exhibits and Attachments submitted by the Defendant – Linda Becote

- Home Depot receipt
- Wilbur Johnson receipt for fencing
- Objections to and motion to exclude affidavit of Esperone Huggins and any others

NOTICE OF HEARING FOR REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to the provisions of §31-3-370(a) of the South Carolina Code of Laws, as amended, you are hereby notified that City Council of the City of Florence has decided to institute the statutory process to remove you as a commissioner of the Housing Authority of Florence for inefficiency, neglect of duty or misconduct in office based on the following charges:

1. While serving as Commissioner and Chair of the Housing Authority Board, you used your position to obtain inappropriate advantages in having maintenance and improvements completed at the home you and your family rented from the Housing Authority which is located at 3654 West Pointe Drive.

2. Inefficiency in carrying out your duties as Chair of the Board of the Housing Authority of Florence resulting in a dysfunctional board and many issues and questions regarding the overall functioning of the Housing Authority.

3. While serving as Commissioner and Chair of the Housing Authority Board, you used your position of influence to obtain inappropriate benefit to your catering business.

PLEASE TAKE FURTHER NOTICE THAT, in accordance with the requirements of §31-3-370(a) of the South Carolina Code of Laws, a hearing will be held before City Council of the City of Florence on March 31, 2023 in Council Chambers located at 324 W. Evans Street, Florence, SC, at 10:00 AM to provide you with an opportunity to be heard in person or by counsel on the above referenced charges and the decision of your removal as commissioner of the Housing Authority of Florence.

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

AFFIDAVIT
OF
ESPERONE HUGGINS

PERSONALLY APPEARED BEFORE ME, **Esperone Huggins**, who being first duly sworn, deposes and says:

1. That I am over the age of eighteen (18) and competent to testify as to the matters herein. I have worked for the Housing Authority of Florence for 20 years, and I served as Director of Facility Management for the last 3 years.

2. In that capacity, I have been very familiar with, and the supervisor of the maintenance and repair efforts of the Housing Authority regarding properties it owns and/or manages.

3. One such property managed by the Housing Authority under my supervision is the property located at 3654 West Pointe Drive in Florence, SC. This location is owned by the Palmetto Housing Corporation, but is managed by the Housing Authority of Florence under a Property Management Agreement. Since this property was acquired for rental as affordable housing, it has been leased to Ms. Linda Becote and her husband.

4. For the entire term of the rental by the Becotes, Linda Becote has served as a Commissioner of the Housing Authority, and for many of the years, Ms. Becote served as Chair of the Board of Commissioners.

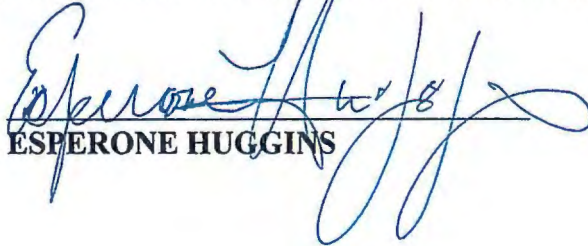
5. I am personally aware that during this rental period, Ms. Becote, on numerous occasions, used her position as a commissioner to receive special treatment in the way her home was maintained and repaired. This occurred repeatedly when, unlike other tenants, Ms. Becote required that certain employees in our maintenance department not be used at her home. In addition, Ms. Becote would dictate when our crews could come to her home to do work by telling crews they would have to come back at another time to be specified by her. Other tenants were not allowed to make such demands.

6. In addition, there was at least one occasion when Ms. Becote purchased new appliances for her home and required the personnel from our department to install those appliances for her. She also required that our personnel spend time doing measurements and assisting her in ordering fencing she was purchasing for the home. While other tenants are allowed to purchase new appliances with permission of the authority, they were required to have them installed at their expense.

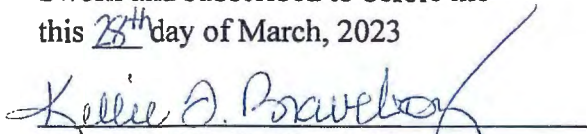
7. Finally, when our department would do maintenance, such as repainting in the Becote home, Ms. Becote would require that certain colors of paint be used in her home. Other tenants were not allowed to choose colors, and the repainting of their homes was done with paints we kept in stock.

8. While Ms. Becote served as Chair of the Board of Commissioners Ms. Becote created a largely dysfunctional board that she convinced to support the Executive Director in anything the director wanted to do, and this resulted in many issues and questions regarding the operations of the Housing Authority.

9. In summary, Ms. Becote sought and received different treatment from other tenants of the Housing Authority because of her position as a commissioner and the chair of the board of commissioners.


ESPERONE HUGGINS

Sworn and subscribed to before me
this 28th day of March, 2023


Notary Public for South Carolina
My Commission Expires: 4/8/2024



STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

AFFIDAVIT
OF
CUSTODIAN OF RECORDS

I, **Monica White**, of the Housing Authority of Florence (“Housing Authority”), being first duly sworn, deposes and says as follows:

1. I am employed with the Housing Authority, which is located in at 2311 W Palmetto St., in Florence, South Carolina. I am over the age of eighteen (18) and competent to testify as to the matters herein.

2. Since October 2021, I have served as Director of Finance for the Housing Authority.

3. In my capacity as Director of Finance for the Housing Authority, I have personal knowledge of the records included with this affidavit attached hereto as Exhibit A, including: (i) a copy of a check # 188867 of the Housing Authority of Florence dated February 13, 2017 issued by the Housing Authority of Florence to “Linda Becote B&B Catering”, and (ii) the Housing Authority of Florence Check History regarding check # 188867.

4. These records are kept in the possession of the Housing Authority in the course of regularly conducted business and is the regular practice of the Housing Authority to retain the records.

5. These records are kept under the custody or control of the Housing Authority and to the best of my knowledge are true and accurate.

Housing Authority of Florence

By: Monica White
Monica White
Director of Finance

Sworn and subscribed to before me
this 30 day of March, 2023.

Janice Lee Stevens Notary Public for South Carolina
My Commission Expires: 8-11-2032

EXHIBIT A

HOUSING AUTHORITY OF FLORENCE
P.O. DRAWER 969
FLORENCE, S.C. 29503

REVOLVING FUND

DATE: February 13, 2017

AMOUNT: \$ 1,400.00

One thousand, four hundred dollars and 00/100

VOID after 90 days

RAY TO THE ORDER OF

LINDA BECOTE B&B CATERING
400 E PINE ST
FLORENCE, SC 29503

Clayton
Raymond Clayton
ACCOUNTING DIRECTOR

Account: 4280938108
Amount: 1,400.00
PostDate: 20170213
Tran_ID: 523351741
CheckNum: 188867
DIN: 523351856

Samsung Triple Camera
FABNEWS.DIGITAL

ENDORSEMENT AREA: Know Your Endorser. Require Identification.

x *Ronda Beete*

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

RESERVED FOR FINANCIAL INSTITUTION USE *

4086639696

THIS DOCUMENT INCLUDES THE FOLLOWING SECURITY FEATURES EXCEEDING FSA GUIDELINES:

- COLORED SECURITY PATTERN ON FACE WITH COPIER "VOID" (VISIBLE WORD "VOID" INDICATES A PROBABLE PHOTOCOPY)
- INVISIBLE ULTRAVIOLET FLUORESCENT FIBERS FACE AND BACK
- ULTRAVIOLET OULL PAPER.
- ARTIFICIAL "SECURE DOCUMENT" WATERMARK VISIBLE ON BACK WHICH HELD AT AN ANGLE.
- PRIMARY INDICATOR STAINS • PROVIDE EVIDENCE OF ALTERATION.
- MICROPRINT ENDORSEMENT LINES ON BACK.
- SECURITY SCREEN ABSENCE OF "ORIGINAL DOCUMENT" VERBIAGE ON BACK OF CHECK.

ATTEMPTS TO COPY OR CHEMICALLY ALTER THIS DOCUMENT WILL ACTIVATE SECURITY FEATURES.

THIS DOCUMENT MAY INCLUDE MICROPRINT SIGNATURE LINE.

* FEDERAL BANKING ACT 1987 - FEDERAL RESERVE REG. CC

CheckNum: 188867
 DIN: 523351856
 ReturnReasonCode:
 ReturnReasonDescription:
 Orig_DIN: 523351856
 ECEItemSeqNum: 000004086639696

Account: 4280938106
 Amount: 1,400.00
 PostDate: 20170213
 Tran ID: 523351741



SAVINGS UNIT
FABIANE (CIN)

THE BOARD OF COMMISSIONERS
OF THE
HOUSING AUTHORITY OF FLORENCE

RESOLUTION AUTHORIZING SUBMISSION OF PETITION TO THE
MAYOR OF THE CITY OF FLORENCE REQUESTING REMOVAL OF
COMMISSIONER LINDA BECOTE

WHEREAS, the Board of Commissioners of the Housing Authority of Florence (the "Authority") met at 10:00 a.m. on the 11th day of April, 2023 and recessed until April 12, 2023 at 11 am; and

WHEREAS, the Authority is organized and operates pursuant to the South Carolina Housing Authorities Law of the South Carolina Code, as amended; and

WHEREAS, the Commissioners of the Authority are required to comply with the South Carolina State Ethics Law Authority ("Ethics Act") and other applicable South Carolina and Federal law; and

WHEREAS, the Commissioners of the Authority are required to avoid conflicts of interest and the appearance of conflicts interest; and

WHEREAS, the Bylaws of the Authority grants the Authority the power to petition the Mayor of the City of Florence to remove a commissioner that has violated the Ethics Act; and

WHEREAS, the Commissioners of the Authority have determined that Commissioner Linda Becote has violated the Ethics Act, and other applicable law, and the rules and regulations governing the Neighborhood Stabilization Program; and

WHEREAS, the Commissioners of the Authority have determined that the conduct of Commissioner Becote has placed the Authority and the residents served by the Authority at substantial risk.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF FLORENCE:

1. The Authority hereby requests that the Mayor of the City of Florence take immediate action to remove Commissioner Becote from her position as commissioner on the Board of Commissioners of the Housing Authority of Florence.
2. This resolution shall take effect immediately.

* * * * *

Commissioner Thomas Porter moved the passage of the foregoing resolution and Commissioner J. Jerrod Moultrie seconded the motion and the resolution was passed by the following vote:

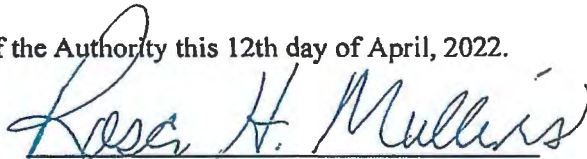
Ayes: Commissioner Williams, Commissioner Moutrie, and Commissioner Porter

Nays: Commissioner Becote

Not Voting: Commissioner Mullins and Hawkins (Hawkins not present)

I, Rosa H. Mullins, Vice-Chairman of the Housing Authority of Florence, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners of the Authority at a regular meeting duly called and held on April 11, 2023 and recessed until April 12, 2023 at 11 am, and that the proceedings of such meeting are recorded in the Minutes of the Board.

WITNESS my hand and the official seal of the Authority this 12th day of April, 2022.

A handwritten signature in blue ink that reads "Rosa H. Mullins". The signature is written in a cursive style with a large initial "R".

Vice-Chairman, Board of Commissioners of
the Housing Authority of Florence

RECUSAL STATEMENT

Member Name: J. Lawrence Smith II

Meeting Date: April 20, 2023

Agenda Item: Section _____ Number: _____

Topic: Hearing for removal of Housing Authority Commissioner.

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

_____ Professionally employed by or under contract with principal

_____ Owns or has vested interest in principal or property

Other: I was a Commissioner of the Housing Authority Board @ the time the investigation was launched & remained on the board for a portion of the duration of the investigation.

Date: _____

Member

Approved by Parliamentarian: _____



SPECIAL SERVICES CUSTOMER INVOICE

Store 8580 FLORENCE, SC
3051 WEST RADIO DRIVE
FLORENCE, SC 29501

Phone: (843) 661-2597
Salesperson: JLL5VR1
Reviewer: SV995

SOLD TO	Name BECOTE THURMOND		Phone 1 (843) 468-5966	
	Address 3654 W POINTE DR		Phone 2	
	Company Name			
	City FLORENCE		Job Description RGA	
	State SC	Zip 29501	County FLORENCE	

VALIDATION	
Date:	
Transaction:	8580
Order Total:	\$305.00
Amount Paid:	\$0.00

VENDOR DIRECT SHIP #1	MERCHANDISE AND SERVICE SUMMARY	We reserve the right to limit the quantities of merchandise sold to customers
TO: CUSTOMER		

S/O - MERCHANDISE TO BE SHIPPED: **NORTH AMERICAN LOGISTICS** REF # **S01** ESTIMATED ARRIVAL DATE: **07/27/2021**

REF #	SKU	QTY	UM	DESCRIPTION	PI	TAX	PRICE EACH	EXTENSION
S0101	0000-590-337	1.00	EA	M922 / M922-OTR INSTALL / M922-OTR INSTALL	A	N	\$89.00	\$89.00*
S0102	0000-863-701	1.00	EA	DELIVERY / APPLIANCE DELIVERY / FREIGHT	A	Y	\$0.00	\$0.00

S/O - MERCHANDISE TO BE SHIPPED: **S/O L.G. APPLIANCES** REF # **S03** ESTIMATED ARRIVAL DATE: **07/27/2021**

REF #	SKU	QTY	UM	DESCRIPTION	PI	TAX	PRICE EACH	EXTENSION
S0303	1000-050-082	1.00	EA	LMV1831ST / LMV1831ST / LMV1831ST	A	Y	\$200.00	\$200.00*

VENDOR WILL SHIP MDSE TO:	THURMOND BECOTE		
ADDRESS:	3654 W POINTE DR	CITY:	FLORENCE
STATE:	SC	ZIP:	29501
COUNTY:	FLORENCE	SALES TAX RATE:	8.0
PHONE:	(843) 4685966	ALTERNATE PHONE:	
MERCHANDISE TOTAL:			\$289.00
PAGER:			

END OF VENDOR DIRECT SHIP

TOTAL CHARGES OF ALL MERCHANDISE & SERVICES

Policy Id (PI):

A: 90 DAYS DEFAULT POLICY;

'The Home Depot reserves the right to limit / deny returns. Please see the return policy sign in stores for details.'

ORDER TOTAL	\$289.00
SALES TAX	\$16.00
TOTAL	\$305.00
BALANCE DUE	\$305.00

END OF ORDER No. H8580-82525



Order #WG34474255

Placed on: Apr 14, 2021

Billing Information

Thurmond Becote
3654 W POINTE DR
FLORENCE SC 29501

Payment Method: VISA ***9104

Item	Price/Item	Qty	Line Total
Appliance Delivery (4 items) 3654 W POINTE DR , FLORENCE, SC 29501			
LG Electronics 23.3 cu. ft. French Door Smart Refrigerator, InstaView, Dual & Craft Ice, PrintProof Stainless, Counter Depth	\$3,398.00 \$3,999.00 Saved 15%	1	\$3,398.00
Parts & Services			
12' Upgraded Braided Water Line			\$17.28
Expect it on Jun 25, 2021			
LG Electronics 24 in. PrintProof Stainless Steel Top Control Built-In Tall Tub Dishwasher, QuadWash, 3rd Rack, EasyRack Plus, 46 dBA	\$698.00 \$849.00 Saved 18%	1	\$698.00
Parts & Services			
Dishwasher Parts Kit & Adapter			\$21.98
Expect it on Jun 25, 2021			
LG Electronics 7.3 cu. ft. Double Oven Electric Range with ProBake Convection, Self Clean and EasyClean in Stainless Steel	\$1,298.00 \$1,599.00	1	\$1,298.00

Saved 19%

Parts & Services

Range Power Cord

\$25.98

Expect it on Jun 25, 2021

LG Electronics 1.8 cu. ft. Over the Range Microwave with Sensor Cook and EasyClean in Stainless Steel

\$278.00

1

\$278.00

~~\$349.00~~

Saved 13%

Parts & Services

Otr Install

\$139.00

Expect it on Jun 25, 2021

Subtotal

\$6,035.23

Appliance Delivery

FREE

Sales Tax

\$414.40

Total

\$5,882.43

You Saved

\$1,661.20

Need help?

Online Customer Support:
1-800-430-3376

Major Appliances:
1-877-946-9843

Call 7 days a week:
6 a.m. to 2 a.m. EST

Proposal

William Johnson I
5315 Hayward Rd
Florence, SC 29541

205-536-7784

PROPOSAL SUBMITTED TO: <i>Thurmond L. Beate</i>	JOB NAME	JOB #
ADDRESS <i>5654 Westminster Dr.</i>	JOB LOCATION	
<i>Florence, SC 29501</i>	DATE <i>6-23-21</i>	DATE OF PLANS <i>6-23-21</i>
PHONE # <i>(843) 468-5966</i>	FAX #	ARCHITECT

We hereby submit specifications and estimates for: *15' x 6' gate* *with privacy vinyl fencing*
 with *10' drive gate* *style fence posts will be in*
concrete in ground professional install
for the sum of
Material and Labor \$6100.00

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:
 \$ *6100.00* *Deposit \$4500.00* Dollars
 with payments to be made as follows: *1st at completion of \$1600*

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted *William Johnson I* *6-23-21*

Note - this proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date of Acceptance *6-23-21* Signature _____

Signature _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

Florence City Council,

Plaintiff,

--VS--

Linda Becote,

Defendant.

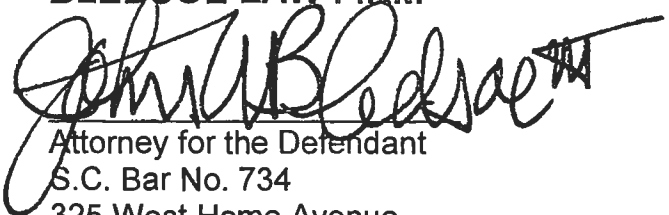
**OBJECTIONS TO AND MOTION
TO EXCLUDE AFFIDAVIT OF
ESPERONE HUGGINS AND
ANY OTHERS**

On behalf of Linda Becote, the undersigned hereby moves to exclude from evidence the above-mentioned and any other affidavit submitted by the City of Florence in this case. Affidavits are notoriously self-serving and one-sided subject to exaggeration and cannot be cross-examined.

Mr. Huggins' affidavit is full of hearsay, if not outright prevarication. We would ask that Mr. Huggins' affidavit be excluded from evidence and that he be required to testify in person. Attempting to submit his affidavit rather than in lieu of testimony is simply an attempt to avoid the truth especially since there has been no valid reason given why Mr. Huggins cannot testify in person.

I SO MOVE.

BLEDSON LAW FIRM



Attorney for the Defendant
S.C. Bar No. 734
325 West Home Avenue
Post Office Box 250
Hartsville, SC 29551
843-332-2255 (Phone)
843-332-2257 (Fax)
john@johnbledsoelaw.com

Hartsville, South Carolina
March 30, 2023

FLORENCE CITY COUNCIL MEETING

DATE: April 10, 2023
AGENDA ITEM: Ordinance
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION:

An Ordinance authorizing and directing the City of Florence to enter into an intergovernmental agreement relating to South Carolina local revenue services; to participate in one or more local revenue service programs; to execute and deliver one or more participant program supplements; and other matters relating thereto.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

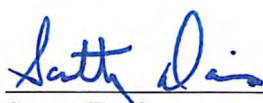
1. The South Carolina Business License Tax Standardization Act (Act 176 of 2020) streamlined the business license process, creating the same process for taxing jurisdictions across the state.
2. The City of Florence adopted Ordinance No. 2021-04 on March 8, 2021 to comply with the requirements of the Standardization Act.

III. POINTS TO CONSIDER:

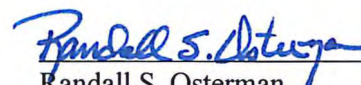
1. The Municipal Association of SC offers collection programs for certain business license taxes and the City of Florence participates in these programs.
2. Historically, these programs have been known as the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Collection Program. In the last year, the Municipal Association has collectively rebranded these programs as Local Revenue Services to better reflect its purpose and has renamed the three business license programs as the Insurance Tax Program, or ITP; the Brokers Tax Program, or BTP; and the Telecommunication Tax Program, or TTP.
3. As a result of the Local Revenue Services rebranding and the adoption of the new local business license ordinance under Act 176, the Municipal Association is required to update the ordinance and agreement with the City of Florence in order to continue participation in Local Revenue Services.

IV. ATTACHMENTS:

1. Ordinance
2. Intergovernmental Agreement
3. Supplement to the Agreement



Scotty Davis
Deputy City Manager



Randall S. Osterman
City Manager

Date: February 28, 2023

To: Mayors, Managers, Administrators, Clerks and
Local Revenue Service Contacts

From: Caitlin Cothran, Manager for Local Revenue Services

Re: Ordinance, Agreement, and Supplement for Local Revenue Service Programs
PROMPT ACTION REQUIRED

For many years, the Municipal Association has offered collection programs for certain business license taxes. These programs include the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Program. The Municipal Association has collectively rebranded these programs as Local Revenue Services and has renamed the three business license programs as the Insurance Tax Program (ITP), the Brokers Tax Program (BTP), and the Telecommunication Tax Program (TTP).

In addition, by Act 176 of 2020,¹ the General Assembly standardized business licensing in the State of South Carolina. Following the adoption of this Act, the Municipal Association provided a revised model business license ordinance. Every municipality in the State has adopted a revised business license ordinance based on Act 176 and the new model ordinance.

As a result of the Local Revenue Services rebranding and the adoption of new local business license ordinances under Act 176, the Association is required to update the ordinances and agreement by which municipalities may participate in Local Revenue Services. Please note as follows:

- There are THREE attachments to this memo: (1) an ordinance to participate in Local Revenue Services, (2) an intergovernmental agreement for the programs, and (3) a program participant supplement by which a municipality elects which programs to join.
- In order to continue to participate in Local Revenue Services, **your municipality must (1) enact the attached ordinance and, (2) once the ordinance is enacted, sign the attached agreement and supplement.**
- The ordinance must be **completed where highlighted and then enacted exactly as written.**
- The agreement must be **signed exactly as written.**
- The supplement must be **completed where highlighted and then signed exactly as written.**
- The Setoff Debt Program is not affected by the attached documents, which relate only to ITP, BTP, and TTP.
- The Association must have a certified copy of your amended ordinance, together with the original signed agreement and supplement, by **May 26, 2023**. We will send you a copy of the final agreement with the Municipal Association's signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Municipal Association.

¹ The Business License Standardization Act, found at S.C. Code Sec. 6-1-400 to -420.

The new program documents will not substantially change the operation of the Local Revenue Services programs from your perspective. The Municipal Association will continue to administer and collect business license taxes within ITP, BTP, and TTP. The rates for the Municipal Association's services will remain exactly the same as they are now. Finally, distributions of collected amounts will be made in the same manner and at approximately the same times as they are now.

The substantial changes to the Local Revenue Services programs are as follows:

- The new agreement is an intergovernmental agreement among all of the participating governments, rather than a series of standalone agreements.
- Local Revenue Services will act in its own name as a division of the Municipal Association and will be governed by a committee of the Municipal Association's Board of Directors.
- The terms on which the Municipal Association is delegated the authority to resolve litigation on behalf of its members have been clarified.
- An appeals process, as required by and consistent with Act 176, has been formally adopted.

If you have questions about the attached documents, please contact Caitlin Cothran at (803) 354-4786 or ccothran@amsc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Eric Shytle, General Counsel of the Municipal Association, at (803) 933-1214 or eshytle@masc.sc.

AN ORDINANCE

AUTHORIZING AND DIRECTING THE CITY OF FLORENCE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATING TO SOUTH CAROLINA LOCAL REVENUE SERVICES; TO PARTICIPATE IN ONE OR MORE LOCAL REVENUE SERVICE PROGRAMS; TO EXECUTE AND DELIVER ONE OR MORE PARTICIPANT PROGRAM SUPPLEMENTS; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Florence (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, under State law, certain business license taxes are applicable in a manner or at a rate that applies throughout the State ("Statewide Business License Taxes");

WHEREAS, such Statewide Business License Taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; and to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipal Association of South Carolina (the "Association") has previously established local revenue service programs in which the Association administers Statewide Business License Taxes on behalf of and for the benefit of participating municipalities;

WHEREAS, such local revenue service programs include a program known as the Insurance Tax Program ("ITP") that administers business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; a program known as the Brokers Tax Program ("BTP") that administers business license taxes applicable to brokers under Title 38, Chapter 45 of the S.C. Code; and a program known as the Telecommunications Tax Program ("TTP") that administers business license taxes applicable to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipality currently participates in ITP, BTP, and TTP;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2021-04 on March 8, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, in connection with the enactment of the Standardization Act and the adoption of locally compliant business license ordinances, the municipalities of the State have determined that it would be advisable and prudent to update the existing local revenue service programs;

WHEREAS, in particular, the municipalities of the State have determined to establish and join

South Carolina Local Revenue Services (“LRS”) by intergovernmental agreement, which among other things will administer Statewide Business License Taxes on behalf of its participants, including but not limited to by continuing to offer the services provided by the ITP, BTP, and TTP;

WHEREAS, Article VIII, Section 13(A) of the South Carolina Constitution provides that “(a)ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof;”

WHEREAS, the City Council of the Municipality (the “Council”) now wishes to authorize and direct the Municipality to join LRS and to participate in one or more local revenue service programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Florence, as follows:

SECTION 1. Direction to Apply to and Join LRS. The form of the Local Revenue Services Agreement (the “Agreement”) pursuant to which a municipality may request to participate in LRS and, if approved, become a participant is attached hereto as Exhibit A. The City Manager (the “Executive Officer”) is hereby authorized and directed to apply to participate in LRS. If the Municipality’s application is approved by LRS, then the Executive Officer shall execute and deliver a counterpart to the Agreement in substantially the form attached hereto. The Council hereby approves the terms and conditions of and agrees to comply with the Agreement upon the execution and delivery thereof by the Executive Officer.

SECTION 2. Participation in Local Revenue Service Programs. The Council determines that, if admitted to LRS, the Municipality will participate in the ITP, the BTP, and the TTP. The Executive Officer is hereby authorized and directed to execute and deliver any required Participant Program Supplements (as such term is defined in the Agreement) as may be necessary to participate in such local revenue service programs.

SECTION 3. Business License Taxes Applicable to Insurance Companies. Notwithstanding anything in the Current Business License Ordinance to the contrary, the following provisions shall apply to insurance companies subject to Title 38, Chapter 7 of the S.C. Code.

- a) Except as set forth below, “gross premiums” for insurance companies means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.
- b) As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

- c) As to bail bonds, "gross premiums" shall exclude any amounts retained by a licensed bail bondsman as defined in Title 38, Chapter 53 of the S.C. Code for authorized commissions, fees, and expenses.
- d) Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.
- e) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.
- f) The business license tax for insurance companies under Title 38, Chapter 7 of the S.C. Code shall be established at the rates set forth below. Declining rates shall not apply.

NAICS Code

524113 **Life, Health, and Accident.** 0.75% of Gross Premiums.

524126 **Fire and Casualty.** 2% of Gross Premiums.

524127 **Title Insurance.** 2% of Gross Premiums.

- g) License taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 4. Business License Tax Applicable to Brokers. Title 38, Chapter 45 of the S.C. Code (the "Brokers Act") establishes a blended premium tax rate applicable to brokers of 6 percent, comprising a 4 percent State premium tax and a 2 percent municipal premium tax, each to be collected by the South Carolina Department of Insurance. Pursuant to §§ 38-45-10 and 38-45-60 of the Brokers Act, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax.

SECTION 5. Business License Taxes Applicable to Telecommunication Companies.

- a) Notwithstanding any other provisions of the Current Business License Ordinance, the business license tax for "retail telecommunications services," as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by its amendment. Declining rates shall not apply.
- b) The business license tax year for retail telecommunications services shall begin on January 1 of each year. The business license tax for retail telecommunications services shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.

- c) In conformity with S.C. Code Section 58-9-2220, the business license tax for “retail telecommunications services” shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- d) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement. All fees collected under such a franchise or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

SECTION 6. No Exemption for Interstate Commerce. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 7. LRS to Appoint Business License Official and to Designate Appeals Board. Pursuant to the Agreement, LRS is hereby authorized to appoint one or more individuals (each, an “LRS Business License Official”) to act as the Municipality’s business license official for purposes of administering Statewide Business License Taxes. In addition, LRS is hereby authorized pursuant to the Agreement to designate an appeals board (the “Appeals Board”) for purposes of appeals arising with respect to such taxes. The LRS Business License Official so appointed and the Appeals Board so designated shall have all of the powers granted to the Municipality’s business license official and appeals board under the Current Business License Ordinance, except as may be modified by this ordinance.

SECTION 8. Appeals Process. With respect to the calculation, assessment, and collection of Statewide Business License Taxes, in lieu of the appeals process described in the Current Business License Ordinance, the following appeals process required by S.C. Code Section 6-1-410 shall apply:

- a) If a taxpayer fails or refuses to pay a Statewide Business License Tax by the date on which it is due, the LRS Business License Official may serve notice of assessment of the Statewide Business License Tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the

LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.

- b) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.
- c) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

SECTION 9. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective on the date of final reading.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20__.

Mayor

ATTEST:

Clerk

First reading: _____

Final reading: _____

LOCAL REVENUE SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ A.D., 20____, by and among the Municipal Association of South Carolina (the "Association") and all the parties who are now or may hereafter become participants ("Participants") in South Carolina Local Revenue Services, a division of the Association ("LRS"),

WITNESSETH:

WHEREAS, certain governmental functions may be more efficiently and effectively provided in cooperation with other governments, particularly when the sharing of such functions may deliver economies of scale, avoid redundancies in staffing, facilitate intergovernmental communication and coordination, benefit the citizens and taxpayers of the State by offering single points of contact, and allow retention of highly trained and specialized staff or private contractors in situations in which it would not be cost effective for a single government to retain such professionals;

WHEREAS, Article VIII, sec. 13 of the South Carolina Constitution provides that any incorporated municipality "may agree with . . . any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof," and that "[n]othing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State;"

WHEREAS, S.C. Code § 4-9-41(A) provides that any "incorporated municipality ... may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution;"

WHEREAS, certain municipalities in the State have determined that it would be effective and efficient to jointly perform certain functions, including without limitation the business license functions more fully described below;

WHEREAS, LRS is a division of the Association and a committee of the board of directors of the Association and will establish or continue one or more Revenue Service Programs (as hereinafter defined); and

WHEREAS, the Participants, through action of their respective governing bodies, have elected to comply with the conditions of this Agreement and to authorize LRS to perform the functions and exercise the powers herein described;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, and obligations herein contained, which are given to and accepted by each signatory hereof to the other, the parties hereto agree as follows:

Section 1. Definitions. As used in this Agreement, the following terms shall have the meanings set forth below:

- (a) "Appeals Board" means the board created pursuant to Section 8 hereof for purposes of hearing and determining appeals under this Agreement.
- (b) "Association" means the Municipal Association of South Carolina.
- (c) "Gross Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the total amount of Impositions collected by LRS during such period.
- (d) "Imposition" means any tax, fee, rate, charge, fine, penalty, or interest charge that has been lawfully imposed by a Participant and for which a Revenue Service Program has been established. Such Impositions include, without limitation, Statewide Business License Taxes.
- (e) "LRS" means South Carolina Local Revenue Services, established by this Agreement.
- (f) "LRS Board of Directors" means the board of directors of LRS.
- (g) "LRS Business License Official" shall mean the person designated from time to time by the LRS Board of Directors to act as the business license official (as such term is used in S.C. Code §§ 6-1-400 to -420) with respect to one or more Revenue Service Programs. The LRS Board of Directors may, but need not, designate different persons as the LRS Business License Official for different Revenue Service Programs.
- (h) "Participant" means a local government that has become a participant in LRS by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart.
- (i) "Net Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the amount of Gross Proceeds that remain for distribution to Participants after the payment of operation and maintenance expenses (including, without limitation, LRS's compensation) for such period.
- (j) "Revenue Service Programs" means any one or more programs established or continued by LRS to administer, assess, collect, and enforce Impositions. Such Revenue Service Programs may include, without limitation, programs for the administration, assessment, collection, and enforcement of Statewide Business License Taxes.
- (k) "S.C. Code" means the South Carolina Code of Laws of 1976, as amended.
- (l) "State" means the State of South Carolina.
- (m) "Statewide Business License Taxes" means business license taxes that, pursuant to the S.C. Code, are applicable in a manner or at a rate that applies throughout the State. Such business license taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code; and such other business license taxes as may now or hereafter be made

applicable throughout the State in a manner or at a rate that has been established by State law.

Section 2. Authorization of LRS. The municipalities that are initial signatories hereto do hereby establish LRS and authorize it to perform the functions and exercise the powers described in this Agreement. The functions to be performed hereunder are more specifically described in Section 5 below and the powers to be exercised are more specifically described in Section 6 below. The Participants, regardless of their respective dates of admission to LRS, further agree as follows:

- (a) The functions and powers described in this Agreement would be more efficiently and effectively performed and exercised in cooperation with other governments through LRS;
- (b) The Participants shall comply with the conditions of this Agreement and, by joining LRS, shall jointly perform the functions and exercise the powers herein described by contract with LRS.

Section 3. Participation. The right to participate in LRS shall be limited to local governments within the State. A qualifying entity may become a Participant by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart. LRS shall be sole judge of whether an applicant shall be admitted as a Participant. A Participant may be suspended or expelled by the LRS Board of Directors from LRS, provided that such suspension or expulsion shall not be effective until 30 days after written notice of suspension or expulsion has been mailed to it.

Section 4. LRS Board of Directors. LRS shall be governed by a Board of Directors containing five Directors. The members of the Association's Executive Committee (comprising the President, First Vice President, Second Vice President, Third Vice President, and Immediate Past President of the Association) shall serve *ex officio* as Directors of LRS, with terms of office coterminous with their terms as officers of the Association. The President of the Association, or in his or her absence the First Vice President of the Association, shall serve as chair at meetings of the LRS Board of Directors. With respect to LRS's officers, the members of the LRS Board of Directors shall occupy the same offices as they do with respect to the Association.

Section 5. Functions of LRS. LRS may, and at the direction of and subject to the control of the LRS Board of Directors shall, establish or continue one or more Revenue Service Programs including, without limitation, for the administration, assessment, collection, and enforcement of Statewide Business License Taxes and other Impositions related to Statewide Business License Taxes. LRS's functions with respect to the Revenue Service Programs shall include, without limitation, training employees; developing resources to assist business license functions; making necessary investigations into entities or individuals subject to Impositions; developing databases for the application, calculation, allocation, and distribution of Impositions; establishing procedures for determining and calculating the amounts due as Impositions; communicating with entities or individuals subject to Impositions; collecting current and delinquent Impositions; initiating, defending, managing, resolving, and settling disputes or litigation matters that affect more than

one Participant; and acquiring, licensing, developing, improving, maintaining, and protecting software and other information technology infrastructure.

Section 6. Powers of LRS. LRS shall have the following powers:

- (a) adopt bylaws for the regulation of its affairs and the conduct of its business and prescribe rules and policies and promulgate regulations in connection with the performance of its functions and duties;
- (b) adopt an official seal and alter it at its pleasure;
- (c) maintain an office at a place it determines;
- (d) sue and be sued in its own name and plead and be impleaded;
- (e) require documentation of amounts due from taxpayers, including without limitation by requiring reconciliation reports in which the taxpayer provides sufficient information to verify whether revenues of the taxpayer are appropriate for exclusion as non-municipal revenues and to determine the proper allocation of Impositions among Participants;
- (f) receive, administer, and comply with the conditions and requirements of a gift, grant, or donation of property or money;
- (g) acquire by purchase, lease, gift, or otherwise, or obtain options for the acquisition of, any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof in conformity with state law;
- (h) sell, lease, exchange, transfer, mortgage, or otherwise dispose of, or grant options for any such purposes with respect to, any real or personal property or interest therein in conformity with state law;
- (i) make and execute contracts, agreements, or other undertakings with such agents, service contractors, persons, firms, corporations, and attorneys as it deems appropriate to perform its functions and exercise its powers;
- (j) acquire, license, develop, improve, maintain, and protect software and other information technology infrastructure;
- (k) employ professionals, support staff, attorneys, appraisers, financial advisors, and other consultants and employees as required in the judgment of LRS and fix and pay their compensation from funds available to LRS for that purpose;
- (l) transact any lawful business that will aid the purposes and functions of LRS;
- (m) make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of LRS; and
- (n) do all things necessary or convenient, not inconsistent with law, to further the activities and affairs of LRS

Section 7. Attorney-in-Fact Designation; Dispute Resolution and Conduct of Litigation. Each Participant hereby appoints LRS and its designees as its agent and attorney-in-fact to act on its behalf with respect to Impositions. As agent and attorney-in-fact, LRS shall be fully empowered to initiate, defend, manage, resolve, and settle any disputes or litigation (whether in its own name or in the name of the Participants) relating to Impositions owing or payable to one or more Participants; to pay all expenses, costs, and judgments that might be incurred against LRS when acting on behalf of its Participants for communication, investigation, negotiation, enforcement, defense, or settlement with respect to Impositions; and to take all other actions as may be necessary to administer, collect, investigate, enforce, and implement the Revenue Service Programs. Each Participant, pursuant to Rule 17 of the S. C. Rules of Civil Procedure and Rule 17 of the Federal Rules of Civil Procedure, specifically acknowledges the standing of LRS to prosecute a civil action for collection in its behalf and hereby ratifies any such action that LRS may commence.

The LRS Board of Directors may, by majority vote, authorize a third party (including without limitation the Association) to act as attorney-in-fact to the same extent as set forth in this section on behalf of the Participants.

LRS's authority to initiate, defend, manage, resolve, and settle disputes and litigation shall be subject to the following terms and conditions:

- (a) If, with respect to any particular dispute, a proposed compromise or settlement would reduce the amount asserted by LRS to be payable to an individual Participant by more than ten percent (10%) of the total amount remitted by LRS to such Participant in the immediately preceding year for the relevant Revenue Service Program, then, notwithstanding subsections 7(b) and 7(c) below, LRS shall be required to secure the written consent of such Participant before compromising or settling such dispute with respect to such Participant. Otherwise, LRS shall be entitled to compromise or settle such dispute on behalf of each Participant without further authorization by such Participants beyond that contained herein.
- (b) Any proposed compromise or settlement that would result in a reduction of \$100,000 or less from the amount originally claimed to be due and owing by LRS may be approved or denied by LRS without separate approval by the LRS Board of Directors. The LRS Board of Directors shall, by appropriate action from time to time, designate one or more staff members or contractual counterparties who are authorized to compromise or settle such disputes.
- (c) Any proposed compromise or settlement that would result in a reduction of more than \$100,000 from the amount originally claimed to be due and owing by LRS must be approved or denied by the LRS Board of Directors.

- (d) Any proposed compromise or settlement that would result in a waiver of penalties, interest, late charges, or other amounts owing due to late payment of an Imposition must be approved or denied by the LRS Board of Directors.

Section 8. Appeals Process. The Participants acknowledge that, pursuant to local ordinances, regulations, and rules, each Participant has its own procedures by which matters relating to the calculation, assessment, and collection of business license taxes may be appealed. With respect to Impositions subject to this Agreement, however, each Participant has enacted a local ordinance by which appeals relating to such Impositions are excluded from the otherwise applicable local ordinance. Each Participant agrees that the appeals process described in this Section shall apply to all appeals relating to Impositions subject to this Agreement. Each Participant hereby consents to the adoption of the appeals process described in this Section; specifically declares its intention that such appeals process shall be deemed an exception to its otherwise applicable local ordinances, regulations, and rules; and agrees that it has or will approve such appeals process by appropriate local action.

- (a) There is hereby created a board for purposes of hearing appeals pursuant to this Section (the "Appeals Board"). The Appeals Board shall contain three members. The President of the Association, the Executive Director of the Association, and the President of the South Carolina Business Licensing Officials Association ("BLOA") shall each serve *ex officio* as members of the Appeals Board, with terms of office coterminous with their terms as officers of the Association or BLOA, as appropriate. The President of the Association, or in his or her absence the Executive Director of the Association, shall serve as chair at meetings of the Appeals Board.
- (b) With respect to the calculation, assessment, and collection of Impositions, the following appeals process, as required by Section 6-1-410, shall apply.
 - (1) If a taxpayer fails or refuses to pay an Imposition by the date on which such Imposition is due, the LRS Business License Official may serve notice of assessment of the Imposition due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
 - (2) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS

in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.

- (3) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

Section 9. LRS May Be Separately Organized. Hereafter, the LRS Board of Directors may determine, for corporate governance, recordkeeping, and operational purposes, that LRS should be established as a separate entity, either under the South Carolina Nonprofit Corporation Act, currently codified at Title 33, Chapter 31 of the S.C. Code, or otherwise. If the LRS Board of Directors so determines, it may take all such actions as may be necessary to organize LRS as a separate entity without further approval by the Participants, provided that such organization shall not otherwise vary or modify the terms of this Agreement except to the extent necessary to reflect the new organizational structure of LRS.

Section 10. Participation in a Revenue Service Program. A Participant may elect to participate in a Revenue Service Program by signing and delivering a separate supplement to this Agreement with respect to such Revenue Service Program (each, a "Participant Program Supplement"). The Participant Program Supplements shall be substantially identical within each Revenue Service Program. The form of the Participant Program Supplement is attached hereto as Appendix A.

Section 11. Collection of Impositions; Distributions; Payment for Services; Prohibition on Lobbying Activity.

- (a) LRS shall collect, subject to the Participant Program Supplements, all Impositions subject to this Agreement.

- (b) The Participants will compensate LRS for its services. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of each Participant within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Participants acknowledge that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to each Participant separately within each Revenue Service Program. Hereafter, and notwithstanding Section 13 below, the LRS Board of Directors by majority vote may amend the compensation method by giving notice to all participating Participants at least ninety days prior to the effective date of such amendment. Such amendment shall become effective after the ninety-day notice period with respect to each Participant without further action by such Participant, provided that such Participant may withdraw from participation at any time within ninety days after notice of the amendment is provided.
- (c) LRS will regularly, and not less than once in each calendar quarter, distribute the Net Proceeds to Participants.
- (d) No funds or personnel of LRS may be used or employed to influence any election; support or oppose any partisan organization; support or oppose the enactment, repeal, or modification of any federal or state legislation; or seek to influence any federal or state local government officials in the discharge of their official functions.

Section 12. Fiscal Year. LRS shall operate on a fiscal year from 12:01 a.m. January 1 of each year to 12:00 midnight December 31 of the succeeding year (the “LRS Year”). Application for participation, when approved in writing by LRS shall constitute a continuing contract for each succeeding LRS Year unless cancelled by LRS.

