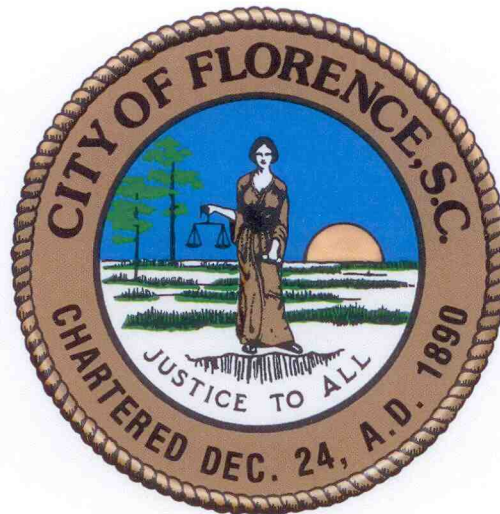


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
ROOM 604, CITY-COUNTY COMPLEX
FLORENCE, SOUTH CAROLINA

MONDAY
APRIL 8, 2013
1:00 P.M.

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, APRIL 8, 2013 - 1:00 P.M.

CITY-COUNTY COMPLEX, COUNCIL CHAMBERS, ROOM 604

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance

III. APPROVAL OF MINUTES

March 11, 2013 – Regular Meeting

IV. HONORS AND RECOGNITIONS

Service Recognitions

James Grooms – 20 years - Stormwater

Bryan Evans – 10 years - Wastewater

Kendrick Spears – 10 years - Police

V. PUBLIC HEARING

A public hearing will be held to receive input on the city's Community Development Block Grant (CDBG) funding for fiscal year 2013-2014.

VI. SPECIAL RECOGNITION

Councilwoman Teresa Myers Ervin – to recognize the Florence Stings – Eastern District Championship Runners Up

VII. APPEARANCE BEFORE COUNCIL

- a. *Mr. John Jebaily, Chairman, Parks and Beautification Commission*
- b. *Councilman Robby Hill, Chairman, Florence County Legislative Day*
- c. *Councilman Glynn F. Willis, Co-Chair, City County Conference Committee – will give a report on the March 20, 2013 meeting of the Committee*

VIII. ORDINANCES IN POSITION

- a. **Bill No. 2013 – 03 – Second Reading**
A Series Ordinance making provision for the terms and conditions of combined Waterworks and Sewerage System Revenue borrowing of the City of Florence, authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989, as amended; approving the financing of system improvements in the City of Florence, South Carolina, through the borrowing of not exceeding \$10,626,372 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund, by agreement with the South Carolina Water Quality Revolving Fund Authority pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended; providing for the agreement to make and to accept a loan, the execution and delivery of a loan agreement between the City of Florence and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the City of Florence to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto.

IX. INTRODUCTION OF ORDINANCES

- a. **Bill No. 2013- 04 – First Reading**
An Ordinance to grant to Crown Castle NG East Inc., its successors and assigns, the right, power, and authority to construct, install, maintain, and operate in, over, upon and under the streets and public places of the City of Florence, its lines, poles, wires, cables, and other telecommunications facilities to render telecommunications services to its customers in the corporate limits of the City of Florence for such period as provided herein; and to provide for the payment of compensation for the use of the streets and public places.
- b. **Bill No. 2013-05 – First Reading**
An Ordinance to annex and zone property owned by Florence School District One.
- c. **Bill No. 2013-06 – First Reading**
An Ordinance to annex and zone property owned by the City of Florence.

- d. **Bill No. 2013-07 – First Reading**
An Ordinance to amend the City of Florence Land Development and Subdivision Ordinance in order to reestablish the City's Vested Rights Ordinance which, as a result of clerical error, was inadvertently omitted from Ordinance No. 2007-39.
- e. **Bill No. 2013-08 – First Reading**
An Ordinance to amend the City of Florence Zoning Ordinance Section 8.7, Certificates of Zoning Compliance – When Required and Section 8.8, Certificates of Zoning Compliance – Repair Permits.
- f. **Bill No. 2013-09 – First Reading**
An Ordinance authorizing the transfer of parcel containing approximately 23.4 acres and designated as Tax Map 00178-01-001 in the records of the Florence County Tax Assessor.
- g. **Bill No. 2013-10 – First Reading**
An Ordinance approving the execution of the agreement with the Town of Timmonsville to carry out the conveyance of Timmonsville's combined water and wastewater infrastructures and utilities contingent upon being able to finalize both financing and a consent decree satisfactory to the City of Florence and contingent upon the Town of Timmonsville's holding a successful referendum and adopting necessary ordinances approving the conveyance to the City of Florence.

X. INTRODUCTION OF RESOLUTIONS

- a. **Resolution No. 2013 - 08**
A Resolution to declare April 16, 2013 as Healthcare Decisions Day
- b. **Resolution No. 2013- 09**
A Resolution to declare the week of April 15 – April 22, 2013 as Days of Remembrance
- c. **Resolution No. 2013 – 10**
A Resolution to declare April 9, 2013 as National Service Recognition Day

XI. ADJOURN

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, MARCH 11, 2013 - 1:00 P.M.
CITY-COUNTY COMPLEX, COUNCIL CHAMBERS, ROOM 604
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the regular meeting to order at 1:04 p.m. with the following members present: Councilman Robby L. Hill; Councilwoman Teresa Myers Ervin; Mayor Pro tem Buddy Brand; Councilwoman Octavia Williams-Blake and Councilman Glynn F. Willis.

MEMBER ABSENT: Councilman Edward Robinson.

ALSO PRESENT: Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. Jim Peterson, Jr., City Attorney; Phillip Lookadoo, Director of Urban Planning, Research and Development; Thomas Chandler, Director of Finance; Michael Hemingway, Director of Utilities; Chief Anson Shells, Florence Police Department; Ray Reich, Downtown Development Manager; Chuck Pope, Director of Public Works; and Scotty Davis, Director of General Services.

Notice of the date, time and location of the meeting was provided to the media and those individuals requesting copies of the City Council agenda.

Mr. John Sweeney of the Morning News was present for the meeting.

INVOCATION

Councilwoman Teresa Myers Ervin gave the invocation for the meeting. The Pledge of Allegiance to the American Flag followed.

APPROVAL OF MINUTES

Mayor Pro tem Brand made a motion to adopt the minutes of the February 11, 2013 Regular Meeting and the minutes of the February 21, 2013 Special Meeting. Councilman Willis seconded the motion, which carried unanimously.

HONORS AND RECOGNITIONS

Mayor Wukela presented service recognition certificates to the following:

Monty Tedder – 15 years – Fire Department
Daniel Dietz – 10 years – Wastewater Division

COUNCILWOMAN TERESA MYERS ERVIN

Councilwoman Ervin introduced Ms. Angela Jackson, a registered nurse who is now enrolled in the Master's Program at the University of South Carolina. Ms. Jackson is focusing on government and how nurses can be effective in government.

APPEARANCE BEFORE COUNCIL

Ms. Cathy Yarborough Cantey spoke about Lighthouse Ministries and the needs of the community. Ms. Cantey has been involved with Lighthouse for the past 8-9 years. Clients served by Lighthouse receive help with their utilities and medications. There are 25 agencies in Florence County who work with Lighthouse Ministries to help the homeless in Florence County. Lighthouse Ministries was founded in 1996 by a group of local pastors.

Ms. Cantey also works with the House of Hope. House of Hope offers help with domestic violence issues, homelessness, finding jobs, and counseling.

INTRODUCTION OF ORDINANCES

BILL NO. 2013 – 03 - FIRST READING

A SERIES ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BORROWING OF THE CITY OF FLORENCE, AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989, AS AMENDED; APPROVING THE FINANCING OF SYSTEM IMPROVEMENTS IN THE CITY OF FLORENCE, SOUTH CAROLINA, THROUGH THE BORROWING OF NOT EXCEEDING \$10,626,372 PLUS CAPITALIZED INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND, BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; PROVIDING FOR THE AGREEMENT TO MAKE AND TO ACCEPT A LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE CITY OF FLORENCE TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

A Series Ordinance making provision for the terms and conditions of combined waterworks and sewerage system revenue borrowing of the City of Florence, authorized by a Bond Ordinance of the City of Florence adopted October 24, 1989, as amended; approving the financing of system improvements in the City of Florence, South Carolina, through the borrowing of not exceeding \$10,626,372 plus capitalized interest, if any, from the State Water Pollution Control Revolving Fund Authority pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended; providing for the agreement to make and to accept a loan, the execution and delivery of a loan agreement between the City of Florence and the South Carolina Water Quality Revolving Fund Authority, the execution and delivery of a promissory note from the City of Florence to the South Carolina Water Quality Revolving Fund Authority; and other matters relating thereto was passed on first reading.

Mr. Thomas Chandler, Director of Finance reported to Council this Ordinance follows Council's action of October 2012, authorizing staff to prepare, execute and submit an application for funding from the State Revolving Fund Loan for a loan in the amount of \$10,626,372 at 1.9% interest for 20 years. The funding would be for the third phase, or contract, of construction at the Wastewater Treatment Plant. This third and final phase will take the capacity of the plant from the original 15 mgd to 22 mgd.

Mayor Pro tem Brand made a motion to pass Bill No. 2013-03 on first reading. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

INTRODUCTION OF RESOLUTION

RESOLUTION NO. 2013 - 06

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A GOVERNMENT OBLIGATION CONTRACT AND ALL RELATED DOCUMENTS NECESSARY OR APPROPRIATE FOR THE CONSUMMATION OF SUCH CONTRACT TO PROVIDE FOR THE ACQUISITION OF A KNUCKLEBOOM/GRAPPLE LOADER TRUCK AND TWO REAR LOADING SANITATION TRUCKS.

A Resolution authorizing the execution and delivery of a Government Obligation Contract and all related documents necessary or appropriate for the consummation of such contract to provide for the acquisition of a knuckleboom/grapple loader truck and two rear loading sanitation trucks was adopted by Council.

Mr. Thomas Chandler, Director of Finance reported to Council that an Ordinance was adopted in April 2012 that amended the City's Code providing that the 75 cent monthly garbage collection fee that was being used for rollcart replacement and repair should also be used for residential sanitation/garbage/waste collection, i.e., trucks. Funding for the replacement of three garbage and waste collection trucks from the garbage collection fee is included in the current 2012-2013 budget in the form of an annual lease purchase financing payment. Bids were taken on October 12, 2012 for the purchase of three replacement trucks; a knuckleboom/grapple truck and two rear loading sanitation trucks. Low bids were received from Mack Trucks, Florence Truck Center for approximately \$594,000. Mack Financial Services is providing six year lease purchase financing to the City. The current rate is just under 3.05%.

Mayor Pro tem Brand made a motion to adopt Resolution No. 2013-07. Councilman Willis seconded the motion, which carried unanimously.

RESOLUTION NO. 2013 – 07

A RESOLUTION TO DESIGNATE MARCH, 2013 AS AMERICAN RED CROSS MONTH.

A Resolution to designate March, 2013 as American Red Cross Month was adopted by Council. Councilman Willis presented the Resolution to Council. Councilman Willis stated that the American Red Cross has a vital role in the community and the Pee Dee.

Councilman Willis made a motion to adopt Resolution No. 2013-07. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

REPORTS TO COUNCIL

TO DECLARE AS SURPLUS PROPERTY, LAND LOCATED ON STOCKADE DRIVE TO THE FRIENDS OF THE FLORENCE STOCKADE.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported to Council that this property is currently identified as Tax Map No. 00178-01-001. A 14.9 acre parcel was split from tax parcel 00149-01-012. The combined property is designated as map 000178 block 01 parcel 001. The land currently has the vacated facilities associated with the old City of Florence Animal Shelter.

The total area of the property is approximately 23.4 acres.

Receipt of the grant from the Drs. Bruce and Lee Foundation for the new animal shelter was conditioned upon conveyance of this property to the Drs. Bruce and Lee Foundation. Conveyance of this property to the Friends of the Florence Stockade was discussed years earlier in conjunction with the

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MARCH 11, 2013 – PAGE 4**

Stockade master plan, which completes assembly of property containing the entire footprint of the Stockade.

Staff is requesting this property be declared surplus and then be given to the Drs. Bruce and Lee Foundation to satisfy that condition of the original grant.

Mayor Pro tem Brand made a motion to declare land located on Stockade Drive as surplus and to convey the property to the Friends of the Florence Stockade. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

ADJOURN

Councilman Willis made a motion to adjourn the meeting. Without objection, the meeting was adjourned at 1:25 p.m.

Dated this 8th day of April, 2013.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: April 08, 2013
AGENDA ITEM: CDBG Public Hearing
DEPARTMENT/DIVISION: Community Services

I. ISSUE UNDER CONSIDERATION

A Public Hearing to receive input on the use of the city's Community Development Block grant (CDBG) funding for fiscal year 2013-2014.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

The City of Florence held public hearings at the following locations:

- March 4, 2013 at 6:30 pm – Wilson Road Church
- March 5, 2013 at 7:00 pm – Williams Heights
- March 13, 2013 at 7:00 pm – Levy Park Community Center
- March 19, 2013 at 7:00 pm – North West Community Center
- March 21, 2013 at 2:00 pm – City Council Chambers
- April 8, 2013 at 1:00 pm - City Council Chambers

III. POINTS TO CONSIDER

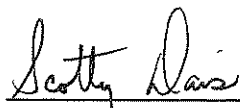
- A. The City of Florence will receive approximately \$200,000 in Community Development Block Grant funding for FY 2013-2014.
- B. CDBG funding can only be used to meet three national objectives: aid in the elimination of slum and blight; benefit to low-moderate income persons; and meeting a need having particular urgency.

IV. OPTIONS:

V. PERSONAL NOTES:

VI. ATTACHMENTS:

None.



Scotty Davis
Director of General Services



Andrew H. Griffin
City Manager

FLORENCE CITY COUNCIL MEETING

DATE: March 11, 2013
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

A Series Ordinance to authorize the borrowing of not exceeding \$10,626,372, plus capitalized interest, if any, from the South Carolina Water Quality Revolving Fund Authority ("the State Authority") for a 1.9% interest loan to finance, over a period of twenty (20) years, to fund a portion of the construction costs for the Florence Regional Wastewater Management Facility being constructed at the existing facility site (WWMF Contract 3).

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. On October 8, 2012 City Council adopted Resolution No. 2012-26 authorizing the execution and submission of an application to the State Authority for a low interest loan from the Water Pollution Control Revolving Loan Fund to finance the costs of the WWMF Construction Contract # 3.

B. Bids were opened on December 20, 2012 for the WWMF Contract # 3 construction. Five bids were received with the low bid being submitted by Garney Companies of Winter Garden, Florida in the amount of \$8,875,000.

III. POINTS TO CONSIDER

A. Contract # 1 construction of the WWMF began in the fall of 2009 with a total project cost of approximately \$18,900,000. The project was funded by a State Authority Loan approved by City Council on June 15, 2009. Contract # 2 construction began in September 2010 with a total project cost of approximately \$68,000,000. The project was funded by water and sewer system revenue bonds approved by City Council on April 12, 2010. Contract 2 construction is scheduled for completion by the summer of 2013.

B. With the completion of Contract # 2, the City's WWMF capacity will be expanded from 15 to 18 million gallons per day allowing the City to meet its current wastewater treatment needs.

C. Contract # 3 construction will expand the permit capacity of the WWMF from 18 mgd to 22 mgd through the design and construction of additional liquid train treatment, providing additional marketable sewer service by Spring 2014.


D. The State Water Pollution Control Revolving Loan Fund, by agreement with the State Authority will provide a source of low interest financing for the City at an interest rate of 1.9% for 20 years.

E. The adoption of this ordinance is required prior to the closing of the State Revolving Fund Loan for the financing of the WWMF Contract # 3.

IV. STAFF RECOMMENDATION

Approval and adoption of the proposed ordinance.