Section 13. Amendment. This Agreement may be amended by an agreement executed by those Participants constituting a majority of the Participants in LRS during the current LRS Year. In lieu of this amendment procedure, the Participants hereby appoint a 4/5 majority (i.e., at least four Directors) of the LRS Board of Directors agents to make any amendments to this Agreement that would not fundamentally alter the contemplated arrangement. Written notice of any amendment proposed for adoption by the LRS Board of Directors shall be mailed to each Participant not less than 30 days in advance. Written notice of amendments finally adopted by the LRS Board of Directors shall be mailed to each Participant not more than 30 days after adoption.

Section 14. Terms Applicable on Admission. Any entity that formally applies to participate in LRS and is accepted by LRS shall thereupon become a party to this Agreement and be bound by all of the terms and conditions hereof. A Participant may withdraw from participation by delivery of written notice of withdrawal at least 90 days prior to the end of an LRS Year, to be effective as of the end of such LRS Year.

Section 15. Term; Dissolution. LRS has been established with the bona fide intention that it shall be continued in operation indefinitely and that the contributions to LRS shall continue for an indefinite period. However, the LRS Board of Directors reserves the right at any time to terminate LRS by a written instrument to that effect executed by at least four-fifths (4/5) of the members of the LRS Board of Directors. Such written termination notice shall be delivered to each Participant no less than 120 days prior to the effective date of termination. In the event of such termination, Participant contributions shall cease as of the date of termination and the assets then remaining in the fund shall continue to be used and applied, to the extent available, for the (a) payment of claims arising prior to such termination and (b) payment of reasonable and necessary expenses incurred in such termination. Any monies or other assets thereafter remaining in LRS shall be distributed pro rata to the Participants in LRS as of the day of termination. In no event shall any such assets be returned or distributed to any individual. Upon such termination, the LRS Board of Directors shall continue to serve for such period of time and to the extent necessary to effectuate termination of LRS.

[signatures appear on following page]

IN WITNESS WHEREOF, the Participants listed below acknowledge their participation in LRS and acceptance of obligations thereunder, by the due execution hereof, following appropriate governmental body approval, by its mayor or other duly authorized official. Further, LRS has caused these presents to be signed by its President and attested by its Vice President.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

B. Todd Glover, Executive Director

**LOCAL REVENUE SERVICES, A DIVISION OF THE
MUNICIPAL ASSOCIATION OF SOUTH CAROLINA**

Mayor Rick Osbon, President of LRS

ATTEST:

Mayor Barbara Blain-Bellamy, Vice President of LRS

PARTICIPANT SIGNATURE PAGE

CITY OF FLORENCE, SOUTH CAROLINA

Name:

Title:

ATTEST:

Name:

Title: City Clerk of Florence

APPENDIX A: FORM OF PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the City of Florence (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: ITP / BTP / TTP.

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the "Brokers Insurance Statute"), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance ("DOI") and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

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CITY OF FLORENCE, SOUTH CAROLINA

Name:

Title:

ATTEST:

Name:

Title: City Clerk of Florence

FLORENCE CITY COUNCIL MEETING

DATE: April 10, 2023
AGENDA ITEM: Ordinance
DEPARTMENT/DIVISION: Utilities

I. ISSUE UNDER CONSIDERATION:

An Ordinance to repeal Ordinance No. 2022-24 dated October 10, 2022 and enact a new Ordinance to amend Article I and II of Chapter 12 of the City of Florence Code of Ordinances entitled "Municipal Utilities".

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

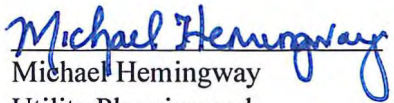
1. The City's current Municipal Utilities code was adopted by City Council on November 10, 1997 by Ordinance No. 1997-36.
2. On October 10, 2022 City Council adopted Ordinance No. 2022-24 to amend the Municipal Utilities Code to be consistent with changes implemented by the US EPA and SCDHEC.
3. In January 2023 all City of Florence Ordinances adopted in 2022 were submitted to CivicPlus (formerly Municode) for codification, at which point discrepancies were discovered between current city code and the adopted Ordinance 2022-24.

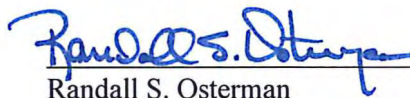
III. POINTS TO CONSIDER:

1. It has been deemed in the State of South Carolina, the South Carolina Department of Health and Environmental Control (SCDHEC) is the regulating entity through implementation of Regulation 61-9 Section 403 (Pretreatment Regulations).
2. The City still desires to update the Municipal Utilities code in order to be consistent with the changes implemented by the US EPA and SCDHEC.
3. The proposed Ordinance will repeal Ordinance No. 2022-24 and adopt a new Ordinance to amend Chapter 12, Article I and II of the City of Florence Code of Ordinances.

IV. ATTACHMENTS:

1. Ordinance
2. Exhibit A – proposed changes


Michael Hemingway
Utility Planning and
Economic Development Director


Randall S. Osterman
City Manager

ORDINANCE NO. 2023 - ____

AN ORDINANCE TO REPEAL ORDINANCE NO. 2022-24 DATED OCTOBER 10, 2022 AND ENACT A NEW ORDINANCE TO AMEND ARTICLE I AND II OF CHAPTER 12 OF THE CITY OF FLORENCE CODE OF ORDINANCES ENTITLED “MUNICIPAL UTILITIES”.

WHEREAS, Chapter 12, Article I and II of the City of Florence, South Carolina Code of Ordinances (“the Code”) regulates industrial pretreatment users to the Public Owned Treatment Works (POTW); and

WHEREAS, it has been deemed in the State of South Carolina, the South Carolina Department of Health and Environmental Control (SCDHEC) is the regulating entity through implementation of Regulation 61-9 Section 403 (Pretreatment Regulations); and

WHEREAS, Florence City Council adopted Ordinance No. 2022-24 on October 10, 2022 to amend Article I and II of Chapter 12 of the City of Florence Code of Ordinances entitled “Municipal Utilities” in order to be consistent with changes implemented by the US EPA and SCDHEC; and

WHEREAS, in working through the codification process, discrepancies were discovered with Ordinance No. 2022-24 and the current City Code and it was determined an outdated version of City Code was modified in the preparation of Ordinance No. 2022-24; and

WHEREAS, Florence City Council still desires to update the City of Florence Code of Ordinances in order to be consistent with changes implemented by the US EPA and SCDHEC.

NOW THEREFORE, BE IT ORDAINED by the Florence City Council duly assembled that:

- a. Ordinance No. 2022-24 dated October 10, 2022 is hereby repealed.
- b. An Ordinance is hereby adopted to amend Chapter 12, Article I and II of the Code of Ordinances of the City of Florence as shown in the “tracked” version of said Articles attached hereto as Exhibit A and incorporated herein by reference.
- c. This Ordinance shall become effective upon its approval and adoption by the City Council of the City of Florence.

ADOPTED this 8th day of May 2023

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

TERESA MYERS ERVIN
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

ARTICLE I. IN GENERAL¹

Sec. 12-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

Act or "the Act":

- (1) The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) The South Carolina Stormwater Management and Sediment Reduction Act, as set forth in § 48-14-10, et seq. of the Code of Laws of South Carolina, 1976, as amended.

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.

Alley: A minor way used for service access to the back or side of properties abutting on a street.

Appeals and hearing board: The stormwater management appeals board, as appointed by the City Council, City of Florence, to hear appeals and conduct administrative hearings associated with the provisions and requirements of article IV of this chapter.

Applicant: A person, firm, governmental agency, partnership, or any other entity who seeks to obtain approval or a permit under the requirements of this chapter and who will be responsible for the land disturbing activity and related maintenance thereof.

Approval authority: South Carolina Department of Health and Environmental Control.

Approved: Accepted by the department director or his designated as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

As-built plans or record documents: Set of engineering or site drawings that delineate the specific permitted stormwater management facility as actually constructed.

Authorized representative of the industrial user:

- (a) If the industrial user is a corporation, authorized representative shall mean:
 - (1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

¹Editor's note(s)—Ord. No. 2007-38, § 1, adopted Aug. 13, 2007, deleted the former Art. I, §§ 12—1—12-4, and enacted a new Art. I as set out herein. The former Art. I pertained to similar subject matter, For complete derivation see the Code Comparative Table at the end of this volume.

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- (2) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding \$25 million (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents or having gross annual sales or expenditures exceeding \$25 million (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
- (c) If the industrial user is a federal, state or local government, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

Auxiliary water supply: Any water supply, on or available, to the premises other than the city's approved public potable water supply.

Backflow: The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow preventer: A device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, residential dual check, double check with intermediate atmospheric vent and barometric loop. (See Appendix I for an approved list).

Back-siphonage: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Best management practices (BMPs): A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade expressed as a concentration (mg/l).

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."

Certificate of annual inspection: A form supplied by the city which shall be used to certify that an annual inspection has occurred and such backflow preventer meets the minimum qualifications of these regulations, to be completed by a certified tester.

Certificate of installation: A form supplied by the city which shall be used to certify that an approved backflow preventer has been installed. Certification shall be made by a qualified person.

City: The city or any duly authorized official acting on its behalf.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

COD (chemical oxygen demand): Used to measure the content of organic matter that is susceptible to oxidation by a strong chemical oxidant.

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

Commercial and industrial water use: Water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Commercial business: Any occupant's use of a building or structure for any retail trade, service, professional, office, amusement, entertainment, or similar purpose as defined by the city zoning ordinance and as specifically permitted within any business or commercial district under the zoning ordinance.

Condominium: One (1) dwelling unit in a series or in a multiunit type structure which may be owned or leased by a person who may have common use of all related activities associated with the structure and having one (1) sewer connection for each unit.

Conservation: A reduction in water use to prevent depletion or waste of the resource.

Construction activity: Activities subject to NPDES construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Containment: A method of backflow prevention which requires a backflow preventer at the water service entrance.

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.

Cross-connection control authority: The City of Florence.

Credit: A conditional reduction in the amount of a stormwater service charge or other fees, rates, rentals, charges, fines, and penalties to an individual property based on: the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility; and/or continuing provision of a service or activity that reduces the stormwater utility's cost of providing stormwater management services and stormwater management systems and facilities; and/or on the direct discharge of runoff to a receiving water that is not operated, maintained, improved, and regulated, now or in the future, by the city.

Cross-connection: Any physical link or route that makes it possible for contamination to flow into the potable water system.

Customer: Any person, company, or organization using water supplied by the City of Florence.

Customers of the stormwater utility: Customers of the stormwater utility shall include those persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater systems and facilities and regulation of public and private stormwater, stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Designated watershed: A watershed designated by the City of Florence and identified as having an existing or potential stormwater, sediment control, or nonpoint source pollution problem.

Detached single-family dwelling unit: A 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 single-family dwelling units may include houses, manufactured homes, and mobile homes located on one (1) or more individual lots or parcels of land. Developed land may be classified as a detached single-family dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings, or the presence of a commercial use within the dwelling

unit so long as such use does not result in additional areas of impervious surfaces such as parking spaces, playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar nonresidential uses. 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 dwelling unit residential properties.

Detention structure: A permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

Develop land: To change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

Developed land: Property altered from its natural state by construction or installation of more than two hundred (200) contiguous square feet of impervious surfaces as defined in this division.

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

Development: Any physical improvement of real estate under the guidelines and requirements of the codes and ordinances of the city; Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

- (1) A minor development is any development involving five (5) or fewer lots and involving a land area of less than five (5) acres and not requiring the construction or extension of any streets or other municipal utilities.
- (2) A major development is any development larger than a minor development.

DHEC: The South Carolina Department of Health and Environmental Control.

Department director, (or his delegated representative): [The person] in charge of the division, which is invested with the authority and responsibility for the implementation of a cross-connection control program and for the enforcement of the provisions of this division.

Domestic sewage: Liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

Domestic water use: Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

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: Area contributing runoff to a single point; that area in which all of the surface water runoff resulting from precipitation is concentrated into a particular stream.

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

Drought alert phases are as follows:

- (1) Moderate drought occurs when the Palmer Index reaches the—1.50 to—2.99 range and moderate drought conditions have been verified by the best available information, and conditions indicate this situation is expected to persist.

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- (2) Severe drought occurs when the Palmer Index reaches the —3.00 to —3.99 range and severe drought conditions have been verified by the best available information.
 - (3) Extreme drought occurs when the Palmer Index reaches or falls below —4.00 and extreme drought conditions are verified by the best available information.

Drought response committee: A committee composed of state and local representatives, created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for action to the South Carolina Water Resources Commission and/or the governor.

Duplexes and triplexes: Developed land containing two (2) (duplex) or three (3) (triplex) attached residential dwelling units located on one (1) or more parcels of land.

Easement: 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.

Environmental protection agency, or EPA: The U.S. Environmental Protection Agency, or where appropriate, the term duly authorized official of said agency.

EPA pretreatment regulation: EPA regulation 40 CFR Part 403 titled, "General Pretreatment Regulations for Existing and New Sources of Pollution".

Equivalent residential unit: Two thousand five hundred (2,500) square feet of impervious surfaces. The equivalent residential unit shall be used as the basis for determining stormwater service charges to detached single-family dwelling unit properties or classes of detached single-family dwelling unit properties and other properties.

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

Erosion and sediment control: 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.

Essential water use: Water used specifically for firefighting and to satisfy federal, state, or local public health and safety requirements.

Even-numbered address: Street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A through M; and locations without addresses.

Exemption: Land disturbing activities that are not subject to the sediment and stormwater requirements contained in these regulations.

Federal categorical pretreatment standard: Any regulation containing pollutant discharge limits promulgated by the environmental protection agency in accordance with section 307(b) and (c) of the Federal Clean Water Act which applies to a specific category of industry.

Fixture isolation: A method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

Fixture outlet protection: An approved backflow preventer.

Flood: The temporary overflowing of water onto land which is usually devoid of surface water.

Garbage: Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage, and sale of produce.

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

Group dwelling unit: A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities and sewer connections are not provided for such residents, persons or families. The term "group dwelling" includes the terms rooming house, institutional house, fraternity house, or sorority house. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined. For computation of charges, three (3) beds shall be computed as one unit.

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.

Holding tank waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Hotel (including motel, tourist home, motor lodge, and tourist lodging): A building or buildings containing ten (10) or more rooms intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes by transient and/or permanent guests, and where only a general kitchen and dining room are provided within the principal building or in an accessory building. ("Efficiencies" are considered to be dwelling units). For determination of rates, each room or series of rooms made available to the general public as a separate entity for overnight accommodation shall be classified as a rental unit.

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 or county separate storm sewer system (stormwater drainage system) that is not composed entirely of stormwater runoff (except for nonpolluting 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 nonstormwater 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.

Impervious surfaces: Impervious surfaces are those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

Indirect discharge or discharge: The discharge or the introduction of pollutants from any nondomestic source into the POTW (including holding tank waste discharged into the system).

Industrial: Any occupant's use of a building or structure for any industrial or manufacturing purpose as defined and permitted in any industrial district within the city zoning ordinance.

Industrial waste: The liquid waste from commercial and industrial processes and operations as distinct from domestic sewage.

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

Institutional water use: water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

Interference: The inhibition, or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or nondischarge permit or prevents sewage sludge use or disposal in compliance with applicable state and federal statutes, regulations, or permits.

Land disturbing activity: Any use of the land by any person such as clearing, grading, transporting, filling or any other activity 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.

Landscape water use: water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Land subdivision regulations: The land subdivision regulations of the city, including the definitions utilized within the land subdivision regulations, set out in chapter 18 of this Code.

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 city zoning ordinance.

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.

Medical waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Mobile home dwelling unit: Any mobile home unit as defined in the city's mobile home regulations set out in chapter 11 of this Code and for the purposes of this chapter shall be considered as a one-family dwelling unit.

Mobile home park: A premises where one (1) or more mobile homes are parked for living or sleeping purposes of [or] where spaces are set aside or offered for sale or rent for use by mobile homes for living or sleeping purposes, including any land, building, structure or facility used by occupants of mobile homes on such premises.

Multiple-dwelling unit: Residential properties 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, condominiums, townhomes, 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. In the application of stormwater service charges, multiple-dwelling unit properties shall be treated as other developed lands as defined in this division.

Multiunit structures: All structures having more than one (1) living unit, rented, leased or purchased, and not specifically covered in the other definitions in this section. For computation of charges, five (5) hospital beds shall be computed as one unit and three (3) nursing home beds shall be computed as one unit.

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.

New source:

- (a) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards which will be applicable to such source if such standards are thereafter promulgated provided that:
 - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility, or installation replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) For purposes of this definition, construction of a new source has commenced if their owner or operator has:
 - (1) Begun, or caused to begin as part of a continuous on-site construction program.
 - i. Any placement, assembly, or installation of facilities or equipment; or
 - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nondomestic user: Any person who discharges, causes, or permits the discharge of wastewater from any facility other than a residential unit.

Nonerodible: 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.

Nonpoint source pollution: Pollution contained in stormwater runoff from ill-defined, diffuse sources.

Nonstormwater discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

NPDES permit: National pollution discharge elimination system permit issued to the city pursuant to section 402 of the Federal Clean Water Act.

One-family dwelling unit: A detached dwelling designated for or occupied exclusively by one family and owned or leased by the occupants on a continuing basis for thirty (30) days or more per year.

One hundred-year frequency storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in one hundred (100) years. It also may be expressed as an exceedence probability with a one (1) percent chance of being equaled or exceeded in any given year.

Operator: For the purpose of this article and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

- (1) The party has operational control over construction plans and specifications. Note: A party has "operational control over construction plans and specifications" if they have the authority to prepare or modify stormwater pollution prevention plans (SWPPPS); or
- (2) The party has "operational control over day-to-day activities" at a project that are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA's [the](#) interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity.

Other developed lands: Shall mean, but not be limited to, multiple-dwelling residential unit properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, churches, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, and water and wastewater treatment plants.

Outdoor uses: Aesthetic water use and water-based recreational uses such as swimming pools, water slides and other water related activities. Irrigation restricted to Wednesday and Saturday for odd-numbered addresses, Thursday and Sunday for even-numbered addresses.

Owner: Any person who has legal title to, or license to operate or occupies, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

Palmer index: A measure of the severity of a drought or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

Pass through: A discharge which exits the POTW into water of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's, NPDES permit (including an increase in the magnitude or duration of a violation).

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, joint venture, institution, commission, board, utility, cooperative, trust, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local government entities.

Person responsible for the land disturbing activity:

- (1) The person who has or represents having financial or operational control over the land disturbing activity; and/or
- (2) The landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of the act, these regulations, or any order or local ordinance adopted pursuant to this act as imposes a duty upon him.

pH: The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution and indicates the strength of acidity or alkalinity of a substance. A pH value of seven (7.0) is considered neutral. A

stabilized pH will be considered as a pH which does not change beyond the specified limits when the wastes are subjected to aeration. pH below seven point zero (7.0) is acid, above seven point zero (7.0) is alkaline.

Pollutant: Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; medical waste; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial waste; and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor). A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

Post-development: The conditions that exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

POTW director: The City of Florence Wastewater Plant Manager.

PPM: Parts per million by weight expressed in pounds. One million (1,000,000) pounds of water and sewage equals approximately one hundred twenty thousand (120,000) gallons.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pre-development: The conditions that 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.

Pretreatment program: The program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the city in compliance with EPA pretreatment regulation and approved by the approval authority.

Pretreatment requirements: Any substantive or procedural requirement related to pretreatment other than a pretreatment standard.

Pretreatment standard: Prohibited discharge standards, categorical standards, and local limits.

Primary drainage channels: All drainage channels which drain an area of two hundred (200) acres or more.

Process wastewater: Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product. Excluded are sanitary noncontact cooling water, and boiler blow down wastewaters.

Publicly owned treatment works (POTW): Treatment works which are owned by the City of Florence. This includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant.

Public sewer: A sewer in which all owners of abutting properties shall have equal rights and which is controlled by public authority.

Receiving stream: That body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

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

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 Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

Registered Tier B Land Surveyor: A person who is registered by the State of South Carolina pursuant to Chapter 22, Title 40, Code of Laws of South Carolina, 1976, as amended.

Responsible personnel: Any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities.

Retention structure: 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.

Runoff: Portion of the precipitation on the land which reaches the drainage system.

Sanitary sewer: A sewer which carries sewage or polluted industrial waste and to which stormwater, surface water and groundwater or unpolluted industrial wastes are not intentionally admitted.

Secondary drainage channels: All drainage channels which drain an area of less than two hundred (200) acres and the primary benefit is to the development.

Sediment: 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.

Septic tank: A private domestic sewage treatment system consisting of an underground tank, distribution box and drain field designed and constructed in accordance with any or all existing local and state requirements.

Sewage: A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

Sewage system: All facilities for collecting, conveying, pumping, treating and disposing of sewage.

Sewage treatment plant: Any arrangement or device and structure for treating sewage.

Sewer: A pipe or conduit for carrying sewage.

Significant industrial user:

- (a) Any user subject to categorical pretreatment standards; or
- (b) A user that:
 - (1) Discharges an average twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity on the POTW treatment plant; or
 - (3) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (c) Upon a finding that a user meeting the criteria above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time on its own initiative or in response to a petition received from a user, and in accordance with the procedures in 40 CFR 403, determine that such user shall not be considered a significant industrial user.

Significant noncompliance: Significant noncompliance violation shall be as follows:

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- (a) Chronic violations: Sixty-six (66) percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
 - (b) Technical review criteria (TRC) violations: Thirty-three (33) percent or more of all the measurements taken during a six-month period for the same parameter equal or exceed the product of the daily maximum limit of the average limit multiplied by the applicable TRC.
 - (1) For conventional pollutants
 - 1. (BOD, TSS, and fats, oil and grease)
 - 2. TRC = 1.4 ~~or 40% over the limit~~
 - (2) For all other pollutants except pH
 - 1. TRC = 1.2 ~~or 2% over the limit~~
 - (c) Any other violation of a pretreatment effluent limit (daily maximum or monthly average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the treatment system personnel or the general public).
 - (d) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge.
 - (e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.
 - (f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
 - (g) Failure to accurately report noncompliance.
 - (h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Single-family residence-separately built: A noncommercial dwelling that is occupied exclusively by one family and not part of a residential and subdivision development; also referred to as detached single family.

Slug load: Any discharge to the POTW at a flow rate or concentration which would cause a violation of the prohibited discharge standards of this chapter.

Stabilization: The installation of vegetative or structural measures to establish a soil cover to reduce soil erosion by stormwater runoff, wind, ice and gravity.

Stop work order: 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 sewer which carries storm and surface waters and drainage, but excludes sewage and polluted wastes.

Storm drainage system: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm drainage plan/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. This site plan can be a part of the site plan required by the city zoning ordinance for a zoning certificate and building permit.

Stormwater: Any surface flow, runoff, and drainage resulting from any form of natural precipitation.

Stormwater management: (a) 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; (b) 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: A set of drawings, other documents, and supporting calculations submitted by a person as a prerequisite to obtaining a permit to undertake a land disturbing activity, which contains all of the information and specification required by an City of Florence.

Stormwater management services: Activities and functions conducted by the city 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 city and the quality of stormwater discharged from the city.

Stormwater pollution prevention plan (SWPPP): A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. A stormwater pollution prevention plan means the same as a stormwater management and sediment control plan.

Stormwater utility: Administrative organization that has been created for the purposes of planning, designing, construct and maintaining stormwater management, sediment control and flood control programs and projects.

Stormwater service charges: The periodic service charge imposed pursuant to this division by the city for the purpose of funding costs related to stormwater management services and stormwater management systems and facilities. The use of the area of impervious surface on each property as a stormwater service charge rate parameter shall not preclude the use of other parameters, or of grouping of properties having similar characteristics into classes or categories, grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one (1) or more classes of similarly-situated properties whose impact on city's cost of providing stormwater management services and stormwater management systems and facilities is relatively consistent. Stormwater service charges may also include special charges to individual properties or persons for services, systems, or facilities related to stormwater management, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced levels of stormwater service above and beyond the levels normally provided by the city.

Subdivider: Any person who divides or develops any land deemed to be a subdivision as herein defined.

Subdivision: Any division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes any division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate, related to the process of subdividing, or to the land or area subdivided.

Suspended solids: Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Swale: 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.

Ten-year frequency storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten (10) years. It may also be expressed as an exceedence probability with a ten (10) percent chance of being equaled or exceeded in any given year.

Townhouse: One (1) or more buildings containing three (3) or more single-family units with common walls and having one (1) sewer connection for each unit.

Twenty-five year frequency storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in twenty-five (25) years. It also may be expressed as an exceedence probability with a four (4) percent chance of being equaled or exceeded in any given year.

Two-family dwelling unit: A detached or semidetached dwelling designed for or occupied exclusively by two (2) families living independently of each other and owned or leased by the occupant on a continuing basis for thirty (30) days or more per year.

Two-year frequency storm: A storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two (2) years. It may also be expressed as an exceedence probability with a fifty (50) percent chance of being equaled or exceeded in any given year.

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.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, maintenance, or careless or improper operation.

User: Any person who contributes, causes or permits the contribution of wastewater into the city's POTW including persons who contribute such wastes from mobile sources.

Variance: 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: The relinquishment from sediment and stormwater management requirements by the appropriate plan approval authority for a specific land disturbing activity on a case-by-case review basis.

Water quality: Characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity: Characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff to downstream areas resulting from land disturbing activities.

Water service entrance: That point in the owner's system beyond the sanitary control of the district, generally considered to be the outlet end of the water meter and always before any unprotected branch.

Watershed: The drainage area contributing stormwater runoff to a single point.

Water shortage: lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

Wastewater:

- (1) The liquid and water-carried industrial or domestic wastewater from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which are contributed or permitted to enter the POTW.
- (2) Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Wastewater contribution permit: A permit issued to significant industrial users specifying term and conditions for discharge of industrial wastewater to the POTW.

Zoning ordinance: The officially adopted zoning ordinance of the city.

(Ord. No. 2007-38, 1.1.1, 8-13-2007)

Editor's note(s)—It should be noted that Appendix I referenced above is not set out herein, but is on file and available for inspection in the office of the municipal clerk.

Sec. 12-2. Abbreviations.

The following abbreviations when used in this chapter shall have the designated meanings:

BOD—Biochemical oxygen demand.

CFR—Code of Federal Regulations.

COD—Chemical oxygen demand.

EPA— Environmental Protection Agency.

gpd—Gallons per day.

l—liter.

mg—Milligrams.

mg/l—Milligrams per liter.

NPDES—National pollution discharge elimination system.

O & M— Operation and maintenance.

POTW—Publicly owned treatment works.

ppm—Parts per million.

RCRA—Resource Conservation and Recovery Act.

SIC—Standard Industrial Classification.

SWDA—Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.

TKN—Total Kjeldahl Nitrogen.

TSS—Total suspended solids.

USC—United States Code.

(Ord. No. 2007-38, 1.1.2, 8-13-2007)

Sec. 12-3. Finding of fact.

The city council finds and declares that the matters set forth in the recitals hereof are in all respects correct.

(Ord. No. 2007-38, 1.2.1, 8-13-2007)

Sec. 12-4. Fiscal year of systems; operation by city.

The water production and waste water treatment systems shall be operated on a fiscal year basis, commencing on the first day of July in each year and ending on the thirtieth day of June of the succeeding year. They shall continue to be operated by the city.

(Ord. No. 2007-38, 1.2.2, 8-13-2007)

Sec. 12-4.1. Emergencies not covered.

The city through its duly qualified officers reserves the right to take such immediate action for emergencies not specifically covered herein, as it may deem necessary in the interest of the public health and safety and further reserves the right to amend this chapter in part or whole, whenever it may deem necessary, but such right will be exercised only in the manner established or prescribed for such matters, including but not limited to public notice ninety (90) days prior to final action.

(Ord. No. 2007-38, 1.2.3, 8-13-2007)

ARTICLE II. SEWERS AND SEWAGE DISPOSAL²

²Editor's note(s)—Ord. No. 97-36, § 1, adopted Nov. 10, 1997, provided in an attachment for extensive revision and renumbering of sections and divisions of Art. II; more particularly, as follows:

Div. 1, §§ 12-18—13-35 (amended)

Div. 2, §§ 12-36—12-50 (added)

Div. 3, §§ 12-51—12-64 (amended)

Div. 4, §§ 12-65—12-82 (amended)

Div. 5, §§ 12-83—12-91 (added)

Divs. 6—8, §§ 12-60—12-119 (Divs. 4—6 rnbnd. as Divs. 6—8, §§ were not renumbered)

In order to avoid duplicate section numbers in §§ 12-60—12-91, those sections in Divs. 1—5 were renumbered as indicated below:

Div. 1, §§ 12-5—12-16

Div. 2, §§ 12-17—12-27

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- CODE OF ORDINANCES
Chapter 12 - MUNICIPAL UTILITIES
ARTICLE II. - SEWERS AND SEWAGE DISPOSAL
DIVISION 1. GENERALLY

Div. 3, §§ 12-28—12-37

Div. 4, §§ 12-38—12-51

Div. 5, §§ 12-42—12-59

See also the Code Comparative Table at the back of this volume.

Cross reference(s)—Drainage, § 17-7 et seq.

DIVISION 1. GENERALLY

Sec. 12-5. Scope.

This article regulates, restricts and limits, in the interest of the public health and safety, the discharge or deposit of certain substances into any sanitary sewer now maintained and/or owned by or which may become the property of the city, and provides penalties for violation thereof.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-6. Applicability.

This article shall apply to the city and to persons outside the city, who are, by permit or agreement with the city, users of the Florence POTW. By discharging wastewater into the municipal wastewater system, users located beyond the city limits agree to comply with the terms and conditions established in this article, as well as any permits or orders issued hereunder.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-7. Facilities prerequisite to occupation of premises.

Before any place of human habitation or public assembly or place intended to be used therefor hereafter constructed within the city is occupied the owner or occupant thereof shall have installed therein facilities for the disposal of liquid wastes and human excreta of a type in compliance with the provisions of this chapter and other ordinances of the city. No person shall occupy any such place of human habitation or public assembly until the provisions of this section have been complied with.

(Code 1973, App. H, Art. II, § 9.1)

Sec. 12-8. Where separate facilities required.

Separate facilities for the disposal of liquid wastes and human excreta, of a type in compliance with the provisions of this chapter and other ordinances of the city, shall be provided for each suite of family apartments, each store or office building, in every place of human habitation or public assembly within the city unless otherwise approved by the city.

(Code 1973, App. H, Art. II, § 9.2)

Sec. 12-9. Duty of occupants to maintain facilities.

It shall be the duty of the occupants or tenants of all places of human habitation or public assembly to maintain all facilities for the disposal of liquid wastes and human excreta in a clean and sanitary condition at all times. All persons in charge of all places of human habitation or public assembly having water carriage facilities for the disposal of liquid wastes and human excreta shall maintain water under pressure on such facilities at all times.

Occupants or tenants shall not abuse, misuse or destroy such facilities and shall not place in plumbing fixtures any material or thing which shall cause such plumbing fixtures to become inoperable.

(Code 1973, App. H, Art. II, § 9.3)

Sec. 12-10. Duty of agent when owner resides beyond police jurisdiction.

Should the owner of any place of human habitation or public assembly located within the city have residence beyond the police jurisdiction of the city, the agent or person in charge of any such place shall comply with the provisions of sections 12-7 and 12-9.

(Code 1973, App. H, Art. II, § 9.4)

Sec. 12-11. Unsanitary deposit or disposal.

No liquid wastes or human excreta shall be deposited upon the surface of the ground or where it is exposed to flies, fowl or animals.

(Code 1973, App. H, Art. II, § 9.5)

Sec. 12-12. Septic tank—Permit.

Where no public sewer exists within limitations of section 12-60 or where connection is technically impractical, the owner of such property may then apply to the city and the health authorities for a permit to construct and operate a septic tank system.

(Code 1973, App. H, Art. II, § 3.8)

Sec. 12-13. Same—Construction and maintenance.

Septic tanks, where permitted within the city shall be constructed and maintained as required by laws, rules and regulations of the state department of health and environmental control and of the city.

(Code 1973, App. H, Art. II, § 9.6)

Sec. 12-14. Same—Discontinuance of use.

When public sewer lines are constructed, sewer tanks which have been in use less than five (5) years may continue to be used for a total of five (5) years from the date the tank was constructed. At the end of the five-year period such tanks are to be abandoned and the premises connected to the sewer system once a sewer system becomes available. Sewer charges shall be added to monthly billing at this time regardless of connection status.

(Code 1973, App. H, Art. II, § 4.8)

Sec. 12-15. Prohibited use of public sewers—Prohibited method.

It shall be unlawful for any person to put any substance either solid or liquid into the public sewer of the city at manholes or in any way other than through a connection made as provided by this article.

(Code 1973, App. H, Art. II, § 1.1)

Sec. 12-16. Same—Unlawful damage.

It shall be unlawful and a violation of this chapter for any person to damage, deface, alter, change or tamper with any part of the sewage system; and upon conviction, said person shall be guilty of a misdemeanor and fined in accordance with the penalty for a misdemeanor and shall be liable for full cost incurred.

(Code 1973, App. H. Art. II, § 1.5; Ord. No. 97-36, § 1(Attach.), 11-10-97)

DIVISION 2. PROHIBITED USE OF PUBLIC SEWAGE SYSTEM

Sec. 12-17. General.

These general prohibitions apply to all users of the POTW whether or not the user is a significant industrial user or subject to any federal, state, or local pretreatment standard or requirement.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-18. Interference and pass through.

No user shall contribute or cause to be contributed to the POTW, directly or indirectly, any pollutant or wastewater, which causes interference or pass through.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-19. Stormwater.

- (a) No person shall discharge or cause to be discharged into any sanitary sewers any stormwater, surface water, uncontaminated ground water, roof run-off, or subsurface drainage.
- (b) Stormwater and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may be discharged to storm sewers or storm drains; in their absence, authority may be granted for discharge into the sanitary sewer system upon written application.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-20. Prohibited discharges.

Except as hereinafter provided no person shall discharge or cause to be discharged any of the following described waters or waste into any POTW:

- (1) Any clothing, rags, textile, remnants or wastes, cloth, scraps, etc., which will [not] pass through a quarter-inch (¼) mesh screen or its equivalent in screening ability.
- (2) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60°C) using the test methods specified in 40 CFR 261.21.
- (3) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the sewerage system.

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- (4) Any garbage that has not been properly shredded.
 - (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
 - (6) Any materials which forms excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.
 - (7) Any waters or wastes containing lint in such quantities as to be detrimental to sewer lines, sewage pumps or sewage treatment works.
 - (8) Any wastewater having a pH less than five (5.0) or more than eleven (11.0) or wastewater having any other corrosive property capable of causing damage or hazard to the POTW or equipment.
 - (9) Any wastewater containing pollutants, including oxygen demanding pollutants, in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
 - (10) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repairs.
 - (11) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the act: the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
 - (12) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health, secondary recreation, or aquatic life and wildlife; to adversely affect the palatability of fish or aesthetic quality; to impair the receiving waters for any designated uses; or interfere with any wastewater treatment process.
 - (13) Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (55°C), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with the temperature at the introduction into the POTW to exceed one hundred four (104) degrees Fahrenheit (40°C).
 - (14) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW director in compliance with applicable state or federal regulations.
 - (15) Any trucked or hauled pollutants, except at discharge points designated by the POTW director.
 - (16) Stormwater, surface water, uncontaminated ground water, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW director.
 - (17) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (18) Fats, oils, greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
 - (19) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
 - (20) Any medical wastes, except as specifically authorized by the POTW director.

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- (21) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
 - (22) Any material that would be identified as hazardous waste according to 40 CFR part 261 if not disposed of in a sewer except as may be specifically authorized by the POTW director.
 - (23) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances or NPDES permit limitations.
 - (24) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
 - (25) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
 - (26) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - (27) Recognizable portions of the human or animal anatomy.
 - (28) At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
 - (29) Any solid or viscous pollutants which will cause obstruction to the flow in the treatment facility resulting in interference.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-21. Waste storage and floor drains.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must be discharged to the industrial user's pretreatment facility before connecting with the system.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-22. Waste of unusual strength.

The city, without limitation by other sections of this article, may authorize any person to discharge industrial waste of unusual strength or character into the sewers of the city under approved conditions. The city may prohibit entry of particular industrial wastes into the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-23. Federal (national) categorical pretreatment standards.

- (a) Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR chapter 1, subchapter N, parts 405 through 471.
 - (1) Where a categorical pretreatment standard is expressed in terms of either mass or concentration of a pollutant in wastewater, the POTW director may impose equivalent concentration or mass limits.

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- (2) When wastewater subject to a categorical pretreatment standard is mixed with a wastewater not regulated by the same standard, the POTW director may impose an alternate limit using the combined waste stream formula in the ~~EPA~~ general pretreatment regulations.
 - (3) A user may obtain a variance from categorical pretreatment standards in accordance with the ~~EPA~~ general pretreatment regulations.
 - (4) A user may obtain a net gross adjustment to a categorical pretreatment standards in accordance with the ~~EPA~~ general pretreatment regulations.
- (b) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.
 - (c) The city may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:
 - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
 - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.
 - (3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - (4) The request for a monitoring waiver must be signed in accordance with section 12-1, and include the certification statement in section 12-42.
 - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - (6) Any grant of the monitoring waiver by the city must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the city for three (3) years after expiration of the waiver.
 - (7) Upon approval of the monitoring waiver and revision of the User's permit by the city, the industrial user must certify on each report with the statement in section 12-42, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.
 - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: comply with the monitoring requirements of section 12-41, or other more frequent monitoring requirements imposed by the city, and notify the city.
 - (9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(Ord. No. 97-36, § 1(Attach.), 11-10-97; Ord. No. 2017-43, 12-11-2017)

Sec. 12-24. Specific pollutant discharge (local) limitations.

To implement the general and specific discharge prohibitions provided by this article, the following specific discharge limits shall apply to all POTW users ~~unless otherwise specified~~ by a wastewater contribution permit issued by the city:

Local limits. The City has the authority to establish local limits. Currently, the City has not developed any local limits, but in the event the City develops local limits, the City may impose mass limitations in addition to concentration-based limits. The City may develop BMPs by ordinance or in individual wastewater discharge permits to implement any local limits. If the City develops local limits, they will be included in the City’s Industrial Pretreatment Program.

Pollutant or Characteristic	Maximum Concentration (24-hr. flow proportional composite sample)	Maximum Instantaneous Concentration (grab sample)
BOD	250 mg/l	—
TSS	250 mg/l	—
TKN	40 mg/l	—
Oil and grease	100 mg/l	—
Temperature	—	150°F
pH, (min.-max.)	6.0—8.5 <u>11</u>	6.0—8.5 <u>11</u>
COD	350 mg/l	—

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-25. State and federal requirements.

- (a) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
- (b) Federal requirements and limitations on discharges as contained in the EPA general pretreatment regulations shall apply in any case where they are more stringent than state requirements and limitations or those in this article.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-26. Right of revision.

The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives of this article.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-27. Dilution.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal

categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant discharge limitation developed by city or state.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

DIVISION 3. PERMITTED USE OF PUBLIC SEWERAGE SYSTEM

Sec. 12-28. Use of holding tanks.

Where it is deemed necessary in the opinion of the city, persons may be required, at no expense to the city, to construct holding or storage tanks in order to equalize the discharge. Such tanks shall be so equipped as to thoroughly mix the sewage so that its equality will be uniform when discharged to public sewers. Control of volume of discharge of the sewage to the sewer shall be by a waterworks type rate controller or other approved device, the operation and setting of which shall be directed by the city.

(Code 1973, App. H, Art. II, § 2.2; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-29. Pretreatment—May be required.

Whenever the waste characteristics of sewage being discharged by any person exceed those requirements of section 12-20 or where necessary in the opinion of the city, the person discharging sewage shall construct or cause to be constructed, at no expense to the city, preliminary handling or treatment as deemed necessary.

(Code 1973, App. H, Art. II, § 2.3; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-30. Same—Approval of plans.

- (a) The pretreatment facilities shall be constructed in accordance with a compliance schedule specified by the city, ~~the state, or EPA~~ or SCDHEC whichever is more stringent.
- (b) Plans, specifications, and other pertinent information relating to proposed wastewater pretreatment facilities shall be submitted for the approval of the city and no construction of such facilities shall be commenced until such approval is obtained in writing. The review of such plans shall in no way relieve the user from the responsibility of complying with the provisions of this article and all other local, county, state, and other authorities having jurisdiction. Any changes in pretreatment facilities shall be approved by the city prior to initiation of the changes.

(Code 1973, App. H, Art. II, § 2.4; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-31. Same—Maintenance of facility.

When preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation at no cost to the city.

(Code 1973, App. H, Art. II, § 2.5; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-32. Submitting analysis of discharge.

Any person who is now discharging any sewage into the city public sewers may be required to submit a complete composite analysis by an independent laboratory to the city as to the nature and characteristic of the sewage.

(Code 1973, App. H, Art. II, § 2.6; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-33. Change in discharge characteristics.

Any person having been granted authority by the city to discharge sewage into the city's public sewers and who shall significantly change or cause to be changed the nature or quantity of such sewage shall before making such change shall furnish the city a complete analysis of a composite sample of the sewage as determined by an independent laboratory.

(Code 1973, App. H, Art. II, § 2.7; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-34. Application for unusual discharge.

Any person who wishes to make a connection and discharge sewage as described in section 12-33 shall make written application to the city and will be required to furnish the city a complete analysis of a composite sample of the sewage as determined by an independent laboratory, in addition to compliance with all other sections of this chapter.

(Code 1973, App. H, Art. II, § 2.8; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-35. Grease, oil and sand traps.

Grease, oil and sand separators or traps shall be provided when in the opinion of the city they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Such separators shall not be required for private dwelling units, but may be required for industrial or commercial establishments and institutions. Such separators shall be readily accessible for inspection by the city and shall be maintained and cleaned by the person at no expense to the city and in continuously efficient operation at all times.

(Code 1973, App. H, Art. II, § 2.9; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-36. Inspection manhole.

Any person discharging industrial wastes into the public sewers will be required to construct and maintain a suitable control or inspection manhole either downstream from any pretreatment, storage, or other approved works, or if pretreatment is not required, at the point where the sewage enters the public sewers. Such manhole shall be located so as to be readily accessible and shall be constructed in such a manner as may be approved by the city so as to facilitate such inspection or measuring as may be necessary for proper sampling and/or control of wastes discharged.

(Code 1973, App. H, Art. II, § 2.9; Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-37. Hauled wastewater.

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW director, and at such times as are established by the POTW director. Such waste shall not violate division 2 of this article or any other requirements established by the city. The city may require septic tank haulers to obtain wastewater contribution permits.
- (b) The POTW shall require haulers of industrial waste to obtain wastewater contribution permits. The POTW director may require generators of hauled industrial waste to obtain wastewater contribution permits. The POTW director may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- (c) Industrial waste haulers may discharge loads only at location designated by the POTW director. No loads may be discharged without prior consent of the POTW director who may collect samples of each hauled load to ensure compliance with applicable standards. The POTW director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- (e) Waste haulers shall comply with all requirements of the approving authority.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

DIVISION 4. OPERATION AND CONTROL OF WASTE WATER SYSTEM

Sec. 12-38. Inspections—General.

The city shall have the right to inspect the facilities of any user to ascertain whether requirements of this article are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city, approval authority, and EPA SCDHEC or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or observation in the performance of any of their duties. The city, approval authority, and EPA SCDHEC shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, approval authority, and EPA SCDHEC will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Code 1973, App. H, Art. II, § 3.1; Ord. No. 97-32, § 1(Attach.), 11-10-97)

Sec. 12-39. Same—Industrial discharger subject thereto.

The waste water of each industrial discharger into the city's sewer system shall be subject to periodic inspection for a determination of character and concentration not less than ~~semi~~-annually or more often as may be deemed necessary by the city. Such inspection and tests may also be immediately after any approved process change which might affect the quantity or quality of the waste discharged.

(Code 1973, App. H, Art. II, § 8.1; Ord. No. 97-32, § 1(Attach.), 11-10-97)

Sec. 12-40. Performance of tests and analyses.

All tests and analyses of the characteristics of sewage to which reference is made in this chapter shall be made in accordance with the procedures given in the Federal Register 40 CFR, Part 136.

The results of all tests and analyses performed by significant industrial users shall be reported to the control authority.

(Code 1973, App. H, Art. II, § 3.3; Ord. No. 91-7, 2-4-91; Ord. No. 97-32, § 1(Attach.), 11-10-97)

Sec. 12-41. Collection of samples and analysis.

Sewage samples shall be collected in such manner as to be representative of actual volume and quality of the waste. The collection of samples shall be at the control manhole provided for in section 12-36 or as specified in the industry's wastewater contribution permit. Procedures used in all sample collection, measurement, test, and analysis shall be in accordance with Federal Regulation 40 CFR part 136.

The determination of the flow, character, and concentration of industrial wastes as provided herein shall be used as a basis for charges, surcharges, and compliance with division 2 of this article.

(Code 1973, App. H, Art. II, § 8.2; Ord. No. 91-7, 2-4-91; Ord. No. 97-32, § 1(Attach.), 11-10-97)

Sec. 12-42. Categorical reports.

All significant industrial users shall submit to the control authority self monitoring reports indicating the nature and concentration of pollutants discharged to the sewer system. The frequency of the monitoring and report requirements shall be as specified in the industry's wastewater contribution permit.

In the event self monitoring indicates a violation of any discharge limits as specified in the industry's wastewater contribution permit, the industry must notify the control authority within twenty-four (24) hours, resample, and submit the results of both analyses within thirty (30) days.

(Code 1973, App. H, Art. II, § 8.4; Ord. No. 91-7, 2-4-91; Ord. No. 97-32, § 1(Attach.), 11-10-97)

Sec. 12-43. Emergency action.

In the interest of the public health and safety, any duly authorized representatives of the city shall be permitted to take such emergency actions as may be deemed necessary in the operation of the sewage system including, but not limited to, the right to close down any sewer or portion of the sewage system for the purpose of making connections, alterations or repairs.

(Code 1973, App. H, Art. II, § 3.2; Ord. No. 97-32, § 1(Attach.), 11-10-97)

Sec. 12-44. System abuse.

Any person using the public sewer shall be responsible for any stoppage or damage caused by abuse of the sewerage system through the sewer connection of that person and shall be held accountable for all expenses incurred by the city or other property owners as a result of the abuse.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-45. Unlawful discharge.

In no event shall any person be allowed to discharge or cause to be discharged any domestic or industrial wastewater to the ground surface, stream, watercourse, ditch, lake, other body of surface water, storm sewers, or storm drains.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-46. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the city's sewage system contrary to the provision of this article, federal or state pretreatment requirements, or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the court of proper jurisdiction.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-47. Protection from damage.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment or materials belonging to the City of Florence. This protection shall also apply to any part of the system whether city owned or not if it is such as to adversely affect the proper operating and maintenance of the city system. Any person violating this provision shall be subject to penalties outlined in division 5 of this article as well as prosecution if deemed appropriate.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-48. Wastewater contribution permits.

- (a) All significant industrial users shall obtain a wastewater contribution permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW director to be significant industrial users shall obtain a wastewater contribution permit within one hundred eighty (180) days of receiving notification of the POTW director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW director be required to obtain a wastewater contribution permit.
- (b) All person proposing to discharge nondomestic wastewater, or proposing to change the volume or characteristics of an existing discharge of nondomestic wastewater shall request from the POTW director a significant industrial user determination. If the POTW director determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a wastewater contribution permit application be filed.
- (c) Users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the POTW director. Significant industrial users shall apply for a permit within ninety (90) days after notification of the POTW director's determination in subsection (b) above.
- (d) Upon receipt of a complete permit application including any and all request supporting documentation and data, the application will be evaluated by the POTW director. A determination will be made to issue or deny the permit within ninety (90) days thereafter. The POTW director is authorized to:
 - (1) Issue a wastewater contribution permit containing such conditions as are necessary to effect the purposes of this article.

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- (2) Issue a wastewater contribution permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements.
 - (3) Modify any permit upon not less than sixty (60) days notice and pursuant to provisions of this article.
 - (4) Revoke or suspend any permit pursuant to provisions of this article.
 - (5) Deny a permit application when in the opinion of the POTW director such discharge may cause or contribute to pass-through or interference of the POTW.
- (e) Permit modification.
- (1) Modification of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:
 - a. Changes in the ownership of the discharge when no other change in the permit is indicated.
 - b. A single modification of any compliance schedule not in excess of four (4) months.
 - c. Modification of construction compliance schedule in permits for new sources.
 - (2) Within nine (9) months of the promulgation for a federal categorical pretreatment standard, the wastewater contribution permit of users subject to such standard shall be revised to require compliance.
- (f) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- (g) Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under EPA pretreatment regulation. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this article, or where the industrial user has been specifically notified of a longer retention period by the POTW director.
- (h) Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, a new user, different premises, or a new or changed operation.
- (i) A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this section a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.
- (j) Wastewater contribution permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges, and fees established by the city. Permits may contain discharge limitations and conditions as deemed appropriate by the city to ensure compliance with this article. Discharge limitations and conditions may be more stringent than federal or state limitations and conditions if determined necessary to ensure compliance with all applicable federal, state and local regulations.

(Code 1973, App. H, Art. II, § 3.10; Ord. No. 91-7, 2-4-91; Ord. No. 97-36, § 1(Attach), 11-10-97)

Sec. 12-49. Pretreatment program administration charge.

All significant industrial users shall be charged an annual permit administration fee of three hundred dollars (\$300.00) to defray the cost of administration of the pretreatment program in accordance with federal and state requirements. The amount of this charge may be revised periodically based upon the following:

- (1) Reimbursement of costs of operating the pretreatment program;
- (2) Monitoring, inspections and surveillance procedures;

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- (3) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
 - (4) Permitting;
 - (5) Other fees as the city may deem necessary to carry out the requirements of the pretreatment program.

(Ord. No. 97-36, § 1(Attach.), 10-11-97)

Sec. 12-50. Reporting requirements.

Industrial users are subject to the following reporting requirements as required by the EPA general pretreatment regulations, their wastewater contribution permit, and this article.

- (1) *Base line monitoring reports:* Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination, whichever is later, existing categorical users shall submit to the POTW director a base line monitoring report as required by EPA general pretreatment regulations. At least ninety (90) days prior to commencement of their discharge, new users, and users that become categorical users shall submit to the POTW director a base line monitoring report as required by the EPA general pretreatment regulations.
- (2) *Compliance schedule progress reports:* All users subject to compliance schedules shall submit a progress report to the POTW director as specified by the EPA general pretreatment regulations or the compliance order.
- (3) *Report of compliance with categorical standard deadline:* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, users subject to such standards shall submit a report of compliance as required by the EPA general pretreatment regulations.
- (4) *Periodic compliance reports:* All significant industrial users shall be required to submit a report indicating the nature and concentration of pollutants in their discharge. Said reports shall be as specified by the users wastewater contribution permit.
- (5) *Reports of changed conditions:* All users must notify the POTW director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.
- (6) *Reports of potential problems:* In the case of any discharge that may cause potential problems for the POTW, the user shall immediately notify the POTW director. Within five (5) days following such discharge, the user shall submit a written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.
- (7) *Notification of discharge of hazardous wastes:* The industrial user shall notify in writing, the POTW director, ~~the state, and EPA~~ of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste in accordance with EPA general pretreatment regulations.
- (8) *Accidental discharge/slug control plans:* Every two (2) years, or more often as directed by the POTW director, each significant industrial user shall submit to the POTW director an accidental discharge/slug control plan within one (1) year of being identified as an SIU. As required, the POTW may require other POTW users to develop, submit for approval, and implement said plan. Accidental discharge/slug control plans shall be in accordance with the EPA general pretreatment regulations.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-51. Confidential information.

- (a) Information and data on a person obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restrictions unless the person specifically requests and is able to demonstrate to the satisfaction of the POTW director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.
- (b) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority ~~and EPA~~ upon request.

(Code 1973, App. H, Art. II, § 3.11; Ord. No. 97-36, § 1(Attach.), 11-10-97)

DIVISION 5. ENFORCEMENT

Sec. 12-52. Administrative remedies.

- (a) *Notification of violation.* Whenever the city finds that any user has violated or is violating this article, wastewater contribution permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement, the city may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the POTW director by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of notice of violation.
- (b) *Consent orders.* The city is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (d) below.
- (c) *Show cause hearing.* The city may order any user who causes or is responsible for an unauthorized discharge, has violated this article or is in noncompliance with a wastewater contribution permit to show cause why a proposed enforcement action should not be taken. In the event the city determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The city shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty nor is any action or inaction taken by the city under this section subject to an administrative appeal.

- (d) *Administrative orders.* When the city finds that an user has violated or continues to violate this article, permits or orders issued hereunder, or any other pretreatment requirement the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

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- (1) Immediately comply with all requirements;
 - (2) Comply in accordance with a compliance time schedule set forth in the order;
 - (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
 - (4) Disconnect.
- (e) *Emergency suspensions.* The city may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the city prior to the date of the above-described hearing.

- (f) *Termination of permit.* Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having its wastewater contribution permit terminated:
- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
 - (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the permit.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 701 of this article why the proposed action should not be taken.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-53. Civil penalties.

Any user who is found to have failed to comply with any provisions of this article, or the orders, rules, regulations and permits issued hereunder, may be fined up to two thousand dollars (\$2,000.00) per day per violation. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations, and permits issued hereunder.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-54. Other available remedies.

Remedies, in addition to those previously identified in this article, are available to the city which may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

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- (1) *Criminal violation.* The district attorney for the judicial district may, at the request of the city, prosecute noncompliant users who violate the provisions of this article.
 - (2) *Injunctive relief.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, the city may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.
 - (3) *Water supply severance.* Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
 - (4) *Public nuisance.* Any violation of the provisions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the city. Any person(s) creating a public nuisance shall be subject to the provisions of the Florence City Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-55. Reconnection.

It shall be unlawful for any person to reconnect a sewer when the same has been cut off for noncompliance with provisions of this article, or any other reason, until specifically approved in writing by the city. Said approval shall be contingent upon satisfaction of all provisions of this article including, but not limited to, payment of all penalties, charges, claims, damages, judgments, and costs incident thereto.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-56. Hearings.

- (a) *Initial adjudicatory hearing.* An applicant whose wastewater contribution permit is denied, or is granted subject to conditions the applicant deems unacceptable, a user assessed a civil penalty, or a user issued an administrative order shall have the right to an adjudicatory hearing before a hearing officer designated by the city upon making such written demand, identifying the specific issues to be contested within thirty (30) days following receipt of the wastewater contribution permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision of the contested action within sixty (60) days of the receipt of the demand for a hearing.
 - (1) *New permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of the judicial review or until the parties reach a mutual resolution.
 - (2) *Renewed permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach mutual resolution.
- (b) *Final appeal hearings.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under subsection (a) above may be repealed, to the city council upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subsection shall be conducted in accordance with City Code. Failure to make written demand within the time specified herein shall bar further

appeal. The city council shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed.

- (c) *Official record.* When a final decision is issued under subsection (b) above the city council shall prepare an official record of the case that shall include all notices, motions, and other like pleadings; a copy of all documentary evidence introduced; a certified transcript or narrative summary of any testimony taken; and a copy of the final decision of the city council.
- (d) *Judicial review.* Any person against whom a final order or decision of the city council is entered, pursuant to the hearing conducted under subsection (b) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice, but not thereafter, with the superior court of Florence County along with a copy to the city. Within thirty (30) days after receipt of the copy of the petition of judicial review, the city council shall transmit to the reviewing court the official record.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-57. Annual publication of significant noncompliance.

At least annually, the POTW director shall publish in the Morning News a list of those industrial users which were found to be in significant noncompliance with applicable pretreatment standards and requirements during the previous twelve (12) months.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-58. Affirmative defenses to discharge violations.

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards in accordance with the EPA general pretreatment regulations.
- (b) A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in sections 17.309 and 17.312 in accordance with 40 CFR 403.5 of the EPA General Pretreatment Regulations.
- (c) Bypass is prohibited except in accordance with 40 CFR 403.17 of the EPA General Pretreatment Regulations.

(Ord. No. 97-36, § 1(Attach.), 11-10-97)

Sec. 12-59. Reserved.

DIVISION 6. SEWER CONNECTIONS³

Sec. 12-60. Mandatory connection.

Every building which is located in the city within two hundred fifty (250) feet of any sewer main operated and maintained by the city shall be connected thereto and shall utilize the same for waste water disposal. Said

³Editor's note(s)—Ord. No. 2007-28, adopted June 11, 2007, repealed §§ 12-68—12-70.9, which pertained to specific area connection fees. For complete derivation see the Code Comparative Table at the end of this volume.

connection shall be made prior to occupancy of any new building. This section shall not apply in cases where such connections cannot be made due to inadequate grade or the presence of obstructions.

(Code 1973, App. H, Art. II, § 3.6)

Sec. 12-61. Date of connection.

Existing buildings which are provided with access as described in section 12-60 shall connect to the sewer main within a period of sixty (60) days from the date of completion of the sewer main; or at such time of failure or malfunction of existing waste disposal means; or at such time as directed by the codes enforcement officer upon notice that existing means of waste disposal is a community health hazard and violation of federal, state or city laws.

(Code 1973, App. H, Art. II, § 3.7)

Sec. 12-62. Permission to connect.

The city shall reserve the right to inspect and grant permission for all connections to the sanitary sewer system and require the payment of a tap fee before permission to connect can be granted to any person.

(Code 1973, App. H, Art. II, § 2.1)

Sec. 12-63. Application for connection.

Any person desiring connection to be made with the sewer system shall make application on an appropriate form to the city and shall pay the appropriate connection fee at that time.

(Code 1973, App. H, Art. II, § 4.1)

Sec. 12-64. Inability to serve applicant.

The receipt of an application for service, regardless of whether or not accompanied by the payment of fees or deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied, the liability of the city shall be limited to the refund of any such payments received.

(Code 1973, App. H, Art. II, § 4.2)

Sec. 12-65. Sewer tap specifications.

All sewer taps shall conform to the requirements of the utility department on location, size, type, materials and methods used and shall be accomplished only by a licensed plumber authorized by the city or by representatives of the city. The minimum size for any sewer tap shall be four (4) inches.

(Code 1973, App. H, Art. II, § 4.3)

Cross reference(s)—Sewer tap construction on sewer line extensions, § 12-107.

Sec. 12-66. Periodic establishment of tap fees.

Tap fees, cutting of pavement, if required, and other such expenses concerning sewer connections may be periodically established by the city council.

Sec. 12-67. Charges for connections generally.

- (a) The cost of service connections for multiunit structures shall be governed by the number of individual units to be served by the same connection. Individual units added where no additional main tap is required shall be subject to the applicable unit charges.
- (b) All multiunit structures except duplexes shall be limited to a minimum size connection of six (6) inches unless otherwise approved by the city.
- (c) All connections over four (4) inches will need to be connected to a manhole unless otherwise approved by the city.
- (d) Unit contributory loadings to waste water treatment facilities. The following are guidelines for the design loadings to the waste treatment facilities. These guidelines along with the cost to make the tap will be used by the city in determining the sewer connection fee.
- (e) For a sewer connection inside the, or in the Town of Timmons ville designated service area, the following charges apply if the tap is to be done by the city:
 - (1) For a 4-inch tap \$550.00
 - (2) For a 6-inch tap with manhole 5,000.00
 - (3) For a 6-inch tap without a manhole 2,000.00
 - (4) For a 8-inch tap with manhole 6,000.00
 - (5) For a 8-inch tap without a manhole 3,000.00
 - (6) In some cases a sewer connection requested by a customer must cross, or be bored under, an SCDOT or other public street. The installation of a tap in such cases may involve more than the usual and customary effort and cost due to encroachment permit requirements for road resurfacing, boring and encasement work, night work, etc. Also, any installation that requires the use of specialized equipment which is not in the city's inventory, or that involves a connection to a sewer main with depth greater than six (6) feet, entails more than the usual, reasonable and customary work and cost shall be deemed not feasible.

Where, in the sole discretion of the city, installation of a tap by city crews is not feasible the owner (customer) may choose to engage a South Carolina-licensed utility contractor to install the tap.

Should the owner (customer) decide to move forward with city installation, the city manager or his designee will determine the city's additional cost associated with the installation of the tap. This amount will be in addition to the charges shown in items (1) through (5), above, and must be paid before the city will undertake work on the tap installation.

In addition, a connection fee will be charged at sixty cents (\$0.60) per gallon per day based on the unit contributory loading chart of estimated daily flows if the tap is located in the city corporate limits. If the tap is located within the Town of Timmons ville designated service area, the sixty cents (\$0.60) per gallon per day connection fee does not apply, and the charges will be based only on the prices shown in items (1) through (6), above.

Tap sizes to be approved by the city.

If the owner (customer) has a South Carolina-licensed utility contractor make the tap under an encroachment permit issued by the city engineering division, then the charges shown in items (1) through (6), above, do not apply. Taps in the city will then be based solely on sixty cents (\$0.60) per gallon per day as obtained

from the unit contributory loading chart. The city is to be notified at least two (2) working days before the tap is to be made. When a customer engages a contractor, rather than the city, to install a sewer tap, the customer and his contractor are responsible for obtaining all necessary permits and paying all costs associated with the installation.

- (f) For a sewer connection outside the city, the connection fee will be three dollars (\$3.00) per gallon per day based on the unit contributory loading chart of estimated daily flows plus the following if the tap is to be done by the city:
 - (1) For a 4-inch tap \$825.00
 - (2) For a 6-inch tap with manhole 7,500.00
 - (3) For a 6-inch tap without a manhole 3,000.00
 - (4) For a 8-inch tap with manhole 9,000.00
 - (5) For a 8-inch tap without a manhole 4,500.00
 - (6) In some cases a sewer connection requested by a customer must cross, or be bored under, an SCDOT or other public street. The installation of a tap in such cases may involve more than the usual and customary effort and cost due to encroachment permit requirements for road resurfacing, boring and encasement work, night work, etc. Also, any installation that requires the use of specialized equipment which is not in the city's inventory, or that involves a connection to a sewer main with depth greater than six (6) feet, entails more than the usual, reasonable and customary work and cost shall be deemed not feasible.

Where, in the sole discretion of the city, installation of a tap by city crews is not feasible the owner (customer) may choose to engage a South Carolina-licensed utility contractor to install the tap.

Should the owner (customer) decide to move forward with city installation, the city manager or his designee will determine the city's additional cost associated with the installation of the tap. This amount will be in addition to the charges shown in items (1) through (5), above, and must be paid before the city will undertake work on the tap installation.

In addition, a connection fee will be charged at three dollars (\$3.00) per gallon per day based on the unit contributory loading chart of estimated daily flows if the tap is located outside the city corporate limits. If the tap is located within the Town of Timmonsville designated service area, the three dollars (\$3.00) per gallon per day connection fee does not apply, and the charges will be based only on the prices shown in items (1) through (6), above.

Tap sizes to be approved by the city.

If the owner (customer) has a South Carolina-licensed utility contractor make the tap under an encroachment permit issued by the city engineering division, then the charges shown in items (1) through (6), above, do not apply. Taps outside the city will then be based solely on three dollars (\$3.00) per gallon per day as obtained from the unit contributory loading chart. The city is to be notified at least two (2) working days before the tap is to be made. When a customer engages a contractor, rather than the city, to install a sewer tap, the customer and his contractor are responsible for obtaining all necessary permits and paying all costs associated with the installation.

- (g) Unit contributory loading chart.

<i>Type of Establishment</i>	<i>Gallons Per Day</i>
Airport	
Each employee	8
Each passenger	4

Apartments	
3-bedroom (per unit)	300
2-bedroom (per unit)	225
1-bedroom (per unit)	150
Assembly halls	
Per seat	4
Barber shop	
Per employee	8
Per chair	75
Bars	
Each employee	8
Each seat (excluding restaurant)	30
Beauty shop	
Per employee	8
Per chair	94
Boardinghouse, dormitory	
Per resident	38
Bowling alley	
Per employee	8
Per lane (no restaurant, bar, or lounge)	94
Additional for bars and cocktail lounges	3
Camps	
Resort, luxury (per person)	75
Summer (per person)	38
Day, with central bathhouse (per person)	26
Travel trailer (per site)	131
Car wash	
Per car washed	56
Churches	
Per seat	2
Clinics, doctor's office	
Per staff employee	11
Per patient	4
Country club, fitness center, spa	
Per member	38
Dentist's office	
Per employee	11
Per chair	6
Per suction unit; standard unit	278
Per suction unit; recycling unit	71
Per suction unit; air generated unit	0
Factories	
Per employee (no showers)	19
Per employee (with showers)	26
Per employee (with kitchen facilities)	30
Per employee (with showers and kitchen facilities)	34
Fairgrounds, average attendance	

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Per person	4
Grocery stores	
Per person, no restaurant or food preparation	19
Hospitals	
Per bed	150
Per resident staff	75
Hotels, per bedroom (no restaurant)	75
Institutions, per resident	75
Laundries, self service, per machine	300
Mobile homes	
Per unit	225
Motels, per unit (no restaurant)	75
Nursing homes	
Per bed (no laundry)	75
Per bed (with laundry)	113
Offices, small stores, business administration buildings	
Per person (no restaurant)	19
Picnic parks, average attendance	
Per person	8
Residences	
Per house, unit	300
Rest homes	
Per bed (no laundry)	75
Per bed (with laundry)	113
Restaurants, food service operations	
Ordinary restaurant (not 24 hours), per seat	30
24-hour restaurant (per seat)	53
Curb service (drive-in), per car space	30
Vending machine, walk-up deli or food preparation	30
Schools	
Per person (no showers, gym, cafeteria)	8
Per person with cafeteria (no gym, showers)	11
Per person with cafeteria, gym and showers	15
Service stations	
Per employee	8
Per car served	8
Per car washed	56
First bay (per day)	1,000
Each additional bay (per day)	500
Shopping centers,	
Per 1,000 sq. ft. space (no restaurant)	200
Per person (no restaurant)	19
Stadiums, coliseums	
Per seat (no restaurant)	4
Swimming pools	
Per person, with sewer facilities and showers	8
Theaters	

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Drive-in, stall	4
Indoor, seat	4

- (h) Any deviation from the above guidelines must be so noted and substantiated by the owners engineer in a written report to the city. The deviation must then be approved by the city. Any type establishment not listed in this chart will require city determination of the unit contributory loading.
- (i) City council finds that a reduction in initial wastewater connection fees may be appropriate for public educational institutions which are positioned to deliver services or activities which mitigate the city's cost of providing wastewater collection, treatment and management services, including public information and education. Public educational institutions which are located outside the corporate limits may apply for a reduction, not to exceed fifty (50) percent, in connection fees prior to payment. Nothing in this section shall constitute any grounds for refund of previously paid connection fees or for reduction of any other charges or rate schedules specified in the code. The following guidelines apply to such reduction requests.
- (1) Connection fee reductions are available only to bona fide, publicly funded and operated educational institutions located outside the corporate limits for new, on-campus facilities. The reductions are available only to those facilities that are owned by the institution, are not-for-profit operations and are a legitimate part of the school's educational mission.
 - (2) Applications for connection fee reductions must document the services and activities to be provided by the school. The services must provide long-term benefits to the city system.
 - (3) The level of reduction granted will be approved by the city manager.
- (j) City council finds that a reduction in the initial wastewater connection fee is appropriate for residential new construction, either multi-family or single family, when located within the city's designated community development block grant (CDBG) area. This area is determined by the use of U.S. Census Tract demographic information and is recognized by the U.S. Department of Housing and Urban Development as a special needs area qualifying for grants and other federally provided assistance. The reduction in the initial wastewater connection fee is solely designed to provide an incentive to developers and builders to construct and make available affordable housing within the CDBG area. The following guidelines shall apply:
- (1) Connection fee reductions shall be made available to the developer, builder, or owner of any new residential construction, either multi-family or single-family, which is located within the boundary of the CDBG area.
 - (2) The connection fee reduction shall be fifty (50) percent of the calculated rate.
 - (3) For demolition projects, new residential construction shall be defined as new if the extent of the demolition and subsequent redevelopment is in excess of fifty (50) percent of the fair market value immediately prior to obtaining a residential building permit.
 - (4) For mixed use developments within the CDBG area only the residential portion of the contributory demand charge will be used in determining the connection fee reduction for residential wastewater services.
- (k) For areas outside the corporate limits, the City of Florence evaluates requests for extension of service on the basis of physical and economic feasibility, as well as overall compatibility with its plans for addressing the needs of its service area. Decisions regarding the extension of service to any new area are solely those of the city. However, when the city determines that an extension of service is feasible, city council finds that a reduction in the initial wastewater connection fee may be appropriate for new industrial manufacturing facilities which are being constructed outside the city limits. In order to be considered for the reduction, a manufacturing facility must be listed in Sectors 31 through 33 of the most current edition of the North

American Industry Classification System and must exceed an average annual wastewater discharge to the system of seven hundred fifty thousand (750,000) gallons per month.

- (1) For those cases in which the new industry can be served by existing sewer lines and infrastructure, i.e. there is no requirement for construction of line extensions or upgrades to the existing wastewater collection system, the connection fee will be based on inside rates as outlined in subsection (e), above.
- (2) For those cases in which line extensions and/or upgrades to the wastewater collection system are required in order to serve the industry, the city will estimate the project cost. The estimate will include all appropriate project costs for professional services (design, inspection and legal), construction, and acquisition of necessary interests in real property. Project costs will not include administrative costs or efforts by city staff.

The project cost will be reduced by any available grants or contributions from city or non-city sources to determine the out-of-pocket costs to the city. This out-of-pocket cost to the city will be used in the calculation of connection fees under this section.

Up to the value of the city's calculated out-of-pocket costs, the connection fee will be calculated at outside rates as outlined in subsection (f), above. The calculation of the balance of any remaining estimated wastewater connection fees will revert to the inside rate as outlined in subsection (e), above.

(Code 1973, App. H, Art. II, § 4.4; Ord. No. 2007-15, 4-9-2007; Ord. No. 2007-28, 6-11-2007; Ord. No. 2008-03, 1-23-2008; Ord. No. 2013-24, 11-13-2013; Ord. No. 2018-08, 3-12-2018)

Sec. 12-68. Charges for connections—Installment payment option.

Sewer connection and tap fees for four-inch residential sewer service, both inside and outside the city, as described in section 12-67(e) and (f), may be paid in monthly installments over a period of up to thirty-six (36) months. The installment payment for connection and tap fees shall be assessed each month with a five (5) percent flat interest fee. The option for installment payment of connection and tap fees shall apply only to domestic, residential connections for owner-occupied dwellings constructed and inhabitable on or before January 1, 2008. Business, commercial, and industrial connection and tap fees, regardless of tap size, are not eligible for installment payment. If sewer service is terminated before the connection and tap fees paid on an installment basis are fully satisfied at any given location, the balance due on the connection and tap fees shall be paid by successive applicants for sewer service at that location until paid in full. The balance due for connection and tap fees may also be paid in monthly installments as provided herein. At the option of the customer, tap and connection fees may be paid in full in a lump sum at any time during the term of an established installment payment period.

(Ord. No. 2008-28, 7-14-2008)

Secs. 12-69, 12-70. Reserved.

Sec. 12-71. Liability for tap fee increased.

In case a sewer connection is not made within twelve (12) months from the date a permit therefor was first obtained, any tap fee increases during the previous twelve (12) months will be paid by the user before making such tap.

(Code 1973, App. H, Art. II, § 5.8)

Sec. 12-72. Taps coordinated with building permits.

All sewer taps shall be applied for concurrently with the applicable building permits. No monthly user charges shall be given until services are put in use.

(Code 1973, App. H, Art. II, § 4.5)

Sec. 12-73. Discontinued sewer taps.

Sewer taps discontinued may be placed back in service at no charge to the user provided such tap is in serviceable condition. The property owner shall be responsible for protecting the structure and locating any taps to be placed back in service after demolition operations. Any taps damaged or lost during such operations shall be replaced at the current tap fee rate.

(Code 1973, App. H, Art. II, § 4.6)

Sec. 12-74. Service line stoppage.

When a service line or tap becomes stopped, the property owner shall engage a qualified plumber to clear the service line on private property and open the service at the property line/right-of-way and shall under no circumstances, other than checking flow in mains, perform any work on private property. Regardless of the location of the stoppage, the city shall not be liable for any charges incurred by a plumber engaged by the property owner and shall not be responsible for any damages resulting therefrom.

(Code 1973, App. H, Art. II, § 4.7)

Sec. 12-75. Right to disconnect.

Except as herein provided, the city reserves the right to prevent or discontinue sewer connection by any person until such time as the requirements of this chapter have been fulfilled to the satisfaction of the city.

(Code 1973, App. H, Art. II, § 3.9)

Sec. 12-76. Unlawful charges.

It shall be unlawful when giving a bid, quotation or estimate to others for such work, for any person to charge more for a sewer connection than the price quoted by the city for such connection, both inside and outside the city.

(Code 1973, App. H, Art. II, § 4.9)

Secs. 12-77—12-79. Reserved.

DIVISION 7. USER CHARGES AND SURCHARGES

Sec. 12-80. Purposes of charges.

The city shall adopt by ordinance an adequate schedule of user charges and surcharges to defray the cost of operating and maintaining the sanitary sewer system of the city. The cost to be used as a basis of determining charges shall include, but not necessarily be limited to, operation and maintenance, administration, collection and billing of charges, bond redemption, studies and reports, professional fees, repairs, capital improvements, and depreciation. The charges adopted shall be such that each user pays at least such user's proportionate share of all cost herein noted.

(Code 1973, App. H, Art. II, § 5.1)

Cross reference(s)—Liability for charges whether or not connection made, § 12-27.

Sec. 12-80.1. Regarding fees, rates and service charges for Timmonsville.

The fees, rates and service charges contained in this article for customers located in the designated Timmonsville utility service area apply to residential and small commercial users. Provided, however, that Florence City Council may negotiate separate rate and fee structures with large commercial or industrial users which locate within the designated Timmonsville service area.

(Ord. No. 2013-24, 11-13-2013)

Sec. 12-81. Industrial waste metering devices—Providing.

Where the person discharging industrial wastes into the sanitary sewers of the city procures any part or all of such person's water supply from sources other than the city water system, all or part of which is discharged into the sanitary sewer, the person discharging said wastes shall install and maintain at such person's expense, meters or other approved measuring devices for the purpose of determining the proper volume of flow to be charged. This meter or other device shall be tested at the expense of the person discharging and by an authorized testing agency each year to insure that accuracy is maintained.

(Code 1973, App. H, Art. II, § 3.5)

Sec. 12-82. Same—Measuring flow used for waste user charges.

The volume of flow used in computing waste user charges and surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the utilities division.

(Code 1973, App. H, Art. II, § 3.4)

Sec. 12-83. Basis of monthly ordinary user charges; payment and delinquency dates; billing error.

- (a) The city shall levy monthly sewer user charges based upon actual water consumption recorded by the water meters. Such charges shall be due and payable upon notice and shall be considered delinquent for failure to pay within fifteen (15) days. Service may be discontinued following a delinquent notice giving ten (10) calendar days from the date notice was mailed. Failure to receive a statement will not release the customer from payment obligation, nor entitle the customer to any delay in paying the amount due.

(b) In the event a customer feels there has been an error in the billing of the account the customer must notify the city at least two (2) working days before disconnection date stated on delinquent notice. In the event that an error has been made, a correction will be made to insure that the customer service is not disconnected.

(Code 1973, App. H, Art. II, § 5.3)

Sec. 12-84. Surcharge for unusual wastes.

~~The city may at its discretion allow industrial wastes which exceed the limitation of section 12-30 to be discharged into the sanitary sewer system provided that the person discharging such waste shall agree to the payment of a surcharge to offset any cost to treat that BOD or suspended solids in excess of allowable limits. Any user discharging wastewater into the collection system which exceeds domestic wastewater concentrations shall be subject to surcharges for additional treatment requirements.~~ This surcharge shall be imposed in addition to any other charges made for sewer service.

(Code 1973, App. H, Art. II, § 5.4)

Sec. 12-85. Determination of surcharge.

The surcharge covering the cost of treatment of said industrial wastes shall be determined in the following manner:

- (1) The city shall fix the rate to be charged during the new fiscal year at the beginning of said fiscal year for the excess BOD of suspended solids from actual cost per one thousand (1,000) pounds removed from the combined domestic and industrial wastes as experienced at the sewage treatment plant of the city during the preceding fiscal year.
- (2) The rate shall be applied to the amount of excessive BOD, and suspended solids as determined by averaging at least three (3) waste discharge samples taken in accordance with provisions of section 12-52.

(Code 1973, App. H, Art. II, § 5.5)

Sec. 12-86. Determination of industrial waste change basis.

The determination of the flow, character, and concentration of industrial wastes as provided herein shall be used as a basis for charges, cost recovery, surcharges, and compliance with section 12-30.

(Code 1973, App. H, Art. II, § 8.3)

Sec. 12-87. Additional charge for discharges outside city.

Any user of the sanitary sewer system whose discharges originate outside the city limits may be required by the utilities division to pay an additional charge to offset use of existing sanitary sewage facilities and/or use of the city's bonding capacity for future expansion or upgrading of the sanitary sewer system.

(Code 1973, App. H, Art. II, § 5.6)

Sec. 12-87.01. Policies re: treatment of sewage from outside city's service area.

- (a) All costs for line extensions, pumping facilities, etc., to the point of connection with the city system shall be borne by private or public entities; provided, the City of Florence will assume no cost for such service extension.
- (b) The city will accept lines for operation and maintenance only inside of its service area boundary. Facilities located outside the city service area shall be operated and maintained by others. A copy of the service area shall remain on file in the city engineer's office.
- (c) Metering of flow for billing purposes shall occur at the service area boundary. A suitable meter approved by the city engineering and utility finance divisions shall be constructed, operated and maintained by the entity desiring sewer service. Operation and maintenance shall include annual recalibration and certification of the flow meter. The meter will be read by the city utility finance personnel for billing purposes.
- (d) All sewage delivered to the city through the meter for treatment shall have been derived from customers who have directly or indirectly purchased water from the City of Florence. No extraneous or makeup water shall be delivered to the city for treatment.
- (e) Usage fees shall be paid in accordance with the ordinances of the City of Florence.
- (f) Billings will be based upon current rates for customers outside the city limits.
- (g) Maximum flow rates to be delivered to the city for treatment shall be established at the time of contract negotiation. In no instance shall these rates be exceeded prior to renegotiation of the contract limit. The city's willingness to accept sewage for treatment shall be conditioned upon the capability of its sewer system to handle the proposed wastewater flow. This shall be determined exclusively by the city. Improvements to the city's system for the convenience of another entity shall be at the expense of the other entity. The City of Florence will assume no costs for such improvements.
- (h) Wastewater flow shall be normal domestic strength sewage as outlined in the ordinances of the city; provided industrial or other high strength waste may be considered by the city on a case by case basis.

(Ord. No. 88-40, §§ 1—8, 7-11-88)

Editor's note(s)—Ord. No. 88-40, §§ 1—8, adopted July 11, 1988, did not specifically amend the Code; hence codification herein as § 12-87.01 has been at the editor's discretion.

Sec. 12-87.1. Monthly rates for ordinary service.

- (a) On all sanitary sewer users being served by connections to the sanitary sewer system there is hereby imposed a monthly service charge, as specified in this section. The monthly service charge shall be comprised of an availability charge (based on the customer's water meter size), a customer (account maintenance) charge, and a volume charge based on the monthly water meter reading or estimated water meter reading as specified in section 12-167 of the Code. The water reading shall be as determined by the officially installed water meter as required in this chapter. The exemption from minimum charges for commercial and industrial business sewer taps made prior to December 17, 1979, as formerly provided for in subsection 12-87.1(d) of the Code, is herewith specifically repealed.
- (b) Residential users of the city's sanitary sewer system that are not connected to the city's water supply system shall be billed as outlined hereafter.
 - (1) Single-family units with one account shall be billed based upon an availability charge for a three-quarter inch meter, a customer charge and a volume charge for eight thousand (8,000) gallons of usage.

- (2) Multi-unit complexes or trailer parks which are served by one account shall be billed a single customer charge, availability charges for three-quarter inch meters for each unit and volume charges for eight thousand (8,000) gallons of usage per unit.
- (3) That all residential customers with a water tap which occurred prior to December 16, 1991, shall be considered for the purpose of billing sewer availability charges, to be equivalent to a three-quarter-inch meter.
- (4) That all commercial customers with a water tap which occurred prior to December 16, 1991, shall be considered for the purpose of billing sewer availability charges to be equivalent to a three-quarter-inch meter, if the average actual metered water usage, for the most recently completed fiscal year, is less than or equal to the unit contributory loadings for residences as specified in section 12-67 of the Code.

If the actual metered water usage for the customer is greater than the unit contributory loading for residences then the customer shall be billed for the availability charge as specified in the Code.

- (c) Each institutional, commercial or industrial user of the city's sanitary sewer system that is not connected to the city's water supply system shall operate and maintain a suitable meter, approved by the utility finance division, for billing purposes. Operation and maintenance shall include annual recalibration and certification of the meter's accuracy, at the user's expense, to the satisfaction of the utility finance division. The availability charge in such cases will be based upon a meter size as determined by the city.
- (d) Institutional, commercial or industrial users of the city's sanitary sewer system that are not connected to the city's water supply system shall be billed based upon an availability charge, customer charge and volume charge as determined by the city. The proposed sewer user must demonstrate to the satisfaction of the city manager that it is impractical to maintain a suitable meter, that flow from the user's facility will be predictable and reasonably constant and that it is in the interest of the city to accept the discharge.
- (e) All other users of the city's sanitary sewer system shall be billed as described in subsection (a).
- (f) All users of the city's sanitary sewer system must connect to the city water system as soon as water service becomes available. Sewer bills will then be calculated as described in subsection (a).
- (g) The schedule for sanitary sewer rates inside the city limits based on subsections (a) through (f), shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027, FY 2028, FY 2029, and FY 2030. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended.

MONTHLY CHARGES

Availability charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>
¾"	\$23.00	\$23.20	\$23.40	\$24.10	\$24.80
1"	57.50	58.00	58.50	60.25	62.00
1¼"	86.25	87.00	87.75	90.38	93.00
1½"	115.00	116.00	117.00	120.50	124.00
2"	184.00	185.60	187.20	192.80	198.40
3"	368.00	371.20	374.40	385.60	396.80
4"	575.00	580.00	585.00	602.50	620.00
6"	1,150.00	1,160.00	1,170.00	1,205.00	1,240.00
8"	1,840.00	1,856.00	1,872.00	1,928.00	1,984.00
Customer Charge (per account)	\$4.05	\$4.10	\$4.15	\$4.25	\$4.35

Volume Charge (per 1,000 gallons)	\$3.26	\$3.29	\$3.32	\$3.42	\$3.52
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Availability charge (per account):

Water Meter Size (inches)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
¾"	\$25.50	\$26.30	\$27.10	\$27.90	\$28.70
1"	63.75	65.75	67.75	69.75	71.75
1¼"	95.63	98.63	101.63	104.63	107.63
1½"	127.50	131.50	135.50	139.50	143.50
2"	204.00	210.40	216.80	223.20	229.60
3"	408.00	420.80	433.60	446.40	459.20
4"	637.50	657.50	677.50	697.50	717.50
6"	1,275.00	1,315.00	1,355.00	1,395.00	1,435.00
8"	2,040.00	2,104.00	2,168.00	2,232.00	2,296.00
Customer Charge (per account)	\$4.45	\$4.55	\$4.70	\$4.85	\$5.00
Volume Charge (per 1,000 gallons)	\$3.63	\$3.74	\$3.85	\$3.97	\$4.09

- (h) The schedule for sanitary sewer rates outside the city limits based on subsections (a) through (e) shall be set for a period of ten (10) years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027, FY 2028, FY 2029, and FY 2030. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended.

MONTHLY CHARGES

Availability charge (per account):

Water Meter Size (inches)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
¾"	\$36.80	\$37.12	\$37.44	\$38.56	\$39.68
1"	92.00	92.80	93.60	96.40	99.20
1¼"	138.00	139.20	140.40	144.61	148.80
1½"	184.00	185.60	187.20	192.80	198.40
2"	294.40	296.96	299.52	308.48	317.44
3"	588.80	593.92	599.04	616.96	634.88
4"	920.00	928.00	936.00	964.00	992.00
6"	1,840.00	1,856.00	1,872.00	1,928.00	1,984.00
8"	2,944.00	2,969.60	2,995.20	3,084.80	3,174.40
Customer Charge (per account)	\$4.05	\$4.10	\$4.15	\$4.25	\$4.35
Volume Charge (per 1,000 gallons)	\$5.22	\$5.26	\$5.31	\$5.47	\$5.63

Availability charge (per account):

Water Meter Size (inches)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
¾"	\$40.80	\$42.08	\$43.36	\$44.64	\$45.92

1"	102.00	105.20	108.40	111.60	114.80
1¼"	153.01	157.81	162.61	167.41	172.21
1½"	204.00	210.40	216.80	223.20	229.60
2"	326.40	336.64	346.88	357.12	367.36
3"	652.80	673.28	693.76	714.24	734.72
4"	1,020.00	1,052.00	1,084.00	1,116.00	1,148.00
6"	2,040.00	2,104.00	2,168.00	2,232.00	2,296.00
8"	3,264.00	3,366.40	3,468.80	3,571.20	3,673.60
Customer Charge (per account)	\$4.45	\$4.55	\$4.70	\$4.85	\$5.00
Volume Charge (per 1,000 gallons)	\$5.81	\$5.98	\$6.16	\$6.35	\$6.54

- (i) Reserved.
- (j) The schedule for sanitary sewer rates within the Timmons ville service area, and inside the Town of Timmons ville based on subsections (a) through (e), shall be set for a period of ten (10) years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027, FY 2028, FY 2029, and FY 2030. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended.