Thomas W. Chandler
Finance Director


Andrew H. Griffin
City Manager

A SERIES ORDINANCE

MAKING PROVISION FOR THE TERMS AND CONDITIONS OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BORROWING OF THE CITY OF FLORENCE, SOUTH CAROLINA, AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE ADOPTED OCTOBER 24, 1989, AS AMENDED; APPROVING THE FINANCING OF SYSTEM IMPROVEMENTS IN THE CITY OF FLORENCE, SOUTH CAROLINA, THROUGH THE BORROWING OF NOT EXCEEDING \$10,626,372 PLUS CAPITALIZED INTEREST, IF ANY, FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND, BY AGREEMENT WITH THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY PURSUANT TO TITLE 48, CHAPTER 5, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; PROVIDING FOR THE AGREEMENT TO MAKE AND TO ACCEPT A LOAN, THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE FROM THE CITY OF FLORENCE TO THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

ARTICLE I

FINDINGS OF FACT

SECTION 1.1. Findings of Fact. As an incident to the adoption of this Series Ordinance, the City Council ("City Council") of the City of Florence, South Carolina (the "City") has made the following findings:

(a) The City of Florence is a municipality created pursuant to the laws of the State of South Carolina and empowered by the provisions of Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended (the "Act") (i) to undertake a wastewater treatment and disposal project as defined and approved pursuant to the Federal Clean Water Act, 33 U.S.C.A. subsection 1381 et seq.; (ii) to make application for and to receive assistance; (iii) to comply with regulations relating to the receipt and disposition of money of the State Water Pollution Control Revolving Fund created by the Act; (iv) to apply for and receive state grants; (v) to enter into loan agreements; and (vi) to comply with all terms and conditions of any loan agreement.

(b) Title 6, Chapter 17, Code of Laws of South Carolina, 1976, as amended, permits the incurring of debt for the purpose of financing facilities for the furnishing of water and wastewater treatment services and permits the securing of such indebtedness with a pledge of revenues derived from the operation of the Combined Waterworks and Sewerage System (the "System") of the City.

(c) By ordinance entitled AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS OF THE CITY OF FLORENCE, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO, adopted on October 24, 1989, as amended (the "Bond Ordinance"), City Council made provision for the issuance from time to time of Combined Waterworks and Sewerage System Revenue Bonds of the City payable from revenues derived from the operation of the System.

(d) The revenues derived from the System are now hypothecated and pledged to the payment of the following:

(1) the outstanding installments of an original issue of \$2,779,488 South Carolina Drinking Water Revolving Loan Fund Loan dated May 10, 1999 (the "Bonds of 1999").

(2) the outstanding installments of an original issue of \$6,000,000 State Drinking Water Fund Loan dated May 10, 2000 (the "Drinking Water Fund Loan of 2000").

(3) the outstanding installments of an original issue of \$4,000,000 South Carolina Infrastructure Revolving Loan Fund Loan dated May 10, 2000 (the "Infrastructure Revolving Fund Loan of 2000").

(4) the outstanding installments of an original issue of \$2,517,834 State Drinking Water Fund Loan dated January 30, 2003 (the "Drinking Water Fund Loan of 2003").

(5) the outstanding installments of an original issue of not exceeding \$18,868,479 plus accrued interest, if any, South Carolina Water Quality Revolving Fund Loan dated June 25, 2009 (the "Bond of 2009").

(6) the outstanding installments of an original issue of \$31,005,000 Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2010A, dated May 4, 2010 (the "Bond of 2010A").

(7) the outstanding installments of an original issue of \$67,995,000 Combined Waterworks and Sewerage System Capital Improvement Revenue Bonds, Series 2010B (Build America Bonds – Taxable Series), dated May 4, 2010 (the "Bond of 2010B").

(8) the outstanding installments of an original issue of \$4,926,000 Combined Waterworks and Sewerage System Refunding Revenue Bond, Series 2011, dated December 14, 2011 (the "Bond of 2011").

The above-described borrowings in this paragraph (d) are hereinafter referred to as the "Parity Bonds."

(e) The City has determined to defray the cost of the capital improvements described in attached Exhibit A (the "Project") through the borrowing authorized herein. The Project will be part of the System.

(f) On October 8, 2012, City Council adopted a Resolution authorizing application to the South Carolina Water Quality Revolving Fund Authority (the "State Authority") for a loan from the State Water Pollution Control Revolving Fund created by the Act (the "Loan"), to provide for the financing of the Project.

(g) On February 1, 2013, the State Authority upon review of the City's loan application conditionally approved the Loan.

(h) The Bond Ordinance provides that a Series Ordinance shall be adopted with respect to each Series of Bonds which Series Ordinance shall express the approval of City Council to the issuance of a Series of Bonds and City Council's agreement to abide by the terms, provisions and agreements set forth in the Bond Ordinance and shall specify and determine:

- (1) As prescribed by Section 6-17-60 of the Enabling Act, the then period of usefulness of the System;
- (2) The Date or Dates of Issue of such Series of Bonds;
- (3) The precise principal amount of the Series of Bonds;
- (4) The specific purposes for which the proceeds of such Series will be used;
- (5) The title and designation of the Bonds of such Series and manner of numbering and lettering, and the denomination or denominations of the Bonds of such Series;
- (6) The date or dates of maturity and the amounts thereof;
- (7) The interest rate or rates, or the manner of determining such rate or rates, of the Bonds of such Series;
- (8) The time for the payment of interest on the Bonds in such Series and the Record Date;
- (9) The redemption price or redemption prices and the redemption date or redemption dates and other terms of redemption (if any) applicable to any of the Bonds of such Series for such payments;
- (10) The Registrar for such Bonds if other than the Trustee;
- (11) The portion of such Series that are serial Bonds and that are Term Bonds, if any, including the amount and date of each mandatory redemption or sinking fund installment, if any, required by such Series Ordinance to be paid for the retirement of any such Bonds;
- (12) The portion of such Series that are Capital Appreciation Bonds, if any, including the time for payment of such Capital Appreciation Bonds in order to address the information requested in paragraphs (7) and (8) above.
- (13) Any other applicable redemption requirement for the Bonds of such Series and the method of satisfying the same;
- (14) The manner in which Bonds of such Series are to be sold and provisions for the sale thereof;
- (15) The form or forms for the Bonds of each Series;
- (16) That the then applicable Reserve Requirement has been or will be met;
- (17) The disposition of the proceeds of the sale of the Bonds of such Series and the manner of their application; and
- (18) Any other provisions deemed advisable by the City not in conflict with or in substitution for the provisions of the Bond Ordinance and the Series Ordinance relating to the Bonds of such Series.
 - (i) The funds are to be loaned and secured pursuant to a loan agreement (the "Loan Agreement") between the City and the State Authority, and a promissory note executed and delivered by the City registered in the name of the State Authority (the "Note" or the "Bond"). Pursuant to the Loan

Agreement, the City will agree to use the Loan proceeds only to pay the actual eligible costs of the Project, and the City will agree to pay to the State Authority such amounts as shall be required to provide for the payment of all amounts due with respect to the repayment of the Loan. To secure its obligations the City will grant to the State Authority a pledge of, and lien upon, all revenues derived from the operation of the System and all funds and accounts of the City derived from such revenues, which pledge is on a parity with the Parity Bonds and any additional bonds issued on a parity therewith.

Upon any failure of the City to make any payments to the State Authority pursuant to the Loan Agreement or the Note, the State Authority shall require the State Treasurer to pay to the State Authority, subject to the provisions of the Act, such amount from State appropriations to which the City may be or may become entitled as may be necessary to provide for the payment of all amounts due with respect to the Note.

(j) City Council is adopting this Ordinance in order to:

(a) authorize the execution and delivery on behalf of the City of the Loan Agreement and the Note;

(b) evidence the approval of the Project and the Loan by the City; and

(c) authorize the execution and delivery by, and on behalf of, the City of such other agreements and certificates and the taking of such other action by the City and its officers as shall be necessary or desirable in connection with the financing of the Project in order to carry out the intent of this Ordinance.

(k) The Bond Ordinance permits the issuance of further bonds on a parity with the Parity Bonds, on the following conditions. Capitalized terms used herein shall have the meanings ascribed thereto in the Bond Ordinance.

(1) There shall exist, on the occasion of the issuance of the Bonds, no default in the payment of the principal of or interest on any Prior Lien Bonds, Bonds or Junior Lien Bonds then Outstanding;

(2) Unless on the date of delivery of such Series of Bonds there shall be on deposit an amount equal to the Reserve Requirement for all Bonds to be Outstanding immediately following the issuance of such Series of Bonds, there shall be deposited in the Debt Service Reserve Fund such amount as is necessary to make the value of the moneys and securities in the Debt Service Reserve Fund equal to the Reserve Requirement; and

(3) Except in the case of Bonds issued for the purpose of refunding any Bonds, Net Earnings during the Fiscal Year immediately preceding the Fiscal Year in which such Series of Additional Bonds are to be issued, adjusted to reflect any rate increases currently adopted and to be in effect prior to or coincident with the issuance of such Additional Bonds, and determined pro forma as though such rate increases had been in continuous effect during such preceding fiscal year, and further adjusted to reflect estimated Net Earnings, as certified to the Trustee by a Consulting Engineer to be appointed by the City under the Series Ordinance, to be received from any new or existing water system or sewer system or customers to be acquired from the proceeds of such Additional Bonds, and further adjusted to reflect 80% of estimated Net Earnings, as certified to the Trustee by a Consulting Engineer to be appointed by the City under the Series Ordinance, to be received from construction of any new facilities or customers to be acquired as a result of construction of such new facilities, shall be not less than 125% of the highest Annual

Principal and Interest Requirement for all Prior Lien Bonds and all Bonds then outstanding and then proposed to be issued and not less than 100% of debt service requirements coming due on all outstanding Junior Lien Bonds during the fiscal year in which such Additional Bonds are to be issued. Such calculation shall be made by an independent firm of Consulting Engineers having skill and experience in utility financing and rate design, and the design and operation of water and sewer facilities, upon the basis of a report of the accountants of the City showing actual Net Earnings for the fiscal year preceding the fiscal year in which such series of Additional Bonds are to be issued. In addition, in determining Net Earnings for purposes of this subparagraph, the customer base of the System at the end of such preceding fiscal year may be assumed to be the customer base for the entire fiscal year.

It is specifically found that the Note, whose issuance is herewith provided for, is issued for purposes permitted by and in full compliance with all of the provisions set forth in the Bond Ordinance and that the Note will be on a parity with said Parity Bonds. It is further found that the commitment from the State Authority to purchase the Note is for an amount not to exceed \$10,626,372 plus capitalized interest, if any. The final amount of the borrowing as well as the dates on which principal and interest payments will be made and the amount of such payments are subject to revision as construction proceeds. The final terms and conditions of the borrowing will be set forth in the Loan Agreement attached hereto as Exhibit B which terms and conditions are incorporated herein.

NOW THEREFORE BE IT ORDAINED BY COUNCIL IN MEETING DULY ASSEMBLED:

- (1) The useful life of the System is found to be 40 years.
- (2) The Date of Issue of the Note is to be no later than June 30, 2013, and the actual date of issue of the Note will be as set forth in a certificate to be delivered by the Mayor and contained in the final Note.
- (3) The Note shall be in the original principal amount of not exceeding \$10,626,372 plus capitalized interest, if any, and the actual principal amount of the Note will be as set forth in the Agreement.
- (4) The proceeds of the Note shall be used to defray the cost of the Project described in attached Exhibit A;
- (5) The Note shall be designated City of Florence, South Carolina, Combined Waterworks and Sewerage System Revenue Bond, Series 2013A, and shall be issued in the denomination of the final principal amount borrowed and shall be numbered 1.
- (6) The date of maturity and amounts thereof shall be as set forth in the Loan Agreement. Inasmuch as the final principal amount may be reduced to reflect lower than anticipated construction costs, any changes to the principal amount to provide for a reduction in the amount borrowed shall be permitted and shall be evidenced by the City's execution of the Loan Agreement, as it may be amended from time to time.
- (7) Interest on the Note shall be as set forth in the Loan Agreement.
- (8) The Note is subject to prepayment in whole or in part together with any accrued interest thereon at any time without penalty or premium; all such prepayments shall be applied against principal installments due on the Note in inverse order of maturity.

- (9) The Registrar for the Bond shall be the Trustee under the Bond Ordinance.
- (10) The Bond shall be sold to the State Authority pursuant to the State Authority's final approval of the Loan.
- (11) The Note shall be substantially in the form attached to the Loan Agreement.
- (12) Provision for the Reserve Requirement shall be made by the deposit in the Debt Service Reserve Fund established as permitted by the Bond Ordinance of an amount necessary to satisfy the Reserve Requirement as set forth in the Loan Agreement.
- (13) The proceeds of the Note shall be applied to defray the cost of the Project.
- (14) The proceeds of the Note shall be disbursed in accordance with the requirements of the Loan Agreement.

ARTICLE II

THE LOAN

SECTION 2.1. Authorization of Loan. Council hereby authorizes the City's acceptance of the Loan from the State Authority of not exceeding \$10,626,372 plus capitalized interest, if any, pursuant to and in accordance with, the provisions of the Loan Agreement.

SECTION 2.2. Repayment of Loan by the City. Council hereby authorizes the repayment of the Loan by the City to the State Authority from revenues of the System or, if said revenues are not sufficient, from state appropriations as the City may become entitled pursuant to and in accordance with the provisions of the Loan Agreement and the Note.

ARTICLE III

LOAN AGREEMENT AND NOTE

SECTION 3.1. Authorization of Loan Agreement and the Note. The Loan Agreement and the Note in substantially the forms attached hereto as Exhibit "B" with such changes as the executing officers shall approve (their execution to be conclusive evidence of such approval) are hereby approved and the execution and delivery of the Loan Agreement and the Note, on behalf of the City are hereby authorized and directed. The Loan Agreement and the Note shall be executed on behalf of the City by the Mayor and attested by the Clerk of Council (the "Clerk").

ARTICLE IV

MISCELLANEOUS

SECTION 4.1. Other Instruments and Actions. In order to implement the Loan pursuant to the Loan Agreement and Note and to give full effect to the intent and meaning of this Ordinance and the agreements and actions herein authorized, the Mayor and Clerk are hereby authorized to execute and deliver such certificates, showings, instruments and agreements and to take such further action as the shall deem necessary or desirable.

SECTION 4.2. Ordinance a Contract. This Ordinance shall be a contract between the City and the State Authority, and shall be enforceable as such against the City.

SECTION 4.3. Continuing Disclosure. The City covenants to file with the State Authority:

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

SECTION 4.4. Effective Date. This Ordinance shall become effective upon receiving approval on second reading by Council.

DONE, RATIFIED AND ADOPTED THIS 8th day of April, 2013.

(SEAL)

Mayor, City of Florence, South Carolina

Attest:

Clerk, City of Florence, South
Carolina

First Reading: March 11, 2013
Second Reading: April 8, 2013

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by Council. The Ordinance was read at two public meetings of Council on March 11 and April 8, 2013. An interval of at least six days occurred between each reading. At each meeting, a quorum of Council was present and remaining present throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand this ____ day of April, 2013.

Clerk

EXHIBIT A

Description of the Project

Upgrade and expand Wastewater Treatment Plant from 18 MGD to 22 MGD including new secondary clarifier #5, new return activated sludge and waste activated sludge pumps, new equalization basin, new equalization pumps, associated yard piping, electrical work and site work.

EXHIBIT B

Form of Loan Agreement and Note

FLORENCE CITY COUNCIL MEETING

IX. a.
Bill No. 2013-04
First Reading

DATE: April 8, 2013
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT: Finance

I. ISSUE UNDER CONSIDERATION

An Ordinance granting Crown Castle NG East Inc. ("Crown Castle"), a Delaware corporation (formerly known as NextG Networks of NY, Inc.), the non-exclusive right to construct and maintain telecommunications facilities in public rights-of-way and to use those facilities to render telecommunication services to its customers within the City of Florence.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

- A. No previous action has been taken on this ordinance.
- B. The City currently has franchise/consent agreements with Palmetto Net, Inc. and Spirit Communications for fiber optic cable constructed along public rights-of-way in the City of Florence.

III. POINTS TO CONSIDER


- A. Crown Castle has requested that the City of Florence grant a non-exclusive franchise and consent authorizing the company the non-exclusive right to construct and maintain fiber optic cable to connect a distributed antenna system (DAS) network of microcellular node sites, consisting of small antennas and optical repeaters, generally on existing infrastructure, in public rights-of-way and to use those facilities to render telecommunication services to its customers within the City of Florence.
- B. Payment for consent to use the public right-of-way will be in the form of an annual fee of \$1,000 per year, as provided by State law.
- C. This franchise and consent agreement constitutes a contract between the City of Florence, SC and Crown Castle for a period of ten (10) years and shall continue in force each year thereafter until properly terminated by either party.


IV. STAFF RECOMMENDATION

Approval and adoption of the proposed ordinance.

V. ATTACHMENTS

- A. Franchise and Consent Agreement Ordinance
- B. Copy of SC State Law Pertaining to Municipal Charges to Telecommunications Providers
- C. Documents provided by Crown Castle:
 - Letter of request by Crown Castle
 - Letter with narrative describing planned network
 - Preliminary Network Map
 - Crown Castle Certificate of Liability Insurance
 - SC Public Service Commission Order for NextG
 - State of Delaware, Secretary of State, Document, "Certificate of Amendment of Certificate of Incorporation of NextG Networks of NY, Inc."
 - Local Official's Guide to a Telecommunications Application from Crown Castle


Thomas W. Chandler
Finance Director


Andrew H. Griffin
City Manager

SOUTH CAROLINA CODE OF LAWS

TITLE 58, CHAPTER 9

ARTICLE 20.