MONTHLY CHARGES

Availability charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>
¾"	\$23.00	\$23.20	\$23.40	\$24.10	\$24.80
1"	57.50	58.00	58.50	60.25	62.00
1¼"	86.25	87.00	87.75	90.38	93.00
1½"	115.00	116.00	117.00	120.50	124.00
2"	184.00	185.60	187.20	192.80	198.40
3"	368.00	371.20	374.40	385.60	396.80
4"	575.00	580.00	585.00	602.50	620.00
6"	1,150.00	1,160.00	1,170.00	1,205.00	1,240.00
8"	1,840.00	1,856.00	1,872.00	1,928.00	1,984.00
Customer Charge (per account)	\$4.05	\$4.10	\$4.15	\$4.25	\$4.35
Volume Charge (per 1,000 gallons)	\$3.26	\$3.29	\$3.32	\$3.42	\$3.52

Availability charge (per account):

<i>Water Meter Size (inches)</i>	<i>FY 2026</i>	<i>FY 2027</i>	<i>FY 2028</i>	<i>FY 2029</i>	<i>FY 2030</i>
¾"	\$25.50	\$26.30	\$27.10	\$27.90	\$28.70
1"	63.75	65.75	67.75	69.75	71.75
1¼"	95.63	98.63	101.63	104.63	107.63
1½"	127.50	131.50	135.50	139.50	143.50
2"	204.00	210.40	216.80	223.20	229.60
3"	408.00	420.80	433.60	446.40	459.20
4"	637.50	657.50	677.50	697.50	717.50
6"	1,275.00	1,315.00	1,355.00	1,395.00	1,435.00

8"	2,040.00	2,104.00	2,168.00	2,232.00	2,296.00
Customer Charge (per account)	\$4.45	\$4.55	\$4.70	\$4.85	\$5.00
Volume Charge (per 1,000 gallons)	\$3.63	\$3.74	\$3.85	\$3.97	\$4.09

- (k) The schedule for sanitary sewer rates within the Timmons ville service area, and outside the Town of Timmons ville based on subsections (a) through (e) shall be set for a period of ten (10) years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027, FY 2028, FY 2029, and FY 2030. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended.

MONTHLY CHARGES

Availability charge (per account):

Water Meter Size (inches)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
¾"	\$36.80	\$37.12	\$37.44	\$38.56	\$39.68
1"	92.00	92.80	93.60	96.40	99.20
1¼"	138.00	139.20	140.40	144.61	148.80
1½"	184.00	185.60	187.20	192.80	198.40
2"	294.40	296.96	299.52	308.48	317.44
3"	588.80	593.92	599.04	616.96	634.88
4"	920.00	928.00	936.00	964.00	992.00
6"	1,840.00	1,856.00	1,872.00	1,928.00	1,984.00
8"	2,944.00	2,969.60	2,995.20	3,084.80	3,174.40
Customer Charge (per account)	\$4.05	\$4.10	\$4.15	\$4.25	\$4.35
Volume Charge (per 1,000 gallons)	\$5.22	\$5.26	\$5.31	\$5.47	\$5.63

Availability charge (per account):

Water Meter Size (inches)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
¾"	\$40.80	\$42.08	\$43.36	\$44.64	\$45.92
1"	102.00	105.20	108.40	111.60	114.80
1¼"	153.01	157.81	162.61	167.41	172.21
1½"	204.00	210.40	216.80	223.20	229.60
2"	326.40	336.64	346.88	357.12	367.36
3"	652.80	673.28	693.76	714.24	734.72
4"	1,020.00	1,052.00	1,084.00	1,116.00	1,148.00
6"	2,040.00	2,104.00	2,168.00	2,232.00	2,296.00
8"	3,264.00	3,366.40	3,468.80	3,571.20	3,673.60
Customer Charge (per account)	\$4.45	\$4.55	\$4.70	\$4.85	\$5.00
Volume Charge (per 1,000 gallons)	\$5.81	\$5.98	\$6.16	\$6.35	\$6.54

- (l) There shall be a septage disposal fee for each hauler recognized by the city who disposes of septage at the city's wastewater treatment plant. This fee shall be set for a period of ten (10) years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027,

FY 2028, FY 2029, and FY 2030. Rates will be effective July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended.

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Per 100 pounds of septage	\$1.26	\$1.28	\$1.30	\$1.32	\$1.34

	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Per 100 pounds of septage	\$1.36	\$1.38	\$1.40	\$1.42	\$1.44

(Code 1973, App. H, Art. II, § 6.1; Ord. No. 87-11, 4-6-87; Ord. No. 88-27, 5-25-88; Ord. No. 89-90, § 1, 12-22-89; Ord. No. 91-27, 6-24-91; Ord. No. 91-54, § 1, 12-16-91; Ord. No. 92-01, 1-13-92; Ord. No. 92-04, 2-10-92; Ord. No. 95-06, 2-13-95; Ord. No. 95-49, § 1, 11-13-95; Ord. No. 2000-14, 4-10-2000; Ord. No. 2007-28, 6-11-2007; Ord. No. 2010-07, 3-8-2010; Ord. No. 2020-21, 8-10-2020)

Editor's note(s)—Ord. No. 95-06, adopted Feb. 13, 1995, deleted § 12-87.1(i), effective after June 30, 1995. Prior to deletion, subsection (i) pertained to sludge disposal fee.

Sec. 12-87.2. Schedule of rates for outside industrial sewer customers.

(a) The schedule for outside industrial sanitary sewer rates shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027, FY 2028, FY 2029, and FY 2030. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended. The industrial rates are applicable only for qualified customers that are shown in Sectors 31 through 33 of the most current edition of the North American Industry Classification System and exceed an average annual water usage of seven hundred fifty thousand (750,000) gallons per month.

- (1) Availability charges (per account) and customer charges (per account) shall be as shown in section 12-87.1 (g).
- (2) Volume charges (per one thousand [1,000] gallons) shall be as follows:

Monthly Volume Charges (Sewer)

Use (Gallons)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
0—750,000	\$5.22	\$5.26	\$5.31	\$5.47	\$5.63
750,001—3,000,000	3.97	4.05	4.14	4.32	4.50
3,000,001—6,000,000	3.08	3.31	3.56	3.88	4.22
6,000,001—9,000,000	2.86	3.08	3.31	3.62	3.94
9,000,001 and above	3.26	3.29	3.32	3.42	3.52

Monthly Volume Charges (Sewer)

Use (Gallons)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
0—750,000	\$5.81	\$5.98	\$6.16	\$6.35	\$6.54
750,001—3,000,000	4.65	4.78	4.93	5.08	5.23
3,000,001—6,000,000	4.36	4.49	4.62	4.76	4.91
6,000,001—9,000,000	4.07	4.19	4.31	4.45	4.58
9,000,001 and above	3.63	3.74	3.85	3.97	4.09

(Ord. No. 2008-03, 1-23-2008; Ord. No. 2010-07, 3-8-2010; Ord. No. 2012-28, 10-8-2012; Ord. No. 2020-21, 8-10-2020)

Editor's note(s)—Ord. No. 2012-28, adopted Oct. 8, 2012, changed the title of § 12-87.2 from schedule of rates for outside industrial sewer customers to schedule of rates for outside publicly-owned sewer systems and certain industrial sewer customers.

Sec. 12-87.3. Reserved.

Editor's note(s)—Ord. No. 2020-21, adopted Aug. 10, 2020, repealed § 12-87.3, which pertained to the schedule of rates for customers in the Town of Timmons ville's service area and derived from Ord. No. 2013-24, adopted Nov. 13, 2013.

Sec. 12-88. Public notices.

Annual notification of user charges and surcharges shall be given to all users of the city sanitary sewer system. This notification shall include identification of the base account charge, the charge (per thousand gallons) for operation, maintenance and replacement and the charge (per thousand gallons) for capital cost and debt service.

(Code 1973, App. H, Art. II, § 5.2; Ord. No. 90-62, § 1, 11-19-90)

Sec. 12-89. Scope of provisions for payment and collection of sewer service charges.

All provisions of this chapter and other ordinances of the city and all rules and regulations govern the payment and collection of the sewer service charges provided for in this article.

(Code 1973, App. H, Art. II, § 5.9)

Secs. 12-90—12-99. Reserved.

DIVISION 8. SEWER SYSTEM EXTENSIONS

Sec. 12-100. Right-of-way and access of new developments.

Ownership of sewer lines constructed within new developments shall be conveyed to the city provided all such lines are located within public rights-of-way or upon approval of easements of adequate unobstructed widths to provide maintenance vehicle access.

(Code 1973, App. H, Art. II, § 7.2)

Sec. 12-101. Responsibility of developer.

Construction of sewer lines in any new development shall be the responsibility of the person responsible for such development as outlined in the land subdivision regulations.

(Code 1973, App. H, Art. II, § 7.1)

Cross reference(s)—For such regulations, see Ch. 18.

Sec. 12-102. Development plan requirements.

Any new development proposing to construct sewer collection lines or extensions to existing interceptor mains to connect directly into the city's sewer system shall conform its plans and specifications to the requirements of the utilities division. The plans and specifications shall be prepared by a registered engineer who is authorized by the laws of the state and approved or approvable by all local and state authorities having jurisdiction.

(Code 1973, App. H, Art. II, § 7.3)

Sec. 12-103. Administrative procedure.

The administrative procedures shall be as outlined in the city land subdivision regulations where applicable, and in all other cases as follows:

- (1) Prepare detail construction drawings and documents for the city's approval.
- (2) Upon receipt of approval, proceed with construction, notifying the city of construction schedules.
- (3) Provide the city with permission for on-site inspection during construction.
- (4) Furnish the city with a certificate of completion, instrument of conveyance, and warranty, together with such other legal documents as may be required for annexation and similar special provisions.
- (5) Information required on plans:
 - (A) Name and type of building or project.
 - (B) Owner's name and address.
 - (C) Location by:
 - (i) Highway or streets.
 - (ii) North point.
 - (iii) Vicinity map.
 - (D) Name of registered professional engineer or responsible for plans.
 - (E) Date plans prepared and revised.
 - (F) Scale or scales to which plans are drawn.
 - (G) Plans must consist of the following drawings:
 - (i) Site plan showing:
 - (a) Immediate area concerned indicating contours or elevations, property lines and drainage courses.
 - (b) Outline of existing and proposed buildings and designation by distance or outline of buildings on adjacent property.
 - (c) Water lines and sewers including manholes with elevations, sizes, material, and gradients, location of all hydrants and valves.
 - (ii) Construction details, including:

-
- (a) Sewer profiles, manhole details, normal stream elevations and flood level finished grade elevations.
 - (b) Water mains by size and material by national accepted standards designation.

Plans should be clearly drawn and be complete. Submit only those drawings pertaining to the water supply or sewage treatment. It is suggested that details pertaining to these items be included on the plans of these items. The more complete and comprehensive are the plans, the more rapidly they can be reviewed and approved.

(Code 1973, App. H, Art. II, § 7.4)

Sec. 12-104. Construction by licensed contractor.

Construction of the proposed sewer system shall be accomplished by a registered licensed contractor under the laws of the state who shall have paid all business licenses required by the city.

(Code 1973, App. H, Art. II, § 7.5)

Sec. 12-105. Certificate of completion and "as-constructed" drawings by development engineer.

Upon completion of construction, the engineer employed by the development shall inspect and furnish the city at no cost his certificate of completion indicating that the subject sewer system has been constructed in accordance with the approved plans and specifications and shall provide four (4) copies of "as-constructed" drawings.

(Code 1973, App. H, Art. II, § 7.6)

Sec. 12-106. Owner guarantee requirement.

The owner or the owner's authorized agent shall submit a guarantee in which the owner warrants the materials, equipment and construction of the system for twelve (12) months. The owner shall further warrant to the city that all fees have been paid by such owner such that there is no outstanding indebtedness remaining, and holding the city harmless in each instance.

(Code 1973, App. H, Art. II, § 7.7)

Sec. 12-107. Sewer tap construction.

All sewer taps shall be made during construction from the main out to the property line. Location of all taps shall be recorded on the as-constructed drawings.

(Code 1973, App. H, Art. II, § 7.8)

Sec. 12-108. Compatibility.

All sewer system extensions must be compatible with present and future plans and needs of the city.

(Code 1973, App. H, Art. II, § 7.9)

Sec. 12-109. Conveyance requirement.

When all other requirements of this division have been met and approved, the owner shall prepare and submit to the utilities division an instrument of conveyance, conveying the constructed system to the city at no cost to the city and the system shall thereafter be owned, operated and maintained by the city as provided for in this article. The instrument of conveyance shall also include permanent easements and rights-of-way fully described and duly recorded at the appropriate authority.

(Code 1973, App. H, Art. II, § 7.10)

Sec. 12-110. Annexation.

In those instances where subdivisions, apartments and other individual parcels of property are proposed for development or existing requiring city utilities, temporarily or permanently, and such property is contiguous to the city limits, annexation of the property shall be initiated prior to receiving such services from the city. All permits and licenses for proposed developments shall be obtained before construction can begin and all rules and regulations of the city shall apply as if all such property had already been annexed.

(Code 1973, App. H, Art. II, § 7.11; Ord. No. 85-33, 7-8-85)

Sec. 12-111. Systems outside city tying into city system, specific compliance required.

All wastewater systems installed outside the city's MSA (municipal service area) which tie to the city's wastewater system shall comply with the Code of Ordinances of the city. This section is applicable to any system conveying wastewater, which ultimately enters the city's wastewater collection, transportation and treatment system. Compliance is specifically required with, but not limited to, the following sections of the City Code:

- 12-62. Permission to connect;
- 12-63. Application for connection;
- 12-65. Sewer tap specifications;
- 12-67. Charges for connections generally;
- 12-102. Development plan requirements;
- 12-103. Administrative procedure;
- 12-104. Construction by licensed contractor;
- 12-105. Certificate of completion and "as constructed" drawings by development engineer.

(Ord. No. 89-3, § 1, 1-9-89)

Editor's note(s)—Ord. No. 89-3, § 1, adopted Jan. 9, 1989, did not specifically amend the Code, but has been designated as § 12-111 by the editor. The user's attention is also directed to § 12-110; in the event of conflict between §§ 12-110 and 12-111, it is presumed that the more recent provisions will prevail.

Cross reference(s)—Connection fees for specific development areas, § 12-68 et seq.

Secs. 12-112—12-118. Reserved.

FLORENCE CITY COUNCIL MEETING

DATE: April 10, 2023

AGENDA ITEM: Ordinance to Annex and Zone parcels located off East Crawford Avenue, TMNs 00179-01-006, 00179-01-007, and 90132-03-015.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request to annex Tax Map Numbers 00179-01-006, 00179-01-007, and 90132-03-015 into the City of Florence and assign them the zoning designation of RG-3 (Residential General-3). The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On March 14, 2023, the Planning Commission held a public hearing regarding the annexation of these three lots and voted unanimously, 7-0, to recommend the zoning designation of RG-3.

III. POINTS TO CONSIDER:

- (1) This request is being considered for first reading.
- (2) The property is intended to be developed as a single-family residential subdivision.
- (3) City water and sewer services are not currently available. The developer is required to extend water and sewer services to the property for development.
- (4) A Public Hearing for zoning was held at the March 14, 2023 Planning Commission meeting.
- (5) City staff recommends annexation and concurs with Planning Commission's recommendation to zone the property Residential General – 3 (RG-3).


IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Annexation Petition



Clint Moore
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2023-_____

AN ORDINANCE TO ANNEX AND ZONE RG-3 PARCELS LOCATED OFF EAST CRAWFORD AVENUE, TMNS 00179-01-006, 00179-01-007, AND 90132-03-015.

WHEREAS, a Public Hearing was held in the Council Chambers on March 14, 2023 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by PC Land Development Co. LLC, owner of TMNs 00179-01-006, 00179-01-007, and 90132-03-015, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated into the City limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and given the zoning district classification of **RG-3**:

The properties requesting annexation are shown more specifically on Florence County Tax Map 00179, block 01, parcel 006 (8.22 acres); Tax Map 00179, block 01, parcel 007 (43.10 acres); and Tax Map 90132, block 03, parcel 015 (3.10 acres).

Any portions of public rights-of-way abutting the above described property will be also included in the annexation.

WHEREAS, Florence City Council concurs in the aforesaid application, findings and recommendations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

- 1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.**

ADOPTED THIS _____ DAY OF _____, 2023

Approved as to form:

James W. Peterson, Jr.
City Attorney

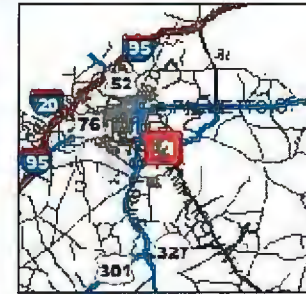
Teresa Myers Ervin,
Mayor

Attest:

Casey C. Moore
Municipal Clerk

PC-2023-07

Vicinity Map - East Crawford Avenue

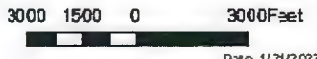


Legend

- City Limits
- Parcels
- Proposed Parcel



DISCLAIMER:
The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as provided by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



Date: 1/24/2023

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
2. That the petitioner(s) desires to annex the property more particularly described below:
 Florence County Tax Map Number: 0017901007, 0017901006, 9013203015
3. Annexation is being sought for the following purposes:
4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

Total Residents _____ Race _____
 Total 18 and Over _____ Total Registered to Vote _____

APPLICANT (S) (Please print or type):

Name(s): PC LAND DEVELOPMENT COMPANY LLC
 Address: 90 NORTH TOWER DR IRMO, SC 29063
 Telephone Numbers: 803-699-4734 [work] _____ [home] _____
 Email Address: arnaudszurzger@greatsouthhampages.com

Signature: [Handwritten Signature] Date: 12/19/22
PRESIDENT

Certification as to ownership on the date of petition:	FOR OFFICIAL USE ONLY
Date: <u>12/20/22</u>	<u>AZ</u>

FLORENCE CITY COUNCIL MEETING

DATE: April 10, 2023

AGENDA ITEM: Ordinance to Annex and Zone Phase I of Smith's Field, TMNs 00100-01-265 through -313, previously a portion of TMN 00100-01-093.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request to annex Tax Map Numbers 00100-01-265 through -313 into the City of Florence and assign them the zoning designation of RG-3 (Residential General-3). The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On March 14, 2023, the Planning Commission held a public hearing regarding the annexation of these lots and voted unanimously, 7-0, to recommend the zoning designation of RG-3.

III. POINTS TO CONSIDER:

- (1) This request is being considered for first reading.
- (2) The property is being developed as a single family residential subdivision.
- (3) This is Phase I of three total phases.
- (4) City water and sewer services are being installed by the developer.
- (5) The developer has submitted a development agreement to the City for approval.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Phase Map
- (4) Annexation Petition



Clift Moore
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2023-_____

AN ORDINANCE TO ANNEX AND ZONE RG-3 PHASE I OF SMITH'S FIELD, TMNs 00100-01-265 THROUGH -313.

WHEREAS, a Public Hearing was held in the Council Chambers on March 14, 2023 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by Highgate LLC, owner of TMNs 00100-01-265 through -313, was presented requesting an amendment to the City of Florence Zoning Atlas that the indicated properties be incorporated into the City limits of the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina and given the zoning district classification of **RG-3**.

The properties requesting annexation are shown more specifically below:

Tax Map Number	Area (Acre)	Tax Map Number	Area (Acre)
00100-01- 265	0.27	00100-01- 290	0.17
00100-01- 266	0.21	00100-01- 291	0.17
00100-01- 267	0.19	00100-01- 292	0.17
00100-01- 268	0.19	00100-01- 293	0.17
00100-01- 269	0.17	00100-01- 294	0.17
00100-01- 270	0.17	00100-01- 295	0.17
00100-01- 271	0.17	00100-01- 296	0.19
00100-01- 272	0.17	00100-01- 297	0.20
00100-01- 273	0.17	00100-01- 298	0.17
00100-01- 274	0.20	00100-01- 299	0.22
00100-01- 275	0.17	00100-01- 300	0.17
00100-01- 276	0.17	00100-01- 301	0.17
00100-01- 277	0.17	00100-01- 302	0.20
00100-01- 278	0.17	00100-01- 303	0.17
00100-01- 279	0.17	00100-01- 304	0.19
00100-01- 280	0.17	00100-01- 305	0.16
00100-01- 281	0.17	00100-01- 306	0.17
00100-01- 282	0.17	00100-01- 307	0.18
00100-01- 283	0.17	00100-01- 308	0.17
00100-01- 284	0.17	00100-01- 309	0.17
00100-01- 285	0.19	00100-01- 310	0.21
00100-01- 286	0.19	00100-01- 311	0.17
00100-01- 287	0.19	00100-01- 312	0.22
00100-01- 288	0.19	00100-01- 313	0.10
00100-01- 289	0.17		

Any portions of public rights-of-way abutting the properties listed above are included in the annexation.

WHEREAS, Florence City Council concurs in the aforesaid application, findings and recommendations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. **That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid properties and amending the Zoning Atlas to the aforesaid zoning classifications.**
2. **That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.**

ADOPTED THIS _____ DAY OF _____, 2023

Approved as to form:

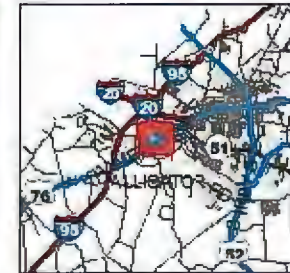
James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin,
Mayor

Attest:

Casey C. Moore
Municipal Clerk

Vicinity Map - Smith's Field



Legend

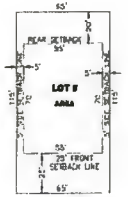
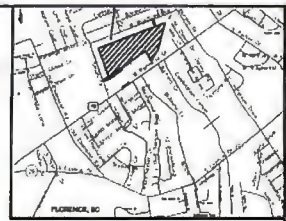
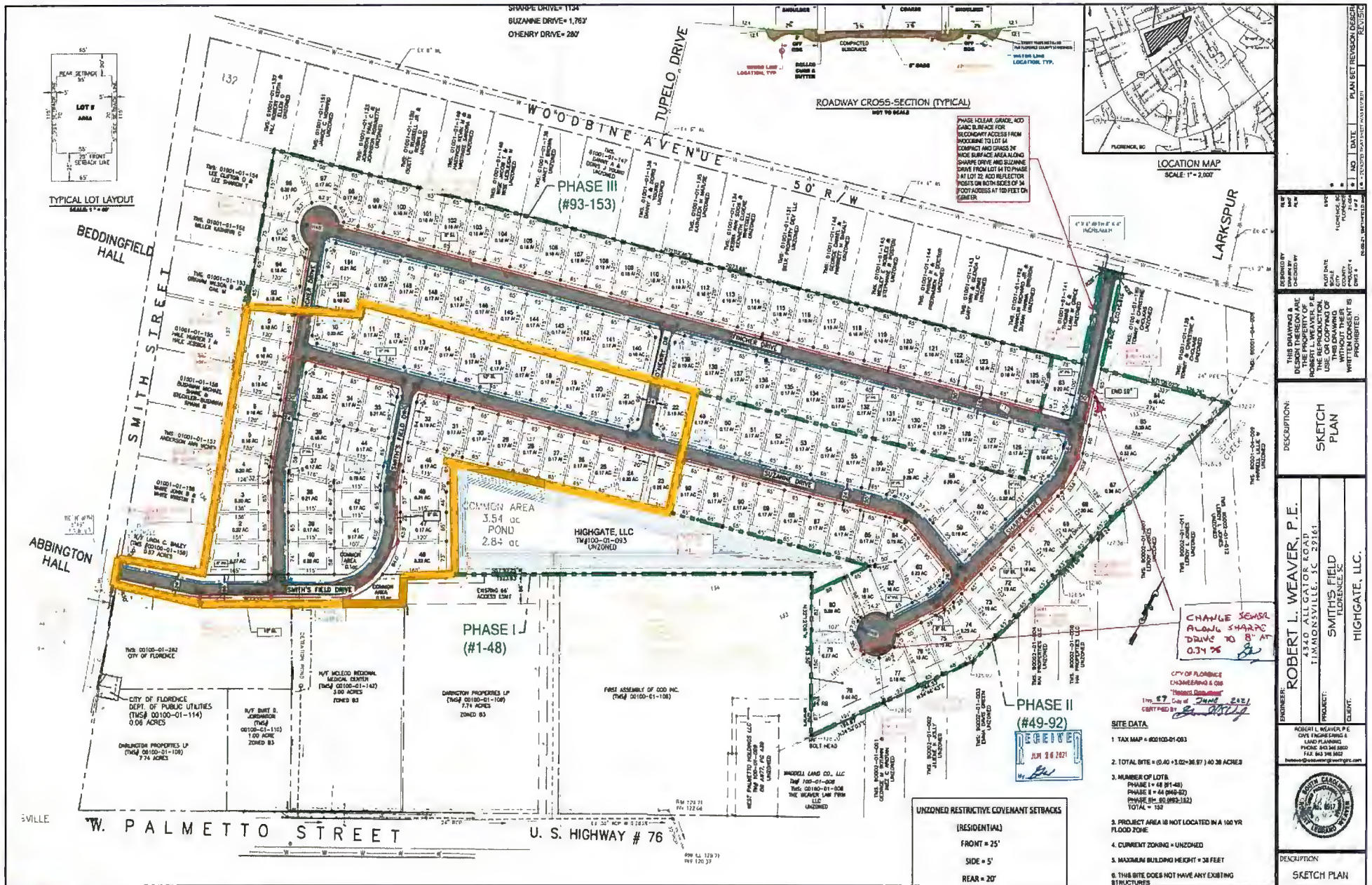
- City Limits
- Parcels
- Proposed Parcel

FUTURE FLORWARD
FLORENCE
SOUTH CAROLINA

DISCLAIMER:
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600 300 0 600 Feet

Date: 8/16/2022



ROADWAY CROSS-SECTION (TYPICAL)
 NOT TO SCALE

PHASE I CLEAR GRADE, 400 GALLON RESERVE FOR SECONDARY ACCESS FROM WOODBINE TO LOT 14. EXISTING AND PROPOSED WIDE SURFACE AREA ALONG SHARPS DRIVE AND BUZZANNE DRIVE FROM LOT 84 TO PHASE II AT LOT 32. ADD REFLECTOR POSTS ON BOTH SIDES OF 34 FOOT ADDRESS AT 100 FEET ON SAME SIDE.

CHANGE SENSE ALONG SHARPS DRIVE TO R AT 0.34%

CITY OF FLORENCE ENGINEERING & DESIGN
 "THOMAS DUNHAM"
 1175 E. 67th Ave. Florence, SC 29505
 CERTIFIED BY [Signature]

SITE DATA
 1. TAX MAP = 600102-01-003
 2. TOTAL SITE = (0.40 + 1.02 + 36.97) 40.39 ACRES
 3. NUMBER OF LOTS:
 PHASE I = 48 (91-48)
 PHASE II = 44 (94-42)
 PHASE III = 50 (95-32)
 TOTAL = 142

3. PROJECT AREA IS NOT LOCATED IN A 100 YR FLOOD ZONE.
 4. CURRENT ZONING = UNZONED
 5. MAXIMUM BUILDING HEIGHT = 38 FEET
 6. THIS SITE DOES NOT HAVE ANY EXISTING STRUCTURES

DATE: 06/28/2021	NO: 22161	PLAN SET REVISION (DESIGN)
REVISION:	NO: 01	DATE: 06/28/2021
REVISION:	NO: 02	DATE: 06/28/2021
REVISION:	NO: 03	DATE: 06/28/2021
REVISION:	NO: 04	DATE: 06/28/2021
REVISION:	NO: 05	DATE: 06/28/2021
REVISION:	NO: 06	DATE: 06/28/2021
REVISION:	NO: 07	DATE: 06/28/2021
REVISION:	NO: 08	DATE: 06/28/2021
REVISION:	NO: 09	DATE: 06/28/2021
REVISION:	NO: 10	DATE: 06/28/2021
REVISION:	NO: 11	DATE: 06/28/2021
REVISION:	NO: 12	DATE: 06/28/2021
REVISION:	NO: 13	DATE: 06/28/2021
REVISION:	NO: 14	DATE: 06/28/2021
REVISION:	NO: 15	DATE: 06/28/2021
REVISION:	NO: 16	DATE: 06/28/2021
REVISION:	NO: 17	DATE: 06/28/2021
REVISION:	NO: 18	DATE: 06/28/2021
REVISION:	NO: 19	DATE: 06/28/2021
REVISION:	NO: 20	DATE: 06/28/2021
REVISION:	NO: 21	DATE: 06/28/2021
REVISION:	NO: 22	DATE: 06/28/2021
REVISION:	NO: 23	DATE: 06/28/2021
REVISION:	NO: 24	DATE: 06/28/2021
REVISION:	NO: 25	DATE: 06/28/2021
REVISION:	NO: 26	DATE: 06/28/2021
REVISION:	NO: 27	DATE: 06/28/2021
REVISION:	NO: 28	DATE: 06/28/2021
REVISION:	NO: 29	DATE: 06/28/2021
REVISION:	NO: 30	DATE: 06/28/2021
REVISION:	NO: 31	DATE: 06/28/2021
REVISION:	NO: 32	DATE: 06/28/2021
REVISION:	NO: 33	DATE: 06/28/2021
REVISION:	NO: 34	DATE: 06/28/2021
REVISION:	NO: 35	DATE: 06/28/2021
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Phase I: Lots #1 to 48

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

- 1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
- 2. That the petitioner(s) desires to annex the property more particularly described below:

Florence County Tax Map

00100-01-265 through -313

- 3. Annexation is being sought for the following purposes:

CITY SERVICES

- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

*HIGHGATE, LLC
John Carl
PO Box 4815
Florence, SC 29502*

Total Residents	_____
Race	_____
Total 18 and Over	_____
Total Registered to Vote	_____

Date _____

J C Carl

Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition: Date _____	FOR OFFICIAL USE ONLY _____
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FLORENCE CITY COUNCIL MEETING

DATE: April 10, 2023

AGENDA ITEM: Ordinance to enter into a Development Agreement for Smith's Field subdivision, TMNs 00100-01-093 and 00100-01-265 through -313.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request for the City of Florence to enter into a Development Agreement with the owner and developers of Smith's Field subdivision concerning Tax Map Numbers 00100-01-093 and 00100-01-265 through -313.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On March 14, 2023, the Planning Commission held a public hearing regarding the request to enter into a Development Agreement for Smith's Field subdivision and voted unanimously, 7-0, to approve the request.

III. POINTS TO CONSIDER:

- (1) This request is being considered for first reading.
- (2) The property is being developed as a single family residential subdivision.
- (3) The proposed zoning, pending annexation, is RG-3, Residential General-3. The RG-3 district is intended to provide a variety of residential housing and neighborhood types with an auto-urban or new-urban character.
- (4) No uses may be developed under the proposed zoning, per the City of Florence *Unified Development Ordinance*, other than those permitted in the RG-3 zoning district. All future development will be subject to the City of Florence codes and regulations.
- (5) Smith's Field is proposed to be constructed in three phases totaling 152 lots.
- (6) Land uses of the adjacent County properties include single-family residential; City properties include single-family residential, medical offices, a church, and a City fire station.
- (7) A development agreement is being proposed between the applicant and the City which primarily establishes the following:
 - a. Zoning of the property to RG-3, Residential General upon annexation into the City;
 - b. Annexation of the property will occur at the time of development;
 - c. Regulations of the *Unified Development Ordinance* in effect at the time of the development agreement will apply;
 - d. Water and sewer development and ownership is established.
- (8) City staff has worked with the applicant and the developer to draft the proposed development agreement as attached.


IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Development Agreement



Clint Moore
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2023-_____

AN ORDINANCE FOR THE CITY OF FLORENCE TO ENTER INTO A DEVELOPMENT AGREEMENT FOR SMITH'S FIELD SUBDIVISION, IDENTIFIED AS FLORENCE COUNTY TAX MAP NUMBERS 00100-01-093 AND 00100-01-265 THROUGH -313.

WHEREAS, a Public Hearing was held in the Council Chambers on March 14, 2023 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, the State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a potentially valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development;

WHEREAS, Florence City Council concurs in the aforesaid Development Agreement, findings and recommendations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

1. That an Ordinance is hereby adopted to enter into a Development Agreement between the City of Florence, the Developer/Future Owner, and the Owner of the property and future development of Smith's Field Subdivision, and authorizing the City Manager to execute all documents associated therewith, properties being specifically designated in the Florence County Tax Records as Tax Map Numbers 00100-01-093 and 00100-01-265 through -313.
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

ADOPTED THIS _____ DAY OF _____, 2023

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin,
Mayor

Attest:

Casey C. Moore
Municipal Clerk

WHEREAS, the program for development of the Property presents an unprecedented opportunity for City of Florence to secure quality planning and growth, protection of the environment and a strengthened and revitalized tax base; and,

WHEREAS, this Development Agreement is being made and entered between Owner and City of Florence, under the terms of the Act, for the purpose of providing assurances to Owner that it may proceed with its development plan under the terms hereof, as hereinafter defined, without encountering future changes in law or development regulations or differences between Florence County Planning Department development requirement and those promulgated by the City of Florence which would materially affect the ability to develop under the current Florence County approved plan, and for the purpose of providing important protection to the natural environment and long term financial stability and a viable tax base to City of Florence.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to both City of Florence and Owner by entering this Agreement, and to encourage well planned development by Owner, the receipt and sufficiency of such consideration being hereby acknowledged, City of Florence and Owner hereby agree as follows:

I. INCORPORATION

The above recitals are hereby incorporated into this Agreement, together with the South Carolina General Assembly findings as set forth under Section 6-31-10(B) of the act.

II. DEFINITIONS

As used herein, the following terms mean:

“Act” means the South Carolina Local Government Development Agreement Act, as Codified in Sections 6-31-10 through 6-31-160 of the Code of Laws of South Carolina (1976), as amended; attached hereto as **EXHIBIT A**.

“Approvals” means all Florence County Planning Department and state of South Carolina (and its subdivision and agencies) permits, licenses and approvals, regardless of the nature, content and substance thereof, as to layout, design, utility infrastructure, access, addressing, soil disturbance, drainage planning and any other approvals and/or permits required for the development of Smith’s Field.

“Development” means the definition of development as set forth in the City of Florence Unified Development Ordinance at the time of this adopted ordinance.

“Development Rights” means Development undertaken by the Owner or subsequent developer(s) in accordance with the Unified Development Ordinance and this Development Agreement.

“Owner” means Highgate, LLC and all successors in title or lessees of Highgate, LLC who undertake Development of the Property or who are transferred Development Rights.

“Property” means that tract of land described on **EXHIBIT B**.

“Smith’s Field” means the single family residential neighborhood of one hundred fifty two (152) lots to be developed in three (3) phases on the tract of land described on **EXHIBIT B**.

“Term” means the duration of this agreement as set for in Section III hereof.

“Zoning Regulations” means the approval by the City Council of the City of Florence on _____, 2023 establishing the zoning designation for the Property upon annexation, as defined in the Unified Development Ordinance, and this Development Agreement.

III. TERM.

The term of this Agreement shall commence on the date this Agreement is executed by City of Florence and Owner and terminate five (5) years thereafter; provided however, that if at the expiration of the term Owner or its successors or assign have commenced development under the provisions hereof, the provisions of the Unified Development Ordinance shall be deemed vested against any future changes to City of Florence law which would materially affect the ability of the Owner or Developers to carry out the development plan as approved under the Unified Development Ordinance upon annexation.

IV. AGREEMENT TO ANNEX.

Owner hereby agrees to annex and zone the Property **RG-3** and City of Florence agrees to accept and assume ownership of certain water, sewer and road/street infrastructure, established elsewhere in this Development Agreement, immediately following annexation and in conjunction with the development.

V. DEVELOPMENT OF THE PROPERTY.

In consideration of the foregoing Agreement to Annex, the City of Florence hereby ratifies, adopts and accepts all Approvals issued for the development of Smith’s Field and agrees not to alter, amend or change any development requirements or standards thereunder, regardless of any discrepancies with or deviations from the development requirements and standards contained in any and all City of Florence development ordinance(s); Owner shall develop the Property in accordance with the Approvals and this Development Agreement. City of Florence shall, throughout the Term, maintain or cause to be maintained, a procedure for the processing of development reviews as contemplated by the Approvals.

VI. CHANGES TO ZONING REGULATIONS.

No changes, amendments or modifications of the Approvals or the City of Florence’s Unified Development Ordinance shall affect the Property and/or Owner’s approved development thereof and this Development Agreement shall not be amended or modified during the Term, without the express written consent of Owner. Owner does, for itself and its successors and assigns, and notwithstanding the Zoning Regulations, agrees to be bound by the following:

1. Owner shall notify City of Florence, in writing, if its Development rights are transferred to any other party. Such information shall include the identity and address of the acquiring party, a proper contact person, the location and number of acres of the Property transferred, and the number of residential units and/or commercial acreage, as applicable, subject to the transfer. Developers transferring Development Rights to any other party shall be subject to this requirement of notification, and any entity acquiring Development Rights hereunder shall be required to file with City of Florence an acknowledgment of this Development Agreement and a commitment to be bound by it, except that the transfer of individual residential lot(s) to a home builder for construction of a single family residence thereon is exempt from this notice requirement.

2. Owner agrees that all development, with the exception of irrigation, incidental maintenance facilities and facilities existing at the date of this Development Agreement will be served by potable water and sewer through the City of Florence, upon annexation, prior to occupancy, except as otherwise provided herein for temporary use of wells, and/or septic tanks (or similar devices).

VII. DEVELOPMENT SCHEDULE

Years 0-5 include: Phase I: 48 Lots

Phase II: 44 Lots
Phase III: 60 Lots

The failure of Owner and any subsequent Owner to meet an implied development schedule shall not, in and of itself, constitute a material breach of this agreement. In such an event, the failure to meet the development expectation or sequence of development shall be judged by the totality of circumstances, including but not limited to the Owner's good faith efforts to attain compliance with the development. Any implied phases or schedules are planning and forecasting tools only. The fact that actual development may take place at a different pace or sequence, based on future market forces, is expected and shall not be considered a default hereunder. Furthermore, periodic adjustments which may be submitted by Owner in the future shall not be considered a material amendment or breach of this Agreement.

VIII. DEVELOPMENT STANDARDS

Owner shall develop Smith's Field to the standards established in the Approvals.

IX. SIDEWALKS

Owner shall require any licensed residential homebuilder building a single family residence on any lot in Smith's Field to install sidewalk across the entire frontage of the applicable lot(s). The sidewalk shall be a minimum of four (4) feet wide and shall abut the back of the curbing installed across the front of the lot(s).

X. EFFECT OF FUTURE LAWS

Owner shall have vested rights to undertake Development of any or all of the Property in accordance with the Approvals, as defined herein and modified hereby, and as may be modified in the future pursuant to the terms hereof, and this Development Agreement for the entirety of the Term. Future enactments of, or changes or amendments to City of Florence ordinances, including zoning or development standards ordinances, which conflict with the Approvals at the time of adoption of this Agreement shall not apply to the Property unless Owner consents to such modification in writing. City of Florence hereby notifies Owner, and Owner hereby acknowledges notice that City of Florence does not have the authority to waive any development changes mandated by the State of South Carolina, or any of its regulatory agencies, during the Development of Smith's Field.

The parties specifically acknowledge this Agreement shall not prohibit the application of any future building, housing, electrical, plumbing, gas or other standard codes, or any tax or fee of general application throughout the City of Florence. Owner shall pay all applicable service fees, connection fees, assessments and taxes that are approved and adopted by City Council which are applied to all other properties within the jurisdiction of the City of Florence. Special assessments or impact fees not levied against other properties, however, shall not be applied to the property without the consent of the Owner(s).

XI. INFRASTRUCTURE AND SERVICES

City of Florence and Owner recognize the majority of the direct costs associated with the Development of the property will be borne by Owner and many other necessary services will be provided by other governmental or quasi-governmental entities, and not by City of Florence. For clarification, the parties make specific note of and acknowledge the following:

A. ROADS WITHIN DEVELOPMENT. All roads within the Property shall be constructed by Owner and to the specifications and standards of the Approvals and dedicated for maintenance to the City of Florence. The City of Florence will not be responsible for the construction of any roads within the Property.

B. PUBLIC ROADS. The Property shall be served by direct access to Smith Dr. and Woodbine Ave. as shown on the existing development plan.

C. POTABLE WATER. Potable water is currently available to the Property. The City of Florence will not be responsible for the construction of any water distribution lines within the Property. Any water distribution lines built or constructed within this development shall adhere to the provisions of the City of Florence Code of Ordinances and the Unified Development Ordinance, in effect at the time of adoption of this agreement. Upon completion water distribution lines, at the discretion of the Developer/Future Owner, the water distribution lines maybe maintained as private or offered to the City of Florence as part of the public system. Upon acceptance by the City of Florence, the City of Florence shall maintain the water distribution system in the same manner as other developments within the City. If water distribution lines are maintained as private, the City of Florence will have no responsibility to maintain such private water systems. All fees and charges associated with the treatment and provision of potable water shall be levied and paid by the Developer/Future Owner or residents of the Property. Nothing contained in this Agreement shall be interpreted to allow the Developer/Future Owner to resell water as prohibited within the City of Florence Code of Ordinances.

D. SEWAGE TREATMENT AND DISPOSAL. Sewer is currently available to the Property and the City of Florence agrees to accept the sewer discharge from the development once Owner makes improvements to connect to the City's sewer main. The City of Florence agrees to work with Owner at a location mutually agreeable between the City of Florence and Owner to construct and connect to the City of Florence public sewage system. The City of Florence will not be responsible for the construction of any sewer collection lines within the Property. Any sewer collection lines built or constructed within this development shall adhere to the provisions of the City of Florence Code of Ordinances and the Approvals in effect at the time of adoption of this agreement. Upon completion of sewer collection lines, at the discretion of Owner, the sewer collection lines shall be offered to the City of Florence as part of the public system. Provided that the sewer lines have been constructed and installed in compliance with the Approvals, the City of Florence shall maintain the sewer collection system in the same manner as other developments within the City. All fees and charges associated with the treatment and provision of sewage service shall be levied and paid by Owner or residents of the Property. Nothing contained in this Agreement shall be interpreted to allow Owner to resell sewer services as prohibited within the City of Florence Code of Ordinances.

E. USE OF EFFLUENT. Owner agrees that treated effluent will be disposed of only in such manner as may be approved by DHEC and the City of Florence.

F. OTHER SERVICES / FUTURE AGREEMENTS. The development activity which is authorized and vested under this Development Agreement is allowable, in general terms, under existing City of Florence law. Normal City of Florence services, such as fire protection, police protection and garbage collection will be made available to this Property, on the same basis as would occur for the development if a Development Agreement had not been requested or approved. The parties recognize that as future development unfolds on the Property, Owner may request enhanced services, beyond the normal services which would otherwise be provided. Development within the Property shall be entitled to all normal services provided to other property within the City of Florence with the understanding that all development within the Property will be subject to all City of Florence taxes of universal application within City of Florence as well as any special service district taxes which may apply to all other new and existing properties and development within the area, such as Fire District millage rates. City of Florence will not be required to provide enhanced services in the future at the expense of other City of Florence residents unless future arrangements are made by amendment to this Agreement to provide payment for such enhanced services. Normal service will be considered a matter of right within this Property on the same basis as all other City of Florence property.

G. ASSIGNMENT OF WARRANTIES. Owner understands and acknowledges that, pursuant to the Approvals, it has certain warranty obligations to various governmental entities, departments and/or agencies as to the sufficiency of several utility support systems, including but not necessarily limited to potable water supply, sewage removal, storm drainage management and control and paved streets installed by Owner in the development of Smith's Field. In consideration of the mutual covenants and agreements set forth in this Development Agreement, Owner hereby assigns, transfers and sets over to City of Florence all its warranty obligations required under the Approvals and hereby commits itself to recognizing and honoring City of Florence as the beneficiary, recipient and enforcer of any such warranty commitment(s) that would otherwise be owed to Florence County pursuant to the Approvals.

XII. COMPLIANCE REVIEWS

As long as Owner owns any of the Property, Owner, or its designee, shall meet with the City of Florence, or its designee, at least once per year as required by South Carolina state law during the Term to review Development completed in the prior year and the Development anticipated to be commenced or completed in the ensuing year. Owner, or its designee, shall be required to provide such information as may reasonably be requested to include but not be limited to acreage of the Property sold in the prior year, acreage of the Property under contract, the number of certificates of occupancy issued in the prior year, and the number anticipated to be issued in the ensuing year, Development Rights transferred in the prior year, and anticipated to be transferred in the ensuing year, Owner, or its designee, shall be required to compile this information.

XIII. DEFAULTS

The failure of Owner or City of Florence to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as deemed appropriate, including specific performance and the termination of this Development Agreement in accordance with the Act; provided however no termination of this Development Agreement may be declared by the City of Florence absent its according the Owner and any subsequent relevant Developer the notice, hearing and opportunity to cure in accordance with the Act; and provided further that nothing herein shall be deemed or construed to preclude the City of Florence or its designee from issuing stop work orders or voiding permits issued for Development when such Development contravenes the provisions of the Approvals or this Development Agreement. A default of the Owner shall not constitute a default by any future Owner/Developer and a default by a future Owner/Developer shall not constitute a default by Owner.

XIV. MODIFICATION OF AGREEMENT

This Development Agreement may be modified or amended only by the written agreement of the City of Florence and Owner. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

XV. NOTICES

Any notice, demand, request, consent, approval or communication which a signatory party is required to and may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, consents, approvals or communications to City of Florence shall be addressed to

The City at: City Manager's Office
City of Florence
324 W. Evans Street
Florence, SC 29501

And to Owner at: Highgate, LLC
c/o Curl & Carmon
Attn: John C. Curl
300 Rainbow Dr., # 209
Florence, SC 29501
843.687.1313
curlbuilt@aol.com

With Copy to: McGowan Rogers, Attorneys
Attn: Kendall Hiller
229 S. Coit St.
Florence, SC 29501
843.669.6395
khiller@mcgowanlaw.com

XVI. ENFORCEMENT

Any party hereto shall have the right to enforce the terms, provisions and conditions of the Agreement by any remedies available at law or in equity, including specific performance, and the right to recover attorney's fees and costs associated with said enforcement.

XVII. GENERAL SUBSEQUENT LAWS.

In the event state or federal laws or regulations are enacted after the execution of this Development Agreement or decisions are issued by a court of competent jurisdiction which prevent or preclude compliance with the Act or one or more provisions of this Agreement ("New Laws"), the provisions of this Agreement shall be modified or suspended as may be necessary to comply with such New Laws. Immediately after enactment of any such New Law, or court decision, a party designated by the Owners, and Owners and City of Florence shall meet and confer in good faith in order to agree upon such modification or suspension based on the effect such New Law would have on the purposes and intent on this Agreement. During the time that these parties are conferring on such modification or suspension or challenging the new Laws, City of Florence may take reasonable action to comply with such New Laws. Should these parties be unable to agree to a modification or suspension, either may petition a court of competent jurisdiction for an appropriate modification or suspension of this Agreement. In addition, Owner, Developer/Future Owner and City of Florence each shall have the right to challenge the New Law preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

ESTOPPEL CERTIFICATE. City of Florence and Owner, or any future Owner/Developer may, at any time, and from time to time, deliver written notice to the other applicable party requesting such party to certify in writing:

- (1) that this Agreement is in full force and effect

- (2) that this Agreement has not been amended or modified, or if so amended, identifying the amendments
- (3) whether, to the knowledge of such party, the requesting party is in default or claimed default in the performance of its obligations under this Agreement, and, if so, describing the nature and amount, if any, of such default or claimed default, and
- (4) whether, to the knowledge of such party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both would constitute a default and if so, specifying each such event.

ENTIRE AGREEMENT. This agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings among City of Florence and Owner/Future Owner relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

NO PARTNERSHIP OR JOINT VENTURE. Nothing in this Agreement shall be deemed to create a partnership or joint venture between City of Florence, Owner or any future Owner/Developer or to render such party liable in any manner for the debts or obligations of another party.

EXHIBITS. All exhibits attached hereto and/or referred to in this Agreement are incorporated herein as though set forth in full.

CONSTRUCTION. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this agreement or any amendments or exhibits hereto.

ASSIGNMENTS. Subject to the notification provisions hereof, Owner may assign its rights and responsibilities hereunder to subsequent land owners and Developers.

GOVERNING LAW. This Agreement shall be governed by the laws of the State of South Carolina.

COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall be deemed original, and such counterparts shall constitute but one and the same instrument.

AGREEMENT TO COOPERATE. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

EMINENT DOMAIN. Nothing contained in this Agreement shall limit, impair or restrict the City of Florence's right and power of eminent domain under the laws of the State of South Carolina.

NO THIRD PARTY BENEFICIARIES. The provisions of this Agreement may be enforced only by City of Florence, Owner and Developer/Future Owners. No other persons shall have any rights hereunder.

XVIII. STATEMENT OF REQUIRED PROVISIONS

- A. Specific Statements.** The Act requires that a development agreement must include certain mandatory provisions, pursuant to Section 6-31-60 (A). Although certain of these items are addressed elsewhere in this Agreement, the following listing of the required provisions is set

forth for convenient reference. The numbering below corresponds to the numbering utilized under Section 6-31-60 (A) for the required items:

1. **LEGAL DESCRIPTION OF PROPERTY AND LEGAL AND EQUITABLE OWNERS.** The legal description of the property is set forth in **EXHIBIT B** attached hereto. The present legal Owner of the Property is Highgate, LLC.
2. **DURATION OF AGREEMENT.** The duration of this Agreement is five (5) years.
3. **PERMITTED USES, DENSITIES, BUILDING HEIGHTS AND INTENSITIES.** A complete listing and description of permitted uses, population densities, building intensities and heights, as well as other development related standards, are contained in the Unified Development Ordinance of the City of Florence.
4. **REQUIRED PUBLIC FACILITIES.** The utility services available to the Property are described generally above regarding electrical services, telephone service and solid waste disposal. The mandatory procedures of the Unified Development Ordinance will ensure availability of roads and utilities to serve the residents on a timely basis.
5. **DEDICATION OF LAND AND PROVISIONS TO PROTECT ENVIRONMENTALLY SENSITIVE AREAS.** No dedications of land to the public are required hereunder. The Unified Development Ordinance described above and incorporated herein; contain numerous provisions for the protection of environmentally sensitive areas. All relevant State and Federal laws will be fully complied with, in addition to the important provisions set forth in this Agreement.
6. **LOCAL DEVELOPMENT PERMITS.** The Development standards for the Property shall be as set forth in the Approvals. Owner has all necessary permits for development of the Property and development construction is well under way. Owner acknowledges Building Permits must be obtained under applicable law for any vertical construction, and appropriate permits must be obtained from the State of South Carolina and Army Corps of Engineers, when applicable, prior to any impact upon freshwater wetlands. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction does not relieve Owner, its successors and assigns, of the necessity of complying with the law governing the permitting requirements, conditions, terms of restrictions, unless otherwise provided hereunder.
7. **COMPREHENSIVE PLAN AND DEVELOPMENT AGREEMENT.** The Development permitted and proposed under the Approvals is consistent with the Comprehensive Plan and with current land use regulations of the City of Florence, South Carolina.
8. **TERMS FOR PUBLIC HEALTH, SAFETY AND WELFARE.** The City Council finds that all issues relating to public health, safety and welfare have been adequately considered and appropriately dealt with under the terms of this Agreement, the Zoning Regulations and existing laws.
9. **HISTORICAL STRUCTURES.** No specific terms relating to historical structures are pertinent to this Development Agreement. Any historical structure or sites will be addressed through the permitting process at the time of development, as required by the Zoning Regulations, and no exception from any standard is hereby granted.

EXECUTED BY THE PARTIES ON THE FOLLOWING TWO (2) PAGES

IN WITNESS WHEREOF, the undersigned parties have executed this **Development Agreement** on the date set forth beneath their respective signatures.

WITNESSES:

City of Florence

Randall S. Osterman, City Manager

Date: _____

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE

)
) **ACKNOWLEDGMENT**
)

I, the undersigned Notary Public, do hereby certify that **Randall S. Osterman, as City Manager of the City of Florence**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____ 2023.

(SEAL)

Notary Public for South Carolina
My Commission Expires: _____

Execution continues on next one (1) page

Highgate, LLC

John C. Curl, Manager

Date: _____

STATE OF SOUTH CAROLINA

)

ACKNOWLEDGMENT

COUNTY OF FLORENCE

)

I, the undersigned Notary Public, do hereby certify that **John C. Curl, as authorized agent for Highgate, LLC**, known to me to be the person whose name is subscribed to the within document, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this ____ day of _____ 2023.

Notary Public for South Carolina
My Commission Expires: _____

(SEAL)

EXHIBIT A

SOUTH CAROLINA LOCAL
GOVERNMENT
DEVELOPMENT AGREEMENT ACT
CHAPTER 31:
SECTION 6-31-10
SECTION 6-31-160

Title 6 - Local Government - Provisions Applicable to Special Purpose Districts and Other Political Subdivisions

CHAPTER 31

South Carolina Local Government Development Agreement Act

SECTION 6-31-10. Short title; legislative findings and intent; authorization for development agreements; provisions are supplemental to those extant.

(A) This chapter may be cited as the "South Carolina Local Government Development Agreement Act".

(B)(1) The General Assembly finds: The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning.

(2) Assurance to a developer that upon receipt of its development permits it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, reduces the economic costs of development, allows for the orderly planning of public facilities and services, and allows for the equitable allocation of the cost of public services.

(3) Because the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public.

(4) Public benefits derived from development agreements may include, but are not limited to, affordable housing, design standards, and on and off-site infrastructure and other improvements. These public benefits may be negotiated in return for the vesting of development rights for a specific period.

(5) Land planning and development involve review and action by multiple governmental agencies. The use of development agreements may facilitate the cooperation and coordination of the requirements and needs of the various governmental agencies having jurisdiction over land development.

(5) Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State.

(C) It is the intent of the General Assembly to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

(D) This intent is effected by authorizing the appropriate local governments and agencies to enter into development agreements with developers, subject to the procedures and requirements of this chapter.

(E) This chapter must be regarded as supplemental and additional to the powers conferred upon local governments and other government agencies by other laws and must not be regarded as in derogation of any powers existing on the effective date of this chapter. HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-160. Agreement may not contravene or supersede building, housing, electrical, plumbing, or gas code; compliance with such code if subsequently enacted.

Notwithstanding any other provision of law, a development agreement adopted pursuant to this chapter must comply with any building, housing, electrical, plumbing, and gas codes subsequently adopted by the governing body of a municipality or county as authorized by Chapter 9 of Title 6. Such development agreement may not include provisions which supersede or contravene the requirements of any building, housing, electrical, plumbing, and gas codes adopted by the governing body of a municipality or county. HISTORY: 1993 Act No. 150, Section 1.

EXHIBIT B

LEGAL DESCRIPTION

Reference two (2) deeds filed in the Florence County Clerk of Court's office on June 22, 2021 indexed as follows

Book 930, page 867

Book 930, page 876

(Incorporated herein by reference)

EXHIBIT C

CLOSEOUT PACKAGE(S)

City of Florence Water and Sewer Closeout
Documents

Florence County Closeout Documents

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

MEMORANDUM OF AGREEMENT AND ACCEPTANCE

HIGHGATE, LLC
GRANTOR

COUNTY OF FLORENCE
GRANTEE

WHEREAS, Highgate, LLC desire to dedicate certain roads herein below described to the County of Florence; and

WHEREAS, the County of Florence is willing to accept the grant of those roads as set out herein; now therefore,

KNOW ALL MEN BY THESE PRESENTS, that Highgate, LLC in the State aforesaid, for and in consideration of the mutual covenants herein described, do hereby agree to the following:

This is to certify that Florence County has accepted in part the roads, streets, and drainage system in Smith's Field Ph I as shown and indicated on the Plat of Smith's Field Ph I recorded in the Office of the Clerk of Court for Florence County in Plat Book _____ at page(s) _____ and as provided for in the deed and/or Right-of-Way Agreement, a copy of which is attached hereto. More specifically those streets accepted are as follows:

FINCHER DRIVE O'HENRY
SMITH'S FIELD DRIVE
SUZANNE DRIVE

This listing of streets includes only those streets paved as of the date of this Letter of Acceptance and does not include any unpaved streets in Smith's Field Ph I as referenced. All other streets in subject subdivision may be accepted after compliance with Florence County Ordinance No. 3, dated April 3, 1972, and issuance of a separate Letter of Acceptance after final inspection.

As a general condition of acceptance for maintenance, the developer agrees to include as a condition of sale, protective restriction to insure that any damage to the drainage system, roadway, pavement, and appurtenances thereto shall be the legal and finding liability of the purchaser and/or his agents, or the developer will remain responsible for all such damages to the aforementioned items until all lots shall be sold or development is completed, whichever is the later.

In addition to the above, Florence County will not be responsible for any driveway connections installed by the owners or contractors where pipe with a diameter of 15 inches or less used, where materials are not South Carolina Highway Department Standard Specification for highway construction approved, where improperly sized pipe is used, or where concrete or asphalt driveway swales are constructed without prior written approval.

Any such installations which have to be removed to correct drainage problems, will not be the responsibility of Florence County for replacement of pavement.

The Grantor further certifies that these streets are free from all encumbrances or liens.

SPECIAL CONDITIONS

[Signature]
WITNESS

[Signature]
GRANTOR

Belva Powell
WITNESS

Sworn to before me this 16 day of
January 2023.

Belva Powell
Notary Public for South Carolina

My Commission Expires: 02/15/24

[Signature]
COUNTY SUBDIVISION INSPECTOR

02/15/2023
DATE

[Signature]
PLANNING DIRECTOR

16 Feb 2023
DATE

Tyner McMill
WITNESS

GRANTEE

[Signature]
WITNESS

[Signature]
Deputy COUNTY ADMINISTRATOR

FLORENCE COUNTY SUBDIVISION / PLANNED DEVELOPMENT CLOSE-OUT PACKAGE CHECKLIST

Subdivision Name: SMITH'S FIELD SUBDIVISION PHASE I

Project Engineer: ROBERT L WEAVER, PE

C - Complete X – Incomplete N/A – Not Applicable

Req'd by County Engineering:

1. C Engineer's Letter/Certificate of Completion on Storm Drainage and Road Construction (Sec 28.6-49(12)(j))
2. C Memorandum of Agreement and Acceptance (Sec. 28.6-99 (c)(2))
3. C Final Inspection Memorandum from County Engineer (Sec. 28.6-99 (a)(2))
4. C Five sets of record drawings of all utilities and CAD file on CD (Sec. 28.6-49(12)(n))

Req'd by City of Florence (if applicable):

5. C Engineer's Letter/Certificate of Completion on Water and/or Sewer (28.6-49(12)(j))
6. N/A DHEC's approval on individual lots for septic tanks (if applicable) (Sec. 28.6-49 (12)(l))
7. C DHEC's Certificate of Final Approval to Place into Operation Water and Sewer Systems (Sec. 28.6-49(12)(l))

Req'd by Florence County Planning and Building:

8. C Owners Guarantee and Warranty in Affidavit form on Water and Sewer (Sec. 28.6-49(12)(b))
9. C Instrument of Conveyance on Water, Sewer, Easements, Storm Drainage, Streets and Traffic control devices (Sec. 28.6-49(12)(c))
10. C Certificate of Ownership, Dedication and Taxes Paid (Sec. 28.6-49(12)(a))
11. C Accuracy of Land Survey Certification (Sec. 28.6-49(12)(i))
12. C Road Repaving Guarantee (Sec. 28.6-49(12)(h))
13. C Plat Non-Revision Certification (Appendix B)
14. N/A Restrictive Covenants for Subdivision (Sec. 28.6-86)
15. N/A Certificate of Liability Insurance for any structures located within County ROW
16. N/A Road Maintenance Plan (If private roads in Planned Development (PD)) (Sec. 30-43(6))

Is Subdivision / PD in Floodplain? Yes No If Yes, Base flood elevation data / hydrologic and hydraulic engineering study is required. (if in floodplain and contains 50 lots or 5 acres, whichever is less)

17. N/A Letter of Map Revision (If located in Floodplain)

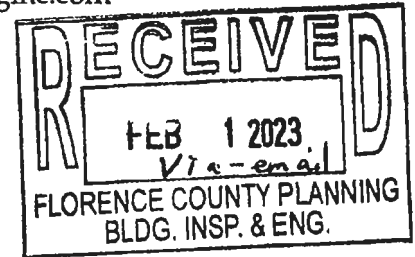
Is Escrow involved? Yes No

If Yes, provide engineer's cost estimate and list amount (Sec. 28.6-98): \$ -0-

Comments: _____

Staffs' Signatures: _____

Robert L. Weaver, P.E.
4340 Alligator Rd., Timmonsville, SC 29161
(843) 346-5800 | bweaver@weaverengineeringinc.com



January 16, 2023

Mr. Derrick Singletary
Florence County Planning & Engineering
518 South Irby Street,
Florence SC 29501

**Re: Smith's Field Ph I Letter of Credit - Closeout Package
Florence SC**

Dear Mr. Singletary;

I have prepared a cost estimate for the street trees on 48 lots for the referenced project. Please see the breakdown below.

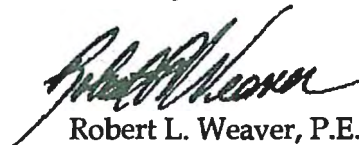
Cost Estimate:

Street Trees (Maple Trees): 48 ea. x \$200 = \$9,600.00

Total: \$9,600.00 x 125% = \$12,000.00

Minimum County Requirement = \$10,000.00.

Sincerely,



Robert L. Weaver, P.E.

RLW/jld
Enc: See above
Cc: Mr. John Curl, Highgate, LLC

Smith's Field Phase I County Closeout - Escrow

ROBERT L. WEAVER, P.E.
4340 Alligator Road, Timmonsville, SC 29161
Phone: (843) 346-5800 / Fax: (843) 346-5802

January 16, 2023

Mr. Derrick Singletary
Florence County Planning & Engineering
518 South Irby Street
Florence, South Carolina 29501

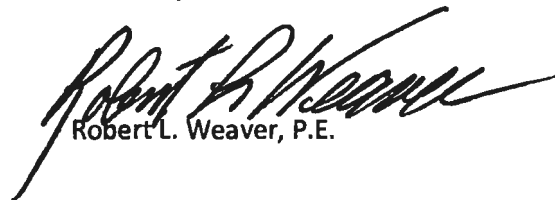
RE: Smith's Field Subdivision Ph I
Engineer's Letter of Completion/Certification
Of Streets and Drainage Improvements

Dear Mr. Singletary;

I am pleased to inform you that construction of the above referenced improvements have been completed in accordance with the SCDHEC approved plans and specifications to the best of my knowledge. This certification is based on periodic observations of the construction and final inspection for design compliance by a representative of this office who is under my supervision.

If additional information is needed, please contact me at 843-346-5800.

Sincerely,



Robert L. Weaver, P.E.

RLW/jld
Enclosures

IRREVOCABLE STANDBY LETTER OF CREDIT

Letter of Credit Number: 237

Amount: U.S. \$ 12,000.00 (twelve thousand dollars and zero cents U.S. DOLLARS)

This Letter of Credit is issued on February 7, 2023 by issuer in favor of the Beneficiary for the account of Applicant. The parties' names and their addresses are as follows:

APPLICANT:

HIGHGATE, LLC
Entry Type: Limited Liability Company
PO Box 4815
Florence, SC 29502

BENEFICIARY:

FLORENCE COUNTY-DEPARTMENT OF ENGINEERING
Entry Type: Domestic Government Unit
518 South Irby Street
Florence, SC 29501

ISSUER:

CAROLINA BANK & TRUST COMPANY
185 West Evans Street
Florence, SC 29501

1. **LETTER OF CREDIT.** Issuer establishes this Irrevocable Standby Letter of Credit (Letter of Credit) in favor of Beneficiary in the amount indicated above. Beneficiary may draw on this Letter of Credit with a Draft (or Drafts, if the maximum number of drawings is greater than one). Each Draft shall be signed on behalf of Beneficiary and be marked "Drawn under Carolina Bank & Trust Company Letter of Credit No. 237 dated February 7, 2023." Drafts must be presented at Issuer's address shown above on or before the Expiration Date. The presentation of any Draft shall reduce the Amount available under this Letter of Credit by the amount of the draft.

This Letter of Credit sets forth in full the terms of Issuer's obligation to Beneficiary. This obligation cannot be modified by any reference in this Letter of Credit, or any document to which this Letter of Credit may be related.

This Letter of Credit expires on the Expiration Date.

2. **DRAWINGS.** Beneficiary shall be permitted to make multiple drawings on this Letter of Credit. The maximum number of drawings that may be made on this Letter of Credit is 4. "Draft" means a draft drawn at sight.

3. **DOCUMENTS.** Each Draft must be accompanied by the following, in original and two copies except as stated:

A. The original Letter of Credit, together with any amendments.

B. A sight draft drawn by Beneficiary on Issuer.

C. A signed statement by Beneficiary including the following statement: A statement signed by an authorized official of Florence County-Department of Engineering, stating that the amount claimed is due and that Highgate, LLC has failed to repay despite request for payment, along with copies of all unpaid invoices..

Issuer shall be entitled to accept a draft and the documentation described above, as required by the terms of this Letter of Credit, from any person purporting to be an authorized officer or representative of Beneficiary without any obligation or duty on the part of issuer to verify the identity or authority of the person presenting the draft and such documentation.

4. **EXPIRATION DATE.** This Letter of Credit expires at the close of business at Issuer's address at 5:00 PM Eastern Time (Time) on February 7, 2024 (Date). Issuer agrees to honor all Drafts presented in strict compliance with the provisions of this Letter of Credit on or before the Expiration Date.

5. **NON-TRANSFERABLE.** This Letter of Credit is not transferable.

6. **APPLICABLE LAW.** This Letter of Credit is governed by the International Standby Practices 1998 (ISP98). This Letter of Credit is also governed by the laws of South Carolina, except as those laws conflict with the International Standby Practices 1998 (ISP98).

ISSUER:

Carolina Bank & Trust Company

By Brian M. Falcone
Brian Falcone, Senior Vice President

Date 2/9/23

McGowan Rogers
McGOWAN, ROGERS, STEWART, & HILLER, P.A.

S. Porter Stewart, II
B. Kendall Hiller
Daniel T. Jordan

ATTORNEYS AT LAW
229 SOUTH COIT STREET (29501)
P.O. BOX 1461
FLORENCE, SC 29503

PHONE (843) 688-6395
FAX (843) 661-6804

John L. McGowan
1922-2004

Thomas E. Rogers, Jr.
1932-2020

February 15, 2023

Florence County Planning & Development Dept.
Attn.: Derrick Singletary

Via Email Only (dsingletary@florenceco.org)

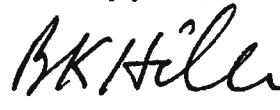
Re: Smith's Field Subdivision, Phase I

Dear Derrick:

On behalf of my client, Highgate, LLC, which is developing the above referenced subdivision, I hereby represent and affirm to your office that the letter of credit issued by Carolina Bank & Trust Company on February 9, 2023 shall secure my client's obligation to plant the requisite number of red maple trees as previously represented, as well as its obligation to achieve soil stabilization of the retention pond banks through the application of appropriate grassing.

Further, I hereby represent to you that I have authority to make the foregoing assurances on behalf of Highgate, LLC. Thank you for your attention to this matter. Feel free to contact me if you need anything further with regard to the contents hereof.

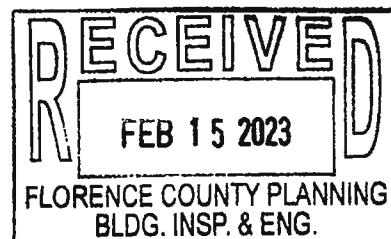
Sincerely yours,



B. Kendall Hiller

BKH:dha

cc: John C. Curl via email only to curlbuilt@aol.com



Robert L. Weaver, P.E.
4340 Alligator Rd., Timmonsville, SC 29161
(843) 346-5800 | bweaver@weaverengineeringinc.com

January 16, 2023

Mr. Derrick Singletary
Florence County Planning & Engineering
518 South Irby Street,
Florence SC 29501

**Re: Smith's Field Ph I Letter of Credit - Closeout Package
Florence SC**

Dear Mr. Singletary;

I have prepared a cost estimate for the street trees on 48 lots for the referenced project. Please see the breakdown below.

Cost Estimate:

Street Trees (Maple Trees): 48 ea. x \$200 = \$9,600.00

Total: \$9,600.00 x 125% = \$12,000.00

Minimum County Requirement = \$10,000.00.

Sincerely,



Robert L. Weaver, P.E.

RLW/jld
Enc: See above
Cc: Mr. John Curl, *Highgate, LLC*

Smith's Field Phase I County Closeout - Escrow

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

**OWNER'S GUARANTEE
AND WARRANTY**

Personally appeared before me John Curl who being duly sworn deposes and says he is the president of Highgate, LLC and that he warrants materials, equipment and construction of the water system, sewer system and water and sewer service appurtenances to serve 48 residential lots as shown on plans by Robert L. Weaver, PE for Smith's Field SD, located in the County of Florence, South Carolina on Tax Map Number 00100-01-093 .

This warranty is to Florence County against any failure of the equipment and construction of said water and sewer systems for a period of twelve months from date of this warranty.

Further, he warrants that all fees have been paid in connection with the water and sewer systems of said project and that there are no outstanding debts and he agrees to hold Florence County harmless in each instance. These warranties are given pursuant to Section 12-106 and 12-186 of the Florence Code.

Sworn to before me this 16 day of
January 2023

Belva Powell
Notary Public for South Carolina

My Commission Expires: 02/15/24

ALC
OWNER
01-16-23
DATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

CONVEYANCE

WHEREAS, pursuant to the provisions of and subject to the terms of a County Ordinance adopted November 9, 1976, entitled "Land Subdivision Ordinance for the Florence County Planning Commission", Highgate, LLC does hereby wish to convey unto the County of Florence the following:

RIGHT OF WAYS, AND EASEMENTS, AND ALL IMPROVEMENTS FOR THE STORM DRAINAGE, STREETS, ETC.

NOW, THEREFORE, Know All Men by These Presents, that for and in consideration of the sum of ONE dollars paid by the County of Florence, in the State of South Carolina, to Highgate, LLC, Grantor, the Grantor has and by these presents does hereby release, set over and convey unto the County of Florence, its successors and assigns forever:

All of its right, title, and interest in and to: (the storm drainage improvements, in the Subdivision known as Smith's Field Ph I, as shown on the plat prepared by Nesbitt Surveying Inc, dated _____ which is attached hereto and made a part and parcel hereof.

DATED this 16 day of January, 2023

Signed, Sealed and Delivered in the presence of:

WITNESSETH:

[Signature]
WITNESS

Belva Powell
WITNESS

[Signature]
GRANTOR

Sworn to before me this 16 day of

January, 2023

Belva Powell
Notary Public for South Carolina

My Commission Expires: 02/15/24

CERTIFICATE OF OWNERSHIP, DEDICATION, AND TAXES PAID
(Must Accompany the Final Plat)

I hereby certify that I am the owner of the property shown and described hereon as Smith's Field Ph I, and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, public and private use as noted. I also certify that all current state, county and city taxes or other assessments relative to this property have been paid.

1/14/23
Date

[Signature]
Owner

Date

Owner

CERTIFICATE OF ACCURACY OF LAND SURVEY

(Must Accompany the Final Plat)

I hereby certify that the plan shown and described hereon for Smith's Field Ph I
_____, subdivision/property/plat represents a true and correct survey, that the
monuments and markers shown have been placed in accordance with specifications set
forth in the Florence County Land Development Regulations, and that the survey 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.

1-14-23
Date

David A. Roberts
Surveyor

1/14/23
Date

FCC
Owner

Surveyor's Signature and Number

David Roberts PLS 7623

**COUNTY OF FLORENCE
CONTRACT GUARANTEE OF REPAVING**

The undersigned Developer Highgate, LLC hereby agrees to repave any street which fails to withstand the traffic of heavy construction vehicles during the construction of houses within the Smith's Field Ph I Subdivision/Property, in the event that it is necessary for the Developer to pave the subdivision streets prior to construction of sixty-six percent (66%) of the houses.

It is agreed that this Contract shall automatically be fulfilled and terminated when ninety percent (90%) of all houses are built and lots sold, or after four (4) years of the date of Final Plat Approval unless the County Engineer determines that the street pavement has failed, in which event the Developer shall be officially notified.

DATED THIS 16th day of January, 2023

Developer FLG

Subdivision Engineer Robert Weaver


County Subdivision Inspector _____

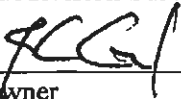
CERTIFICATE OF NON-REVISION VERIFICATION

I hereby certify that the plan shown and described hereon for Smith's Field Ph I
_____ Subdivision/property/plat represents no revisions from development plat
to final plat stage and that the final plat is submitted in accordance with the specifications
set forth in the Florence County Land Development Regulations.

1-16-23
Date

1/16/23
Date


Subdivision Surveyor


Owner

**CITY OF FLORENCE
WATER & SEWER CLOSE-OUT PACKAGE CHECKLIST**

SUBDIVISION NAME: SMITH'S FIELD SUBDIVISION PH I

PROJECT ENGINEER Robert L. Weaver P.E.

- ✓ 1. Engineer's Letter/Certificate of Completion of Water System and Sewer System to the City of Florence
- ✓ 2. Three sets of record drawings. Four if county close-out package is also applicable
- ✓ 3. Owner's Guarantee and Warranty on water and/or sewer in Affidavit form
- ✓ 4. Instrument of Conveyance of water, sewer, and easements to the City of Florence
- 5. DHEC's permits to operate water and sewer systems
- N/A 6. ~~Verification of street acceptance by County or letter of acceptance by SCDOT if an encroachment permit was involved. (NOT APPLICABLE ON SOME SUBDIVISIONS.)~~ (Not Applicable)
- N/A 7. ~~Recorded copies of easements and deeds, if the City needs interests in real property.~~
- N/A 8. ~~Guarantee of Road Repaving~~ (Not Applicable)
- ✓ 9. Accuracy of Land Survey
- ✓ 10. Certificate of Ownership, Dedication, and Taxes Paid
- ✓ 11. Acceptance of Design and Installation of ~~Streets~~, Utilities, and Other Required Improvements
- N/A 12. ~~Certificate of Non-Revision Verification~~ (Not Applicable)
- ✓ 13. Easement Documents: Plat
- ✓ 14. Conveyed Infrastructure Costs

Is Escrow Involved? Yes No

Amount -0-

ROBERT L. WEAVER, P.E.
4340 Alligator Road, Timmonsville, SC 29161
Phone: (843) 346-5800

January 16, 2023

Mr. Steve Allen
Planning, Research & Development
City of Florence
324 West Evans St.
Florence SC 29501

Re: Smith's Field Subdivision Ph I
City of Florence Water & Sewer Closeout

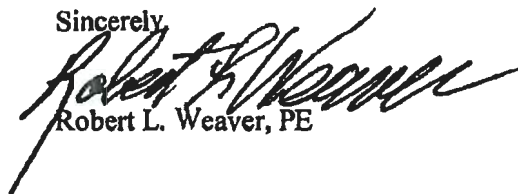
Dear Mr. Allen;

Please find attached the following items for Smith's Field SD Ph I water & sewer closeout:

- 1) Engineer's Certification Letter
- 2) Three sets of Water & Sewer Asbuilts
- 3) Closeout documents signed and notarized
- 4) Conveyed infrastructure costs
- 5) Recorded plat
- 6) Copy of the recorded easements

Please let us know if you require anything further for this closeout.

Sincerely,



Robert L. Weaver, PE

RLW/jld
Cc: Mr. John Curl, *Highgate, LLC*
Enc: See above

ROBERT L. WEAVER, P.E.
4340 Alligator Road, Timmonsville, SC 29161
Phone: (843) 346-5800

January 16, 2023

Mr. Steve Allen
City of Florence / Engineering
218 W. Evans Street
Florence, South Carolina 29501

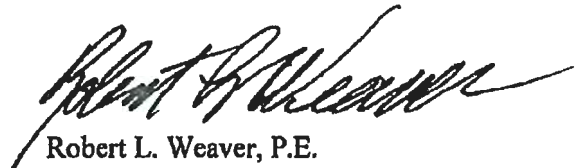
RE: Smith's Field SD Ph I
Engineer's Letter of Completion/Certification of
Water & Wastewater Systems

Dear Mr. Allen;

I am pleased to inform you that construction of the above referenced improvements have been completed in accordance with the SCDHEC approved plans and specifications to the best of my knowledge, information and belief. This certification is based upon my periodic observations of the construction and final inspection for design compliance.

A City of Florence closeout package is enclosed. If additional information is needed, please contact me at (843) 346-5800.

Sincerely,



Robert L. Weaver, P.E.

RLW/jld
Enc.

File: Engineer's Certification to City of Florence_21-004 Smith's Field Ph I

STATE OF SOUTH CAROLINA)
)
CITY OF FLORENCE)

OWNER'S GUARANTEE
AND WARRANTY

Personally appeared before me Mr. John Curl who being duly Sworn deposes and says he is a member of Highgate, LLC and that he warrants materials, equipment and construction of the water and sewer systems, and service appurtenances to serve residential lots as shown on plans by Robert L. Weaver, PE for Smith's Field SD Ph I located in the County of Florence on Tax Map #00100-01-093. This Warranty is to the City of Florence against any failure of the equipment and Construction of said water and sewer systems for a period of twelve months from date of this warranty.

Further, he warrants that all fees have been paid in connection with the water and sewer systems of said project and that there are no outstanding debts and he agrees to hold the City of Florence harmless in each instance. These warranties are given pursuant to Section 12-106 and 12-186 of the Florence Code.

Dated this 16 day of January 2023

RCG

OWNER

Sworn to before me this 16th day of January 2023

1/16/23
DATE

Belva Powell
Notary Public for South Carolina

My Commission Expires: 02/15/24

STATE OF SOUTH CAROLINA)
) SS
CITY OF FLORENCE)

CONVEYANCE

WHEREAS, pursuant to the provisions of and subject to the terms of a City Ordinance adopted October 23, 1974, entitled "Land Subdivision Ordinance for the City of Florence and City of Florence Planning Commission", Highgate, LLC does hereby wish to convey unto the City of Florence the following:

WATER AND SEWER IMPROVEMENTS LOCATED IN SMITH'S FIELD SUBDIVISION PH I.

NOW THEREFORE, Know All Men by These Presents, that for an in consideration of the sum of ONE dollar paid by the City of Florence, a municipal corporation in the State of South Carolina, to Highgate, LLC, Grantor, the Grantor has and by these presents does hereby release, set over and convey unto the City of Florence, its successors and assigns forever.

All its right, title and interest in and to: the conveyances described above in the Subdivision known as Smith's Field SD Ph I as shown on the easement plat prepared by Nesbitt Surveying Co., Inc. and record drawings by Robert L. Weaver, PE which are attached hereto and made a part and parcel hereof.

IN WITNESS WHEREOF Highgate, LLC has caused this instrument to be executed.

DATED this 16th day of January, 2023

Signed, Sealed and Delivered, in the Presence of:

Witness signature: Robert A. Weaver

Witness

Witness signature: Blair Powell

Witness

By: Grantor signature: [Handwritten Signature]

Grantor

SWORN TO BEFORE ME THIS 16 DAY OF

January, 2023

Blair Powell

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 02/15/24

CERTIFICATE OF ACCURACY OF LAND SURVEY

(Must Accompany the Final Plat)

I hereby certify that the plan shown and described here on the Smith's Field Ph I property plat represents a true and correct survey; that the monuments shown have been placed in accordance with specifications set forth in the City of Florence Land Development Regulations, and that the survey 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.

1-16-23
Date

Paula S. Subitt
Surveyor

1-16-23
Date

PLC
Owner

Surveyor's Signature and Number

Paula S. Subitt PCS 7623

Subdivision Name: Smith's Field Subdivision Ph I

Developer: Highgate, LLC

Engineer: Robert L Weaver, PE

Date: 1-16-2023

Approximate Value of Infrastructure Conveyed to the City
(for internal City GASB accounting purposes)

Please list the approximate dollar value of the infrastructure to be conveyed to the City of Florence for the following categories:

Water Lines: \$102,000

Gravity Sewer Lines (w/manholes): \$290,000

Sewer Force Main Lines: -0-

Sewer Pump Stations: -0-


Streets: \$119,635.00

Curbing: \$77,084.00

Sidewalks: N/A

Storm Drainage Lines (w/ catch basins): \$320,601.00

Other (describe): _____



Developer or Engineer Signature

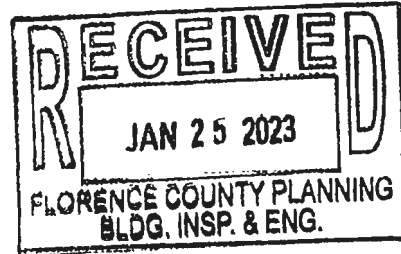
1/16/2023

Date

Robert L. Weaver, P.E.
4340 Alligator Rd., Timmonsville, SC 29161
(843) 346-5800 | bweaver@weaverengineeringinc.com

January 24, 2023

Mr. Derrick Singletary
Florence County Planning & Zoning
518 South Irby Street
Florence, SC 29501



**Re: Smith's Field Phase I Development
Response to Sketch Plan Review - (48 SF Lots)
Florence SC**

Please find attached for the Smith's Field Phase I closeout the following items:

1. County Closeout Documents
2. Copy of City Closeout Documents
3. Three sets of asbuilts
4. Five plats

Sincerely,



Robert L. Weaver, P.E.

RLW/jld
Enc: See above
Cc: Mr. John Curl; *Highgate LLC*

Date 1/12/22

Project Smith's Field Subdivision



FLORENCE COUNTY MS4

FINAL INSPECTION FOR OVER 1 ACRE/LCP PROJECTS

Department of Engineering

A Notice of Termination Request Package must be submitted to the Florence County Department of Engineering before a Final CO Inspection will be performed. A Final CO Inspection will not be given an "Approved" status until the following items have been submitted and approved:

- Punch List of inspection items that must be completed and approved.
- As-Built survey verifying construction matches approved plan specifications.

Inspection items may include but are not limited to the following:

- 1) Site is permanently stabilized with a 70% stand of grass as required by DHEC standards. (70% stand of grass within a 2'x2' box placed anywhere on site)
- 2) All inspection reports are up to date. This specifically includes weekly inspection reports sent to the Florence County Department of Engineering.
- 3) All inlet and outlet protection is appropriate and in good condition.
- 4) Pond bank slopes survey verified to a max. 3:1 slope and properly stabilized.
- 5) Perimeter ditches sloped to a max. 3:1 slope and properly stabilized.
- 6) No berms or large landscaping items placed over drainage pipes.
- 7) Filter fabric present under all rip-rap.
- 8) All control structures clean, clear, and within acceptable tolerances of design dimensions.
- 9) All structures and drainage within easements sealed and free of silt.
- 10) All catch basin frame and grates supported under its vertical frame.
- 11) All easements clean, clear, stabilized, and free of any encroachments.
- 12) All drainage complaints addressed.
- 13) OS-SWPPP checked for completeness and accuracy.

It is the responsibility of the Project Engineer to supply a Notice of Termination Application Package to the Florence County Department of Engineering. Once the Final Inspection has been approved, the Florence County Department of Engineering will issue a Notice of Termination Approval Letter to the the SCDHEC.

County Representative W. Powell Email: WPowell@FlorenceCo.Org
 Project Engineer Robert Weaver Email: bw@weaver-engineering.com
 Site Contractor Tom Evans Email: Evans.Pavement@gmail.com
 Owner/General Contractor _____ Email: _____

ROBERT L. WEAVER, P.E.
4340 Alligator Road, Timmonsville, SC 29161
Phone: (843) 346-5800 / Fax: (843) 346-5802

January 23, 2023

Mr. Larry Ragsdale
SC DHEC - EQC Division
927 Shine Avenue
Myrtle Beach, SC 29577

RE: **Construction Certification– Smith's Field Subdivision Phase I**
SCDHEC Water Supply Construction Permit #35806-WS
SCDHEC Wastewater Supply Construction Permit #WW044041

Dear Mr. Ragsdale;

I am pleased to inform you that construction of the above referenced project has been completed in accordance with the SCDHEC approved plans and specifications. This certification is based upon periodic observation of construction and a final inspection for design compliance with Florence County.

The following are being presented for water certification:

1. Approximately 752 LF of 6" PVC water line
2. Approximately 1,972 LF of 8" PVC water line
3. All necessary appurtenances to serve 48 single family lots

The following are being presented for wastewater certification:

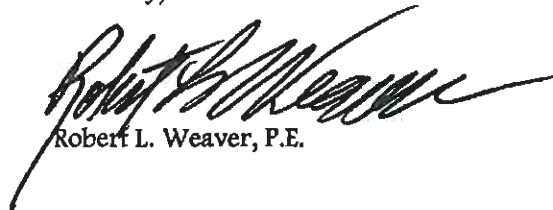
1. Approximately 646 LF of 8" PVC gravity sewer line
2. Approximately of 1,902 LF of 10" PVC gravity sewer line
3. 12 manholes to serve 48 single family lots

Also enclosed are the following:

1. SCDHEC water and wastewater construction permits
2. City of Florence Acceptance letters
3. Mandrel Pull test
4. Water Pressure test results
5. Bacteria sample results
7. Utility Asbuilts

If you have any questions or require additional information, please contact me at 843-346-5800.