MUNICIPAL CHARGES TO TELECOMMUNICATIONS PROVIDERS

SECTION 58-9-2200. Definitions.

As used in this article:

(1) "Telecommunications service" means the provision, transmission, conveyance, or routing for a consideration of voice, data, video, or any other information or signals of the purchaser's choosing to a point, or between or among points, specified by the purchaser, by or through any electronic, radio, or similar medium or method now in existence or hereafter devised. The term "telecommunications service" includes, but is not limited to, local telephone services, toll telephone services, telegraph services, teletypewriter services, teleconferencing services, private line services, channel services, Internet protocol telephony, and mobile telecommunications services and to the extent not already provided herein, those services described in North American Industry Classification System Manual (NAICS) 5171, 5172, 5173, 5174, and 5179, except satellite services exempted by law.

(2) "Retail telecommunications service" includes telecommunications services as defined in item (1) of this section but shall not include:

(a) telecommunications services which are used as a component part of a telecommunications service, are integrated into a telecommunications service, or are otherwise resold by another provider to the ultimate retail purchaser who originates or terminates the end-to-end communication including, but not limited to, the following:

(i) carrier access charges;

(ii) right of access charges;

(iii) interconnection charges paid by the providers of mobile telecommunications services or other telecommunications services;

(iv) charges paid by cable service providers for the transmission by another telecommunications provider of video or other programming;

(v) charges for the sale of unbundled network elements;

(vi) charges for the use of intercompany facilities; and

(vii) charges for services provided by shared, not-for-profit public safety radio systems approved by the FCC;

(b) information and data services including the storage of data or information for subsequent retrieval, the retrieval of data or information, or the processing, or reception and processing, of data or information intended to change its form or content;

(c) cable or video services that are subject to franchise fees;

(d) satellite television broadcast services.

(3) "Telecommunications company" means a provider of one or more telecommunications services.

(4) "Cable service" includes, but is not limited to, the provision of video programming or other programming service to purchasers, and the purchaser interaction, if any, required for the selection or use of the video programming or other programming service, regardless of whether the programming is transmitted over facilities owned or operated by the cable service provider or over facilities owned or operated by one or more other telecommunications service providers.

(5) "Mobile telecommunications service" includes, but is not limited to, any one-way or two-way radio communication service carried on between mobile stations or receivers and land stations and by mobile stations communicating among themselves, through cellular telecommunications services, personal communications services, paging services, specialized mobile radio services, and any other form of mobile one-way or two-way communications service.

(6) "Service address" means the location of the telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a retail customer. If this location is not a defined location, as in the case of mobile phones, paging systems, maritime systems, and the like, "service address" means the location of the retail customer's primary use of the telecommunications equipment or the billing address the customer gives to the service provider, provided that the billing address is within the licensed service area of the service provider. A sale of postpaid calling services is sourced to the origination point of the telecommunications signal as first identified by either (i) the seller's telecommunications system; or (ii) information received by the seller from its service provider, if the system used to transport such signals is not that of the seller.

(7) "Bad debt" means any portion of a debt that is related to a sale of telecommunications services and which has become worthless or uncollectible, as determined under applicable federal income tax standards.

(8) "Postpaid calling service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number that is not associated with the origination or termination of the telecommunications service.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2003 Act No. 69, Section 3.TT, eff January 1, 2005; 2005 Act No. 8, Section 1, eff January 13, 2005; 2005 Act No. 8, Section 2, eff January 13, 2005; 2007 Act No. 8, Section 3, eff March 30, 2007.

SECTION 58-9-2210. Cable service franchise agreement authority.

Nothing in this article shall limit a municipality's authority to enter into and charge for franchise agreements with respect to cable services as governed by 47 U.S.C. Section 542.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

SECTION 58-9-2220. Retail telecommunications services business license taxes; maximum rates.

Notwithstanding any provision of law to the contrary:

(1) A business license tax levied by a municipality upon retail telecommunications services for the years 1999 through the year 2003 shall not exceed three-tenths of one percent of 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 business license tax levied by a municipality upon retail telecommunications services for the year 2004 and every year thereafter shall not exceed the business license tax rate as established in Section 58-9-2220(2). For a business in operation for less than one year, the amount of business license tax authorized by this section must be computed based on a twelve-

month projected income.

(2) The maximum business license tax that may be levied by a municipality on 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 for a business license tax year beginning after 2003 is one percent of gross income derived from the sale of retail telecommunication services.

(3) A business license tax levied by a municipality upon the retail telecommunications services provided by a telecommunications company must be levied in a competitively neutral and nondiscriminatory manner upon all providers of retail telecommunications services.

(4) The measurement of the amounts derived from the retail sale of telecommunications services does not include:

(a) an excise tax, sales tax, or similar tax, fee, or assessment levied by the United States or any state or local government including, but not limited to, emergency telephone surcharges, upon the purchase, sale, use, or consumption of a telecommunications service, which is permitted or required to be added to the purchase price of the service; and

(b) bad debts.

(5) A business license tax levied by a municipality upon a telecommunications company must be reported and remitted on an annual basis. The municipality may inspect the records of the telecommunications company as they relate to payments under this article.

(6) 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.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2005 Act No. 8, Section 3, eff January 13, 2005.

SECTION 58-9-2230. Public rights-of-way franchise, consent and administrative fees; authorized taxes; mobile telecommunications services.

(A) A municipality shall manage its public rights of way on a competitively neutral and nondiscriminatory basis and may impose a fair and reasonable franchise or consent fee on a telecommunications company for use of the public streets and public property to provide telecommunications service unless the telecommunications company has an existing contractual, constitutional, statutory, or other right to construct or operate in the public streets and public property including, but not limited to, consent previously granted by a municipality. A fair and reasonable franchise or consent fee imposed upon a telecommunications company shall not exceed the annual sum set forth in the following schedule based on population:

Tier I--1--1,000--\$ 100.00

Tier II--1,001--3,000--\$ 200.00

Tier III--3,001--5,000--\$ 300.00

Tier IV--5,001--10,000--\$ 500.00

Tier V--10,001--25,000--\$ 750.00

Tier VI--Over 25,000--\$1,000.00

This franchise or consent fee is in lieu of any permit fee, encroachment fee, degradation fee, or other fee assessed on a telecommunications provider for its occupation of or work within the public right of way.

(B) A municipality shall manage its public rights of way on a competitively neutral and nondiscriminatory basis and may impose an administrative fee upon a telecommunications company that is not subject to subsection (A) in this section and that constructs or installs or has previously constructed or installed facilities in the public streets and public property to provide telecommunications service. The fee imposed on a telecommunications company shall not exceed the annual sum set forth in the following schedule based on population:

Tier I--1--1,000--\$ 100.00

Tier II--1,001--3,000--\$ 200.00

Tier III--3,001--5,000--\$ 300.00

Tier IV--5,001--10,000--\$ 500.00

Tier V--10,001--25,000--\$ 750.00

Tier VI--Over 25,000--\$1,000.00

This administrative fee is in lieu of any permit fee, encroachment fee, degradation fee, or other fee assessed on a telecommunications provider for its occupation of or work within the public right of way.

(C) A municipality shall not levy any tax, license, fee, or other assessment on a telecommunications service, other than (1) the business license tax authorized by this article, and (2) franchise fees as defined and regulated under 47 U.S.C. Section 542; provided, however, that nothing in this subsection restricts the right of a municipality to impose ad valorem taxes, sales taxes, or other taxes lawfully imposed on other businesses within the municipalities. This subsection does not prohibit a municipality from assessing upon a telecommunications company fees of general applicability such as sanitation fees, building permit fees, and zoning permit fees that are not related to the telecommunications company's occupation of or work within the public right of way.

(D) A telecommunications company, including a mobile telecommunications company providing mobile telecommunications services, is not considered to be using public streets or public property unless it has constructed or installed physical facilities in public streets or on public property. The use of public streets or public property under lease, site license, or other similar contractual arrangement between a municipality and a telecommunications company does not constitute the use of public streets or public property for purposes of this article. Without limiting the generality of the foregoing, a telecommunications company is not considered to be using public streets or public property for purposes of this article solely because of its use of airwaves within a municipality. If a telecommunications company, including a telecommunications company providing mobile telecommunications services, requests of a municipality permission to construct or install physical facilities in public streets or on public property, that request must be considered by the municipality in a manner that is competitively neutral and nondiscriminatory as among all telecommunications companies.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2005 Act No. 8, Section 4, eff January 13, 2005.

SECTION 58-9-2240. Regulatory control by local government.

A municipality may not use its authority over the public streets and public property as a basis for asserting or exercising regulatory control over telecommunications companies regarding matters within the

jurisdiction of the Public Service Commission or the Federal Communications Commission or the authority of the Office of Regulatory Staff, including, but not limited to, the operations, systems, service quality, service territory, and prices of a telecommunications company. Nothing in this section shall be construed to limit the authority of a local governmental entity over a cable television company providing cable service as permitted by 47 U.S.C. Section 542.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2006 Act No. 318, Section 70, eff May 24, 2006.

SECTION 58-9-2250. Existing consent agreements.

A telecommunications company, its successors or assigns, that is occupying the public streets and public property of a municipality on the effective date of this article with the consent of the municipality to use such public streets and public property shall not be required to obtain additional consent to continue the occupation of those public streets and public property.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

SECTION 58-9-2260. Enforcement of ordinances or practices conflicting with article.

(A) No municipality may enforce an ordinance or practice which is inconsistent or in conflict with the provisions of this article, except that:

(1) As of the time of the effective date of this article, any municipality which had entered into a franchise agreement or other contractual agreement with a telecommunications provider prior to December 31, 1997, may continue to collect fees under the franchise agreement or other contractual agreement through December 31, 2003, regardless of whether the franchise agreement or contractual agreement expires prior to December 31, 2003.

(2) Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise or other contractual agreement in the event that the franchise agreement or other contractual agreement should expire after December 31, 2003.

(3) In the event that a municipality collects these fees under a franchise agreement or other contractual agreement herein, the fees shall be in lieu of fees or taxes that might otherwise be authorized by this article.

(4) Any municipality that, as of the effective date of this article, has in effect a business license tax ordinance, adopted prior to December 31, 1997, under which the municipality has been imposing and a telecommunications company has been paying a business license tax higher than that permitted under this article but less than five percent may continue to collect the tax under the ordinance through December 31, 2003, instead of the business license tax permitted under this article.

(5) Any municipality which, by ordinance adopted prior to December 31, 1997, has imposed a business license tax and/or franchise fee on telecommunications companies of five percent or higher of gross income derived from the sale of telecommunications services in the municipality, to which tax and/or fee a telecommunications company has objected, failed to accept, filed suit to oppose, failed to pay any license taxes or franchise fees required thereunder, or paid license taxes or franchise fees under protest, may enforce the ordinance and the ordinance shall continue in full force and effect until December 31, 2003, unless a court of competent jurisdiction declares the ordinance unlawful or invalid. In this event, the municipality is authorized until December 31, 2003, to collect business license taxes and/or franchise fees thereunder, not exceeding three percent of gross income derived from the sale of telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality instead of the business license tax permitted under this article; however, this proviso applies to any business license ordinance and/or telecommunications franchise ordinance notwithstanding that same is amended or has been amended subsequent to December 31, 1997.

(B) The exception to this article described in subsection (A)(5) no longer applies after December 31, 2003.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

SECTION 58-9-2270. Customer bill disclosure of business license tax.

A telecommunications company may include the following statement or substantially similar language in any municipal customer's bill when that customer's municipality charges a business license tax to the telecommunications company under this chapter: "Please note that included in this bill there may be a line-item charge for a business license tax assessed by your municipality".

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.



Crown Castle
5902 Mount Eagle Drive, Suite 1517
Alexandria, Virginia 22303-2522
Christopher.Sinclair@crowncastle.com

Tel 703-960-4775
Fax 703-960-4605
www.crowncastle.com

20 November 2012

By United States Postal Service

Mr. Thomas W. Chandler
Finance Director
City of Florence
City-County Complex AA
180 North Irby Street
Florence, South Carolina 29501-3456

Re: Formal Application to Access the Public Rights of Way
For the Provision of Telecommunications Services

Dear Mr. Chandler:

Please consider this correspondence the formal franchise application by Crown Castle NG East Inc. ("Crown Castle"), a Delaware corporation (formerly known as NextG Networks of NY, Inc.), to access the public rights of way within the City of Florence for the provision of telecommunications services as a State-certificated utility. Crown Castle respectfully submits the enclosed information and documentation in accordance with Section 253 of the federal Telecommunications Act of 1996 and applicable State laws governing the use of the public way by telecommunications providers.

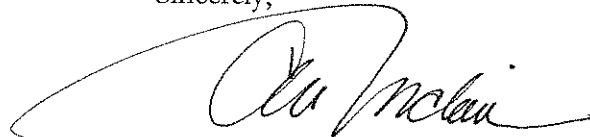
Crown Castle offers wireless operators (such as cellular and PCS providers) innovative solutions to enhance their wireless performance, to include improved network coverage and/or capacity and call quality, that do not require the construction of traditional macro sites, such as towers, monopoles, or rooftop installations. Critical areas can be covered by using optical fiber to connect a distributed antenna system (DAS) network of microcellular node sites, consisting of small antennas and optical repeaters, typically attached to existing infrastructure, such as utility distribution poles and street light poles, where available, in the public way. DAS networks generally are implemented in areas where macro sites cannot adequately reach or when siting new macro facilities may prove to be impractical.

Communities recognize the numerous advantages of Crown Castle and DAS. Deployment is not premised on the construction of new towers or monopoles, often a controversial issue within any jurisdiction. Visually unobtrusive, the equipment is concealed and easy to install and maintain. Improved cellular capacity and/or coverage and expanded service offerings, to include emerging broadband technologies, are provided without public investment or environmental impact.

Enclosed for your reference you will find general information and documentation on Crown Castle, including the clean and redlined versions of a draft franchise agreement (as adapted), a certificate of insurance, preliminary network maps (subject to field engineering), a copy of the Certificate of Public Convenience and Necessity granted by the Public Service Commission of South Carolina, and an FAQ document entitled "A Local Official's Guide: Responding to a Telecommunications Application from Crown Castle".

At your earliest convenience, please review the enclosed materials and kindly advise the next steps in the municipal franchise approval process. Feel free to contact me with any questions, and thank you in advance for your assistance in this matter.

Sincerely,



Christopher T. Sinclair
Director of Government Relations
Southeastern Region

Enclosures: Seybold Article Reprint
Local Official's FAQ
Draft Franchise Agreement,
Clean and redlined versions
Certificate of Insurance
Preliminary Network Maps (2)
State Regulatory Approval
State of Delaware, Secretary of State, Document,
"Certificate of Amendment of Certificate of
Incorporation of NextG Networks of NY, Inc."

Cc: Mr. Andrew H. Griffin, City Manager,
With Enclosures
Ms. Dianne M. Rowan, City Clerk,
With Enclosures
James W. Peterson, Jr. Esq., City Attorney
With Enclosures
Robert L. Delsman, Esq.



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Tel 703-960-4775
Fax 703-960-4605
www.crowncastle.com

21 March 2013

Via Electronic Mail

Mr. Thomas W. Chandler
Finance Director
City of Florence
City-County Complex AA
180 North Irby Street
Florence, South Carolina 29501-3456

Re: Preliminary Network Plan and Route Narrative

Dear Mr. Chandler:

Pursuant to your request concerning the pending formal franchise application by Crown Castle NG East Inc. ("Crown Castle"), a Delaware corporation (formerly known as NextG Networks of NY, Inc.), to access the public rights of way within the City of Florence for the provision of telecommunications services as a State-certificated utility, enclosed please find a map depicting our preliminary network plan within the municipal limits, to include installing wireless communications facilities to approximately 15 new or existing poles in the public right of way and deploying approximately 15.5 miles of fiber optic cable, both aerial and underground, in the public right of way along the following routes, subject to field engineering, route accessibility, pole availability and constructability, jurisdictional requirements and restrictions, and related factors and considerations:

- US-52/W. Lucas Street, between the western municipal boundary (at or near Pisgah Street) and N. Fraser Street, approximately 3.34 miles
- US-52/N. Irby Street and US-52/US-301/S. Irby Street, between W. Lucas Street and W. John Paul Jones Road, approximately 5.10 miles
- SR-343/N. Irby Street, between W. Lucas Street and E. Wilson Road; E. Wilson Road, between SR-343/N. Irby Street and N. Buckingham Road; and N. Buckingham Road, between E. Wilson Road and a point south of E. Orange Circle, approximately 1.32 miles
- W. and E. Roughfork Streets, between SR-343/N. Irby Street and E. Oakland Avenue; E. Oakland Avenue, between E. Roughfork Street and E. Royal Street; and E. Royal Street, between E. Oakland Avenue and Malloy Street, approximately 1.27 miles
- W. Darlington Street, between US-52/N. Irby Street and W. Lucas Street, approximately 0.25 mile

21 March 2013

Page 2

- US-76/W. Palmetto Street, between US-52/Irby Street and S. Coit Street; and S. Coit Street, to a point midblock south of W. Cheves Street, approximately 0.20 mile
- US-76/US-301/E. Palmetto Street, between US-52/Irby Street and S. Jeffords Street, approximately 1.03 miles
- SR-51/Pamplico Highway, between US-52/US-301/S. Irby Street and the eastern municipal boundary (at or near S. Vance Drive), approximately 1.00 mile
- US-301/Freedom Boulevard, between SR-51/Pamplico Highway and Rowland McLaughlin Boulevard; Rowland McLaughlin Boulevard, between US-301/Freedom Boulevard and Scotsman Drive, and Scotsman Drive, between Rowland McLaughlin Drive to the southern end, approximately 0.48 mile
- W. Attwood Drive, between US-52/US-301/S. Irby Street and S. Dexter Drive; and S. Dexter Drive, between W. Attwood Drive and W. YMCA Drive, approximately 0.40 mile
- W. 3rd Loop Road, between US-52/US-301/S. Irby Street and S. Deerfield Drive; S. Deerfield Drive, between W. 3rd Loop Road and S. Wood Duck Lane; and S. Wood Duck Lane, between S. Deerfield Drive and Crown Pointe Drive, approximately 0.76 mile

Please contact me with any questions, and thank you for your continued assistance.

Sincerely,

/S/

Christopher T. Sinclair
Director of Government Relations
Southeastern Region

Enclosure: Preliminary Network Plan
(Map v031513m2)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/15/2012

Page 1 of 2

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis of Pennsylvania, Inc. c/o 26 Century Blvd. P. O. Box 305191 Nashville, TN 37230-5191	CONTACT NAME:		
	PHONE (A/C, NO, EXT): 877-945-7378	FAX (A/C, NO): 888-467-2378	
	E-MAIL ADDRESS: certificates@willis.com		
INSURED CROWN CASTLE INTERNATIONAL CORP. See Attached Named Insured List 1220 Augusta Dr. Suite 500 Houston, TX 77057	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Federal Insurance Company		20281-005
	INSURER B: New Hampshire Insurance Co.		23841-000
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER: 18862994

REVISION NUMBER: See Remarks

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L INSRD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	Y	70210228	4/1/2012	4/1/2013	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS	Y	Y	70210229	4/1/2012	4/1/2013	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE	Y	Y	61844671	4/1/2012	4/1/2013	EACH OCCURRENCE	\$ 5,000,000
							AGGREGATE	\$ 5,000,000
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	71710698	4/1/2012	4/1/2013	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach Acord 101, Additional Remarks Schedule, if more space is required)

THIS VOIDS AND REPLACES PREVIOUSLY ISSUED CERTIFICATE DATED: 11/15/2012 WITH ID: 18862377

Purpose: Telecommunications Franchise; Project code: 201317

See Attached

CERTIFICATE HOLDER**CANCELLATION**

City of Florence
City-County Complex AA
180 North Irby Street
Florence, SC 29501-3456

AUTHORIZED REPRESENTATIVE

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

Coll:3922783 Tpl:1422271 Cert:18862994 © 1988-2010 ACORD CORPORATION. All rights reserved.



ADDITIONAL REMARKS SCHEDULE

AGENCY Willis of Pennsylvania, Inc.		NAMED INSURED CROWN CASTLE INTERNATIONAL CORP. See Attached Named Insured List 1220 Augusta Dr. Suite 500 Houston, TX 77057	
POLICY NUMBER See First Page		EFFECTIVE DATE: See First Page	
CARRIER See First Page	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
 FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

Certificate Holder is included as an Additional Insured under the General, Automobile and Umbrella Liability policies as required by written agreement and only with respect to the liability arising out of the operations performed by or on behalf of the Named Insured.

General, Automobile, Umbrella Liability and Workers Compensation include a Waiver of Subrogation in favor of the Certificate Holder when required by written contract but always subject to the policy terms, conditions and exclusions as permitted by law.

Additional Insured: City of Florence

Crown Castle International Corp. Consolidated Subsidiaries

Entity Name	10/31/2012 edition
AirComm of Avon, L.L.C.	Crown Castle NG West Inc. (eff 5/3/12) fka NextG Networks of California Inc
Atlantic Coast Communications LLC	Crown Castle No 1 Pty Ltd (eff 6/14/11)
AZ - CLEC LLC	Crown Castle Operating Company
CA - CLEC LLC	Crown Castle Operating LLC
CC Castle International LLC	Crown Castle Orlando Corp.
CC Finance LLC	Crown Castle PR LLC
CC Holdings GS V LLC	Crown Castle PT Inc.
CC Site Acquisitions II LLC	Crown Castle Puerto Rico Corp.
CC TM PA LLC (eff 10/31/2012)	Crown Castle Service LLC (eff 6/24/2011)
CC Towers Guarantor LLC	Crown Castle Solutions Corp.
CC Towers Holding LLC	Crown Castle South LLC
CCGS Holdings Corp.	Crown Castle Towers 05 LLC
CCPE Acquisitions LLC	Crown Castle Towers 06-2 LLC
CCTM Holdings LLC (eff 10/31/2012)	Crown Castle Towers 09 LLC
CCTMO LLC (eff 10/31/2012)	Crown Castle Towers LLC
Coastal Antennas LLC	Crown Castle USA Inc.
CO-CLEC (11/19/09)	Crown Communication LLC (formerly Crown Communication Inc. eff 1/1/11)
Comsite Venture, Inc.	Crown Communication New York, Inc.
Coverage Plus Antenna Systems LLC	Crown Mobile Systems, Inc
Crown Atlantic Company LLC	CTTA Pty Limited (eff 8/13/08)
Crown Castle AS LLC (eff 4/29/11)	DC - CLEC LLC
Crown Castle Atlantic LLC	FL - CLEC LLC
Crown Castle Augusta LLC	Global Signal Acquisitions II LLC
Crown Castle Australia Holdings Pty Ltd	Global Signal Acquisitions III LLC
Crown Castle Australia Pty Ltd	Global Signal Acquisitions IV LLC
Crown Castle BP ATT LLC	Global Signal Acquisitions LLC
Crown Castle CA Corp.	Global Signal GP LLC
Crown Castle GS III Corp.	Global Signal Holdings III LLC
Crown Castle GT Company LLC	Global Signal Holdings IV LLC
Crown Castle GT Corp.	Global Signal Operating Partnership, L.P.
Crown Castle GT Holding Sub LLC	Global Signal Services LLC
Crown Castle International Corp.	GoldenState Towers, LLC
Crown Castle International Corp. de Puerto Rico	GS Savings Inc.
Crown Castle International LLC	GSPN Intangibles LLC
Crown Castle Investment Corp	High Point Management Co. LLC
Crown Castle MM Holding Corp.	ICB Towers, LLC
Crown Castle MM Holding LLC	IL - CLEC LLC
Crown Castle MU LLC	IN - CLEC LLC
Crown Castle MUPA LLC	In SITE Fiber of Virginia, Inc.
Crown Castle Nevada LLC	InSITE Solutions, LLC
Crown Castle NG Acquisitions Corp (eff 12/14/11)	Interstate Tower Communications LLC
Crown Castle NG Atlantic Inc. (eff 5/4/12) fka NextG Networks Atlantic Inc	Intracoastal City Towers LLC
Crown Castle NG Central Inc. (eff 5/3/12) fka NextG Networks of Illinois Inc	JBCM Towers LLC
Crown Castle NG East Inc. (eff 5/3/12) fka NextG Networks of NY Inc	KAW Consulting Pty Ltd (eff 12/12/01)
Crown Castle NG Networks Inc. (eff 5/3/12) fka NextG Networks Inc	MA - CLEC LLC
MD - CLEC LLC	TowerOne Warminster 001, LLC (eff 3/2/2012)
Mobile Media California LLC	TowerOne Warrington 002, LLC (eff 3/2/2012)
Mobile Media National LLC	Towers Finco II LLC
Modeo LLC	Towers Finco III LLC
MW Cell REIT 1 LLC (eff 1/31/12)	Towers Finco LLC

Crown Castle International Corp. Consolidated Subsidiaries

Entity Name	10/31/2012 edition
MW Cell TRS 1 LLC (eff 1/31/12)	TVHT, LLC
New Path Networks, Inc.	VA-CLEC LLC
New Path Networks, LLC	WA - CLEC LLC
NextG Networks, Inc. (effective 4/10/12)	WCP Wireless Lease Subsidiary, LLC (eff 1/31/2012)
NextG Networks of NY, Inc (effective 4/10/12)	WCP Wireless Site Funding LLC (eff 1/31/2012)
NextG Networks of California, Inc. (effective 4/10/12)	WCP Wireless Site Holdco LLC (eff 1/31/2012)
NextG Networks of Illinois, Inc. (effective 4/10/12)	WCP Wireless Site Non-RE Funding LLC (eff 1/31/2012)
NextG Networks Atlantic, Inc. (effective 4/10/12)	WCP Wireless Site Non-RE Holdco LLC (eff 1/31/2012)
NJ - CLEC LLC	WCP Wireless Site RE Funding LLC (eff 1/31/2012)
NV - CLEC LLC	WCP Wireless Site RE Holdco LLC (eff 1/31/2012)
NY - CLEC LLC	Wireless Funding, LLC (eff 1/31/2012)
OH CLEC LLC (effective 7/20/11)	Wireless Revenue Properties, LLC (eff 1/31/2012)
OP LLC	
PA - CLEC LLC	
Pinnacle San Antonio L.L.C.	
Pinnacle St. Louis LLC	
Pinnacle Towers Acquisition Holdings LLC	
Pinnacle Towers Acquisition LLC	
Pinnacle Towers Asset Holding LLC	
Pinnacle Towers Canada Inc.	
Pinnacle Towers III LLC	
Pinnacle Towers Limited	
Pinnacle Towers LLC	
Pinnacle Towers V Inc.	
Radio Station WGLD LLC	
RECC Properties Limited (eff 9/20/05)	
SC - CLEC LLC	
Shaffer & Associates, Inc.	
Sierra Towers, Inc.	
Thunder Towers LLC	
Tower Systems LLC	
Tower Technology Company of Jacksonville LLC	
Tower Ventures III, LLC	
TowerOne Partners, LLC (eff 3/2/2012)	
TowerOne 2012, LLC (eff 3/2/2012)	
TowerOne Allentown 001, LLC (eff 3/2/2012)	
TowerOne Doylestown, LLC (eff 3/2/2012)	
TowerOne Middletown 003, LLC (eff 3/2/2012)	
TowerOne North Coventry LLC (eff 3/2/2012)	
TowerOne Upper Pottsgrove 002, LLC (eff 3/2/2012)	

Inactive Entities
Crown Castle Europe LLC eff 12/9/2009
Crown Castle Mexico, S.A. de C.V. eff 12/2010

BEFORE

THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2006-305-C - ORDER NO. 2007-81

FEBRUARY 1, 2007

IN RE: Application of NextG Networks of NY, Inc.)	ORDER GRANTING
for a Certificate of Public Convenience and)	CERTIFICATE AND
Necessity to Provide Resold and Facilities-)	APPROVING FLEXIBLE
Based Local Exchange and Interexchange)	REGULATION
Telecommunications Services in the State of)	
South Carolina and for Flexible Regulation)	

This matter comes before the Public Service Commission of South Carolina ("Commission") by way of the Application of NextG Networks of NY, Inc. ("NextG" or the "Company") requesting a Certificate of Public Convenience and Necessity authorizing it to provide resold and facilities-based local exchange and interexchange telecommunications services within the State of South Carolina. The Company's Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 2006) and the rules and regulations of the Commission. By its Application, NextG also requests flexible regulation of its local exchange service offerings pursuant to Order No. 98-165 in Docket No. 1997-467-C, and waiver of certain Commission regulations.

The Commission's Docketing Department instructed NextG to publish, one time, a Notice of Filing in newspapers of general circulation in the areas of the state affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the Application of NextG and of the manner and time in which to file the appropriate

pleadings for participation in the proceeding. NextG complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. A Petition to Intervene was filed by the South Carolina Telephone Coalition ("SCTC"). Subsequent to the intervention, NextG and SCTC reached a Stipulation, attached hereto as Order Exhibit 2.

Subsequently, NextG and ORS filed a Settlement Agreement attached hereto as Order Exhibit 1. A hearing was convened on January 16, 2007 at 11:30 a.m. in the offices of the Commission in Columbia, South Carolina, before David Butler, Hearing Examiner. NextG was represented by John J. Pringle, Jr., Esquire and T. Scott Thompson, Esquire. The Office of Regulatory Staff ("ORS") was represented by Nanette S. Edwards, Esquire. The South Carolina Telephone Coalition did not appear at the hearing.

Robert L. Delsman, Vice-President, Government Relations and Regulatory Affairs appeared and testified in support of the Company's Application. The record reveals that NextG is incorporated in Delaware and has registered to transact business in South Carolina as a foreign corporation. According to Mr. Delsman, the Company seeks authority both as a reseller and facilities-based provider of local services and interexchange services. Mr. Delsman explained the Company's request for authority, and the record further reveals the Company's services, operations, and marketing procedures. The Company's primary market is as a carrier's carrier. NextG will offer transport of voice and data signals via fiber optic lines, initially focused on serving wireless providers. NextG's "RF transport services" use fiber optic technology, including multi-wavelength optical technology over dedicated transport facilities, to provide

telecommunications companies with more efficient transport and greater overall network service options, according to Mr. Delsman. The Company has no plans to offer services to residential or business end-users at this time.

Mr. Delsman also discussed NextG's technical, financial, and managerial resources to provide the services for which it seeks authority. Mr. Delsman offered that NextG possesses sufficient financial resources to support its operations in South Carolina.

With regard to management and technical capabilities, the Company's Application and Mr. Delsman's testimony both evidence that NextG's management has extensive experience in telecommunications, information technology, regulatory matters, and accounting and finance. Mr. Delsman also testified that NextG will operate in accordance with Commission rules, regulations, guidelines, and Commission Orders. Mr. Delsman offered that approval of NextG's Application would serve the public interest.

Mr. Delsman, on behalf of the Company, requests a waiver of 26 S.C. Code Ann. Regs. 103-610, since the Company's books are maintained in California. Further, the Company requests an exemption from record keeping policies that require maintenance of financial records in conformance with the Uniform System of Accounts ("USOA"). NextG maintains its books in accordance with Generally Accepted Accounting Principles ("GAAP"). In addition, the Company requests that it not be required to publish local exchange directories or furnish operating area maps, and therefore requests waivers of 26 S.C. Code Ann. Regs. 103-631 and 103-612.2.3, respectively.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. NextG is incorporated under the laws of the State of Delaware and is authorized to do business as a foreign corporation in South Carolina by the Secretary of State.
2. NextG desires to operate as a provider of resold and facilities-based local and interexchange services in South Carolina.
3. We find that NextG possesses the managerial experience and capability to operate as a provider, through resale or on a facilities basis, of local services and interexchange services in South Carolina.
4. We find, based on the financial statements submitted by the Company and the testimony at the hearing, that NextG possesses sufficient financial resources to provide the services as described in its Application and testimony.
5. We find that the issuance of a Certificate of Public Convenience and Necessity to NextG to operate as a facilities-based and/or reseller of local exchange telecommunications and interexchange services in South Carolina would be in the best interest of the citizens of South Carolina by providing more innovative services as a carrier's carrier in South Carolina.
6. NextG requests a waiver of 26 S.C. Code Ann. Regs. 103-610. The Commission finds NextG's requested waiver reasonable and understands the potential

difficulty presented to NextG should the waiver not be granted. Further, we find that a waiver of 26 S.C. Code Ann. Regs. 103-610 to be in the public interest. We also believe that exemption from the policies that would require the Company to keep its records under the USOA is reasonable. Additionally we find that a waiver of 26 S.C. Code Ann. Regs. 103-631 and 103-612.2.3 is reasonable and in the public interest.

7. The Company has the managerial, technical, and financial resources to provide the services as described in its Application. S.C. Code Ann. Section 58-9-280 (B) (1) (Supp. 2006).