Sincerely,



Robert L. Weaver, P.E.

RLW/jld
Enclosures: *See above*

January 23, 2023

Robert L. Weaver, P.E.
4340 Alligator Road
Timmonsville, SC 29161

RE: Smithfield's Subdivision Phase 1
Water and Sewer Infrastructure Improvements Completion

48 Single Family Detached Residential Lots
300 GPD per Lot – 14,400 GPD

Dear Mr. Weaver,

The water and sewer infrastructure improvements for the above referenced project have been completed, inspected, and tested. The City of Florence is willing and able to provide water to the project and agrees to accept the estimated 14,400 GPD of sewer flow for treatment.

The City will accept the following new water distribution lines and gravity sewer collection lines located within the public street rights-of-way or dedicated easements for ownership, operation, and maintenance upon permitting by SCDHEC.

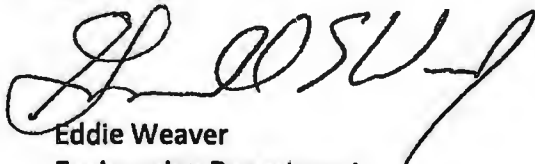
Sewer: ~1,902' of 10" PVC sewer line, ~646' of 8" PVC sewer line, 12 SMH's, and 48 services.

Water: ~1,972' of 8" PVC water line, ~752' of 6" of water line, 5 fire hydrants, and 48 services.

The water will be provided from the City of Florence System number 2110001. Treatment for sewage will be provided by the City of Florence Pee Dee River Plant, NPDES Permit number SC 0045462.

If you need additional information, please don't hesitate to contact me.

Sincerely,



Eddie Weaver
Engineering Department
City of Florence

Wastewater Construction Permit

Bureau of Water



PROJECT NAME: Smith's Field Development	COUNTY: Florence
LOCATION: Smith Drive Florence SC 29501	

PERMISSION IS HEREBY GRANTED TO: Highgate, LLC
PO BOX 4815
FLORENCE, SC 29502

For the construction of a sanitary sewer system in accordance with the construction plans, specifications, design calculations and the Construction Permit Application signed by Robert Weaver, Robert L Weaver PE, Registered Professional Engineer, S.C Registration Number: 8917.

Project Description: Phase 1: Approximately 1,935 LF of 10" PVC sewer line; 674 LF of 8" PVC sewer line; 13 each sewer manholes; single services for 48 detached single family homes.

TREATMENT FACILITY: The wastewater will be discharged to the City of Florence NPDES SC 00045462 at a design flow rate of 14,400 GPD.

STANDARD CONDITION:

NOTE: In accepting this permit, the owner agrees to the admission of properly authorized persons at all reasonable hours for the purpose of sampling and inspection. This is a permit for construction only and does not constitute DHEC approval, temporary or otherwise, to place the system in operation. An Approval to Place in Operation is required and can be obtained following the completion of construction by contacting the Pee Dee EA Florence at 843-661-4825. Additional permits may be required prior to construction (e.g., Stormwater).

SPECIAL CONDITIONS:

- All construction/materials for this project must conform to the Standard Specifications for WEAVER ENGINEERING INC - SS-000125.

PERMIT NUMBER:	WW044041
ISSUANCE DATE:	April 6, 2022
EXPIRATION DATES:	Construction must be completed and the Approval to Place in Operation granted prior to April 6, 2025 or this permit will expire.

A handwritten signature in black ink, appearing to read 'Douglas B. Kinard', is written over a horizontal line.

Douglas B. Kinard, P.E., Director
Drinking Water and Recreational
Waters Protection Division

"RECORD DRAWING"

GRAPHIC SCALE: 1" = 30'

PHASE I EMERGENCY ACCESS & PHASE II

PHASE III

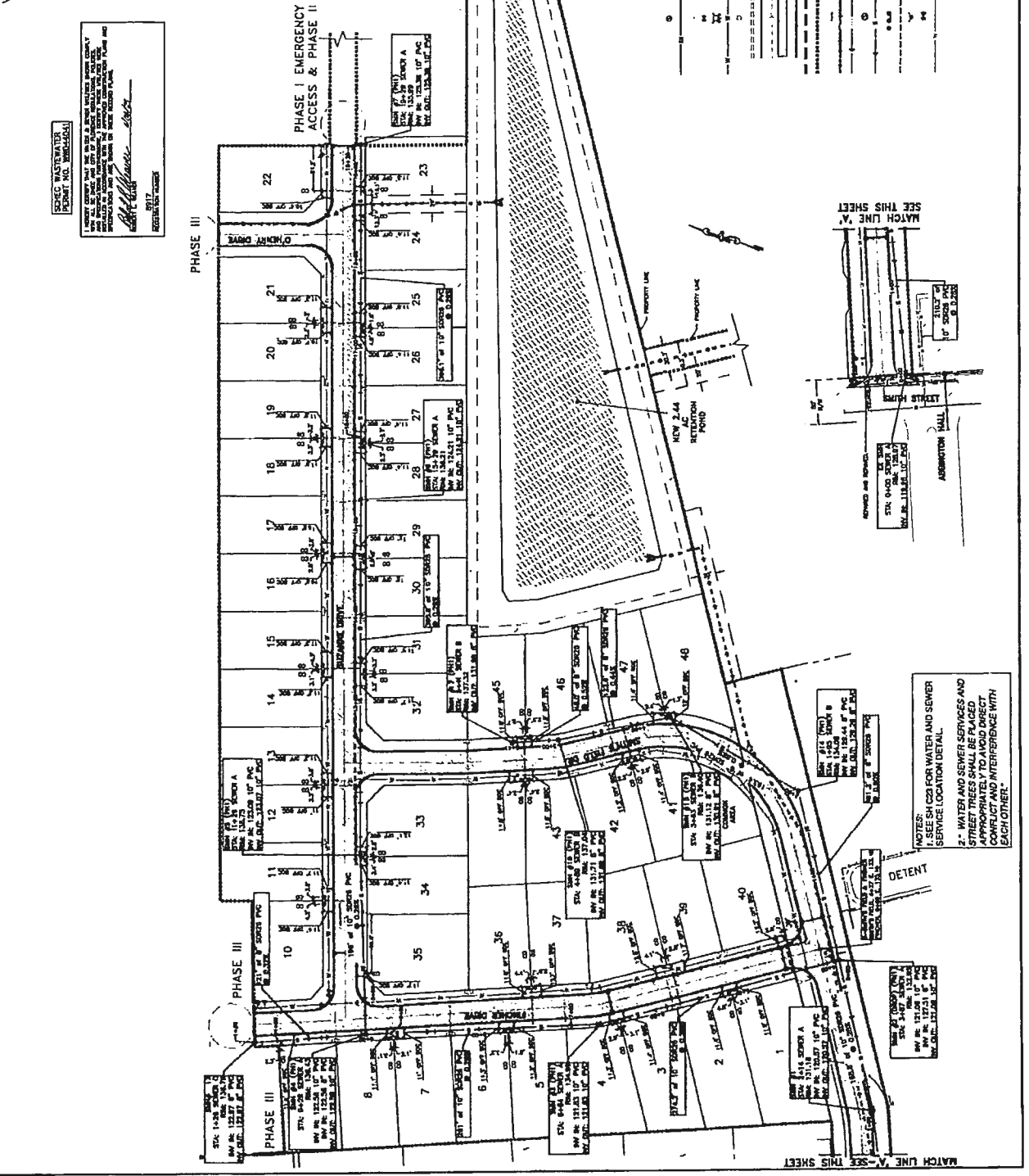
PHASE I KEY PLAN

ROBERT L. WEAVER, P.E.
 CIVIL ENGINEER
 10001 W. WEAVER P.E.
 THORNTONVILLE, NC 27881
 843-544-3500

CLIENT:
 HIGHGATE, LLC.
 10001 W. WEAVER P.E.
 THORNTONVILLE, NC 27881
 843-544-3500

SURVEYOR:
 NISBETT SURVEYING CO., INC.
 10001 W. WEAVER P.E.
 THORNTONVILLE, NC 27881
 843-544-3500

DESIGNER:
 ROBERT L. WEAVER, P.E.
 CIVIL ENGINEER
 10001 W. WEAVER P.E.
 THORNTONVILLE, NC 27881
 843-544-3500



NOTES:
 1. SEE SH C23 FOR WATER AND SEWER SERVICE LOCATION DETAIL.
 2. WATER AND SEWER SERVICES AND APPROPRIATELY TO AVOID DIRECT CONFLICT AND INTERFERENCE WITH EACH OTHER.

PHASE I EMERGENCY ACCESS & PHASE II

PHASE III

PHASE I KEY PLAN

ROBERT L. WEAVER, P.E.
 CIVIL ENGINEER
 10001 W. WEAVER P.E.
 THORNTONVILLE, NC 27881
 843-544-3500

EVANS PAVEMENT SERVICES INC
PO Box3990
Florence, SC 29502
Phone: (843) 319-3753

MANDREL TEST

Project Name Smith's Field Subdivision Phase I

Project Number: 21-004 **SCDHEC Permit No.** WW044041

Date of Test: 9-8-2022

Engineer's Representative: Robert L Weaver, PE

Contractor's Representative: Gary Smetana / City of Florence: Doug Poston

SEGMENT	PIPE SIZE/TYPE	LENGTH	RESULTS
MH 4 – MH 13	8" PVC	121.00'	Pass
MH 4 – MH 3	10" PVC	261.00'	Pass
MH 3 – MH 2	10" PVC	274.20'	Pass
MH 2 – MH 1	10" PVC	168.80'	Pass
MH 1 – Ex. MH	10" PVC	210.21'	Pass
MH 14 – MH 2	8" PVC	191.00'	Pass
MH 15 – MH 14	8" PVC	163.40'	Pass
MH 16 – MH 15	8" PVC	122.90'	Pass
MH 17 – MH 16	8" PVC	48.00'	Pass
MH 7 – MH 6	10" PVC	396.10'	Pass
MH 6 – MH 5	10" PVC	395.80'	Pass
MH 5 – MH 4	10" PVC	196.00'	Pass

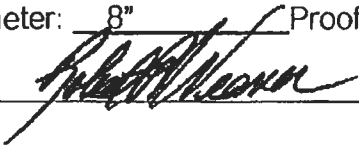
Comments: _____

Mandrel Information: 8" and 10" Mandrel

Manufacturer: Cherne **Serial Number:** _____

Specification: SDR 35 ASTM 5 PCT

Gauge Diameter: 8" **Proofing Ring:** _____

Signature:  _____ **Date:** 09/08/2022

PRESSURE TEST DATA

PROJECT: Smith's Field Subdivision

OWNER: Highgate, LLC

LOCATION OF TEST: Smith Drive & Woodbine Dr off US 76

DATE OF TEST: 9/20/22 DHEC CONSTRUCTION PERMIT NO.: 35806-WS

PRESSURE: BEGINNING: 150 END: 150
PSI PSI

ALLOWABLE LEAKAGE PER HOUR: $\frac{L=S \cdot D \sqrt{P}}{133,200}$

DURATION OF TEST: 9:57 a.m. to 11:57 a.m.

<u>PIPE SIZE</u>	<u>ALLOWABLE LEAKAGE</u>	<u>TOTAL LENGTH</u>	<u>ALLOWABLE GALLONS</u>	<u>TYPE PIPE</u>	<u>LAYING LENGTH</u>
2"	_____	_____	_____	_____	_____
2-1/2"	_____	_____	_____	_____	_____
3"	_____	_____	_____	_____	_____
4"	_____	_____	_____	_____	_____
6"	<u>.5</u>	<u>752</u>	<u>1.0</u>	<u>PVC</u>	<u>20'</u>
8"	<u>1.4</u>	<u>1,972</u>	<u>2.8</u>	<u>PVC</u>	<u>20'</u>
10"	_____	_____	_____	_____	_____
12"	_____	_____	_____	_____	_____

TOTAL: 3.8 GALLONS

ACTUAL LEAKAGE: -0- GALLONS

NUMBER OF FIRE HYDRANTS: 5

CONTRACTOR'S REPRESENTATIVE: Gary Smetana

OWNER'S REPRESENTATIVE: Robert L Weaver, PE 

CITY REPRESENTATIVE: Greg Brown

Derrick Singletary

From: Eddie Weaver <eweaver@cityofflorence.com>
Sent: Thursday, February 2, 2023 10:17 AM
To: Derrick Singletary
Subject: Smithfield's Subdivision (City Closeout - Water & Sewer Only)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning, Derrick,

The City of Florence has officially approved and accepted the conveyance of the water and sewer infrastructure for phase-1 of this subdivision. As soon as I can, I will scan in the plans and email them to you.

Thanks,

Eddie Weaver, CFM, CSPR | Plans Reviewer
Consistency -Responsibility -Includer -Belief -Significance
PLANNING, RESEARCH & DEVELOPMENT
City of Florence | 324 W. Evans Street | Florence, SC 29501
P: 843-665-2047 ext. 1218 | E: eweaver@cityofflorence.com



March 30, 2022

Robert L. Weaver, P.E.
4340 Alligator Road
Timmonsville, SC 29161

RE: Smithfield Subdivision-Phase 1
Water and Sewer Infrastructure Improvements
48 Single Family Detached Residential Lots
300 GPD per Lot – 14,400 GPD

Dear Mr. Weaver

The City Engineering Division staff has reviewed the proposed plans for the sewer improvements at Smithfield Subdivision Phase-1. Based on this review, the City of Florence is willing and able to provide water and accept the wastewater from the development for treatment. The will accept the following water and wastewater infrastructure and all necessary appurtenances within the public right-of-way or easements for ownership, operation, and maintenance upon completion, inspection, and approval and permitting by SCDHEC:

Sewer: ~1,935' of 10" PVC sewer line, ~674' 8" PVC sewer line, 13 SMH's, and 48 services.

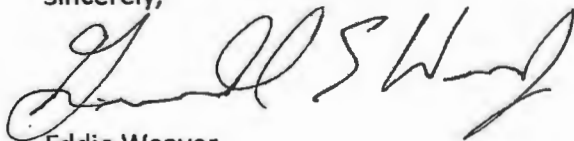
Water: ~1,991' of 8" of water line, ~756' of 6" water line, 4 fire hydrants, and 48 services.

The anticipated demand on our system is **14,400** gpd.

The water will be provided from the City of Florence System number 2110001. Treatment for sewage will be provided by the City of Florence Pee Dee River Plant, NPDES Permit number SC 0045462.

If you need additional information, please don't hesitate to contact me.

Sincerely,



Eddie Weaver
Engineering Department
City of Florence

Davis & Brown

PO Box 15038
Quinby, SC 29506
(843) 665-6746 FAX: (843) 629-1444

Certificate of Analysis

Client: EVANS PAVEMENT SERVICES, INC
P.O. BOX 3990
FLORENCE, SC 29502

South Carolina Certification Number: 21117

Contact: TIMOTHY BUIE

Receipt Date: 04-Jan-23

Client #: 3254

Report Date: 09-Jan-23

Sample Date: 04-Jan-23

SDG #: SDG-152228

Approved By:



Scott Fields
Lab Director

Parameter	Reporting			Method	Flag	Date	Time	Analyst
	Result	Limit	Unit					
LSID-335903	E.O.L. FINCHER							
Chlorine, Total Residual	0.80	0.05	mg/L	SM 4500CLG-201		1/4/2023	14:50	JR
Non Coliform Growth	0	0	/100ml	SM 9222B-2015		1/4/2023	16:30	LM
Total Coliform (Membrane)	0	0	/100ml	SM 9222B-2015		1/4/2023	16:30	LM
LSID-335904	E.O.L. SUZANNE							
Chlorine, Total Residual	0.47	0.05	mg/L	SM 4500CLG-201		1/4/2023	15:00	JR
Non Coliform Growth	0	0	/100ml	SM 9222B-2015		1/4/2023	16:30	LM
Total Coliform (Membrane)	0	0	/100ml	SM 9222B-2015		1/4/2023	16:30	LM
LSID-335905	INT. SMITHFIELD/FINCHER							
Chlorine, Total Residual	0.66	0.05	mg/L	SM 4500CLG-201		1/4/2023	15:10	JR
Non Coliform Growth	0	0	/100ml	SM 9222B-2015		1/4/2023	16:30	LM
Total Coliform (Membrane)	0	0	/100ml	SM 9222B-2015		1/4/2023	16:30	LM
LSID-335906	IN. SMITHFIELD DR/SMITH ST							
Chlorine, Total Residual	0.76	0.05	mg/L	SM 4500CLG-201		1/4/2023	15:20	JR
Non Coliform Growth	0	0	/100ml	SM 9222B-2015		1/4/2023	16:30	LM
Total Coliform (Membrane)	0	0	/100ml	SM 9222B-2015		1/4/2023	16:30	LM

Davis & Brown
P.O. Box 15038
Quinby, SC 29532
Phone: 843-665-6746

CUSTODY # _____
152228

**TOTAL COLIFORM
CHAIN OF CUSTODY**

BILL TO: EVANS PAVE.

BILLING ADDRESS: _____

NAME OF WATER SYSTEM: _____

PHONE: _____

PERSON TAKING SAMPLES: Jody Ricks

LOCATION	DATE	<u>TR</u>	TIME	I.D.
1. E.O.L FINCHER	1/4/23	0.80	1450	335903
2. E.O.L SUZANNE	1/4/23	0.47	1500	335904
3. INF. SMITHFIELD/FINCHER	1/4/23	0.66	1510	335905
4. INF. SMITH/SMITHFIELD	1/4/23	0.76	1520	335906
5. _____	_____	_____	_____	_____
6. <u>MOTOR #21</u>	<u>LOT#</u>	<u>A1342</u>	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____
10. _____	_____	_____	_____	_____

ALL SAMPLES COLLECTED IN BOTTLES PRESERVED WITH Na2S2O3

NO SAMPLES ARE ACCEPTED ON FRIDAYS OR THE DAY BEFORE HOLIDAYS.

RELINQUISHED BY: Jody Ricks Date/Time: 1/4/23 1600

RECEIVED BY: Arnon Fleg Date/Time: 1/4/23 1600

RELINQUISHED BY: _____ Date/Time: _____

RECEIVED BY: _____ Date/Time: _____

RELINQUISHED BY: _____ Date/Time: _____

RECEIVED BY: _____ Date/Time: _____

Davis & Brown

PO Box 15038
Quinby, SC 29506
(843) 665-6746 FAX: (843) 629-1444

Certificate of Analysis

Client: EVANS PAVEMENT SERVICES, INC
P.O. BOX 3990
FLORENCE, SC 29502

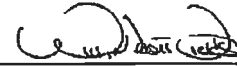
South Carolina Certification Number: 21117

Contact: TIMOTHY BUJE
Client #: 3254

Receipt Date: 03-Jan-23
Report Date: 09-Jan-23

Sample Date: 03-Jan-23
SDG #: SDG-152162

Approved By:



Scott Fields
Lab Director

Parameter	Reporting			Method	Flag	Date	Time	Analyst
	Result	Limit	Unit					
LSID-335766	E.O.L. @ FINCHER							
Chlorine, Total Residual	0.94	0.05	mg/L	SM 4500CLG-201		1/3/2023	11:00	JR
Non Coliform Growth	0	0	/100ml	SM 9222B-2015		1/3/2023	16:15	LM
Total Coliform (Membrane)	0	0	/100ml	SM 9222B-2015		1/3/2023	16:15	LM
LSID-335767	E.O.L. @ SUZANNE							
Chlorine, Total Residual	1.98	0.05	mg/L	SM 4500CLG-201		1/3/2023	11:20	JR
Non Coliform Growth	0	0	/100ml	SM 9222B-2015		1/3/2023	16:15	LM
Total Coliform (Membrane)	0	0	/100ml	SM 9222B-2015		1/3/2023	16:15	LM
LSID-335768	INT. SMITHFIELD/FINCHER							
Chlorine, Total Residual	0.76	0.05	mg/L	SM 4500CLG-201		1/3/2023	11:30	JR
Non Coliform Growth	0	0	/100ml	SM 9222B-2015		1/3/2023	16:15	LM
Total Coliform (Membrane)	0	0	/100ml	SM 9222B-2015		1/3/2023	16:15	LM
LSID-335769	INT. SMITHFIELD DR/SMITH ST							
Chlorine, Total Residual	1.03	0.05	mg/L	SM 4500CLG-201		1/3/2023	11:40	JR
Non Coliform Growth	0	0	/100ml	SM 9222B-2015		1/3/2023	16:15	LM
Total Coliform (Membrane)	0	0	/100ml	SM 9222B-2015		1/3/2023	16:15	LM

Davis & Brown
P.O. Box 15038
Quincy, SC 29532
Phone: 843-665-6746

CUSTODY # 152162

**TOTAL COLIFORM
CHAIN OF CUSTODY**

BILL TO: EVANS PAGE

BILLING ADDRESS: _____

NAME OF WATER SYSTEM: _____

PHONE: _____

PERSON TAKING SAMPLES: Sony Ricks

LOCATION	DATE	TCL	TIME	ID.
1. E.O.L FINCHER	1/3/23	0.94	1110	335766
2. E.O.L SUZANNE	1/3/23	1.98	1120	335767
3. INT. SMITH/FIELD/FINCHER	1/3/23	0.76	1130	335768
4. INT. SMITH DR. / SMITH SF. FIELD	1/3/23	1.03	1140	335769
5.				
6. METAL # 21	LOT # A1342			
7.				
8.				
9.				
0.				

ALL SAMPLES COLLECTED IN BOTTLES PRESERVED WITH Na2S2O3

NO SAMPLES ARE ACCEPTED ON FRIDAYS OR THE DAY BEFORE HOLIDAYS.

RELINQUISHED BY: Sony Ricks Date/Time: 1/3/23 1220
RECEIVED BY: Tramon Floyd Date/Time: 1/3/23 1220
RELINQUISHED BY: _____ Date/Time: _____
RECEIVED BY: _____ Date/Time: _____
RELINQUISHED BY: _____ Date/Time: _____
RECEIVED BY: _____ Date/Time: _____

EVANS PAVEMENT SERVICES INC

PO Box3990

Florence, SC 29502

Phone: (843) 319-3753

MANDREL TEST

Project Name Smith's Field Subdivision Phase I

Project Number: 21-004 SCDHEC Permit No. WW044041

Date of Test: 9-8-2022

Engineer's Representative: Robert L Weaver, PE

Contractor's Representative: Gary Smetana / City of Florence: Doug Poston

SEGMENT	PIPE SIZE/TYPE	LENGTH	RESULTS
MH 4 – MH 13	8" PVC	121.00'	Pass
MH 4 – MH 3	10" PVC	261.00'	Pass
MH 3 – MH 2	10" PVC	274.20'	Pass
MH 2 – MH 1	10" PVC	168.80'	Pass
MH 1 – Ex. MH	10" PVC	210.21'	Pass
MH 14 – MH 2	8" PVC	191.00'	Pass
MH 15 – MH 14	8" PVC	163.40'	Pass
MH 16 – MH 15	8" PVC	122.90'	Pass
MH 17 – MH 16	8" PVC	48.00'	Pass
MH 7 – MH 6	10" PVC	396.10'	Pass
MH 6 – MH 5	10" PVC	395.80'	Pass
MH 5 – MH 4	10" PVC	196.00'	Pass

Comments: _____

Mandrel Information: 8" and 10" Mandrel

Manufacturer: Cherne Serial Number: _____

Specification: SDR 35 ASTM 5 PCT

Gauge Diameter: 8" Proofing Ring: _____

Signature:  Date: 09/08/2022

PRESSURE TEST DATA

PROJECT: Smith's Field Subdivision

OWNER: Highgate, LLC

LOCATION OF TEST: Smith Drive & Woodbine Dr off US 76

DATE OF TEST: 9/20/22 DHEC CONSTRUCTION PERMIT NO.: 35806-WS

PRESSURE: BEGINNING: 150 END: 150
PSI PSI

ALLOWABLE LEAKAGE PER HOUR: $\frac{L=S \cdot D \sqrt{P}}{133,200}$

DURATION OF TEST: 9:57 a.m. to 11:57 a.m.

<u>PIPE SIZE</u>	<u>ALLOWABLE LEAKAGE</u>	<u>TOTAL LENGTH</u>	<u>ALLOWABLE GALLONS</u>	<u>TYPE PIPE</u>	<u>LAYING LENGTH</u>
2"	_____	_____	_____	_____	_____
2-1/2"	_____	_____	_____	_____	_____
3"	_____	_____	_____	_____	_____
4"	_____	_____	_____	_____	_____
6"	<u>.5</u>	<u>752</u>	<u>1.0</u>	<u>PVC</u>	<u>20'</u>
8"	<u>1.4</u>	<u>1,972</u>	<u>2.8</u>	<u>PVC</u>	<u>20'</u>
10"	_____	_____	_____	_____	_____
12"	_____	_____	_____	_____	_____

TOTAL: 3.8 GALLONS

ACTUAL LEAKAGE: -0- GALLONS

NUMBER OF FIRE HYDRANTS: 5

CONTRACTOR'S REPRESENTATIVE: Gary Smetana

OWNER'S REPRESENTATIVE: Robert L Weaver, PE 

CITY REPRESENTATIVE: Greg Brown

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023

AGENDA ITEM: An Ordinance adopting a redistricting plan for the three (3) single member districts of City of Florence, South Carolina in accordance with the Federal Decennial Census of 2020.

DEPARTMENT/DIVISION: City Manager's Office

I. ISSUE UNDER CONSIDERATION:

An Ordinance adopting a redistricting plan for the three (3) single member districts of City of Florence, South Carolina in accordance with the Federal Decennial Census of 2020.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On January 10, 2022 City Council voted to defer the Ordinance to adopt a redistricting plan until after the November 2022 General Election.

On December 12, 2022 City Council voted to table the Ordinance to adopt a redistricting plan to the May, 2023 meeting.

III. POINTS TO CONSIDER:

- (1) The City of Florence, since 1977, has been governed by a City Council composed of seven members, one of whom is the mayor, with the mayor and three council members elected at large, and three council members elected from single member districts.
- (2) The most recent change to the district lines occurred by the passage of Ordinance 2014-03 in order to realign the districts in accordance with the data from the 2010 Census.
- (3) The U.S. Constitution, the South Carolina Code of Laws, §2-20 of the Florence Code of Ordinance, and the Voting Rights Act of 1965 all require that the city make certain that the three districts continue to comply with the Voting Rights Act of 1965 upon receipt and study of the latest census data.
- (4) The data from the 2020 Census indicates that the growth trends in the three districts since the 2010 Census have resulted in population deviation between the districts that meet the standards allowed and requires no adjustment to the existing boundaries.
- (5) Provided for reference is information on properties annexed into municipal boundaries after the 2020 Census data (Exhibit A).
- (6) Official 2020 Census data can only be considered when determining compliance with applicable laws and standards to develop the final district map.
- (7) City Staff has analyzed the Census data and, with the help of the state office of Revenue and Fiscal Affairs, has confirmed that the "Benchmark Map" is within compliance of the deviation requirements and meets all other standards.
- (8) Based upon the public hearing held on January 10, 2022 at the City of Florence City Council meeting, input from council members, and confirmation from the state office of Revenue and

Fiscal Affairs, the “Benchmark Map” has been selected for submission to Council for adoption and compliance with applicable laws and standards.

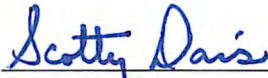
IV. OPTIONS:

City Council may (1) adopt the Ordinance on first reading as presented based on the information submitted; (2) amend the Ordinance and accomplish first reading; (3) defer action should additional information be needed; or (4) suggest other alternatives.

V. PERSONAL NOTES

VI. ATTACHMENTS:

- A. Ordinance
- B. Exhibit A – Annexations by District
- C. Exhibit B – 2020 Census information by District
- D. Exhibit C – Proposed Plan



Scotty Davis
Deputy City Manager

ORDINANCE NO. 2023-_____

AN ORDINANCE ADOPTING A REDISTRICTING PLAN FOR THE THREE SINGLE MEMBER DISTRICTS OF CITY OF FLORENCE, SOUTH CAROLINA IN ACCORDANCE WITH THE FEDERAL DECENNIAL CENSUS OF 2020.

WHEREAS, in compliance with the United States Constitution, the South Carolina Code of Laws, 1976, as amended, §2-20 of the Code of Ordinances of the City of Florence, South Carolina, and the United States Voting Rights Act of 1965, as amended, the City Council of Florence, South Carolina, has determined to realign the three (3) electoral districts for the election of three (3) members of City Council in accordance with the Federal Decennial Census of 2020;

WHEREAS, there presently exists three (3) single-member districts for the election of City Council members for Florence, South Carolina;

WHEREAS, this Ordinance is for the purpose of re-defining the boundaries of the three (3) single-member districts based upon the 2020 census data in order that the population of such districts shall comply with the requirements set forth in the Voting Rights Act of 1965;

NOW, THEREFORE, be it ordained by the City Council of the City of Florence in meeting duly assembled and by the authority thereof, as follows:

1. The pertinent demographic data in reference to the proposed districts is attached to this Ordinance as Exhibit "A" and is incorporated herein by reference as if fully set forth herein verbatim.
2. The three (3) single-member election districts for the election of City Council members for Florence, South Carolina, are hereby redistricted to be as depicted on the map of the City of Florence which is attached to this Ordinance as Exhibit "B" and incorporated herein by reference as if fully set forth herein verbatim.
3. That this Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence

ADOPTED THIS _____ DAY OF _____, 2023

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Casey C. Moore
Municipal Clerk

Exhibit A

Annexations: April 2020 to April 2023

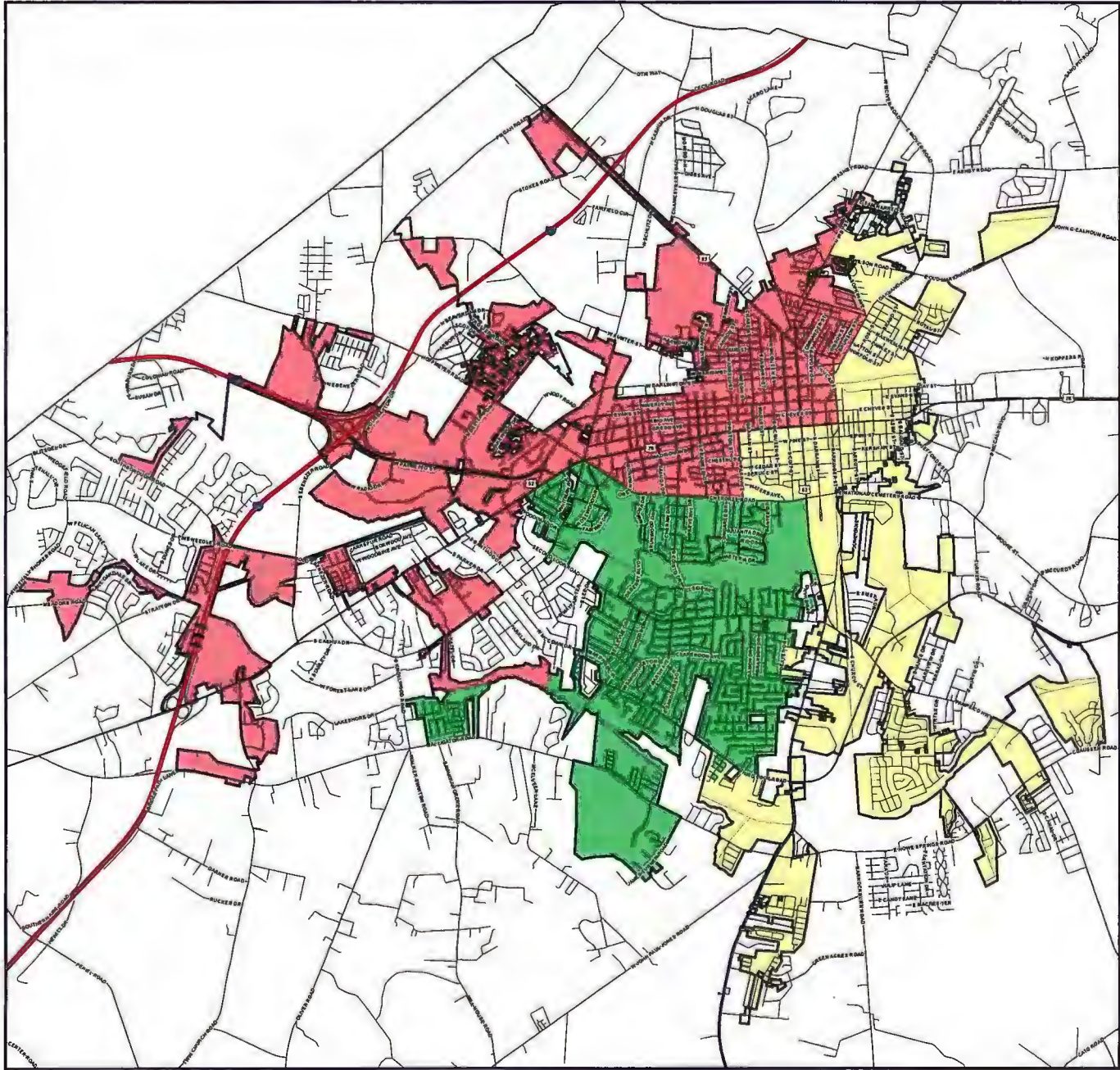
Ordinance	Tax Map Numbers	Total Population	Voting Age Population	Registered Voters	Race	Address	Date of Petition	Property Owner	Land Use	Zoning	District
2020-14	90108-01-001 & 90108-01-004	0	0	0	n/a	305 Pamlico Highway	2/11/2020	Hugh Wilcox and John Deberry	vacant	CG	2
2020-16	90050-08-010 & 90060-08-011	1	1	1	B	1012 W. Sumter St.	4/14/2020	Carmen Singletary & Jermaine Nowlin	single family house	NC-6.2	1
2020-34	00179-01-014	0	0	0	n/a	Freedom Boulevard and Gilbert Drive	8/11/2020	Palmetto Corp. of Conway	vacant	RG-3 & CG	2
2020-36	00075-01-221 (portion)	0	0	0	n/a	Grove Boulevard	10/12/2020	The Grove at Ebenezer, LLC	vacant	PDD	1
2020-38	00123-01-005 (portion); 00123-01-006, 00123-01-152; 00123-01-R/W	0	0	0	n/a	Jody Road	8/12/2020	City of Florence; Richard Harrington	vacant	AC	1
2020-39	00741-01-007 & 00741-01-008	4	4	4	W & B	3553 Texas Rd. & 695 Florida Dr.	8/27/2020	Clayton B. Griffin; Robert & Terrie Miller	single family residential	NC-6.1	1
2020-40	90113-01-120	2	2	2	B	234 E. Shenandoah Ln.	8/28/2020	Moses Ellerbe, Jr.	single family residential	NC-6.1	2
2021-01	00097-01-008 (portion)	0	0	0	n/a	n/a	10/13/2020	Gary Finklea	vacant	RG-3	1
2021-03	90096-01-008	3	3	3	B	1537 N. Sierra Range	11/6/2020	Venca Sinclair	single family house	NC-6.1	1
2021-03	90096-01-009	1	1	1	B	1543 N. Sierra Range	11/6/2020	Thelma Bralley	single family house	NC-6.1	1
2021-03	90096-01-017	3	3	3	B	1539 N. Sierra Range	11/6/2020	Clyde Bradford	single family house	NC-6.1	1
2021-03	90096-02-005	2	2	2	B	1534 N. Sierra Range	11/6/2020	Arthur & Delores Lawrence	single family house	NC-6.1	1
2021-09	90113-01-067	1	1	1	B	1541 Palomar Pkwy	1/12/2021	Rosa M. Eleby	single family house	NC-6.1	2
2021-12	01221-01-158	2	2	0	W	2499 Rainford Rd.	2/22/2021	Robert T. Parsons	single family house	NC-15	1
2021-16	01221-01-109	3	3	3	W	2495 Hoffmeyer Rd.	4/6/2021	James & Barbara Lewis	single family house	NC-15	1
2021-17	01221-01-254	3	2	1	W	2504 Abbey Way	4/7/2021	Scott & Tamara Byrne	single family house	NC-15	1
2021-17	01221-01-261	4	2	2	W	2513 Abbey Way	4/7/2021	Robert & Julie LeMaster	single family house	NC-15	1
2021-17	01221-01-283	4	4	4	W/A	2502 Parsons Gate	4/7/2021	James & Kimberly Osborne	single family house	NC-15	1
2021-17	01221-01-305	3	2	2	A	2485 Parsons Gate	4/7/2021	Brian Kim & June Chang	single family house	NC-15	1
2021-18	00097-01-029	4	2	2	W	3136 Pisgah Rd.	4/16/2021	Jessica Harrington	single family house	RG-3	1
2021-25	00100-01-030	0	0	0	n/a	2924 W. Palmetto St.	5/14/2021	Florence Adventist Church	church	CA	1
2021-29	01461-02-005	4	2	2	B	1524 McKenney Court	6/24/2021	Ainsworth Leonard	single family house	NC-15	1
2022-02	01221-01-323	6	4	2	Non-His	2468 Parsons Gate	10/12/2021	Babubhal Patel	single family house	NC-15	1
2022-09	01794-03-009	2	2	2	B	1142 Annelle Drive	11/8/2021	John and Marilyn Gagner	single family house	NC-10	3
2022-19	00152-01-029	0	0	0	n/a	3648 S. Irby Street	2/21/2022	Marilyn Summerford	business	CG	2
2022-16	90117-23-004	0	0	0	n/a	1300 E. Palmetto St.	5/10/2022	City of Florence	park	OSR	2
2022-17	90113-01-050	1	1	1	W	206 E Shenandoah Lane	6/17/2022	Ian Carrese	single family house	NC-6.1	2
2022-21	00100-01-002 and -147	0	0	0	n/a	2507 W Palmetto	6/21/2022	Naturally Outdoors Properties	business	OSR	1
2022-18	00098-01-002	0	0	0	n/a	3350 Clark Branch Rd	6/24/2022	Ken Jackson	vacant	NC-6.1	1
2022-26	00072-01-007, 00072-01-020, 00072-01-022, 00072-01-024, 00072-01-025, 00072-01-026, 00072-01-030; and Darlington Co. TMN: 169-00-01-026, 169-00-01-027, 169-00-01-029	0	0	0	n/a	n/a	7/18/2022	David and Lynda Grant, and MAIB Development	vacant	RG-3	1
2023-02	00751-01-049	0	0	0	n/a	n/a	10/11/2022	Stoney Moore	vacant	RG-3	1
2023-09	90108-05-001, 90109-01-002, 90109-01-002	0	0	0	n/a	401, 409, and 411 Pamlico Hwy	10/19/2022	Southbound Florence, LLC	vacant	CG	2
2023-04	90060-07-002	2	2	1	B	925 W Sumter Street	10/27/2022	Leroy and Janet Brown	single family house	NC-6.1	1
2023-05	90105-01-007	0	0	0	n/a	825 S Church Street	11/23/2022	City of Florence	vacant	DS	2
2023-06	90105-01-018	0	0	0	n/a	833 S Church Street	11/23/2022	City of Florence	vacant	OSR	2
2023-10	90104-02-015, 90104-02-030	0	0	0	n/a	707 and 709 S Church St	12/14/2022	Raymond Moses	vacant	NC-6.3	2

TOTALS: 35 annexations 55 45 39

District 1 49 39 33
 District 2 4 4 4
 District 3 2 2 2

EXHIBIT B
City of Florence - Census 2020 Data

	District One		District Two		District Three	
	Count	Percent	Count	Percent	Count	Percent
Population Total	13,506	1.55	12,944	-2.67	13,449	1.12
Population Deviation						
	Count	Percent	Count	Percent	Count	Percent
White	4,912	36.37	3,919	30.28	9,112	67.75
Black	7,424	54.97	8,307	64.18	3,312	24.63
Other Multiple Race	755	5.59	379	2.93	674	5.01
Hispanic	415	3.07	339	2.62	351	2.61
	Count	Percent	Count	Percent	Count	Percent
Voting Age Population Total	10,416	77.12	9,842	76.04	10,451	77.71
White	4,079	30.20	3,293	25.44	7,369	54.79
Black	5,521	40.88	6,050	46.74	2,381	17.70
Other Multiple Race	552	4.09	273	2.11	480	3.57
Hispanic	264	1.95	226	1.75	221	1.64



City of Florence Council Districts Current 2020 Census Data

	District One		District Two		District Three	
	Count	Percent	Count	Percent	Count	Percent
Population Total	13,506	1.55	12,944	-2.67	13,449	1.12
Population Deviation						
	Count	Percent	Count	Percent	Count	Percent
White	4,912	36.37	3,919	30.28	9,112	67.75
Black	7,424	54.97	8,307	64.18	3,312	24.63
Other Multiple Race	755	5.59	379	2.93	674	5.01
Hispanic	415	3.07	339	2.62	351	2.61

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023
AGENDA ITEM: Ordinance
DEPARTMENT/DIVISION: Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An Ordinance authorizing the City to extend the lease on the real estate known as 228A West Darlington Street and designated as Tax Parcel 90086-02-004 in the records of the Florence County Tax Assessor to Pee Dee Regional Transportation Authority under the terms and conditions set out in the written First Amendment to the Lease Attached as Exhibit A to this ordinance.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

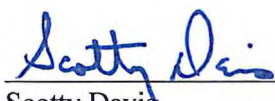
1. On November 14, 2016, City Council approved Ordinance No. 2016-42 to authorize the lease of this property to PDRTA for a term of 120 months (ten years) with the option to renew the agreement for successive five-year terms.
2. On June 11, 2018, City Council approved Ordinance No. 2018-18 to extend the lease on this property to extend the lease for the term to 240 months (twenty years) with the option to renew the agreement for successive five-year terms.

III. POINTS TO CONSIDER:

1. The PDRTA makes the request to extend the lease to expire June 30, 2045 with the option to renew the agreement for successive five-year terms.
2. The extension of the Lease will provide PDRTA with the continued opportunity to receive matching funds from the Federal Government and will allow the PDRTA to meet the requirements and guidelines that are mandatory.
3. The extension of the Lease will also provide PDRTA the right to access the storage area shown on "Exhibit A".
4. The PDRTA will continue to use the leased premises for a transfer center and/or bus depot for PDRTA vehicles and riders.
5. Other than agreed upon funding, all expense, costs, and related improvements will be the responsibility of the PDRTA.
6. The Lease requires PDRTA to be responsible for all maintenance, repairs, utility costs, tax costs and associated expense related to the premises and their operations thereon.
7. The property will remain titled to the City.

IV. ATTACHMENTS:

1. Ordinance
2. Exhibit A – proposed changes



Scotty Davis
Deputy City Manager

ORDINANCE NO. 2023-__

AN ORDINANCE AUTHORIZING THE CITY TO EXTEND THE LEASE ON THE REAL ESTATE KNOWN AS 228A WEST DARLINGTON STREET AND DESIGNATED AS TAX PARCEL 90086-02-004 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR TO PEE DEE REGIONAL TRANSPORTATION AUTHORITY UNDER THE TERMS AND CONDITIONS SET OUT IN THE WRITTEN FIRST AMENDMENT TO THE LEASE ATTACHED AS EXHIBIT A TO THIS ORDINANCE.

WHEREAS, after due consideration, the City has concluded that the real estate described in the Lease set out in Exhibit “A” attached hereto and incorporated herein by reference is not presently needed for City use; and

WHEREAS, we hereby find that the extension of the lease terms and use of said real estate for the improvements and alterations of the transfer center for the Pee Dee Regional Transportation Authority which provides essential public transportation needs within the greater Florence community is in the best interest and to the benefit of the citizens of the City of Florence;

NOW, THEREFORE, be it ordained by the City Council of the City of Florence in a meeting duly assembled and by the authority thereof:

1. That pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the Amendment to the Lease attached hereto as Exhibit A and such other documentation as needed in order to lease the property described in said Lease to Pee Dee Regional Transportation Authority in order to facilitate the continuation of the Pee Dee Regional Transportation Authority as described in the Lease Amendment.
2. This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence.

ADOPTED this 12th day of June 2023

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

TERESA MYERS ERVIN
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

**FIRST AMENDMENT TO
AGREEMENT OF LEASE**

This First Amendment to the Lease Agreement previously executed by the parties hereto on June 26, 2018 is entered into effective as of the ___ day of _____, 2023 by and between The City of Florence, with it its principal place of business in the County of Florence, State of South Carolina, herein after called the “LANDLORD”, and Pee Dee Regional Transit Authority, hereinafter collectively called the “TENANT”.

WITNESSETH:

For an in consideration of the covenants and agreements hereinafter set forth, to be kept and performed by the TENANT, the Lease Agreement previously executed on June 26, 2018, a copy of which is attached hereto as Exhibit A, is hereby amended as follows:

(A) The terms and conditions contained in Paragraphs 2 and 3 of said Lease are hereby amended to read in their entirety as follows:

“2. TERM: The term of this lease shall begin upon the execution of this Amendment and shall terminate on June 30, 2045. With the consent of the LANDLORD, the TENANT shall have the option to renew this Agreement for successive five year terms. The LANDLORD shall have final approval over the renewability of the Agreement and said approval shall not be withheld unreasonably.

RENT: The TENANT shall pay the LANDLORD rent in the amount of One Dollar (\$1.00) per year, said rental to be paid in one lump sum of Ten and no/100th (\$10.00) Dollars at the time of the execution of this Lease, the receipt of which is hereby acknowledged.

3. IMPROVEMENT AND USE OF PREMISES: The LANDLORD specifically consents to any and all alterations and improvements of leased property, and the leased premises shall be improved and used by the TENANT as follows:

(a) The LANDLORD agrees to release the right to access the storage area shown on “Exhibit A” to be made available for TENANT to make any and all alterations and improvements by TENANT.

(b) The TENANT will use the leased premises to make the necessary

alterations and improvements for the support services of the transfer center and or bus depot for PDRTA vehicles and riders.

(c) The expenses and costs related to alteration(s) or improvement(s) to the storage areas is the sole responsibility of the TENANT, and no liens, mortgages, or other legal liabilities shall be attach to leased property as a result of alteration(s) or improvement(s) by the TENANT. LANDLORD agrees to provide partial funding as agreed to assist in renovations.

(d) The TENANT shall be responsible for all operational and maintenance costs associated with the property. TENANT agrees to keep property maintained in a reasonable fashion.”

(B) Except for the amendments specified above, all remaining terms and conditions of the Lease Agreement dated June 26, 2018 shall remain in full force and effect.

IN WITNESS WHEREOF, the LANDLORD and TENANT subscribed their names and affixed their seals the day and year first above written.

WITNESSES:

LANDLORD:

City of Florence, SC

By: _____
RANDALL S. OSTERMAN
City Manager

TENANT:

Pee Dee Regional Transit Authority

By: _____

Its: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

PROBATE
(City of Florence)

Before me, _____, a notary public, personally appeared _____, the undersigned witness, who, being duly sworn, deposed and said as follows: s/he is not a party or beneficiary of the transaction for which this instrument has been executed; s/he saw Randall S. Osterman as City Manager of the **City of Florence** who s/he personally knows or has identified through satisfactory evidence, sign, seal and deliver the foregoing **Lease** as the act and deed of the **City of Florence** that s/he together with the second subscribing witness witnessed the execution thereof.

Signature of Witness

SWORN TO and subscribed before me
this ____ day of _____, 2023

_____(SEAL)
Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

PROBATE
(Pee Dee Regional Transit Authority)

Before me, _____, a notary public, personally appeared _____, the undersigned witness, who, being duly sworn, deposed and said as follows: s/he is not a party or beneficiary of the transaction for which this instrument has been executed; s/he saw _____ as _____ of **Pee Dee Regional Transit Authority** who s/he personally knows or has identified through satisfactory evidence, sign, seal and deliver the foregoing **Lease** as the act and deed of the **Pee Dee Regional Transit Authority** and that s/he together with the second subscribing witness witnessed the execution thereof.

Signature of Witness

SWORN TO and subscribed before me
this ____ day of _____, 2023

_____(SEAL)
Notary Public for South Carolina
My Commission Expires: _____



Leased property designated by yellow shading.

Area of building designated by red shall be released by City for PDRTA use and improvement.

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023

AGENDA ITEM: Ordinance to Annex and Zone 136 Wilson Road, TMN 90097-01-022

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex the lot located at 136 Wilson Road, Tax Map Number 90097-01-022, into the City of Florence and assign it the zoning designation NC-10, Neighborhood Conservation-10. The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On April 11, 2023, the Planning Commission held a public hearing on this matter, and voted unanimously, 7-0, to recommend the zoning request of NC-10, Neighborhood Conservation-10.

III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) City water and sewer services are currently available; there is no cost to extend utilities.
- (3) A Public Hearing for zoning was held at the April 11, 2023 Planning Commission meeting.
- (4) City staff recommends annexation and concurs with Planning Commission's recommendation to zone the property NC-10, Neighborhood Conservation-10.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Annexation Petition



Clint Moore
Assistant City Manager



Scotty Davis
Deputy City Manager

ORDINANCE NO. 2023 - _____

AN ORDINANCE TO ANNEX AND ZONE 136 WILSON ROAD, TMN 90097-01-022.

WHEREAS, a Public Hearing was held in the Council Chambers on April 11, 2023 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by George Quinn Scipio III, owner of TMN 90097-01-022 was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the City limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and given the zoning district classification of NC-10:

The property requesting annexation is shown more specifically on Florence County Tax Map 90097, block 01, parcel 022 (0.257196 acre).

Any portions of public rights-of-way abutting the property described above will be included in the annexation.

WHEREAS, Florence City Council concurs in the aforesaid application, findings, and recommendations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

- 1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 2. That this Ordinance shall become effective in seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.**

EXECUTED ON ONE (1) ADDITIONAL PAGE

ADOPTED THIS _____ DAY OF _____, 2023

Approved as to form:

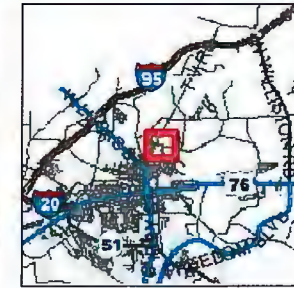
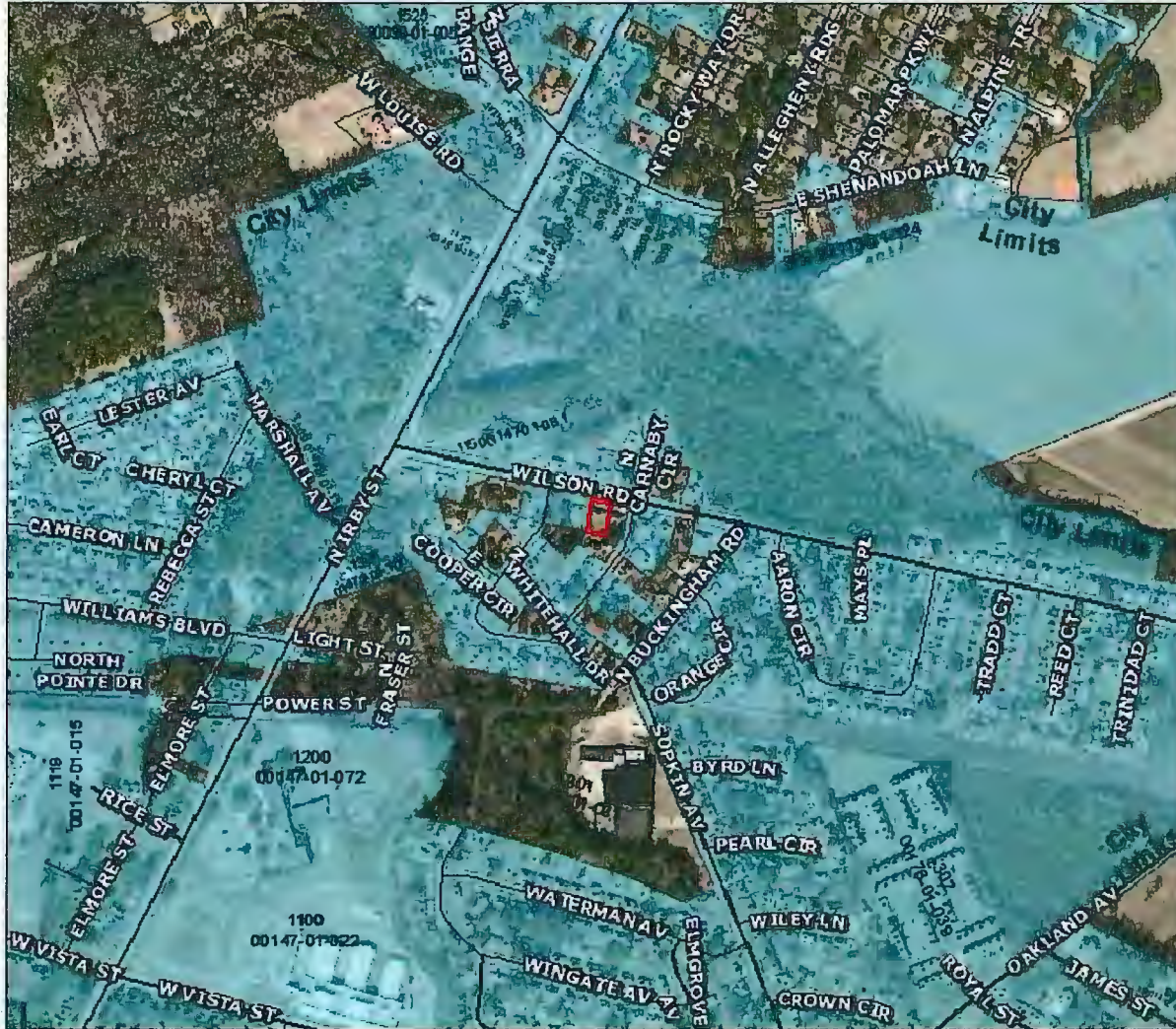
James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin,
Mayor




Attest:

Casey C. Moore
Municipal Clerk

PC 2023-13
Vicinity Map - 136 Wilson Road



Legend

-  City Limits
-  Parcels
-  Proposed Parcel



DISCLAIMER:
 The City of Florence Department of Planning, Research, and Development data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
2. That the petitioner(s) desires to annex the property more particularly described below:
 Florence County Tax Map Number: 90097-01-022
3. Annexation is being sought for the following purposes: City services
4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

Total Residents	<u>1</u>	Race	<u>Black</u>
Total 18 and Over	<u>1</u>	Total Registered to Vote	<u>1</u>

APPLICANT (S) (Please print or type):

Name(s): George Quinn Scipio III

Address: 136 Wilson Road

Telephone Numbers: 843-229-8838 [work] _____ [home]

Email Address: _____

Signature George Quinn Scipio III Date 3/1/2023

Certification as to ownership on the date of petition:	FOR OFFICAL USE ONLY
Date <u>3/1/23</u>	<u>az</u>

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023

AGENDA ITEM: An Ordinance to adopt the City of Florence 2020 Comprehensive Plan and 2020 Downtown Master Plan.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An Ordinance to adopt the City of Florence 2020 Comprehensive Plan and 2020 Downtown Master Plan.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On April 11, 2023, the Planning Commission held a public hearing regarding the 2020 Comprehensive Plan and voted unanimously, 7-0, to recommend the adoption by City Council.

The final drafts of the Downtown Master Plan and Comprehensive Plan are located on the City of Florence's website.

III. POINTS TO CONSIDER:

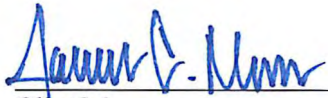
- (1) The Comprehensive Plan and Downtown Master Plan is a collective vision for the future that outlines realistic goals and suggests strategies for obtaining them. It is a plan for guiding development and redevelopment over a twenty-year period. A strong Comprehensive Plan is one based upon input from community stakeholders, city staff, residents, and public officials. The backbone of all healthy, thriving communities is a current, relevant comprehensive plan.
- (2) City staff worked with Kendig Keast Collaborative (KKC), APD Urban Planning and Management (APD) and CDM Smith to develop the Comprehensive Plan and provide public outreach during the process.
- (3) Development of the Comprehensive Plan began in February, 2020, and was significantly delayed due to the pandemic.
- (4) Public meetings with residents, city staff, stakeholders, focus groups and public officials were held in-person and virtually throughout the development of the Comprehensive Plan and Downtown Master Plan.
- (5) Housing and neighborhoods, historic and cultural resources, downtown revitalization, city-wide economic development, community character, property development/redevelopment and transportation were the focus of the discussions to identify areas for improvement, and strategic goals and initiatives that would facilitate the advancement of these identified areas.
- (6) The draft Comprehensive Plan was presented to City Council and various department directors during the council retreat in February, 2023. It was then presented to members of the council in joint meetings with members of the Planning Commission in March, 2023. Additionally, the Comprehensive Plan was made public on the City's website in February to allow further comment and input from our stakeholders and residents.
- (7) The Comprehensive Plan consists of nine chapters:

1. **Plan Introduction** – this chapter provides a baseline of why we develop a Comprehensive Plan, how best to use and apply the plan, introduces the plan elements, and establishes our guiding principles.
2. **Growth Capacity** – this chapter establishes a framework on expected growth and how to meet the capacity demands the City will see in the future. Areas of focus will be on the expansion and focus of annexation, growth and fiscal management of the utility in conjunction with development and redevelopment, stormwater management, and economic and fiscal resilience.
3. **Land Use and Development** – this chapter focuses on the considerations and vision of growth, development (residential and commercial), and zoning. Concerns with sprawl, quality, and sustainable residential housing is addressed providing programs and initiatives that are recommended. Additionally, continued focus on the city’s gateways and corridors is addressed.
4. **Housing and Neighborhoods** – unlike many communities the City of Florence emphasizes its housing and neighborhoods and identifies that it is a key economic driver for our city and region. Continued focus on our historic neighborhoods and its redevelopment are emphasized, along with further emphasis on infill and growing residential construction in and around downtown.
5. **Transportation** – this chapter emphasizes the collaboration with the many organizations that take the lead in the areas of public transportation, the maintenance of our corridors, and how and where there are opportunities for the City of Florence to implement programs and initiatives. Areas identified for improvements and continued partnerships include our public transit system, gateways and corridors, pedestrian and bicycle connections, and the trail system.
6. **Economic Development** – this chapter focuses on the operation, maintenance, and expansion of our utility system and role it plays in the area of economic development, reinforcement of Florence’s position as the economic hub of the Pee Dee, continued partnerships with primary, secondary, and higher education leaders, and continued efforts with our downtown redevelopment.
7. **Recreation and Amenities** – focusing on the previous success of the many new facilities and reinvestment seen within our sports complexes, parks, and community centers, this chapter looks to build upon those efforts and establish new goals and initiatives for our trail system, bike and pedestrian access, continued reinvestment within our parks, and continued efforts in creating amenities for our residents and visitors.
8. **Plan Implementation** – this chapter outlines and highlights how the city and its partners can best implement the goals and initiatives throughout the Comprehensive Plan. It provides a timeline and suggested objectives that the city should focus on year one, years two through four, and then from five years out.
9. **Existing City Report** – the existing city report provides a snapshot of the current physical, fiscal, and demographic status of the city and anticipated projections on different aspects that influence our growth and development.

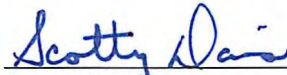
IV. PERSONAL NOTES:

V. ATTACHMENTS:

(1) Ordinance



Clint Moore
Assistant City Manager



Scotty Davis
Deputy City Manager

ORDINANCE NO. 2023-_____

AN ORDINANCE TO ADOPT THE CITY OF FLORENCE 2020 COMPREHENSIVE PLAN, AND THE DOWNTOWN FLORENCE MASTER PLAN:

WHEREAS, a Public Hearing was held in the City Center Council Chambers on April 11, 2023 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the City recognizes the need for a comprehensive plan update to provide guidance in matters of public affairs in accordance with section 6-29-510 of the South Carolina Code of Laws;

WHEREAS, the City has included with the 2020 Comprehensive Plan the Downtown Master Plan;

WHEREAS, we hereby find and conclude that the adoption of this Comprehensive Plan and Downtown Master Plan a necessary step to assist us in guiding growth and development and planning for governmental functions that will help enable the citizens of the City of Florence to have an improved quality of life;

NOW, THEREFORE, be it ordained by the City Council of the City of Florence, in meeting duly assembled and by the authority thereof, that the 2020 Comprehensive Plan and Downtown Master Plan, attached hereto, be, and the same is hereby, adopted.

That this Ordinance shall become effective seven days after its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official **Zoning Atlas**.

ADOPTED THIS _____ DAY OF _____, 2023

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

A draft of the 2020 Comprehensive Plan, the Comprehensive Plan Land Use Map and the Downtown Master Plan can be found on the City of Florence website:

[Planning, Research, and Development | City of Florence, SC](#)

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023

AGENDA ITEM: Ordinance to Rezone from NC-15 to NC-6.1 the parcel located on Dexter Drive at Attwood Avenue, TMN 00150-01-140.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request to rezone from NC-15 to NC-6.1 the parcel located on Dexter Drive at Attwood Avenue, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00150-01-140. The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. On January 10, 2023, the City of Florence Planning Commission voted to defer this matter to receive further information.
2. On February 14, 2023, the City of Florence Planning Commission held a public hearing on this matter and voted 4-1 to recommend the parcels be rezoned from NC-15 to NC-6.1.
3. On March 13, 2023, the City of Florence City Council voted unanimously to table the rezoning to receive additional information.
4. On April 10, 2023 City Council referred the request back to Planning Commission for further consideration of the impact from the increase in density.
5. On May 3, 2023 Planning Commission held a public meeting to review rezoning based upon the impact from the increase in density and voted 6-1 to deny the request.

III. POINTS TO CONSIDER:

- (1) This request is being considered for first reading.
- (2) City water and sewer are available to the parcel.
- (3) The property is currently zoned NC-15, Neighborhood Conservation-15 District.
- (4) The applicant requested the zoning designation of NC-6.3, Neighborhood Conservation-6.3 District. The NC-6.3 zoning designation allows mixed detached and attached residential uses.
- (5) This project will require stormwater review, and to receive a Land Disturbance permit.
- (6) Additional information regarding the impact in density has been provided by the applicants engineer.
- (7) Neighborhood Conservation lot area and lot width table:

Neighborhood Conservation	Minimum Lot Area	Minimum Lot Width
NC-15	15,000 SF	100 ft
NC-10	10,000 SF	80 ft
NC-6.1	6,000 SF	60 ft
NC-6.2	6,000 SF	60 ft
NC-6.3	6,000 SF	50 ft
NC-4	4,400 SF	10 ft

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Location Map
- C) Zoning Map
- D) Future Land Use Map
- E) Letter from attorney regarding restrictive covenants
- F) Information regarding density impact
- G) Petition



Clint Moore
Assistant City Manager



Scotty Davis
Deputy City Manager

ORDINANCE NO. 2023-_____

AN ORDINANCE TO REZONE PROPERTY IDENTIFIED AS DEXTER DRIVE AT ATTWOOD AVENUE, TAX MAP NUMBER 00150-01-140 FROM NEIGHBORHOOD CONSERVATION-15 ZONING DISTRICT TO NEIGHBORHOOD CONSERVATION-6.1 ZONING DISTRICT:

WHEREAS, a Public Hearing was held in City Council Chambers on January 10, 2023 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Piyush Mehta made application to rezone from NC-15 Neighborhood Conservation-15 District to NC-6.1 Neighborhood Conservation-6.1 District;

WHEREAS, Florence City Council concurs in the aforesaid application, findings and recommendations:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

- 1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence for the aforesaid property to NC-6.1;**
- 2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.**

ADOPTED THIS _____ DAY OF _____, 2023

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers Ervin
Mayor

Attest:

Casey C. Moore
Municipal Clerk

PC 2023-03 Location Map - Dexter Drive



Legend

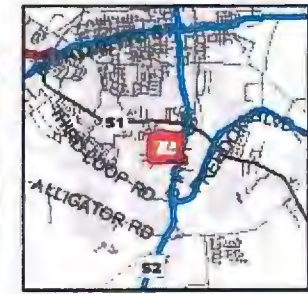
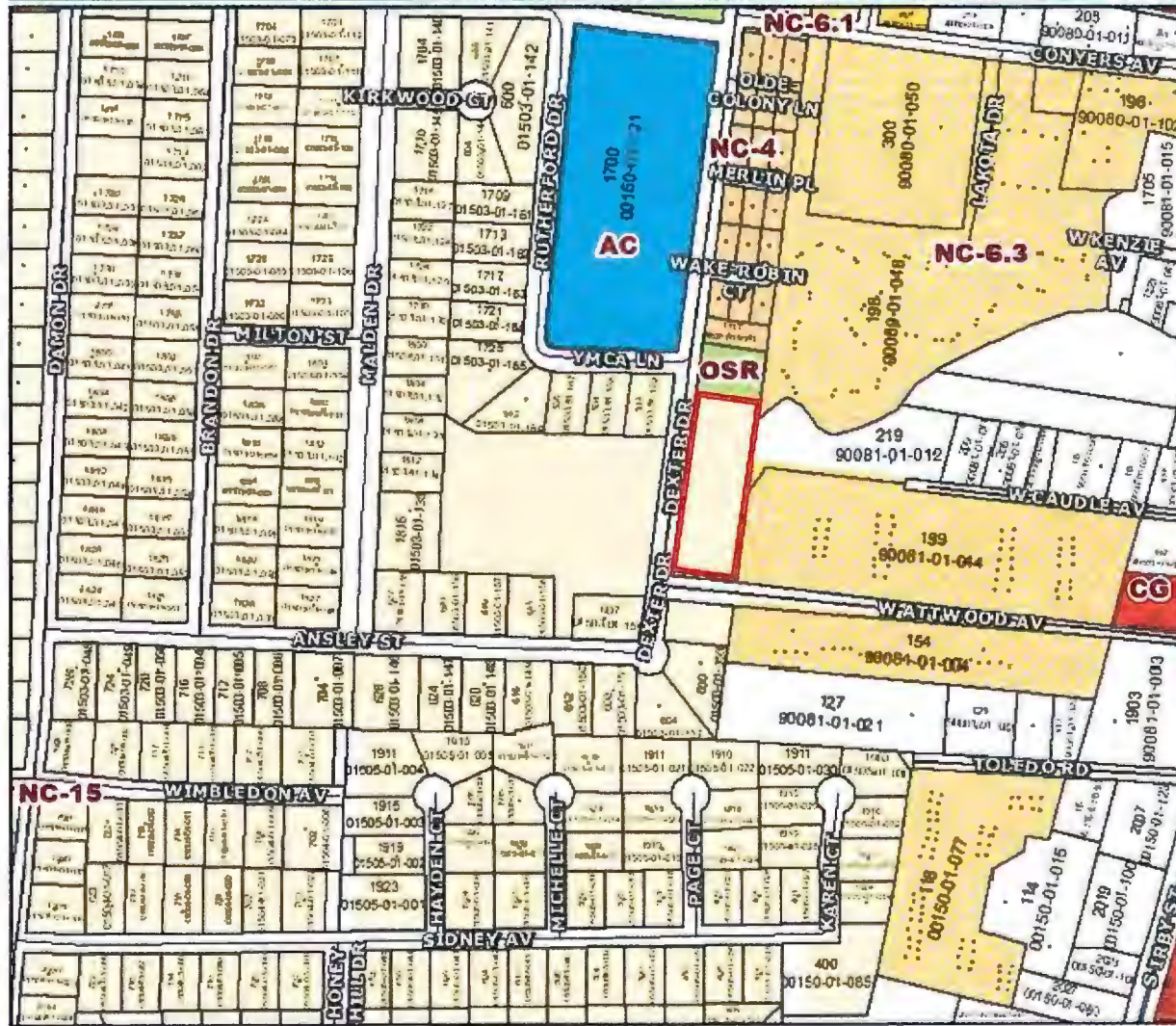
-  Parcels
-  Proposed Parcel



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PC 2023-03 Current Zoning Map - Dexter Drive



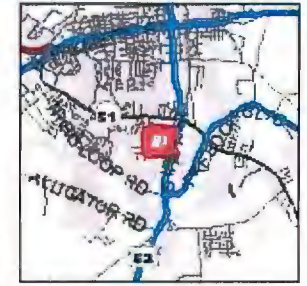
Legend

- Parcels
- Zoning District**
- Agricultural and Open Space Districts**
- OSR
- Neighborhood Conservation Sub-Districts**
- NC-15
- NC-6.1
- NC-6.3
- NC-4
- Business and Commercial Districts**
- CG
- Mixed-Use Districts**
- AC
- Proposed Parcel

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Date: 12/9/2023

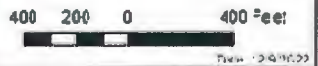
PC 2023-03 Future Land Use - Dexter Drive



- Legend**
- Parcels
 - Future Land Use 2010**
 - Future Land Use**
 - Auto-Urban Commercial
 - Neighborhood Conservation
 - Parks and Open Space
 - Public and Institutional
 - Residential Auto-Urban
 - Rural
 - Proposed Parcel



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McGowan Rogers
MCGOWAN, ROGERS, STEWART, & HILLER, P.A.

S. Porter Stewart, II
B. Kendall Hiller
Daniel T. Jordan

ATTORNEYS AT LAW
229 SOUTH COIT STREET (29501)
P.O. BOX 1461
FLORENCE, SC 29503

PHONE (843) 669-6395
FAX (843) 661-6804

John L. McGowan
1922-2004
Thomas E. Rogers, Jr.
1932-2020

January 27, 2023

VIA EMAIL to piyushmehta@kw.com
51 Holdings, LLC
ATTN: Piyush Mehta

Re: 1.7 Acres, Dexter Drive, Florence, SC (The "Property")
Tax Parcel 00150-01-140

Dear Mr. Mehta:

Regarding your recent purchase of the above referenced property, attached hereto please find the following documents:

1. Conveyance deed filed January 24, 2023, in Book 1031 at Page 1652; and
2. Stewart Title Guaranty Company ALTA Owner's Policy of Title Insurance Number O-0000-964392378.

You have inquired whether the Property is subject to Restrictive Covenants. Per our discussion at closing, I hereby affirm it is not subject to Restrictive Covenants.

I call your attention to the final page of the enclosed title insurance policy captioned "Exceptions from Coverage". If there were Restrictive Covenants applicable to the Property, there would be a numbered exception listed that identified the recording information as to any applicable Restrictive Covenants, whether included in a previous deed for the Property or created by separate instrument. Since there is no such listing in the Exceptions from Coverage, we are satisfied no Restrictive Covenants encumber the Property. **BE ADVISED:** this statement regarding Restrictive Covenants does NOT include matters of local government zoning.

I will mail you the original recorded deed and title policy once the Clerk of Court returns the deed to me. Thank you for the opportunity to have represented you in this transaction.

Sincerely yours,


B. Kendall Hiller

BKH:dha
Enclosures

MR20230002

**ALTA OWNER'S POLICY OF TITLE INSURANCE (07-01-2021)
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Transaction Identification Data, for which the Company assumes no liability as set forth in Condition 9.d:

Issuing Agent: Dixie Title Agency, Inc.
Issuing Office: 229 South Coit Street, Florence, SC 29501
Issuing Office's ALTA® Registry ID:
Issuing Office File Number: 20230002
Property Address: 1.7 Ac. Dexter Drive, Florence, SC 29505

Name and Address of Title Insurance Company:

Stewart Title Guaranty Company
P.O. Box 2029, Houston, TX 77252-2029

Policy Number: O-0000-964392378

Amount of Insurance: \$60,000.00

Premium: \$100.00

Date of Policy: January 24, 2023 at 10:37 a.m.

1. The Insured is:

51 Holdings, LLC

2. The estate or interest in the Land insured by this policy is:

Fee Simple

3. The Title is vested in:

51 Holdings, LLC

4. The Land is described as follows:

All that parcel or lot of land in Florence County, South Carolina depicted as 1.71 acres on the plat made for 51 Holdings, LLC by Nesbitt Surveying Co., Inc. on November 16, 2022 and filed in the Florence County Clerk of Court's Office in Plat Book 107 at Page 1774; reference said plat for a detailed description.

For Information Purposes Only: TMS No.: 00150-01-140

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File No. 20230002

9010/9210 ALTA Owner's Policy of Title Insurance Schedule A (07-01-2021)

Page 1 of 1



**ALTA OWNER'S POLICY OF TITLE INSURANCE (07-01-2021)
SCHEDULE B**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File Number: 20230002

Policy Number: O-0000-964392378

EXCEPTIONS FROM COVERAGE

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage.

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

1. Rights or claims of parties in possession not recorded in the Public Records.
2. Easements, or claims of easements, not recorded in the Public Records.
3. Encroachments, overlaps, boundary line disputes, or other matters, which would be disclosed by an accurate survey or inspection of the Land.
4. Any lien, or right to a lien, for services, labor, material or equipment, heretofore or hereafter furnished, imposed by law and not recorded in the Public Records.
5. Taxes or assessments which are not recorded as existing liens in the Public Records.
6. Those taxes and special assessments that become due and payable subsequent to date of policy.

NOTE: Item(s) 1-6, above are hereby deleted.

7. Taxes for the year 2023, and subsequent years, a lien, not yet due and payable, plus any special assessments.
8. This policy does not insure the contents of acreage as described in Schedule A hereof.
9. This commitment/policy does not insure against any loss or damage which might arise out of roll-back taxes as contemplated under Title 12, Article 3, of the South Carolina Code of Laws of 1976, as amended, provisions – Sections 12-43-220.
10. Mortgage from 51 Holdings, LLC to Carolina Bank & Trust Company dated January 23, 2023 and recorded in the Office of the Clerk of Court/RMC for Florence County on January 24, 2023, at 10:41 a.m., in Book 1031 Page 1657, securing the sum of \$63,000.00.

End of Exceptions



Date: Jan 31, 2023

Florence County Taxes Inquiry

Time: 12:19

Map/Block/Parcel 00150 01 004

Property Card File

Year 2017 File

Close This Window

FLORENCE COUNTY TAX ASSESSOR
 Property Card Record for MBP: 00150-01-004 TAX YEAR: 2022 9/17/22 12:38:29 PAGE: 15569

PROPERTY LOCATION Address		PROPERTY BILLING NAME/ADDRESS
Number: 00000 Suffix:		WELLS FARGO BANK NA
Street Name: US HWY 301	Street Suffix:	
City:	State: Zip: 00000 0000	PO BOX 13519
District: 110 Land Class: FV FARM VACANT		ARLINGTON TX76094
Legal Desc: DEXTER DR & RUTHERFORD		
Land Characteristic Selections		
01 Topography 1	Level	
02 Street 1	Paved	
03 Utilities 8	Electricity	
04 Fronting Traffic 3	Light	
05 Ownership 1	Private	
L A N D Acres: Woodland 9.47		

LAND USE ACRES	Timber:	9.47	Cleared:	.00	4 %:	.00	6 %:	.00	Total:	9.47
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--- Totals for MBP ---

# Buildings:	0	Building Value:	.00	Land Market Value:	118,375.00		
Market Acres:	9.47	Use Acres:	9.47	Land Use Value:	1,834.59		
Bld/Land Use Total:	1,834.59	Bld/Land Mar.Total:	118,375.00	6% Bld Value:	0	# of 6% Blds:	0
Rental Acres:	0	Rental Acres Value:	0	Ren.Acres-Mar:	0	Ren.Acres Value-Mar:	0

Attachment F

Robert L. Weaver, P.E.
4340 Alligator Rd., Timmonsville, SC 29161
(843) 346-5800 | bweaver@weaverengineeringinc.com

April 26, 2023

Clint Moore, ASLA
Assistant City Manager
Planning, Research & Development
City of Florence
324 West Evans St. Florence SC 29501

Re: Dexter Drive
Zoning Letter

Dear Mr. Moore;

The existing ditches along Dexter Drive and Atwood Avenue which drain through the property will be re-routed to the rear and side property lines to improve the drainage from both areas. The existing ditches that connect to Billy Branch from Atwood Avenue and Dexter Drive are blocked from the plant growth over the years and the lack of maintenance.

The developer will present a final plan to the City during the plat review process for staff approval on the ditch. A rough sketch was previously provided to the City. Attached for your review is a newer version of the ditch re-routing. A private easement will be placed on the new ditch to be maintained by the lot owners. The existing ditch at the rear where it exits the property is less than 2 feet deep. Our plan is to establish a maintainable swale with 3:1 slopes at an approximate depth of 2 feet.

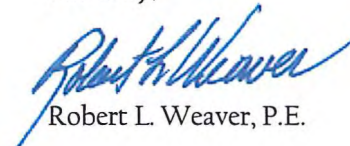
Traffic on Dexter will not be affected with just an increase of 3 lots over current zoning. Most adjacent zoning is multi-family with much higher densities when compared to the previously recommended zoning by the Planning Commission.

Water and sewer will not be impacted with the additional 3 lots.

The 1.71 acres will still have the same drainage impact whether 4 lots or 7 lots. Small impervious houses on small lots are restricted by the 40% impervious rule. Large lots would allow larger impervious footprints of the houses and driveways with side loaded garages. The average lot size for the 7 lots would be 10,641 square feet which greatly exceeds the recommended zoning.

We would be pleased to meet with you if additional information is required to address Council's concerns related to this site.

Sincerely,



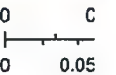
Robert L. Weaver, P.E.

RLW/jld
Enc: Ditch Re-routing Map/
GIS Map/Water & Sewer Maps

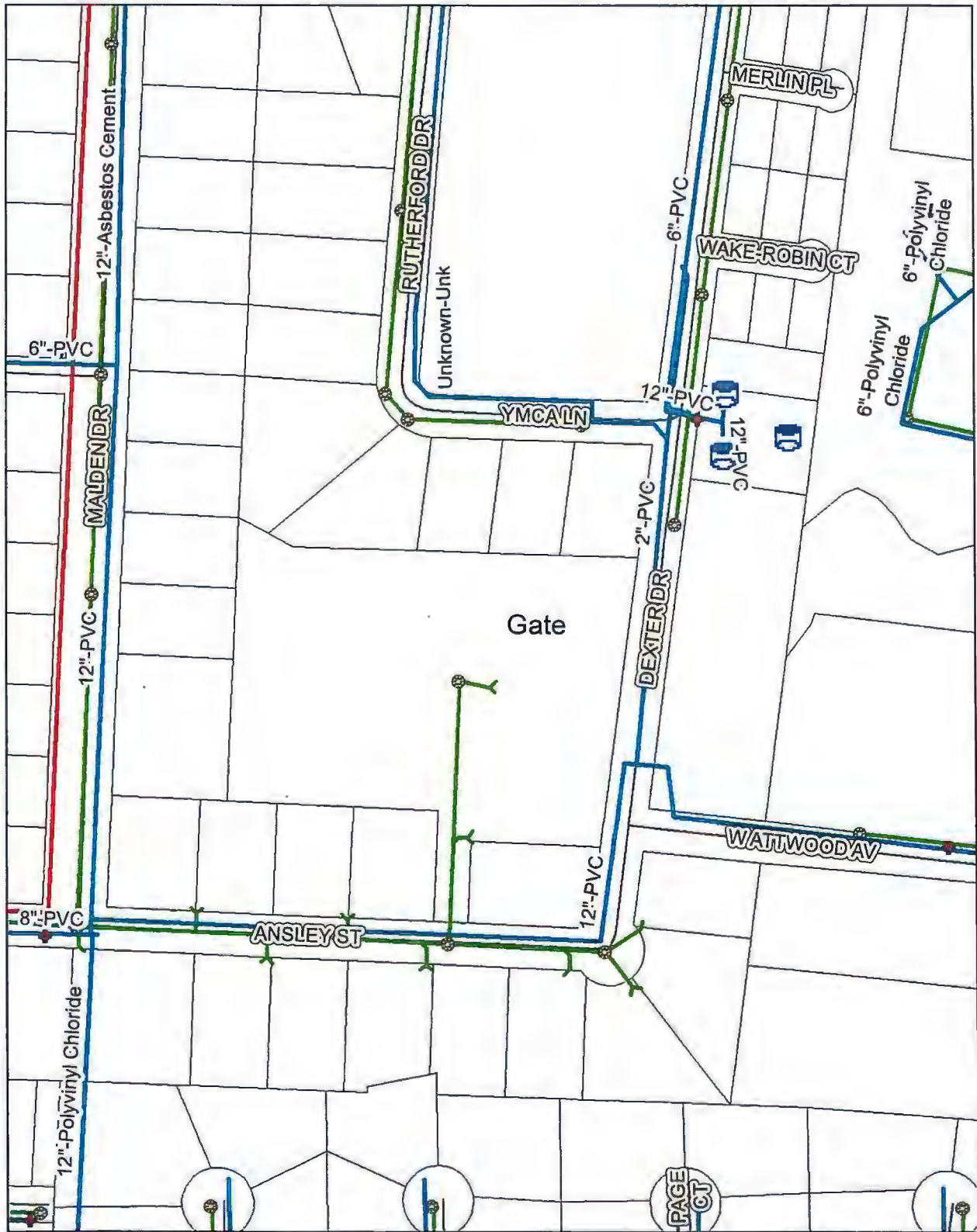


3/24/2023, 11:59:23 AM

- Municipalities
- AGOL_Layers - Parcel_Data
- BASE_FloodMaps_11162014_WM
- Parcels
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Addresses
- A
- County Council
- AE



Dexter Drive Water & Sewer



1"=200'



CITY WATER TOWER

LAKOTA APTS

DEXTER DRIVE

REROUTE DITCH

INVERT=113.60

BILLY BRANCH

8" PVC PIPE

POND

APARTMENTS

UNDEVELOPED
(PROPOSED 9-LOT
SUBDIVISION,
"KIRKWOOD
PHASE IV")

INVERT=113.98

REROUTE
DITCH

ABANDONED DIRT ROAD

18"

18"

ATWOOD DRIVE

H G T

18"

18"

(UNCONFIRMED)

APARTMENTS

H
H

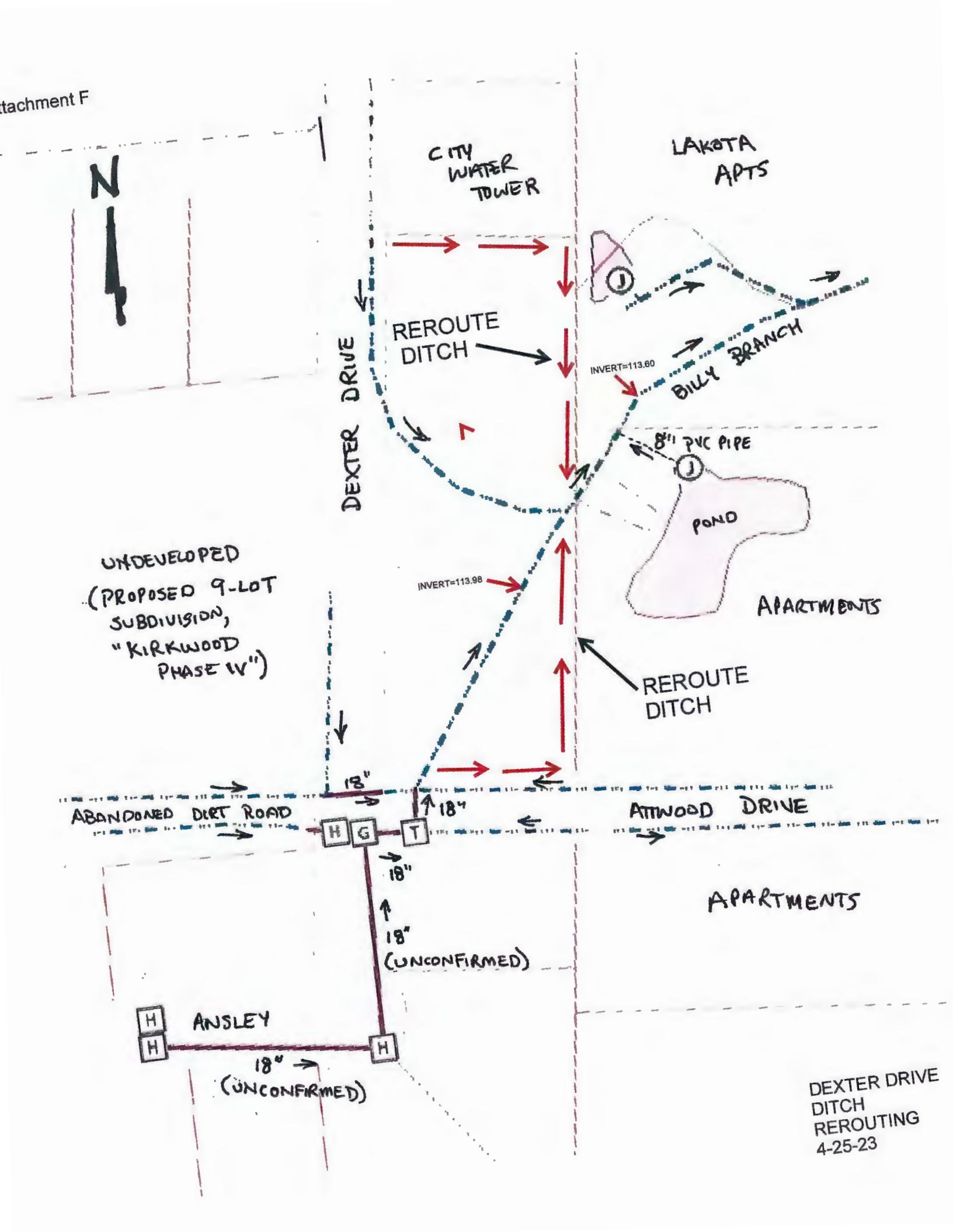
ANSLEY

H

18"

(UNCONFIRMED)

DEXTER DRIVE
DITCH
REROUTING
4-25-23



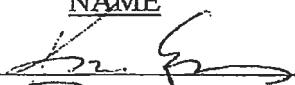
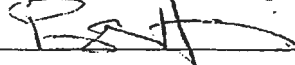
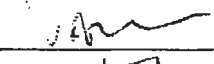
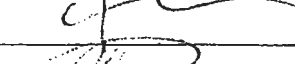

Petition Opposing Zoning Request

February 2023

Dexter Drive Zoning Change from NC-15 to NC-6.3 (County Tax Map Number 00150-01-140)

We, the undersigned owners of property affected by the requested zoning change described above, do hereby oppose any change that would rezone the property from its current NC-15 (large lots, single family detached with minimum 100 ft. lot width) to NC-6.3 (small lots, mixed detached and attached with minimum 50 ft. lot width). Approval of this zoning request would lead to the following consequences:

1. Increased flooding on Dexter Drive, Ansley St., and surrounding areas;
2. Lower property values in the neighborhood;
3. More traffic and congestion; and
4. Future zoning requests to reduce the size of NC-15 lots on the west side of Dexter Drive.