8. The Commission finds that the Company's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. Section 58-9-280 (B) (3) (Supp. 2006).

9. The Commission finds that the Company will support universally available telephone service at affordable rates. S.C. Code Ann. Section 58-9-280 (B) (4) (Supp. 2006).

10. The Commission finds that services to be provided by the Company will meet the service standards of the Commission. S.C. Code Ann. Section 58-9-280 (B) (2) (Supp. 2006).

11. The Commission finds that the provision of local exchange service by the Company "does not otherwise adversely impact the public interest." S.C. Code Ann. Section 58-9-280(B)(5) (Supp. 2006).

12. Following execution of a Stipulation with intervenor South Carolina Telephone Coalition ("SCTC"), the SCTC withdrew its opposition to the Application.

CONCLUSIONS OF LAW

1. The Commission concludes that NextG possesses the managerial, technical, and financial resources to provide the telecommunications services as described in its Application.

2. The Commission concludes that NextG will participate in the support of universally available telephone service at affordable rates to the extent that NextG may be required to do so by the Commission.

3. The Commission concludes that NextG will provide services which will meet the service standards of the Commission.

4. The Commission concludes that approval of NextG's Application to provide intrastate telecommunications services within South Carolina will serve the public interest by providing for efficient use of existing telecommunications resources.

5. The Commission concludes that the provision of telecommunications service by NextG will not adversely impact the public interest.

6. The Commission concludes that the issuance of the authority to provide intrastate local exchange and interexchange telecommunications services as requested by NextG and as set forth in its Application and Mr. Delsman's testimony is in the best interests of the citizens of the State of South Carolina.

7. The Commission concludes that a Certificate of Public Convenience and Necessity should be granted to NextG to provide resold and facilities-based intrastate local exchange telecommunications services and intrastate interexchange telecommunications services.

8. The Commission adopts a rate design for NextG for its interexchange services, should it offer services to end-users, which includes maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984). The Commission concludes, however, that the Company's rates shall normally be designated by contract.

9. NextG shall not adjust its residential interexchange rates below the approved maximum level without notice to the Commission and to the public, should the Company offer its services to end-users. NextG shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level for residential interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp.2006).

10. The Commission concludes the Company's local exchange telecommunications services shall be regulated in accordance with the principles and

procedures established for flexible regulation first granted to NewSouth Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for the Company's competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels approved by the Commission. Further, the Company's local exchange service tariff filings are presumed valid upon filing, subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

11. We conclude that NextG's request for waiver of 26 S.C. Code Ann. Regs. 103-610 should be granted as strict compliance with the regulation would potentially cause undue hardship on that Company. We also grant exemption from the policies requiring the use of USOA. In addition, we grant waiver of 26 S.C. Code Ann. Regs. 103-631 which requires publication of a local telephone directory and 26 S.C. Code Ann. Regs. 103-612.2,3, which requires the filing of operating area maps.

12. The Stipulation and Settlement Agreement between the various parties should be approved.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. A Certificate of Public Convenience and Necessity should be granted to NextG to provide intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through resale of intrastate Wide Area

Telecommunications Services (“WATS”), Message Telecommunications Service (“MTS”), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission, as well as to provide facilities-based or resold local exchange telecommunications services within the State of South Carolina. The Company is also specifically authorized to provide facilities-based and resold inbound and outbound interexchange telecommunications services.

2. The Company’s rate designs for its products shall conform to those designs described in Conclusions of Law above.

3. If it has not already done so by the date of issuance of this Order, NextG shall file its revised tariff, if any, and an accompanying price list for any applicable rates within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission’s Rules and Regulations, as well as the provisions of the NextG-ORS Settlement Agreement.

4. To the extent applicable, NextG is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers and facilities-based interexchange carriers should be treated similarly.

5. With regard to the Company’s resale of service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

6. NextG shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If NextG changes underlying carriers, it shall notify the Commission in writing.

7. With regard to the origination and termination of toll calls within the same LATA, NextG shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the FCC pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209). Specifically, NextG shall comply with the imputation standard as adopted by Order No. 93-462 and more fully described in paragraph 4 of the Stipulation and Appendix B approved by Order No. 93-462.

8. NextG shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipt report will necessitate the filing of intrastate information. Therefore, NextG shall keep financial records on an intrastate basis for South Carolina to comply with the annual report and gross receipts filings. The proper form for filing annual financial information can be found at the Commission's website at www.psc.sc.gov/forms.asp or at the ORS's website at w.w.w.regulatorystaff.sc.gov. The title of this form is "Telecommunications Company Annual Report." This form shall be utilized by the Company to file annual financial information with the Commission and ORS and shall be filed no later than April 1st.

Commission gross receipts forms are due to be filed with the Commission and ORS no later than **August 31st** of each year. The proper form for filing gross receipts information can be found at the ORS website at www.regulatorystaff.sc.gov, and the appropriate form is entitled “Gross Receipts Form.”

Each telecommunications company certified in South Carolina is required to file annually with the ORS the Intrastate Universal Service Fund (“USF”) worksheet, which may be found on the ORS’s website at www.regulatorystaff.sc.gov. This worksheet provides ORS information required to determine each telecommunications company’s liability to the State USF fund. The Intrastate USF worksheet is due to be filed annually no later than **August 15th** with the Commission and ORS.

9. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission and ORS in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. NextG shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The “Authorized Utility Representative Information” form can be found at the Commission’s website at www.psc.sc.gov/forms.asp; this form shall be utilized for the provision of this information to the Commission and ORS. Further, the Company shall promptly notify the Commission and ORS in writing if the representatives are replaced.

10. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

11. At the hearing, NextG requested a waiver of 26 Code Ann. Regs. 103-610 (Supp. 2006), which requires that records required by the Commission's Rules and Regulations be maintained in South Carolina. The Commission finds NextG's requested waiver reasonable and understands the potential difficulty presented to NextG should the waiver not be granted. The Commission therefore grants the requested waiver. However, NextG shall make available its books and records at all reasonable times upon request by the Office of Regulatory Staff, and NextG shall promptly notify the Commission and ORS if the location of its books and records changes.

12. NextG also requests that it be exempt from record keeping policies that require a carrier to maintain its financial records in conformance with the Uniform System of Accounts. The USOA was developed by the FCC as a means of regulating telecommunications companies subject to rate base regulation. As a competitive carrier, NextG maintains its book of accounts in accordance with Generally Accepted Accounting Principles. GAAP is used extensively by interexchange carriers and other providers. Accordingly, NextG requests an exemption from the USOA requirements. We grant the Company's request for the reasons stated above.

13. Should the Company offer applicable service in the future, NextG is required to comply with Title 23, Chapter 47 of the South Carolina Code Annotated, which governs the establishment and implementation of a "Public Safety Communications Center," which is more commonly known as a "911" system or "911

service.” Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs NextG to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating, should the Company become interconnected to the public switched telephone network. Contact with the appropriate 911 service authorities is to be made before beginning local telephone service in South Carolina. Accompanying this Order is a memo from the State 911 Office of the Office of Research & Statistics of the South Carolina Budget and Control Board. This memo provides information about contacting County 911 Coordinators. By this Order and prior to providing local telephone services in South Carolina, NextG shall contact the 911 coordinator in each county (and city where the city has its own 911 system) and shall provide information regarding the Company’s operations as required by the 911 system.

14. The Stipulation and Settlement Agreement between the various parties are hereby approved.

15. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)

Delaware

PAGE 1

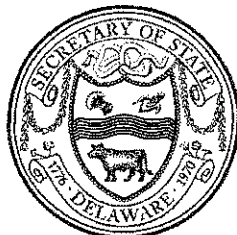
The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "NEXTG NETWORKS OF NY, INC.", CHANGING ITS NAME FROM "NEXTG NETWORKS OF NY, INC." TO "CROWN CASTLE NG EAST INC.", FILED IN THIS OFFICE ON THE THIRD DAY OF MAY, A.D. 2012, AT 7:27 O'CLOCK P.M.

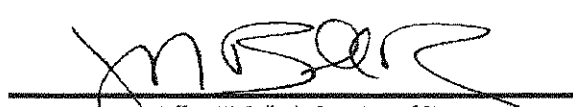
A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

3587157 8100

120509186



You may verify this certificate online
at corp.delaware.gov/authver.shtml


Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 9549758

DATE: 05-04-12

CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION
OF
NEXTG NETWORKS OF NY, INC.

NextG Networks of NY, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Company") DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said Corporation by Unanimous Written Consent has adopted a resolution that the Corporation amend Article 1 of its Certificate of Incorporation as on file with the Secretary of State of Delaware to read in its entirety as set forth below:

1. This corporation's name is Crown Castle NG East Inc. (the "Company").

SECOND: That the amendment has been consented to and authorized by all the holders of the issued and outstanding capital stock of the Corporation by written consent given in accordance with the provisions of section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said NextG Networks of NY, Inc. has caused this Certificate to be signed this 3rd day of May, 2012.

NextG Networks of NY, Inc.

By 

E. Blake Hawk
Executive Vice President

A Local Official's Guide:

**RESPONDING TO A TELECOMMUNICATIONS APPLICATION
FROM CROWN CASTLE
(State of South Carolina)**

Crown Castle NG East Inc. ("Crown Castle"), a wholly-owned indirect subsidiary of Crown Castle International Corp. (NYSE:CCI) formerly known as NextG Networks of NY, Inc., has submitted to you an application under the federal Communications Act for access to the public rights of way to construct and maintain facilities necessary to provide telecommunications services. In order to assist you in analyzing and responding to Crown Castle's application, Crown Castle sets forth below answers to common questions raised by local officials upon receipt of such an application.

Q. Who is Crown Castle?

A. Crown Castle is an industry leader in the ownership and operation of infrastructure that facilitates wireless communications. Among its various service offerings it provides managed RF transport and backhaul services to wireless communications service providers, including mobile network operators and public WLAN service providers. Crown Castle's innovative and cost-effective RF-over-Fiber ("RFoF") transport solution enables wireless service providers to expand their coverage and/or capacity throughout metropolitan regions and in dense urban and isolated suburban areas.

Q. What kind of service does Crown Castle provide?

A. Crown Castle provides Telecommunications Services. Specifically, it carries voice and data traffic handed off to it by wireless providers (such as cellular and PCS). It carries that traffic via its fiber optic lines from antennas located on utility and/or street light poles to a central switching-like location, and from there, either back to another antenna or out to the public switched telephone network or Internet.

Q. What is Crown Castle asking of the Municipality?

A. Crown Castle is applying for the right to construct, operate, manage, and maintain a telecommunications network in the public ways of the Municipality in compliance with the Municipality's ordinances and permitting requirements in order to serve its wireless customers and to improve wireless coverage and/or capacity in the Municipality. To that end Crown Castle requests authorization for the following:

- ✚ the right to enter into the public way to provide telecommunications services;
- ✚ the right to utilize any municipally-owned streetlight poles and traffic signal poles for an agreed annual fee for the collocation of Crown Castle's facilities; and
- ✚ the right to utilize third-party-owned infrastructure (such as utility poles, fiber optic cable, and conduit) in the public way for deployment of Crown Castle's network; and
- ✚ the right to utilize any available municipally-owned fiber and/or conduit for an agreed annual fee for the collocation of Crown Castle's fiber facilities.

Q. How long does the municipality have to respond to Crown Castle's application?

A. Under federal law, local authorities must act on Crown Castle's application, in writing, expeditiously. Unreasonable delay or a failure to act expeditiously has been held to constitute an unlawful barrier to entry under federal law. The FCC has held that 90 days is a reasonable time for action on a collocation application (*i.e.*, proposal to attach to an existing pole in the public way) and 150 days for an action on an application proposing facilities other than collocations. Failure to act by a local authority within these time periods shall constitute a "failure to act" and thus trigger a provider's rights to sue under the federal Communications Act.

Q. What information can the municipality require from Crown Castle?

A. Local authorities may only request information directly related to Crown Castle's physical construction in and occupation of the public rights of way. Local authorities are prohibited from inquiring into the "legal, technical, or financial" qualifications of Crown Castle or other matters unnecessary for the local authority's ability to oversee Crown Castle's construction and to manage the public rights of way.

Q. Can the municipality impose restrictions on Crown Castle's use of the public way?

A. Local authorities are permitted only to "manage" Crown Castle's construction and physical occupation of the public rights of way. This has been held to include matters such as requiring insurance or bonds and imposing standard construction permitting and safety regulations. This authority has also been described as extending to the "time and manner" of construction.

Q. Can the Municipality regulate Crown Castle's activities as a telecommunications provider in the public way?

A. No. Section 253 of the Communications Act prohibits local authorities from regulating the provision of telecommunications services.

Q. Is the municipality required to treat Crown Castle in the same way as the Municipality treats the incumbent local telephone company?

A. Yes. Local authorities must treat competitive providers, like Crown Castle, in a competitively-neutral and non-discriminatory manner. As a result, local authorities cannot impose on Crown Castle requirements or fees that are not imposed on the incumbent telephone company, regardless of the difference of facility installation or service offering.

Q. Who will own the equipment utilized in Crown Castle's network and what effect does that have on Crown Castle's rights?

A. Crown Castle will own or control the fiber by means of which it provides RF Transport Services in all cases. The optical repeaters and antennas may be owned by either Crown Castle or its carrier customers; however, in all cases the optical repeaters and antennas will be incorporated into the Crown Castle network, even if title remains with the customer. Because under its tariff and agreements Crown Castle will operate, manage, maintain, and control all equipment incorporated into its network, including the optical repeaters and antennae, those facilities are part of Crown Castle's network and accorded the same rights as the rest of Crown Castle's network facilities.

This is a new model that Crown Castle is pioneering and with which the Municipality may not be familiar. Thus, although title to certain equipment may remain with Crown Castle's customer in a particular installation, such equipment will nonetheless constitute a part of Crown Castle's network and may also remain part of the customer's larger wireless network in an "overlapping circles" architecture. In all cases, permit applications will be submitted either solely by Crown Castle or jointly with its customer, and Crown Castle will be responsible to the Municipality under the applicable permit in all cases.

Q. What are the consequences for the Municipality if it fails to respond to Crown Castle's application or restricts its right to provide its services?

A. Local authorities may be liable to Crown Castle for damages under federal law if they exceed their limited authority under law, unreasonably delay their response, or interfere with Crown Castle's right to provide telecommunications services.

Q. Has Crown Castle been certified by the State to provide telecommunications services?

A. Yes. On February 1, 2007, NextG received a certificate of public convenience and necessity ("CPCN") from the Public Service Commission of South Carolina to provide competitive telecommunications services in South Carolina.

Q. Is Crown Castle a wireless provider?

A. No. Crown Castle is not licensed to provide wireless services and does not control any wireless spectrum. Crown Castle is a "carrier's carrier" whose customers are wireless providers.

Q. What facilities does Crown Castle need to install to provide service in the community?

A. Crown Castle provides its service with a combination of fiber optic lines connected to small wireless antennas, optical repeaters, and associated equipment. Thus, it must generally install a certain amount of fiber optic cable, either underground or aerially on existing utility poles. In addition, it must install small wireless antennas and associated equipment on utility poles and/or streetlight poles, typically located in the public rights of way. When possible and appropriate, Crown Castle may lease capacity on existing fiber optic facilities owned by the Municipality or other providers.

Q. Will Crown Castle use existing utility poles?

A. Crown Castle will generally seek to collocate its facilities on existing utility or streetlight poles, typically located in the public rights of way. To the extent that it will be using privately-owned utility poles, Crown Castle has entered into (or is in the process of entering into) any necessary pole attachment agreement. South Carolina State statutes, the Public Service Commission of South Carolina, and ultimately the federal Pole Attachment Act govern the rates, terms, and conditions that private utility pole owners may impose on Crown Castle's access to such poles and require those utility companies to provide Crown Castle access to their poles.

Q. Will Crown Castle need to install any new poles of its own?

A. Generally, no; however, if there is no available infrastructure, or if the Municipality does not wish to allow Crown Castle to attach to its streetlight or traffic signal poles, Crown Castle may need to install its own utility poles. In such cases, Crown Castle will comply with all lawful local regulations governing such installations.

Q. What are the benefits from Crown Castle's entry into the community?

A. Crown Castle's service allows wireless carriers to expand the coverage and/or capacity of wireless services using existing utility and/or streetlight poles. Traditional wireless technologies have suffered from "dead spots" and bandwidth capacity limitations. Crown Castle's combination of fiber optics and lower antennas helps wireless providers eliminate such coverage gaps and increase bandwidth needed for emerging and future services. In addition, Crown Castle introduces competition that will help provide more service choices and more competitive prices for consumers. Finally, network operations will provide revenue to the Municipality to the extent it allows Crown Castle to use its poles, fiber, and/or conduit for Crown Castle's network deployment.

Q. What are Crown Castle's rights under Federal law?

A. Section 253 of the Communications Act grants Crown Castle the right to provide telecommunications services and prohibits municipalities from imposing requirements that prevent Crown Castle from providing telecommunications services or that "have the effect of prohibiting" Crown Castle from providing telecommunications services. Recent court decisions applying § 253 have held that any municipal requirement that "materially inhibits" Crown Castle's ability to compete is preempted. This includes imposing on Crown Castle requirements such as fees or franchises that are not imposed on the incumbent telephone company, denying access to all or sections of the public rights of way, and excluding Crown Castle from offering its services in certain districts within the Municipality, such as residential neighborhoods. The fact that Crown Castle's facilities include wireless elements does not alter Crown Castle's rights under federal law. Ultimately, municipalities may not exercise discretion over whether Crown Castle can access the public rights of way and provide service.

Section 253 reserves to municipalities only the authority to "manage" Crown Castle's physical occupation of the public rights of way (*i.e.*, construction permitting and safety issues). Crown Castle complies with all applicable and lawful local permitting requirements concerning construction in the public rights of way.

Q. Do South Carolina's laws address Crown Castle's facilities and services?

A. Under South Carolina law a telecommunications provider "may construct, maintain, and operate its line through, upon, over, and under any of the public lands of [South Carolina], under, over, along and upon any of the highways or public roads of [South Carolina], over, through or under any of the waters of [South Carolina], on, over and under the lands of any person in [South Carolina] and along, upon, and over the right of way of any railroad or railway company in [South Carolina]." S.C. CODE § 58-9-2020. South Carolina law also requires municipalities to manage public rights of way on a nondiscriminatory and competitively neutral basis. S.C. CODE § 58-9-2230. In addition, South Carolina law limits the amount a municipality may charge a telecommunications company for access to its rights of way. S.C. CODE § 58-9-2230.

Q. Are radio frequency (RF) emissions an issue with the equipment related to Crown Castle's service?

A. No. The wireless antennas associated with Crown Castle's service produce RF radiation at levels well below the FCC's permitted maximums for general-population, uncontrolled exposures, which are

themselves conservatively low. Indeed, most facilities associated with Crown Castle's services are "categorically excluded" from the FCC's requirement for routine environmental evaluation for RF exposure.

Q. Can the Municipality require zoning for such facilities in the public rights of way for a State-certificated provider of telecommunications services?

A. Generally, no. Under both South Carolina and federal laws, a Municipality cannot impose regulations on Crown Castle's access to the public rights of way to which it otherwise does not subject the incumbent telephone company, regardless of the wireless component of Crown Castle's network. As noted above, South Carolina law requires municipalities to manage public rights of way on a nondiscriminatory and competitively neutral basis. S.C. CODE § 58-9-2230.

ORDINANCE NO. _____ - 2013

AN ORDINANCE TO GRANT TO CROWN CASTLE NG EAST INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AND AUTHORITY TO CONSTRUCT, INSTALL, MAINTAIN, AND OPERATE IN, OVER, UPON AND UNDER THE STREETS AND PUBLIC PLACES OF THE CITY OF FLORENCE, ITS LINES, POLES, WIRES, CABLES, AND OTHER TELECOMMUNICATIONS FACILITIES TO RENDER TELECOMMUNICATIONS SERVICE TO ITS CUSTOMERS IN THE CORPORATE LIMITS OF THE CITY OF FLORENCE FOR SUCH PERIOD AS PROVIDED HEREIN; AND TO PROVIDE FOR THE PAYMENT OF COMPENSATION FOR THE USE OF THE STREETS AND PUBLIC PLACES

WHEREAS, Crown Castle NG East Inc., a Delaware corporation (formerly known as NextG Networks of NY, Inc.) ("Crown Castle"), has requested consent of the City of Florence to use the streets and public places of the City to construct, install, maintain, and operate its facilities for use in providing telecommunications services to its customers within the municipality for its own business purposes and profit; and

WHEREAS, other telecommunications providers either have or are likely to seek a similar consent; and

WHEREAS, it is the policy of the City to permit such entry into the corporate limits and such use of the streets and public places for the provision of telecommunication services, subject to the duty and authority of the City to manage its streets, public property, and rights-of-way to require fair and reasonable compensation from telecommunications providers for the use thereof on a competitively neutral and nondiscriminatory basis, and to publicly disclose the amount of such compensation;

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

Section 1: As used in this ordinance, the word "Company" means Crown Castle NG East Inc., a Delaware corporation (formerly known as NextG Networks of NY, Inc.) ("Crown Castle"), existing under the laws of the State of South Carolina and duly authorized to do business in South Carolina, its successors and assigns.

Section 2: As used in this ordinance, the word "Municipality" means the City of Florence, South Carolina.

Section 3: As used in this ordinance, the term "Telecommunications Services" has the meaning and definition given to that same term by S.C. Code Ann. Sections 58-9-10 and 58-9-2200(1) and 47 U.S.C. § 153; provided, however, for purposes of this ordinance, the term "Telecommunications Services" does not include cable television. Cable television services may only be provided in the municipal limits pursuant to a separate franchise pursuant to 42 USC 542.

Section 4: The non-exclusive right, power, and authority is hereby granted and vested in the Company to construct, install, maintain, and operate in, over, under, and upon the streets, alleys, bridges, rights-of-way and other public places of the Municipality, its lines, poles, antennas, wires, cables, cabinets, conduits, converters, equipment, and other telecommunications facilities and to use those facilities to render Telecommunication Services to its customers within the corporate limits of the Municipality.

Section 5: Prior to the commencement or continuation of any construction or operation in the corporate limits of the Municipality, the Company shall be duly authorized to do business in South Carolina and shall have received any necessary certificate of public convenience and necessity or other required authorization from the Public Service Commission of South Carolina. Evidence that such authority has been acquired or that it is not required will be filed with the Municipality.

Section 6: All work upon the streets and public places of the Municipality shall be in accordance with all applicable standards, codes, and ordinances, and will be done under the general supervision of the Municipality through the application for and administration of an encroachment permit from the Municipality. All new construction, wherever practicable, will be placed underground, and in no event will service lines/cables be placed aboveground if other existing service lines/cables in that area are underground. Any necessary aboveground construction, wherever practicable, will utilize existing utility poles. No street, alley, bridge, right-of-way, or other public place used by the Company shall be obstructed longer than necessary during its work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. No part of any street, alley, bridge, right-of-way, or other public place of the Municipality, including any public drain, sewer, catch basin, water pipe, pavement or other public improvement, shall be damaged. However, should any such damage occur, the Company shall repair the same as promptly as possible, and, in default thereof, the Municipality may make such repairs and charge the reasonable cost thereof to and collect the same from the Company.

Section 7: The Company (as the Indemnifying Party) agrees to indemnify, defend and hold the Municipality, its affiliates and their respective officers, directors, members, partners and employees (the "Indemnified Party") harmless of and from any damage, liability, loss, cost or expense (including, without limitation, reasonable attorney's fees and expenses), judgments, settlements and penalties of every kind arising from or relating to claims, actions or demands on account of (a) any personal injury, wrongful death, or loss of or damage to any tangible personal property or facilities of any person to the extent arising out of resulting from the negligent or otherwise wrongful acts or omissions of the Indemnifying Party (including its employees or agents) in the performance of its obligations under this franchise; or (b) the violation by the Indemnifying Party of any requirement of any applicable law, regulation or court order in connection with the performance of its obligations under this franchise. In no event shall either party be liable to the other, its employees, subcontractors, affiliates and/or agents, or any third party for any indirect, incidental, special, consequential, or punitive damages, or lost profits for any claim or demand of any nature or kind, arising out of or in connection with this franchise or the performance or breach thereof.

Section 8: In consideration of the grant of authority to utilize the streets and public places of the Municipality for the provision of Telecommunication Services, and in accordance with applicable laws and ordinances, the Company shall pay such lawful franchise fees, business license taxes, and administrative fees as are presently permitted by Article 20 of Chapter 9 of Title 58 of the 1976 Code of Laws of South Carolina, as enacted in 1999, and as may be enacted and imposed by the Municipality. The Company shall also pay all such ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Municipality. Provided, however, that in the event that Article 20 of Chapter 9 of Title 58 of the 1976 Code of Laws of South Carolina, as enacted in 1999, or other laws governing franchise fees, business license taxes and/or other fees with respect to Telecommunication Services shall be substantially modified by subsequent legislation or court

decision, the provisions herein contained shall be brought into conformity with the changes in the applicable law by appropriate amendment to this ordinance. If the limitations on the amount of franchise fees, administrative fees, and business license taxes on providers of Retail Telecommunications Services presently contained in said statute shall be removed or modified, the Municipality will be free, by amendment to this ordinance, to impose such fair, reasonable, competitively neutral, and nondiscriminatory fees and taxes as may then be permitted by that statute or by such applicable South Carolina and federal law as may then govern.

Section 9: Except as specifically provided herein, or otherwise mandated by law, the privilege granted to the Company by this ordinance does not exempt or excuse the Company from the police power and all other lawfully imposed municipal authority and laws including, but not limited to, those relating to zoning, permitting, traffic control, construction and excavation, planning, aesthetics, and the environment.

Section 10: (a) This franchise may be terminated by either party upon forty five (45) days' prior written notice to the other party upon a default of any material covenant or term hereof by the other party, which default is not cured within forty-five (45) days of receipt of written notice of default (or, if such default is not curable within forty-five (45) days, if the defaulting party fails to commence such cure within forty-five (45) days or fails thereafter diligently to prosecute such cure to completion). Except as expressly provided herein, the rights granted under this franchise are irrevocable during the term.

(b) The non-exclusive franchise and consent granted by this ordinance shall be in force and effect for an initial term of ten (10) years and shall continue in force and effect thereafter until properly terminated by either party. Either party may terminate the contract at the end of its initial ten-year term, or at any time thereafter, by giving written notice of its intention to do so no less than two (2) years before the proposed date of termination.

(c) In the event of a termination of the franchise pursuant to the terms of this Section, it shall be the responsibility of the Company, its successors or assigns, to remove all antenna and related improvements from the rights of way, streets or public places within one hundred eighty (180) days of the date of termination.

Section 11: This franchise and consent ordinance is subject to the constitution and laws of the State of South Carolina. In conforming this ordinance to the requirements of S.C. Code Ann. Section 58-9-2200 et. seq. as enacted by the General Assembly of South Carolina in 1999, the Municipality does not concede or imply that the General Assembly has the authority to restrict by general law the powers denied to the General Assembly and reserved to the municipalities of South Carolina by Article VIII Section 15 of the Constitution of South Carolina.

Section 12: Any notice to either party shall be in written form and addressed as follows:

If to the Municipality:
City of Florence
City-County Complex AA
180 North Irby Street
Florence, SC 29501-3456

If to the Company:
Crown Castle NG East Inc.
c/o Crown Castle USA, Inc.
2000 Corporate Drive
Canonsburg, PA 15317-8564
Attention: E. Blake Hawk, General Counsel, Legal Department

With a copy to:
Crown Castle NG East Inc.
890 Tasman Drive
Milpitas, CA 95035-7439
Attention: Contracts Management

ADOPTED THIS _____ DAY OF _____, 2013.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: April 8, 2013

AGENDA ITEM: Ordinance
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex Tax Map Number 00099-01-003, into the City of Florence and zone to R-3, Single Family Residential District. The request is being made by the property owner, Florence School District One.

II. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) Portion of parcel already annexed (Lucie T. Davis Elementary).
- (3) City water and sewer services are currently available; there is no cost to extend utility services.
- (4) A Public Hearing for zoning was held at the March 12, 2013 Planning Commission meeting. No one was present to voice concerns or support the request.
- (5) Planning Commission members voted 8-0 to recommend the zoning request of R-3 single Family Residential District.
- (6) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-3 Single Family Residential District.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

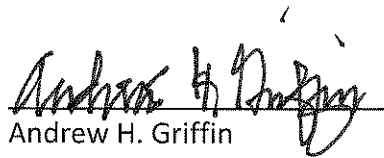
- (1) No previous action has been taken by City Council on this request.

IV. ATTACHMENTS:

- (1) Ordinance and map showing the location of the property.

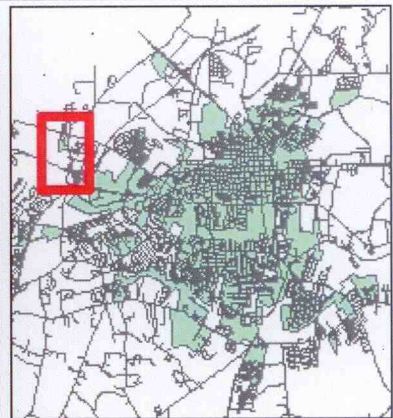


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director



Andrew H. Griffin
City Manager

Annexation Request Location Map



Legend

- Road Segment
- Parcels
- Planning.DBO.City Limits



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ORDINANCE NO. 2013 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY FLORENCE SCHOOL DISTRICT ONE.

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on March 12, 2013 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by Florence School District One, owner of TMN 00099-01-003 was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in 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 adding the zoning district classification of R-3, Single Family Residential District:

The properties requesting annexation are shown more specifically on Florence County Tax Map 00099, block 01, parcel 003. (132.35 Acres)

Any portions of public rights-of-way abutting the above described property will be also included in the annexation.

WHEREAS, Florence City Council concur 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 and annexing the aforesaid properties to R-3, Single Family Residential District and incorporating them into the City Limits of the City of Florence
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 _____, 2013

Ordinance No. 2013 - _____
Page 2 – April, 2013

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: April 8, 2013

AGENDA ITEM: Ordinance
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex 121 N. Ebenezer Road, Tax Map Number 00099-01-155, into the City of Florence and zone to R-3, Single Family Residential District. The request is being made by the property owner, the City of Florence.

II. POINTS TO CONSIDER:


- (1) Request is being considered for first reading.
- (2) City water and sewer services are currently available; a fire hydrant will be added by City of Florence Utilities Department.
- (3) A Public Hearing for zoning was held at the March 12, 2013 Planning Commission meeting. No one was present to voice concerns or support the request.
- (4) Planning Commission members voted 8-0 to recommend the zoning request of R-3 single Family Residential District.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-3 Single Family Residential District.


III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) No previous action has been taken by City Council on this request.