<u>NAME</u>	<u>ADDRESS (House No. & Street)</u>
1. 	616 Ansley St
2. 	612 Ansley St.
3. Ann Mercier	612 Ansley St.
4. Mr. and Mrs. Teadie Guttison	604 Ansley St
5. Don Chung	615 Ansley St.
6. 	627 Ansley St.
7. 	627 Ansley St
8. 	624 Ansley St.
9. Jonathan M Hillman	628 Ansley St
10. Michael Pope	1827 Malden Dr
11. B Kent Fields	720 Ansley St
12. Alice Duce	720 Ansley St.
13. Linda Duce	724 ANSLEY ST.
14. Barbara Green	726 Ansley St.
15. Jimmy Green	728 Ansley St
16. Kathleen Britton	620 Ansley St.
17. John Britton	620 Ansley St.
18. Bill Dabrympole	623 Ansley St.
19. Coreen Dabrympole	623 Ansley St
20. Robert Dabrympole	623 Ansley St.

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1. Increased flooding on Dexter Drive, Ansley St., and surrounding areas;
2. Lower property values in the neighborhood;
3. More traffic and congestion; and
4. Future zoning requests to reduce the size of NC-15 lots on the west side of Dexter Drive.

<u>NAME</u>	<u>ADDRESS (House No. & Street)</u>
1. <u>JEAN MALOPE</u>	<u>619 Ansley St</u>
2. <u>JEAN MALOPE</u>	<u>619 Ansley St</u>
3. <u>Katherine + Jerry Maser</u>	<u>704 Ansley St</u>
4. <u>Sandra Scott</u>	<u>708 ANSLEY ST</u>
5. <u>Vickie P. Scott</u>	<u>709 Ansley St. Flo SC (VSMTC @ aa. com)</u>
6. <u>Tiller Alban</u>	<u>716 Ansley St</u>
7. <u>Courtney Alban</u>	<u>716 Ansley St.</u>
8. <u>Charles E. Rambo</u>	<u>1620 Brandon Dr.</u>
9. <u>[Signature]</u>	<u>1826 Brandon Dr</u>
10. <u>Pat Vanein</u>	<u>1828 Brandon Dr</u>
11. <u>[Signature]</u>	<u>600 Ansley St</u>
12. <u>[Signature]</u>	<u>600 Ansley St.</u>
13. <u>Beth Robinson</u>	<u>1810 Brandon Dr.</u>
14. <u>[Signature]</u>	<u>1806 Brandon Drive</u>
15. <u>[Signature]</u>	<u>1806 Brandon Drive</u>
16. <u>[Signature]</u>	<u>1800 Brandon Drive</u>
17. <u>[Signature]</u>	
18. <u>[Signature]</u>	<u>1732 Brandon Drive</u>
19. <u>[Signature]</u>	<u>1732 Brandon Drive</u>
20. <u>[Signature]</u>	<u>1724 Brandon Dr</u>

Petition Opposing Zoning Request

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1. Increased flooding on Dexter Drive, Ansley St., and surrounding areas;
2. Lower property values in the neighborhood;
3. More traffic and congestion; and
4. Future zoning requests to reduce the size of NC-15 lots on the west side of Dexter Drive.

<u>NAME</u>	<u>ADDRESS (House No. & Street)</u>
1. <u>Cherim N. Hahn</u>	<u>1720 Brandon Dr.</u>
2. <u>Steven Mayer</u>	<u>1770 Brandon Dr.</u>
3. <u>KELLY LAWSON</u>	<u>1716 Brandon Dr.</u>
4. <u>Trent McKenzie</u>	<u>1712 Brandon Dr.</u>
5. <u>TAM MCKINLEY</u>	<u>1717 Brandon Dr.</u>
6. <u>Po-Han Shen (Brody)</u>	<u>607 Ansley St.</u>
7. <u>Wei-Yin Hsu (Sylvia)</u>	<u>607 Ansley Street.</u>
8. <u>Stacy B. Fong</u>	<u>1731-Malden Dr.</u>
9. <u>Mary-Blanche Fowler</u>	<u>1731 Malden Dr.</u>
10. <u>Karen Herbert</u>	<u>1822 Brandon Dr.</u>
11. <u>LOGAN SIMS</u>	<u>1728 BRANDON DR.</u>
12. <u>Ched Britt</u>	<u>1615 Brandon Dr.</u>
13. <u>Elizabeth Burr</u>	<u>1615 Brandon Dr.</u>
14. <u>Danette Probst</u>	<u>1616 Brandon Dr.</u>
15. <u>Kelly McCombs</u>	<u>1608 Brandon Drive</u>
16. <u>Jessica Hamrick</u>	<u>1700 Brandon Drive</u>
17. <u>Mr. & Mrs. Bryan Couch</u>	<u>1704 BRANDON DR.</u>
18. <u>MR. & MRS. Frederick R. Nissen</u>	<u>1600 Dexter Dr.</u>
19. <u>ROBERTO BARBERA</u>	<u>1621 BRANDON DR.</u>
20. <u>Crescencia Barbera</u>	<u>1621 Brandon Dr.</u>

Petition Opposing Zoning Request

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1. Increased flooding on Dexter Drive, Ansley St., and surrounding areas;
2. Lower property values in the neighborhood;
3. More traffic and congestion; and
4. Future zoning requests to reduce the size of NC-15 lots on the west side of Dexter Drive.

NAME	ADDRESS (House No. & Street)
1. K. Odom Bob Odom	1823 Malden Dr., Florence, SC 29505
2. K. Sutto	1816 Malden Dr
3. Roy F. Burch	1819 MALDEN DR.
4. JEFF COOPER	1807 Malden Dr.
5. Gail Shirley	1801 Malden Dr.
6. Hobblackman	1722 Malden Dr.
7. Floo-de-f.	1726 Malden Dr.
8. Kave Pesta	1719 Malden Dr
9. Jommie Everett	1715 Malden Dr
10. Yancey Stokes	1617 MALDEN DR
11. Roy Newman	
12. Amangia Gore	600 Kirkwood Ct.
13. Debra Everett	1710 Malden Dr.
14. Annette Diaz	504 ymca Lane
15. Dal & Cas	1721 Rutherford Drive
16. Mayle S. McMillan	1709 Rutherford Drive
17. Maylene McMillan	716 Maynard Avenue
18. Ray Begett	716 Maynard Ave.
19. Fred & Vera	711 MAYNARD AVE
20. Alonzo Wilson	711 Maynard Ave

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1. Increased flooding on Dexter Drive, Ansley St., and surrounding areas;
2. Lower property values in the neighborhood;
3. More traffic and congestion; and
4. Future zoning requests to reduce the size of NC-15 lots on the west side of Dexter Drive.

<u>NAME</u>	<u>ADDRESS (House No. & Street)</u>
1. _____	_____
2. DARYL HARTER	1800 MALDEN DR.
3. Jim Polk	1804 Malden Dr.
4. HARRY E. COE	1812 Malden Dr.
5. Paula Lawson	1815 Malden Dr.
6. Steve Blunt	1811 Malden Dr.
7. Johna Block	1811 Malden Dr.
8. Steve Blunt	1808 MALDEN DR.
9. Johna Block	1727 Malden Dr.
10. Nichole A. Gyn	1711 Malden Dr.
11. Ravi Shankar	1707 Malden Drive
12. Roy Cook	1625 Malden Rd
13. Benji Gey	1621 Malden drive
14. Bill Ben Lee	1401 DAMON DR
15. Laura Lippford	1916 Michelle Ct.
16. Judy Lippford	1916 Michelle Ct.
17. Neil Waltz	1916 michelle Ct.
18. Jessica Lippford	1916 Michelle Ct.
19. _____	_____
20. _____	_____

Petition Opposing Zoning Request

February 2023

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1. Increased flooding on Dexter Drive, Ansley St., and surrounding areas;
2. Lower property values in the neighborhood;
3. More traffic and congestion; and
4. Future zoning requests to reduce the size of NC-15 lots on the west side of Dexter Drive.

<u>NAME</u>	<u>ADDRESS (House No. & Street)</u>
1.	
2.	Taylor Johnson 408 Merlin Place
3.	Karri Smith 1701 Damon Drive
4.	[Signature] 1825 Brandon Dr.
5.	Vince Co 1812 Maple Dr
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Petition Opposing Zoning Request

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1. Increased flooding on Dexter Drive, Ansley St., and surrounding areas;
2. Lower property values in the neighborhood;
3. More traffic and congestion; and
4. Future zoning requests to reduce the size of NC-15 lots on the west side of Dexter Drive.

NAME	ADDRESS (House No. & Street)
1. <u>JOHN GARCIA</u>	<u>1817 BRANDON DR</u>
2. <u>Shonna Bosco</u>	<u>1817 Brandon Dr</u>
3. <u>Clarissa Beyer</u>	<u>1817 1/2 Brandon Dr</u>
4. <u>William Keyes</u>	<u>1817 1/2 Brandon Dr</u>
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
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17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

A Resolution authorizing the commitment of \$2,750,000 of the East Florence redevelopment appropriation funds to fund a portion of the Levy Park Redevelopment Project.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

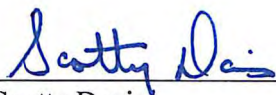
1. In collaboration with Drs. Bruce and Lee Foundation, McLeod Health, and Florence County, the City acquired the property located at 1300 E. Palmetto Street and the motel was demolished in 2022.
2. City Council designated funding to provide for the expansion of Levy Park and associated gateway improvements by Resolution No. 2022-01.

III. POINTS TO CONSIDER:

1. In collaboration with the Convention and Visitors Bureau, the City is seeking Federal grant funding opportunities for the redevelopment of Levy Park.
2. The redevelopment and park expansion will enhance neighborhood beautification and the quality of life for the surrounding neighborhoods.
3. The City has been allocated \$2,750,000 in appropriation funds from the State of South Carolina for East Florence Redevelopment Projects. These appropriations will require a 1:1 local match.
4. It has been recommended that the full \$2,750,000 of appropriation funds be utilized for the Levy Park Redevelopment Project.

IV. ATTACHMENTS:

1. Resolution



Scotty Davis
Deputy City Manager

RESOLUTION NO. 2023-_____

A RESOLUTION AUTHORIZING THE COMMITMENT OF \$2,750,000 OF THE EAST FLORENCE REDEVELOPMENT APPROPRIATION FUNDS TO FUND A PORTION OF THE LEVY PARK REDEVELOPMENT PROJECT.

Incident to adoption of this Resolution, City Council ("Council") makes the following findings of fact:

1. In collaboration with the Drs. Bruce and Lee Foundation, McLeod Health, and Florence County, the City of Florence acquired the property located at 1300 E. Palmetto Street to improve the eastern corridor to Florence and provide for the expansion of Levy Park.
2. The City of Florence, in collaboration with the Convention and Visitors Bureau, is seeking Federal grant funding for the redevelopment of Levy Park including the recently acquired 1300 E. Palmetto Street property. The proposed appropriations will require a 1:1 local match.
3. The Levy Park Redevelopment Project will directly benefit historically underserved neighborhoods in East Florence by enhancing neighborhood beautification and improving the quality of life impacting surrounding neighborhoods.
4. The City of Florence has been allocated \$2,750,00.00 in appropriation funds from the State of South Carolina for East Florence Redevelopment Projects.
5. It has been recommended that the full \$2,750,000.00 of said funds be authorized for the Levy Park Redevelopment Project.
6. The Levy Park Redevelopment Project is a proper use for said funds, and City Council adopts this Resolution authorizing the commitment of \$2,750,000 to go towards the Levy Park Redevelopment Project.

[Executed on next page]

NOW, THEREFORE, BASED UPON THE FINDINGS OF FACT REFERENCED AND SET OUT ABOVE, IT IS HEREBY RESOLVED AS FOLLOWS:

- a. The City of Florence hereby approves the commitment of \$2,750,000 of East Florence Redevelopment appropriation funds for the Levy Park Redevelopment Project.

AND IT IS SO RESOLVED this 8th day of May, 2023.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
City Attorney

TERESA MYERS ERVIN
Mayor

ATTEST:

CASEY C. MOORE
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: Community Services

I. ISSUE UNDER CONSIDERATION

A resolution to adopt the Community Development Block Grant budget for fiscal year 2023-2024.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

The City of Florence will receive **\$304,546** in Community Development Block Grant funding for FY 2023-2024. Staff met with community members and neighborhood leaders to gather input on the use of these funds. Staff informed Council of all of the community funding requests that were received.

III. POINTS TO CONSIDER

- A. The City of Florence will receive **\$304,546** in Community Development Block Grant funding for FY 2023-2024. This represents a decrease of **\$14,737** from last year's allocation of **\$319,283**.
- B. City staff held public meetings to receive input on the Community Development Block Grant funding at the following times and locations:
- March 02, 2023 at 6pm – Iola Jones Community Center
 - March 08, 2023 at 6pm – Levy Park Community Center
 - March 21, 2023 at 6pm – Northwest Community Center
 - March 29, 2023 at 3pm – City Council Chambers
 - April 10, 2023 at 1pm – City Council Chambers
- C. CDBG funding can only be used to meet three national objectives: aid in the elimination of slum and blight; benefit to low-moderate income persons; and meeting a need having particular urgency.

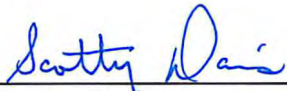
IV. STAFF RECOMMENDATION

Approve and adopt the CDBG budget as presented.

V. PERSONAL NOTES:

VI. ATTACHMENTS

2023-2024 CDBG Budget Resolution



Scotty Davis
Deputy City Manager

Resolution No.

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF FLORENCE, SOUTH CAROLINA**

WHEREAS, the City of Florence is an Entitlement City as defined by the United States Department of Housing and Urban Development; and

WHEREAS, the City of Florence will receive approximately **\$304,546** in Community Development Block Grant funding from the United States Department of Housing and Urban Development for fiscal year 2023-2024; and

WHEREAS, the City of Florence is required by the United States Department of Housing and Urban Development to approve and adopt a Community Development Block Grant budget;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Florence, South Carolina in a meeting duly assembled do hereby adopt the following Community Development Block Grant budget for fiscal year 2023-2024:

Planning and Admin	\$ 60,000
Emergency Rehabilitation	\$ 204,546
Down payment assistance	\$ 40,000
TOTAL	\$ 304,546

ADOPTED, this 8th day of May, 2023.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Teresa Myers-Ervin
Mayor

Attest:

Casey Moore
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023

AGENDA ITEM: Resolution

DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

A Resolution authorizing the use of the green space at the City Center for the installation of a sculpture.

II. POINTS TO CONSIDER:

1. The steel industry has been a leader in the local economy in Florence for decades.
2. In recognition of this history, a steel sculpture is proposed for Florence by various steel and steel components manufacturers operating in Florence County.
3. Proposed sites for permanent display were considered by a group of interested parties. Following review of these sites, it was recommended to select the City owned property located on Coit Street for the installation of the sculpture.

III. ATTACHMENTS:

1. Proposed Resolution
2. Proposed sites for installation
3. Sculpture photo



Scotty Davis
Deputy City Manager

(STATE OF SOUTH CAROLINA)
(
(CITY OF FLORENCE)

RESOLUTION NO. 2023-23

**A RESOLUTION AUTHORIZING THE USE OF A CITY OWNED PROPERTY
LOCATED ON NORTH COIT STREET FOR THE INSTALLATION OF A
SCULPTURE.**

- WHEREAS,** The steel industry has been a leader in the local economy in Florence, South Carolina for decades with Florence being home to several of the largest steel manufacturers in the nation; and
- WHEREAS,** in recognition of this deep history, the steel industry represented in Florence wishes to manufacture, donate and permanently display a steel sculpture in the City of Florence; and
- WHEREAS,** several sites were considered for the installation of the sculpture by a group of interested parties; and
- WHEREAS,** the following criteria was considered during the site selection process: public viewing and accessibility, appropriateness of subject matter, cohesiveness with existing public art collection, and ease of placement onto the property; and
- WHEREAS,** after careful review of the proposed sites by the group of interested parties, it was recommended to select a City owned property located on North Coit Street for installation of the sculpture.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Florence, does hereby authorize the use of the City owned property located at 130 N. Coit Street for the installation of the steel sculpture.

RESOLVED THIS 8th DAY OF MAY 2023.

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

TERESA MYERS ERVIN
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

Proposed sites for Steel Fab Sculpture
Florence Downtown Development Office
January 24, 2023

Abstract

A steel sculpture, architectural in nature, is proposed for Florence, South Carolina by various steel and steel components manufacturers operating in Florence County. The designers have asked for proposed sites for the permanent display of the sculpture, which will be similar in design to the one included in at the right.

Per the Public Art Policy for Downtown Florence, "Public Art" is defined as a work of art owned by the City of Florence or Florence Downtown Development Corp. and placed on public or private property by easement or agreement. "Work of Art" means and includes, but is not limited to: a sculpture, monument, mural, fresco, relief, painting, mosaic, ceramic, weaving, carving, and stained glass. The policy also outlines that Florence Downtown Development Corp. will have the authority to make decisions on matters of public art in the H-1 Historic District of Downtown Florence.



Generally, public art in Downtown Florence must align with the Guiding Principles:

1. Celebrate quality art and design
2. Enhance community identity and place
3. Contribute to community vitality
4. Involve a broad range of people and communities
5. Value artists and the artistic process
6. Utilize resources wisely

Additionally, both art work and site selection values should be considered when selecting a site or approving new public art installations. Public art in the H-1 Historic District of Downtown Florence should strongly reflect one or more of the values outlined below:

Art Work and Artist Selection Values

1. High artistic quality
2. Appeal to Florence residents and visitors
3. Materials are durable and appropriate to the proposed site
4. Subject matter is meaningful to the Florence community
5. Diversity of thought and artistic expression
6. Appropriateness of the art work for all ages

Site Selection Values

1. Support of Downtown Florence economic development and revitalization efforts

2. Encouraging connectivity and exploration throughout Downtown Florence
3. Site with compelling site-specific works of art
4. Placemaking and opportunities for art to create community
5. Accessibility for all
6. Locations that allow viewers to pause and experience the work of art

Proposed Sites

At the request of Mayor Teresa Myers Ervin, the Downtown Development Office submits the following sites for consideration for the donated Steel Fab sculpture. These sites were carefully considered for public viewing and accessibility, appropriateness of subject matter, cohesiveness with the existing public art collection, and ease of placement onto the property.

Proposed Site #1: City of Florence City Center Lawn

A large underutilized lawn area exists at the Southwest corner of Evans Street at Coit Street. The property is owned by the City of Florence and has landscape improvements already in place. The site also has a concrete walking path bisecting the sodded lawn and is highly visible. This site is situated just outside of the Historic District of Downtown Florence, and would juxtapose nicely with the materials and design of the Steel Fab sculpture. The site is already ADA accessible and has built-in security through its proximity to the City of Florence Police Department and established high foot traffic. Parking is also convenient to the site. This site is also a gateway into the Downtown Florence Historic District.



Proposed Site #2: Park Extension on E. Palmetto Street

With the recent partnership to demolish the former motel located on E. Palmetto Street, this site is ripe for redevelopment as an extension of Levy Park and a gateway into Downtown Florence. This site is under development—the motel has been removed and the site stabilized. Immediate plans include enhanced landscaping to tie the property into Levy Park. This gateway represents Florence’s strong partnerships and public art in this location would be highly appropriate. The site is also highly visible to traffic and will be accessible through convenient parking and walking paths.



Proposed Site #3: Urban Square

Urban Square is a block redevelopment bounded by W. Evans Street, N. Coit Street, N. McQueen Street, and Barody Street. This redevelopment is finishing environmental work as of this recommendation, and anticipates construction beginning in first quarter, 2023. This site will take some time to fully realize, with anticipated completion over five years. The first phase will include 150 market rate apartment units and a free public parking garage. An opportunity may present for this sculpture to be included as a feature of this complex; however, site specific identification would need to be planned to complement landscaping plans and existing future development plans.



Proposed Site #4: Roundabout at E. Evans and Baroody Streets

This site is more complex from an accessibility perspective, but it is not uncommon to have sculptural elements featured within traffic roundabouts. This site comes with two potential locations, in the center of the circle where minimal landscaping currently exists, or on the southeast curve of the traffic feature, which is currently owned by the State of South Carolina's Budget Control Division. The interior of the roundabout is owned wholly by the City of Florence. Sidewalk features make this site reasonable from the pedestrian scale, and the close proximity to the railroad is complimentary to the features of the proposed art work.



Proposed Site #5: N. Dargan Parking Lot

The final proposed site, located on the west side of the 200 block of N. Dargan Street, is owned by Trinity Baptist Church. As of this recommendation, no formal plans have been drafted for the site; however, early discussions have offered a City of Florence and Trinity Baptist Church partnership proposal for redevelopment of the parking lot to include paving, landscaping, and striping for public parking complimentary to the mural site currently under construction across the street. The addition of sculpture to this site would be complex, but the design phase has yet to begin, so an opportunity does exist for further discussions.





FLORENCE CITY COUNCIL MEETING

VII. f.
Resolution No.
2023-26

DATE: May 8, 2023

AGENDA ITEM: Resolution

DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

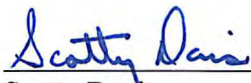
A Resolution to appoint Haynsworth Sinkler Boyd, P.A. as City Attorney and authorize the City Manager to execute the negotiated contract for services.

II. POINTS TO CONSIDER:

1. Due to the retirement of current City Attorney, Jim Peterson, the City solicited proposals from qualified law firms or individual attorneys to serve as the City Attorney.
2. Proposals recieved were reviewed by the Judicial Review Committee of Florence City Council with recommendation to interview a selected group of attorneys/firms.
3. At the March 31, 2023 Special Meeting of Florence City Council, Council approved of a motion to move forward with negotiations for the city attorney position with the law firm Haynsworth Sinkler Boyd, P.A.
4. The proposed Resolution authorizes the City Manager to execute the negotiated retainer agreement covering the city attorney services to be provided.

III. ATTACHMENTS:

1. Resolution



Scotty Davis
Deputy City Manager

RESOLUTION NO. 2023-____

A RESOLUTION TO APPOINT HAYNSWORTH SINKLER BOYD, P.A. AS CITY ATTORNEY AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE NEGOTIATED CONTRACT FOR SERVICES.

Incident to adoption of this Resolution, City Council ("Council") makes the following findings of fact:

1. Pursuant to §5-7-230 of South Carolina State Code, the Florence City Council desires to appoint the Haynsworth Sinkler Boyd, P.A. as City Attorney effective June 1, 2023.

NOW, THEREFORE, BASED UPON THE FINDINGS OF FACT REFERENCED AND SET OUT ABOVE, IT IS HEREBY RESOLVED AS FOLLOWS:

(a) Pursuant to §5-7-230 of South Carolina State Code, the Florence City Council hereby appoints the Haynsworth Sinkler Boyd, P.A. as City Attorney effective June 1, 2023.

(b) City Manager is authorized to execute the negotiated retainer agreement covering the city attorney services to be provided by Haynsworth Sinkler Boyd, P.A.

AND IT IS SO RESOLVED this 8th day of May, 2023.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
City Attorney

TERESA MYERS ERVIN
Mayor

ATTEST:

CASEY C. MOORE
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

VII. g.
Resolution No.
2023-27

DATE: May 8, 2023
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: City Council

Sponsored by Mayor Teresa Myers Ervin & Councilman J. Lawrence Smith, II

I. ISSUE UNDER CONSIDERATION:

A Resolution recognizing D'Asia Gregg for her accomplishments.

II. POINTS TO CONSIDER:

1. D'Asia Gregg is a native of Florence who has excelled in academic and athletic achievements.
2. In the 2022-23 season, the Lady Hokies made history defeating the Buckeyes to advance to the first Final four in Virginia Tech history.
3. D'Asia will be graduating from Virginia Polytechnic Institute and State University with a bachelor's degree in public health on May 13, 2023.

ID. ATTACHMENTS:

1. Proposed Resolution



Scotty Davis
Deputy City Manager

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

Resolution No. 2023-27

A RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF D'ASIA GREGG.

- WHEREAS,** D'Asia Gregg, a native of Florence, SC, is a forward for the Virginia Tech Hokies women's basketball team; and
- WHEREAS,** D'Asia began playing basketball at the young age of nine, developing her passion and skills by playing for the City of Florence recreation team, Williams Middle School team, as well as the Wilson High School varsity girls basketball team which she joined in the 8th grade; and
- WHEREAS,** while playing with the varsity girls basketball team, D'Asia helped the Lady Tigers go to the state playoffs for the 2016-2018 seasons; and
- WHEREAS,** prior to joining the Virginia Tech Lady Hokies, D'Asia played for the Georgia Tech women's basketball team for one season, as well as the Gulf Coast State women's basketball team where she obtained her associate degree; and
- WHEREAS,** D'Asia's tenure with the Lady Hokies began in 2020 where she flourished on the court and gained national support from college basketball fans alike. The 2022-2023 season is one for the books, as she was instrumental in advancing the Lady Hokies to the Final Four – a first in program history; and
- WHEREAS,** as a student-athlete, D'Asia is an inspiration to area youth as she is set to graduate on May 13, 2023 from Virginia Polytechnic Institute and State University with a bachelor's degree in public health.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Florence, does hereby recognize D'Asia Gregg for her tremendous athletic and academic achievements and wish her much success in future endeavors.

RESOLVED THIS 8TH DAY OF MAY 2023.

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

TERESA MYERS ERVIN
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

FLORENCE CITY COUNCIL MEETING

VII. h.
Resolution No.
2023-28

DATE: May 8, 2023
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: City Council
Sponsored by Councilwoman LaShonda NeSmith-Jackson

I. ISSUE UNDER CONSIDERATION:

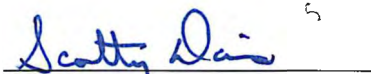
A Resolution of Recognition for the contributions of It Takes A Village in the community.

II. POINTS TO CONSIDER:

1. It Takes A Village is a non-profit organization with the mission to curtail youth violence by providing healthy alternatives that support youth development.
2. It Takes A Village provides Spring Break Camp for area youth ages 6-16 to reach young people and have a positive impact on their lives.

III. ATTACHMENTS:

1. Proposed Resolution



Scotty Davis
Deputy City Manager

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

Resolution No. 2023-28

**A RESOLUTION OF RECOGNITION FOR THE CONTRIBUTIONS OF IT TAKES
A VILLAGE IN THE COMMUNITY.**

WHEREAS, It Takes A Village is a non-profit organization whose mission is to curtail youth violence by providing healthy alternatives that support youth development; and

WHEREAS, through generous donations from local businesses and individuals and help from volunteers, It Takes A Village provides Spring Break Camp for area youth ages 6-16; and

WHEREAS, located at the Palmetto State Law Enforcement Center in North Florence, Spring Break Camp offers the opportunity to reach young people and have a positive impact on their lives; and

WHEREAS, Spring Break Camp allows campers to experience educational and outdoor activities and hear from volunteers on topics such as school, career goals and mental health issues, all while having fun with their fellow campers; and

WHEREAS, It Takes A Village has successfully completed its second year of Spring Break Camp, greatly impacting the lives of many children in Florence.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Florence, does hereby recognize It Takes A Village for their positive impact on area youth in the City of Florence and their many contributions to the community.

RESOLVED THIS 8th DAY OF MAY 2023.

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

TERESA MYERS ERVIN
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: City Council
Sponsored by Councilwoman LaShonda NeSmith-Jackson

I. ISSUE UNDER CONSIDERATION:

A Resolution of Recognition for the contributions of The Stand Fast Project in the community.

II. POINTS TO CONSIDER:

1. The Stand Fast Project is a non-profit organization with the mission to alleviate poverty, suffering and injustice through sustainable change.
2. The Stand Fast Project works with families to provide clothing, shoes, and food, along with other essential items.
3. The Stand Fast Project presented its inaugural Small Business Expo in September, 2021 bringing employers and job seekers together to help break the cycle of poverty.

III. ATTACHMENTS:

1. Proposed Resolution



Scotty Davis
Deputy City Manager

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

Resolution No. 2023-29

**A RESOLUTION OF RECOGNITION FOR THE CONTRIBUTIONS OF THE
STAND FAST PROJECT IN THE COMMUNITY.**

WHEREAS, The Stand Fast Project is a non-profit organization established in 2020 whose mission is to alleviate poverty, suffering and injustice through sustainable change; and

WHEREAS, The Stand Fast Project works with families to provide clothing, shoes, and food, along with other essential items; and

WHEREAS, The Stand Fast Project partners with local agencies to help clients apply for government assistance, housing or rentals, and find health care providers; and

WHEREAS, recognizing the need for adults to have decent jobs in order to break the cycle of poverty, The Stand Fast Project presented its inaugural Small Business Expo in September, 2021, bringing employers and job seekers together; and

WHEREAS, since its inception, The Stand Fast Project has become well respected within the community as they work towards positive, sustainable change.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Florence, does hereby recognize The Stand Fast Project for their many contributions towards the betterment of the City of Florence and looks forward to their continued examples of dedication to the community.

RESOLVED THIS 8th DAY OF MAY 2023.

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

TERESA MYERS ERVIN
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: City Council
Sponsored by Mayor Teresa Myers Ervin

I. ISSUE UNDER CONSIDERATION:

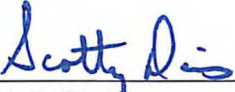
A Resolution recognizing May as National Tennis Month in the City of Florence.

II. POINTS TO CONSIDER:

1. The USTA is the nonprofit, national governing body for tennis in the United States, and leads the promotion and growth of the sport.
2. The USTA partners with local tennis programs to educate the community on the benefits of tennis.

III. ATTACHMENTS:

1. Proposed Resolution



Scotty Davis
Deputy City Manager

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

Resolution No. 2023-30

**A RESOLUTION RECOGNIZING MAY AS NATIONAL TENNIS MONTH
IN THE CITY OF FLORENCE.**

- WHEREAS,** on May 21, 1881, the USTA, originally known as the United States National Lawn Tennis Association, was founded in New York City, New York, to create rules and standards for the emerging game of lawn tennis; and
- WHEREAS,** the USTA is the nonprofit, national governing body for tennis in the United States, and leads the promotion and growth of the sport at every level of play, from beginners to professionals at the US Open; and
- WHEREAS,** the USTA is the largest tennis organization in the world, with over 550,000 members from every corner of the country; and
- WHEREAS,** the USTA proudly partners with local tennis programs to showcase the important health, social, and educational benefits of tennis, and make the sport available to everyone, regardless of age, environment, condition, or ability, through its USTA Adaptive grants; and
- WHEREAS,** the latest research by the Physical Activity Council shows that more than 23.6 million Americans played tennis in 2022, an unprecedented 33 percent increase in participation over 2019 and the highest number of players since the PAC study began in 2007; and
- WHEREAS,** by increasing the accessibility of tennis for citizens of Florence, SC of all ages and ability, the USTA has contributed to making our community happier and healthier; and
- WHEREAS,** USTA has declared the month of May as National Tennis Month to encourage players, organizations, facilities, retailers, tennis manufacturers and more to promote local programs and activities at parks and facilities to showcase tennis and spread the word about the sport and its benefits and to help players and non-players alike find courts and play opportunities in their communities.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Florence, does hereby recognize May 2023 as National Tennis Month in the City of Florence and hereby urge the citizens of Florence, SC to become aware of and support National Tennis Month.

RESOLVED THIS 8TH DAY OF MAY 2023.

Approved as to form:

JAMES W. PETERSON, JR.
CITY ATTORNEY

TERESA MYERS ERVIN
MAYOR

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK

VIII. a.
Reports to Council
Appts. to Boards

FLORENCE CITY COUNCIL MEETING

DATE: May 8, 2023
AGENDA ITEM: Report to Council
DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

Council will consider nominations for City Boards and/or Commissions.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:


1. There are two (2) Boards or Commissions that have either a vacancy and/or expired term.

III. POINTS TO CONSIDER:

1. Each member of a City of Florence Board or Commission shall be either a resident of the city, a representative of a business or other organization located or operating within the city, or a non-resident having professional qualifications which are required for a position, and, in the council's opinion, there are no acceptable and qualified residents to fill the vacancy.
2. Members of the boards and commissions shall be appointed in consideration of their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens.

IV. ATTACHMENTS:

1. Spreadsheet of Council Nominations to Boards and Commissions.
2. Nomination Packet.



Scotty Davis
Deputy City Manager

SCHEDULE OF COUNCIL NOMINATIONS TO BOARDS AND COMMISSIONS - MAY 2023

	District 1	District 2	District 3	At-Large 1	At-Large 2	At-Large-3	Mayor
	Jackson	Smith	Braddock	Jebaily	Barnes	McCall	Ervin
Housing Authority (Resident Commissioner)							x
Florence Center Commission					x		

FLORENCE CENTER COMMISSION

I. NOMINATIONS:

There is one (1) vacancy* on the Civic Center Commission.

- * Ms. Molly Lee has resigned her position on the Commission. The unexpired term of Ms. Lee will expire on June 30, 2026.

II. MEMBERSHIP REQUIREMENTS

City Council appointees must be residents of the city.

III. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Councilwoman Barnes

IV. APPLICANT(S):

- Sonyetta Cooper

V. ATTACHMENTS:

Resignation letter
Letter of recommendation
Applications received

Randy Osterman

From: Molly Lee <molly@queenbeefloraldesign.com>
Sent: Tuesday, March 28, 2023 1:29 PM
To: Randy Osterman
Subject: Florence Center Board

CAUTION: This email originated from outside the City of Florence. Maintain caution when opening external links/attachments.

CAUTION: This email originated from outside the City of Florence. Maintain caution when opening external links/attachments.

Thank you for reaching out to me. At this time, I would like to resign from the board. Many thanks,

Molly Lee

Sent from my iPhone

March 14, 2023

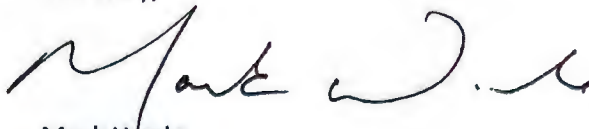
Mayor Teresa Myers-Ervin
Randy Osterman

RE: Board Members

After consulting with the Florence Center Commission Board, Chairman Mark Wade would like to bring a recommendation of removal of member Ms. Molly Lee effective immediately due to failure to meet attendance requirements. Ms. Lee has failed to attend any meeting since her appointment in July 2022.

Through discussion at the March 2023 Board Meeting, it was recommended that Sonyetta Cooper be considered to fill this position. Your prompt action is appreciated as this seat needs to be filled as soon as possible.

Sincerely,



Mark Wade
Commission Chairman

City of Florence Boards and Commissions Application

Form Status

Notes:

Board or Commission for which you are applying:
City-County Civic Center Commission

Council District **County**
District 1 Florence

Your Name
Sonyetta Cooper

Email Address
sonyettacooper843@yahoo.com

Residential Address
511 Maynard Avenue, Florence, South Carolina
29505-3133

Mailing Address
511 Maynard Avenue, Florence, South Carolina
29505-3133

Your Occupation - Title
CEO

Business Phone
(843) 245-7371

Residence Phone
(843) 601-2894

Employer Name
Cooper's Coaching and
Consulting, LLC

Employer Address
307 2nd Loop Rd

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
53

Why would you like to serve?
I am concerned about the wellbeing of
Florence, SC and the day to day functions
of growth and development.

**Do you presently serve on any Commissions/ Boards of the City/
County/ State?** **If so, please list:**
No

**Have you formerly served on any Commissions/ Boards of the
City/ County/ State?** **If so, please list:**
Yes City-County Civic Center
Commission

**Are you currently in a position of responsibility with an organization or board
that has received or is seeking funding from the City of Florence?** **Yes/No**
Yes Yes

If so, list the position and date:
Board Member - Helping Florence
Flourish and NOU 2022

**Are you involved in any Community
Activities?**
Yes

If so, please list:
Volunteer - Homeless
Shelters, Feeding
Programs, Elder Care,
Youth Advocate, SBA
workshops, AIDSwalk, I
provide Mentoring,
Coaching, resources and
clothing for single
mothers through my
business.

What are your goals and objectives if appointed to the Commission/Board?

To be a voice for the Florence community and to work alongside the Commission Members to increase revenue that will continue the upbuilding of our city.

I certify that the information above is true and correct.

Today's Date
5/2/2023

A handwritten signature in black ink, appearing to be 'AUCM'.

Information on this form will be considered public.

Today's Date
5/2/2023

A handwritten signature in black ink, appearing to be 'ALMP'.

HOUSING AUTHORITY

I. NOMINATIONS:

There is one (1) vacancy* on the Housing Authority.

- * Ms. Elishann Redden has resigned her position on the board. Ms. Redden served as the resident commissioner on the Board. The unexpired term of Ms. Redden will expire on June 30, 2027.

II. APPOINTMENT REQUIREMENTS:

- At least one of the commissioners appointed shall be a person who is directly assisted by the public housing authority, appointed by the Mayor.

III. COUNCILMEMBER(S) TO MAKE NOMINATION:

- Mayor Ervin

IV. APPLICANT(S):

- Rachel Buie
- Mae Holmes-Lyde
- Vanessa Murray

V. ATTACHMENTS:

- Letters of resignation
- Applications received

Elishann Redden
320 Troxel Blvd Apt 105
Florence South Carolina 29501

March 9, 2023

Teresa Myers Ervin
Office of the Mayor
City of Florence
324 West Evans Street
Florence, South Carolina 29501

The Honorable Mayor Teresa Ervin

I am addressing you at this time to resign as a Residential Commissioner on the Board of the Housing Authority for the City of Florence. I find that I need to step down from my responsibilities on the board due to health reasons. I have enjoyed my time and will miss the opportunity to support my community in this capacity. My resignation is effective immediately.

Thank you in advance for your time and attention.

Sincerely, .



Elishann Redden
Residential Commissioner

City of Florence Boards and Commissions Application

Form Status

Notes:

Board or Commission for which you are applying:
Housing Authority

Council District **County**
District 1 Florence

Your Name
Rachel Buie

Email Address
johnsonrachel23@gmail.com

Residential Address
209 Highhampton Road, Florence, South Carolina
29501

Mailing Address
209 High Hampton Road, Florence, South Carolina
29501

Your Occupation - Title
Disable

Business Phone

Residence Phone
(843) 289-2042

Employer Name

Employer Address

City

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
4

Why would you like to serve?
I am a resident, and I would like to see some changes how the residents are treated.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? **If so, please list:**
No

Have you formerly served on any Commissions/ Boards of the City/ County/ State? **If so, please list:**
No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? **Yes/No**
No

If so, list the position and date: **Are you involved in any Community Activities?** **If so, please list:**
No

What are your goals and objectives if appointed to the Commission/Board?
To work with the other commissioner to make the Housing authority a better place for the resident

City of Florence Boards and Commissions Application

Form Status

Notes:

Board or Commission for which you are applying:
Housing Authority

Council District **County**
District 1 Florence

Your Name
Holmes-Lyde Mae Lillian

Email Address
maelide@aol.com

Residential Address
1770-C Lakota Drive, Florence, South Carolina
29505

Mailing Address
1770-C Lakota Drive, Florence, South Carolina
29505

Your Occupation - Title
Retired

Business Phone

Residence Phone
(803) 687-8155

Employer Name

Employer Address

City

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?
65

Why would you like to serve?
-To help address problems facing the HAF
-Provide a voice to the residents of HAF

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
No

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? **Yes/No**
No

If so, list the position and date: **Are you involved in any Community Activities?**
Yes

If so, please list:
My current involvement in the community involves. avid participation in the city council meetings. (i would gladly speak privately with examples) In addition to this, I observe for conditions or avenues that would assist community members around me; but also new and future residents of Florence.

What are your goals and objectives if appointed to the Commission/Board?

(1) GOAL: Increase women involvement in Florence (1) OBJECTIVE: Develop a framework and approach with city stakeholders that increases enrichment and involvement

(2) GOAL: Establish direct and long-term relationships with community and board members (2) OBJECTIVE: Participate in the housings' umbrella agenda. Actively engage with site managers and residents via community activities and programs that foster healthy relationships.

I certify that the information above is true and correct.

Today's Date
5/2/2023

Mae L. Holmes-Lyde

Information on this form will be considered public.

Today's Date
5/9/2023

Mae L. Holmes-Lyde

City of Florence Boards and Commissions Application

Form Status

Notes:

Board or Commission for which you are applying:
Housing Authority

Council District **County**
District 1 Florence

Your Name
Vanessa Murray

Email Address
vanessa.murray@coker.edu

Residential Address
713 c Oakland ave, Florence, South Carolina 29506

Mailing Address
713 c Oakland ave, Florence, South Carolina 29506

Your Occupation - Title
Weldon Community Unity Foundation

Business Phone
(843) 206-2572

Residence Phone
(843) 206-2572

Employer Name

Employer Address
713 APT C OAKLAND AV,e

City
Florence

State
South Carolina

General Qualifications

Are you a resident of the City?
Yes

If so, how Long?

Why would you like to serve?

I am a Resident of Housing Authority and would like to offer my experience in serving residents.

Do you presently serve on any Commissions/ Boards of the City/ County/ State?
Yes

If so, please list:
Planning Commission

Have you formerly served on any Commissions/ Boards of the City/ County/ State?
Yes

If so, please list:
Housing Authority

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? **Yes/No**
No

If so, list the position and date:

Are you involved in any Community Activities?
Yes

If so, please list:

What are your goals and objectives if appointed to the Commission/Board?

As a resident of Housing Authority, I am able to offer insight and resources that are essential to all residents.