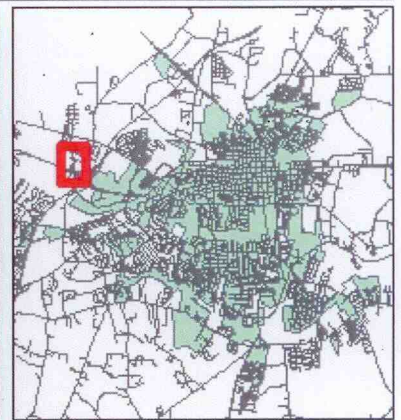
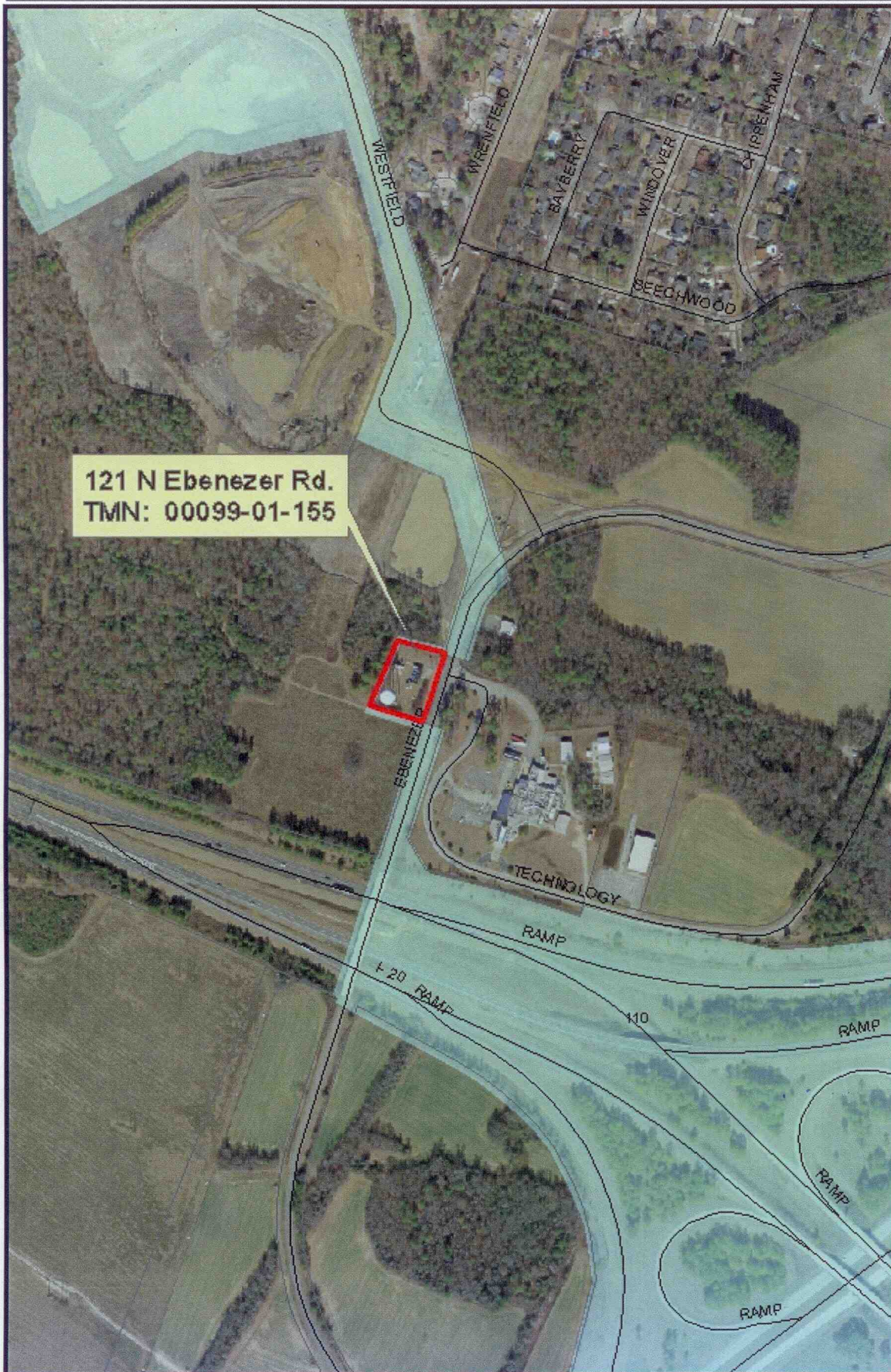
IV. ATTACHMENTS:

- (1) Ordinance and map showing the location of the property.


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

Annexation Request Location Map (TMN: 00099-01-155)



Legend

- Road Segment
- Parcels
- Planning, DBO, City Limits



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ORDINANCE NO. 2013 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY THE CITY OF FLORENCE.

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on March 12, 2013 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by the City of Florence, owner of 121 North Ebenezer Road, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in 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 adding the zoning district classification of R-3, Single Family Residential District:

The property requesting annexation are shown more specifically on Florence County Tax Map 00099, block 01, parcel 155. (1.01 Acres)

Any portions of public rights-of-way abutting the above described property will be also included in the annexation.

WHEREAS, Florence City Council concur 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 and annexing the aforesaid properties to R-3, Single Family Residential District and incorporating them into the City Limits of the City of Florence
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 _____, 2013

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

IX. d.
Bill No. 2013-07
First Reading

DATE: April 8, 2013

AGENDA ITEM: First Reading, Ordinance to Amend the Zoning Ordinance

DEPARTMENT/DIVISION: Planning, Research & Development

I. ISSUE UNDER CONSIDERATION

A text amendment replacing the Vested Rights Ordinance in the City of Florence Land Development and Subdivision Ordinance.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

This text amendment replaces the Vested Rights Ordinance inadvertently removed from the Land Development Ordinance in 2007.

III. POINTS TO CONSIDER

1. The proposed Vested Rights Ordinance is identical to the Vested Rights Ordinance the City of Florence adopted and added to the Land Development and Subdivision Ordinance in 2005.
2. When the Land Development and Subdivision Ordinance was rewritten and adopted in 2007, the Vested Rights Ordinance was omitted due to clerical error.
3. This error was recently discovered; therefore, the text amendment would correct that error, and eliminate any confusion regarding vested rights in the City of Florence.

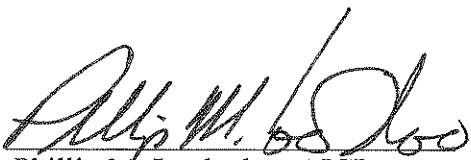
IV. OPTIONS


City Council may:

1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

IV. ATTACHMENTS

1. Ordinance


Phillip M. Lookadoo, AICP
Planning, Research & Development Director


Andrew H. Griffin
City Manager

ORDINANCE NO. 2013 _____

AN ORDINANCE TO AMEND THE CITY OF FLORENCE LAND DEVELOPMENT AND SUBDIVISION ORDINANCE IN ORDER TO REESTABLISH THE CITY'S VESTED RIGHTS ORDINANCE WHICH, AS A RESULT OF CLERICAL ERROR, WAS INADVERTANTLY OMITTED FROM ORDINANCE NO. 2007-39.

WHEREAS, on June 27, 2005, the City of Florence adopted Ordinance No. 2005-19 to provide for and govern vested rights pursuant to the authority granted to municipalities by the Vested Rights Act adopted by the State of South Carolina through the passage of Act 287 in 2004;

WHEREAS, the above referenced vested rights ordinance was established as a portion of Chapter 18 of the City's Code under the existing Subdivision Ordinance;

WHEREAS, the City Council adopted a complete overhaul of the Ordinance regulating Land Development and Subdivisions in 2007 by its adoption of Ordinance No. 2007-39, and this new ordinance was drafted with the assistance of outside consultants in order to address new regulations related to storm water drainage under Phase II of the National Pollutant Discharge Elimination System (NPDES) permit;

WHEREAS, the provisions of the Vested Rights Ordinance, through clerical error, were inadvertently omitted from Ordinance No. 2007-39; and

WHEREAS, while the City has continued to apply the provisions of the vested rights ordinance, it was recently discovered that, as a result of the clerical error cited above, the vested rights ordinance no longer appears as part of the City Code;

NOW, THEREFORE, in order to correct the confusion caused by the clerical error cited above and to remove any doubt related to the vested rights ordinance, it is hereby ordained by the City Council of the City of Florence, in meeting duly assembled and by the authority thereof, that the Land Development and Subdivisions Ordinance found in Chapter 18 of the City Code is hereby amended to add "Article X: Vested Rights Ordinance" which will read in its entirety as follows:

ARTICLE X: VESTED RIGHTS ORDINANCE

10.1 VESTED RIGHTS TO DEVELOP PROPERTY

All applicable ordinances, municipal code sections, and regulations relating to zoning, planning and land development within the municipality are subject to this Ordinance, which shall be known as the Vested Rights to Develop Property Ordinance.

10.2 DEFINITIONS

As used in this Vested Rights Ordinance (Definitions herein provided from the "Vested Rights Act", SC Code of Laws Title 6, Chapter 29, Article 11 with various changes incorporated):

- a) "Approved" or "approval" shall mean the final action that results in the authorization of a site specific development plan by the official or body of the local governing body authorized to approve a site specific development plan. This action shall include the payment of all associated fees.
- b) "Building permit" means a written warrant or license issued by a local building official that authorizes the construction or renovation of a building or structure at a specified location.
- c) "City" shall mean the incorporated area of the City of Florence.
- d) "Conditionally approved" or "conditional approval" means an action taken by the local governing body that provides interim approval for a site-specific development plan but is contingent upon additional approvals by other regulatory agencies.
- e) "Landowner" means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purpose of submitting proposed site-specific development plan pursuant to this Ordinance.
- f) "Local governing body" shall mean the City, City Planning Commission, City Board of Zoning Appeals, Construction Board of Appeals, or the City of Florence Design Review Board.
- g) "Person" means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.
- h) "Phased development plan" means development plan submitted to a local governing body by a landowner that shows the types and density or intensity of

uses for a specific property or properties to be developed in phases, but do not satisfy the requirements for a site-specific development plan.

- i) "Real property" or "property" means all real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.
- j) "Site specific development plan", shall mean a complete plan, plat or application as defined within the City's applicable Land Development Regulations or Code of Ordinances and/or the Consolidated Zoning Ordinance. For the purposes of this Ordinance a site-specific development plan shall include and be limited to the following: certificate of zoning compliance including approval of a conditional use permit, building permit, demolition permit, variance, summary plat approval, special exception, planned unit development/planned development district, sketch/preliminary plan, development plat, preliminary approval of a certificate of appropriateness, and/or certificate of appropriateness.
- k) "Vested right" means the right to undertake and complete the development of property under the terms and conditions of site specific development plan as provided in this Ordinance, the Vested Rights Act, and City land development ordinances or regulations adopted pursuant to this chapter.

10.3 ESTABLISHMENT OF VESTED RIGHTS

Elements herein provided from the "Vested Rights Act", SC Code of Laws Title 6, Chapter 29, Article 11 with various changes incorporated:

- a) A vested right to develop property in accordance with a site specific development plan is triggered upon the "signed, dated, and stamped" approval of a site specific development plan by the official or body of the City given the authority to approve a site specific development plan and the payment of all applicable fees.
- b) A vested right for an approved site specific development plan expires two years after the date of final approval by the official or body authorized to approve a site specific development plan and may, upon application, be extended on an annual basis for an additional five years.
- c) No sooner than three (3) months prior to, but no later than, the expiration of the vested right period for an approved site specific development plan, the landowner of real property with a vested right may apply to the local governing body for an annual extension of the vested right. The local governing body must approve applications for at least five annual extensions of the vested right unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval of the site specific development plan. A new application

must be made for each annual extension of the vested right. No more than five annual extensions of the vested right may be approved.

- d) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans. An approved or conditionally approved site specific development plan is required prior to approval of each phase of a phased development plan.
- e) Specific prior vested rights, including, but not limited to, rights arising from development agreements, associated with property proposed for annexation shall be binding upon the City only upon application and approval by action of City Council.

10.4 CONDITIONS AND LIMITATIONS OF VESTED RIGHTS

Elements herein provided from the "Vested Rights Act", SC Code of Laws Title 6, Chapter 29, Article 11 with various changes incorporated:

- a) A vested right established by this Ordinance and in accordance with the standards and procedures in the land development ordinances or regulations adopted pursuant to this chapter is subject to the following conditions and limitations:
 - (1) a vested right established under a conditionally approved site specific development plan may be terminated by the local governing body upon its determination, following notice and public hearing, that the landowner has failed to meet the terms of the conditional approval;
 - (2) a site specific development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation, or special exception is obtained;
 - (3) a vested site specific development plan may be amended if the amendment does not cause an increase in the intensity, density, and change in use; does not affect more than 25% of land area or does not affect more than 50% of the number of subdivided lots; does not cause a reduction in the amount of open space or buffer area; does not adversely impact the stormwater management system/plan and adversely impact the existing riparian buffer(s); and does not adversely impact pedestrian/vehicular access or circulation. All other provisions of the consolidated zoning ordinance, land development ordinance, planning standards, and City code sections or regulations at the time of vesting must be satisfied. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right;

- (4) a validly issued building permit does not expire or is not revoked upon expiration of a *vested* right, except for public safety reasons or as prescribed by the applicable building code;
- (5) a *vested* right to a site specific development plan is subject to revocation by the local governing body upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval;
- (6) a *vested* site specific development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the *vested* right. The issuance of a building permit *vests* the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;
- (7) a *vested* site specific development plan is subject to later City *overlay* zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;
- (8) a change in the zoning district designation or land-use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a *vested* site specific development plan without consent of the landowner;
- (9) if real property having a *vested* site specific development plan is annexed, the City must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the *vested* right is effective after the annexation;
- (10) a local governing body must not require a landowner to waive his *vested* rights as a condition of approval or conditional approval of a site specific development plan; and,

10.5 NATURE OF VESTED RIGHTS

Elements herein provided from the "Vested Rights Act", SC Code of Laws Title 6, Chapter 29, Article 11 with various changes incorporated:

A *vested* right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a *vested* right pursuant to this article may rely upon and exercise the *vested* right for its duration subject

to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This article does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Development Agreement Act in Chapter 31 of Title 6.

10.6 SEVERABILITY

Should any section or provision of this Ordinance be held invalid, unenforceable, or unconstitutional by any Court of competent jurisdiction under any circumstances, such holding shall not affect the validity or enforceability thereof of this Ordinance as a whole or for any other section or provisions of this Ordinance.

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 Ordinance as shown above.
- 2. That this Ordinance shall become effective immediately.

ADOPTED THIS _____ DAY OF _____, 2013

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2013

AGENDA ITEM: First Reading, Ordinance to Amend the Zoning Ordinance

DEPARTMENT/DIVISION: Planning, Research & Development

I. ISSUE UNDER CONSIDERATION

Amend the City of Florence Zoning Ordinance Section 8.7, Certificates of Zoning Compliance – When Required and Section 8.8, Certificates of Zoning Compliance – Repair Permits.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On March 12, 2013, Planning Commissioners voted unanimously, 8-0, to approve the amendment.

III. POINTS TO CONSIDER

1. Currently, the Zoning Ordinance requires that a Zoning Compliance be issued for all permits requiring a building permit.
2. Until recently, building permits were issued for routine maintenance and repair work, such as plumbing, electrical and mechanical jobs.
3. The Building Department has amended their permitting structure so that now plumbing, electrical, and mechanical repairs require a trade permit rather than a building permit.
4. With the above text amendments, a Certificate of Zoning Compliance would not be required for permits that do not result in a change of land use or alter the building footprint or vertical elevation.

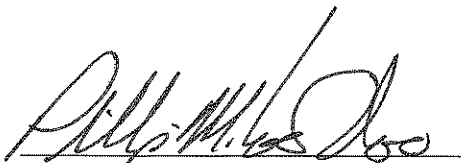
IV. OPTIONS

City Council may:


1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

IV. ATTACHMENTS

1. Ordinance



Phillip M. Lookadoo, AICP
Planning, Research & Development Director



Andrew H. Griffin
City Manager

ORDINANCE NO. 2013-_____

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE
SECTION 8.7, CERTIFICATES OF ZONING COMPLIANCE –WHEN REQUIRED AND
SECTION 8.8, CERTIFICATES OF ZONING COMPLIANCE – REPAIR PERMITS:**

WHEREAS, Section 8.7 of the City of Florence Zoning Ordinance states that a Certificate of Zoning Compliance is required prior to the issuance of a building permit;

WHEREAS, the City-County Building Department has revised its permitting structure to also include trade permits;

WHEREAS, trade permits include electrical, plumbing, mechanical work and other repairs that do not alter the building footprint or elevation or change land use;

WHEREAS, amending the Zoning Ordinance to not require Zoning Compliances for permits that do not change building footprint, elevation or land use delivers more efficient customer service;

THEREFORE, Sections 8.7 and 8.8, Certificates of Zoning Compliance, shall read as follows:

Section 8.7 Certificates of Zoning Compliance

Section 8.7-1 When Required

A Certificate of Zoning Compliance shall be required in advance of:

1. The issuance of a building permit for new construction or a building addition that alters the existing building footprint or vertical elevation.
2. Excavation preparatory to the construction of a structure for which a building permit is required.
3. The placement or relocation manufactured homes.
4. Grading, filling, surfacing, or enlarging parking areas containing more than six parking spaces for a new or changed use.
5. Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.
6. Installation of any sign for which a permit is required.
7. The establishment of a temporary use.
8. Certificates of Zoning Compliance are not required for maintenance work, repair work or trade work provided that the work will not result in a change of use or alter the building footprint or vertical elevation.

Section 8.8 Repair Permits

Where an application for a Certificate of Zoning Compliance is to effect repairs only, the Zoning Administrator may waive the requirements of an approved plat or plan. The work to be performed shall be clearly defined in the Certificate of Zoning Compliance; however, if there is no change of land use or the repairs do not result in altering the building footprint or vertical elevation, a Certificate of Zoning Compliance is not required.

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 Ordinance as shown above.
2. That this Ordinance shall become effective immediately.

ADOPTED THIS _____ DAY OF _____, 2013

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: April 08, 2013

AGENDA ITEM: Report to Council

DEPARTMENT/DIVISION: Department of Planning, Research & Development/City Manager

- I. ISSUE UNDER CONSIDERATION:** To convey surplus property, land totaling approximately 23.4 acres located on Stockade Drive (TMN 00178-01-001), to the Friends of the Florence Stockade as a condition of the grant for the new Animal Shelter.
- II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**
- (1) A 14.9 acre parcel was split from tax parcel 00149-01-012 and combined with tax parcel 00178-01-001. The combined property is designated as map 00178 block 01 parcel 001.
 - (2) The land currently has the vacated facilities associated with the old City of Florence Animal Shelter.
 - (3) The property has been declared surplus property by the City of Florence.
- III. POINTS TO CONSIDER:**
- (1) The total area of the property is approximately 23.4 acres.
 - (2) Receipt of the grant from Drs. Bruce and Lee Foundation for the new animal shelter was conditioned upon conveyance of this property to the Friends of the Florence Stockade. This conveyance was discussed years earlier in conjunction with the Stockade master plan, which completes assembly of property containing the entire footprint of the Stockade.
- IV. STAFF RECOMMENDATION:**
Staff recommends that City Council adopt the proposed ordinance authorizing the City Manager to execute the deed conveying the aforementioned property to the Friends of the Florence Stockade.
- V. ATTACHMENTS:**
- (1) Proposed ordinance.
 - (2) Exhibit A



Phillip M. Lookadoo, AICP

Director

Department of Planning, Research, and Development

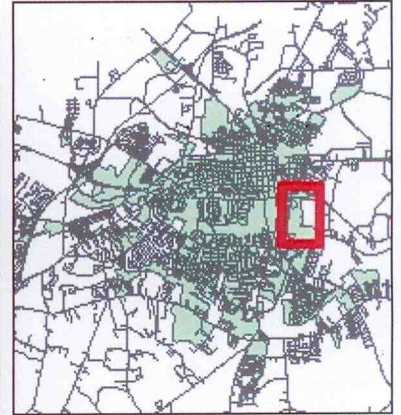


Andrew H. Griffin

City Manager

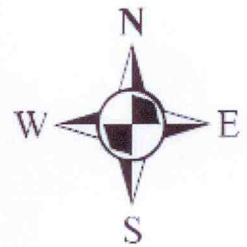
Exhibit A

Location Map TMN: 00178-01-001

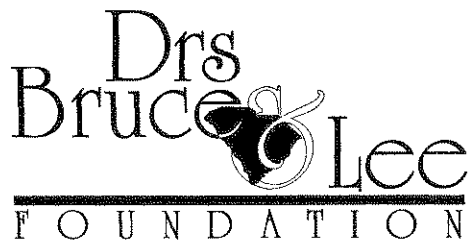


Legend

- RoadSegment
- Parcels



DISCLAIMER:
The City of Florence Urban Planning and Development Department data represented on this map is the product of compilation, reproduced 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 user's risk.



201 South Dargan Street
Florence, South Carolina 29506
Phone (843) 664-2870
Fax (843) 664-2815
e-mail blfound@bellsouth.net

March 25, 2013

Mr. Andrew H. Griffin, City Manager
City of Florence
P. O. Drawer AA, City-County Complex
Florence, SC 29501-3456

Re: Old Animal Shelter property on Stockade Road

Dear Drew:

Thank you for forwarding the information on the subject property that we received 3/13/2013.

The matter of accepting the property as a gift from the City of Florence was again discussed at the Foundation's March 19th Board meeting and recently with the Friends of the Florence Stockade organization.

At this stage, all agree that the property should be gifted directly to the "Friends."

We very much appreciate the City's consideration of the Foundation in this regard.

Yours sincerely,

L. Bradley Callicott
Executive Director

/mmb

cc: Mr. Haigh Porter
Mr. Mark W. Buyck, Jr.

Exhibit "A"
Tract One - Legal Description

DEED

FILED

Dec 8 2 49 PM '93

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

KNOW ALL MEN BY THESE PRESENTS, that ^{BERNICE B. PARKER} Willis Construction Company, a corporation organized and existing under the laws of South Carolina, County of Florence, in the State aforesaid, for and in consideration of the sum of FIVE AND NO/100 (\$5.00) Dollars, the receipt of which is hereby acknowledged, have granted, bargained, sold, and released unto The City of Florence, a municipality, its successors and assigns, all of my rights, title and interest in and to the following described property.

LEGAL DESCRIPTION

All that certain piece, parcel or tract of land situate, lying and being in Florence County, South Carolina containing 9.69 acres, more or less and shown more fully on a plat prepared by Jones/Godfrey and Associates Land Surveyors dated June 10, 1993, and recorded in Platbook 51, page 261 in the office of the Clerk of Court of Florence County and bounded as follows:

On the north by property of the United States of America, on the east by property of Marsh Associates, Inc. and Annie Mae Jackson, on the south by property of the City of Florence and on the west by property of the United States of America and Department of Mental Retardation.

This being a portion of the property conveyed to grantor by deed of H.E. Willis, dated February 26, 1965, and recorded March 18, 1965 in Deed Book A-19 at page 329, in the office of the Clerk of Court for Florence County, South Carolina.

This property is designated as tax parcel 178-01-001.

together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the grantee(s), and the grantee's(s) heirs or successors and assigns, forever. And, the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee's(s') heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

249 RECORDED
2 P.M. 12-8-93
BOOK 405 PAGE 273
BERNICE B. PARKER
C.C.C.P. FLORENCE COUNTY

THIS PROPERTY DESIGNATED AS 000273
MAP 00178 BLOCK 01 PARCEL 001
ON FLORENCE COUNTY TAX MAPS
SPLIT FROM
FLORENCE COUNTY TAX ASSOCIATION

Exhibit A
Tract Two

2013 MAR -1 AM 9:11

EDNA L. BUCKRIN
C.C.C.P. & G.S.
FLORENCE COUNTY, SC

THIS PROPERTY DESIGNATED AS
MAP 178 BOOK 01 PARCEL 001
ON FLORENCE COUNTY TAX MAPS
SPLIT FROM 149-01-012
FLORENCE COUNTY TAX ASSESSOR
OWNERSHIP CHANGES
SUBJECT TO RECORDING

mtl Add to

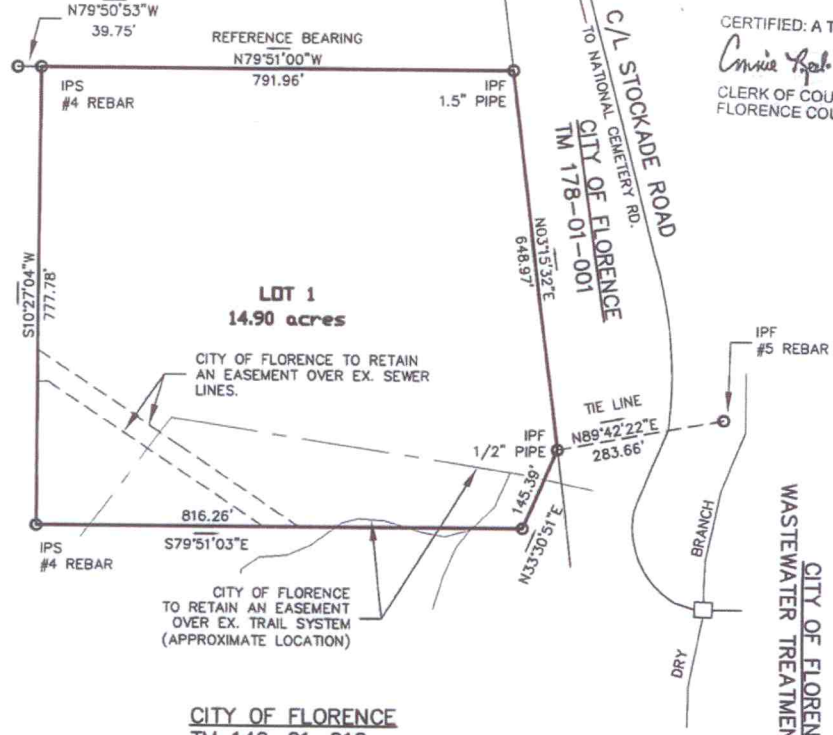


VICINITY MAP
N.T.S.

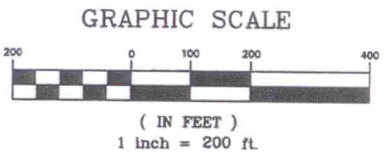
CERTIFIED: A TRUE COPY
Connie Reel Stegman
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

**SOUTH CAROLINA DEPARTMENT OF
DISABILITIES AND SPECIAL NEEDS**
TM 149-01-008

CITY OF FLORENCE
TM 149-01-012



CITY OF FLORENCE PLANNING DEPARTMENT
Hereby certifies that this plat is approved on
the 14th day of March, 2013
CITY PLANNER



CITY OF FLORENCE
TM 149-01-012

REFERENCE MADE TO PLAT FOR S.C. DEPARTMENT OF YOUTH SERVICES
BY ERVIN ENGINEERING CO., DATED MAY 1, 1973, AND RECORDED IN
PLAT BOOK 69, PAGE 191

STATE: SOUTH CAROLINA
COUNTY: FLORENCE

DATE: JULY 6, 2012

1001362

BOUNDARY SURVEY

OF A PARCEL OF LAND BEING CARVED FROM TAX PARCEL 149-01-012 . REFERENCE BEING MADE
TO DEED BOOK A321, PAGE 2186 AND IS A PORTION OF THE 56.553 ACRE TRACT AND A PORTION
OF THE 18.52 ACRE TRACT AS DESCRIBED IN SAID DEED.

PREPARED FOR:

THE CITY OF FLORENCE

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

Gregory A. Brown
GREGORY A. BROWN, P.L.S., #18628
968 E. BILLY FARROW HWY
DARLINGTON, SC 29532

TRACT TWO
LEGAL DESCRIPTION

All that certain piece, parcel or tract of land situate, lying and being in Florence County, South Carolina containing 14.90 acres, more or less and shown more fully on a plat prepared by the City of Florence dated July 6, 2012, and recorded in Plat Book 100, page 362 in the office of the Clerk of Court of Florence County and bounded as follows:

On the north by property of South Carolina Department of Disabilities and Special Needs, of the east, south, and west by property of the City of Florence.

This being a portion of the property described in Deed Book A321, page 2186.

ORDINANCE NO. 2013-_____

AN ORDINANCE AUTHORIZING THE TRANSFER OF PARCEL CONTAINING APPROXIMATELY 23.4 ACRES AND DESIGNATED AS TAX MAP 00178-01-001 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR.

WHEREAS, after due consideration, the City has concluded that the land designated as Map 178 Block 01 Parcel 001 is surplus land to the City, and conveyance of said property to Friends of the Florence Stockade 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 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 necessary Deed, and other documentation in order to convey title to the property described on Exhibit "A" attached hereto to Friends of Florence Stockade.

2. This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence, South Carolina.

ADOPTED THIS _____ DAY OF _____, 2013.

STEPHEN J. WUKELA
Mayor

Approved as to form:

Attest:

JAMES W. PETERSON, JR.
City Attorney

DIANNE ROWAN
Municipal Clerk

ADDITIONAL INFORMATION WILL BE PROVIDED AT A LATER DATE
REGARDING THIS ORDINANCE AS AN ADDENDUM TO THE AGENDA

ORDINANCE NO. 2013-

AN ORDINANCE APPROVING THE EXECUTION OF THE AGREEMENT WITH THE TOWN OF TIMMONSVILLE TO CARRY OUT THE CONVEYANCE OF TIMMONSVILLE'S COMBINED WATER AND WASTEWATER INFRASTRUCTURES AND UTILITIES CONTINGENT UPON BEING ABLE TO FINALIZE BOTH FINANCING AND A CONSENT DECREE SATISFACTORY TO THE CITY OF FLORENCE AND CONTINGENT UPON THE TOWN OF TIMMONSVILLE'S HOLDING A SUCCESSFUL REFERENDUM AND ADOPTING NECESSARY ORDINANCES APPROVING THE CONVEYANCE TO THE CITY OF FLORENCE.

FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2013

AGENDA ITEM: Introduction of Resolution

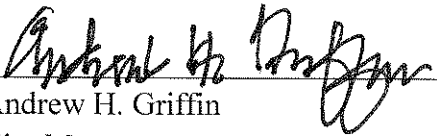
DIVISION/DEPARTMENT: City Council

I. ISSUE UNDER CONSIDERATION

A Resolution requesting City Council to recognize April 16, 2013 as Healthcare Decisions Day.

II. POINTS TO CONSIDER

1. This Resolution is designed to raise awareness of the need to plan ahead for health care decisions as relates to end of life care and medical decision-making whenever patients are unable to speak for themselves.
2. Only about 20 percent of people in South Carolina have executed an advance directive.
3. As a result of April 16, 2013 being recognized as Healthcare Decisions Day, more citizens will have conversations about their health care decisions.



Andrew H. Griffin
City Manager

(State of South Carolina)
(
(City of Florence)

RESOLUTION NO. 2013 – 08

WHEREAS, Healthcare Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions; related to end of life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important health care decisions; and

WHEREAS, in South Carolina, the Adult Healthcare Consent Act provides the specifics of our advance directives law and offers a model form for patient use; and

WHEREAS, it is estimated that only about 20 percent of people in South Carolina have executed an advance directive. Moreover, it is estimated that less than 50 percent of severely or terminally ill patients have an advance directive; and

WHEREAS, it is likely that a significant reason for these low percentages is that there is both a lack of knowledge and considerable confusion in the public about Advance Directives; and

WHEREAS, one of the principal goals of Healthcare Decisions Day is to encourage hospitals, nursing homes, assisted living facilities, continuing care retirement communities, and hospices to participate in a State-wide effort to provide clear and consistent information to the public about advance directives, as well as to encourage medical professionals and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of South Carolina citizens with advance directives ; and

WHEREAS, the National Hospice and Palliative Care Organization and other organizations throughout South Carolina have endorsed this event and are committed to educating the public about the importance of discussing health care choices and executing advance directives; and

WHEREAS, as a result of April 16, 2013 being recognized as Healthcare Decisions Day in South Carolina, more citizens will have conversations about their health care decisions; more citizens will execute Advance Directives to make their wishes known; and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

April 16, 2013 is hereby recognized as

Healthcare Decisions Day

in the City of Florence, South Carolina.

RESOLVED THIS 8TH DAY OF April, 2013.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK

FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2013

AGENDA ITEM: Introduction of Resolution

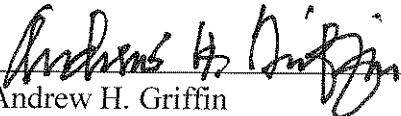
DIVISION/DEPARTMENT: City Council

I. ISSUE UNDER CONSIDERATION

A Resolution requesting City Council to recognize April 14 – 21, 2013 as Days of Remembrance.

II. POINTS TO CONSIDER

1. The Days of Remembrance have been set aside for the people of the City of Florence to remember the victims of the Holocaust.
2. This Resolution is in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators.



Andrew H. Griffin
City Manager

(State of South Carolina)
()
(City of Florence)

RESOLUTION NO. 2013 – 09

- WHEREAS,** the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945 – six million were murdered; Roma (Gypsies), people with disabilities, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons; and millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and
- WHEREAS,** the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and
- WHEREAS,** we the people of the City of Florence should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution and tyranny; and
- WHEREAS,** we the people of the City of Florence should actively rededicate ourselves to the principles of individual freedom in a just society; and
- WHEREAS,** the Days of Remembrance have been set aside for the people of the City of Florence to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and
- WHEREAS,** pursuant to an Act of Congress (Public Law 96-388, October 7, 1980), the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, April 14, through Sunday, April 21, 2013, including the Day of Remembrance known as Yom Hashoah, April 19, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

April 14 – April 21, 2013 as

Days of Remembrance

in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators, and further proclaim that we, as citizens of the City of Florence, should work to promote human dignity and confront hate whenever and wherever it occurs.

RESOLVED THIS 8TH DAY OF April, 2013.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK

FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2013

AGENDA ITEM: Introduction of Resolution


DIVISION/DEPARTMENT: City Council

I. ISSUE UNDER CONSIDERATION

A Resolution requesting City Council to recognize April 9, 2013 as National Service Recognition Day.

II. POINTS TO CONSIDER

1. National Service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities.
2. The nation's Mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs.
3. National Service represents a unique public-private partnership that invests in community solutions.



Andrew H. Griffin
City Manager

(State of South Carolina)
()
(City of Florence)

RESOLUTION NO. 2013 – 10

- WHEREAS,** service to others is a hallmark of the American character, and central to how we meet our challenge; and
- WHEREAS,** the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and
- WHEREAS,** AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and
- WHEREAS,** national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and
- WHEREAS,** national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and
- WHEREAS,** national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and
- WHEREAS,** national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and
- WHEREAS,** AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and
- WHEREAS,** the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 9, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

April 9, 2013 is hereby declared

NATIONAL SERVICE RECOGNITION DAY

Residents are encouraged to recognize the positive impact of national service in our city, to thank those who serve; and to find ways to give back to their communities.

RESOLVED THIS 8TH DAY OF April, 2013.

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

DIANNE M. ROWAN
MUNICIPAL CLERK