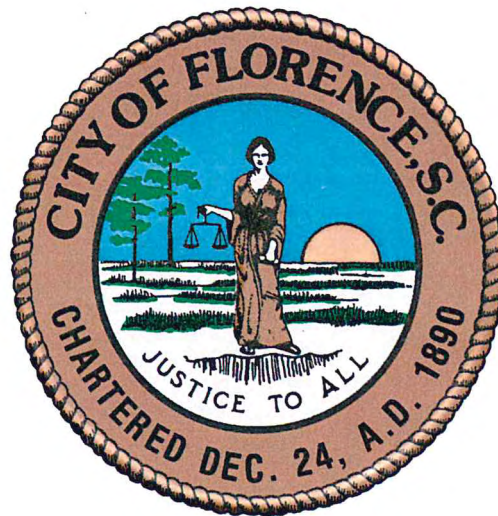


REGULAR MEETING  
OF  
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS  
324 W. EVANS STREET  
FLORENCE, SOUTH CAROLINA

MONDAY  
APRIL 13, 2015  
1:00 P.M.

**REGULAR MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, APRIL 13, 2015 – 1:00 P.M.**

**CITY CENTER – COUNCIL CHAMBERS**

**324 W. EVANS STREET**

**FLORENCE, SOUTH CAROLINA**

**AGENDA**

**I. CALL TO ORDER**

**II. INVOCATION**

*Pledge of Allegiance to the American Flag*

**III. APPROVAL OF MINUTES**

*March 9, 2015 – Regular Meeting*

**IV. HONORS AND RECOGNITIONS**

**Service Recognitions**

*Fred Gilchrist – 20 years – Public Works/Sanitation*

*Chris Orphan – 15 years – Police*

*Pam Mobley – 15 years – Public Works/Recreation*

**V. PUBLIC HEARING**

- a.** *A Public Hearing will be held to receive input on the City's Community Development Block Grant (CDBG) funding allocation of \$274,008 for the fiscal year 2015-2016.*

**VI. APPEARANCE BEFORE COUNCIL**

- a.** *Miss Florence, Miss Kierra Carter*

## **VII. ORDINANCES IN POSITION**

- a. Bill No. 2015-04 – Second Reading**  
*An Ordinance amending Chapter 20, Article II, Division 4 of the City of Florence, South Carolina Code of Ordinances pertaining to Taxicabs.*
- b. Bill No. 2015-05 – Second Reading**  
*An Ordinance to annex and zone property owned by Florence County School District 1, said property being specifically designated in the Florence County Tax Records as Tax Parcel 00100-01-039.*
- c. Bill No. 2015-06 – Second Reading**  
*An Ordinance to annex and zone property owned by Hoffmeyer Road Development, LLC, said property being specifically designated in the Florence County Tax Records as Tax Parcels 00098-01-007, 00098-01-090, and 00098-01-095.*
- d. Bill No. 2015-07 – Second Reading**  
*An Ordinance amending Code Section 2-205 in order to add a sub-paragraph (5) to provide for an additional “General Eligibility Requirement” to the Downtown Economic Development Incentive Program which requires that developers seeking economic incentives from the City include minority contractors and sub-contractors in invitations to provide work on the project.*

## **VIII. INTRODUCTION OF ORDINANCES**

- a. Bill No. 2015-08 – First Reading**  
*An Ordinance to regulate businesses by enacting a new chapter in the City of Florence Code of Ordinances to establish provision and requirements for the screening of criminal records by employers within the City of Florence.*

## **IX. INTRODUCTION OF RESOLUTIONS**

- a. Resolution No. 2015-06**  
*A Resolution by the City Council of the City of Florence, South Carolina, declaring its intent to make reimbursement to certain funds or accounts of the City through the issuance of federally tax-exempt obligations for the construction of a Soccer Complex and related public infrastructure pursuant to United States Treasury Department, Internal Revenue Service, Regulation 1.150-2.*
- b. Resolution No. 2015-07**  
*A Resolution for the City of Florence to recognize Reverend William Levi Thompson for his contributions to downtown and the Florence community as a long term downtown business owner and for opening the first school for barbers in the Pee Dee area.*

**X. REPORT TO COUNCIL**

*a. Councilman Robby Hill to report on Florence County Legislative Day.*

**XI. EXECUTIVE SESSION**

*a. Contractual Matter*

**XII. ADJOURN**

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
MONDAY, MARCH 9, 2015 – 1:00 P.M.  
CITY CENTER COUNCIL CHAMBERS  
324 W. EVANS STREET  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Stephen J. Wukela called the regular meeting to order at 1:03 p.m. with the following members present: Mayor Pro tem Frank J. Brand, II; Councilman Robby L. Hill; Councilwoman Teresa Myers Ervin; Councilman Edward Robinson; Councilwoman Octavia Williams-Blake; and Councilman George D. Jebaily.

**ALSO PRESENT:** Mr. Drew Griffin, City Manager; Dianne M. Rowan, Municipal Clerk; James W. Peterson, Jr., City Attorney; Phillip Lookadoo, Director of Planning, Research and Development; Scotty Davis, Director of Community Services; Thomas Chandler, Director of Finance; Michael Hemingway, Director of Utilities; Chief Allen Heidler, Florence Police Department; Chuck Pope, Director of Public Works; Chief Randy Osterman, Florence Fire Department; and Mr. Ray Reich, Downtown Development Manager.

**MEDIA PRESENT:** Mr. Gavin Jackson of the Morning News and Mr. Ken Baker of WMBF were present for the meeting.

Notices of this regularly scheduled meeting were sent to the media and individuals requesting a copy of the agenda, informing them of the date, time and place of the meeting.

**INVOCATION**

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

**APPROVAL OF MINUTES**

Mayor Pro tem Brand made a motion to adopt the minutes of the February 9, 2015 Regular Meeting. Councilman Jebaily seconded the motion, which carried unanimously.

**HONORS AND RECOGNITIONS**

Mayor Wukela presented Amelia Miles a Certificate of Recognition for completing 30 years with the City of Florence Police Department.

Jose Guzman received a Certificate of Recognition from Mayor Wukela for 10 years of service with the City.

Mayor Wukela presented Thaddius (T.J.) Caulder a Certificate of Recognition for completing 10 years of service with the City.

**APPEARANCES BEFORE COUNCIL**

**Ms. Uschi Jeffcoat, Executive Director of the Florence Regional Arts Alliance**

Ms. Jeffcoat began working with the Florence Regional Arts Alliance in the summer of 2014. Last week a meeting was held to provide some information to stakeholders in the downtown area concerning legislation which was ratified by the South Carolina General Assembly and signed by Governor Haley. It authorizes the South Carolina Arts Commission to grant official state designation to Cultural Districts in the Palmetto State. The goals of the program are: to encourage economic development; attract artists; foster local cultural development; and provide a focal point for celebrating and strengthening local cultural identity. The applicant for this designation must be the City. Ms. Jeffcoat encouraged the City to apply for this designation and as a representative for the Florence Regional Arts Alliance we would like to offer our support in which ever manner or way the City sees fit, if that is of interest to the City.

Councilman Jebaily stated the arts in Florence are an integral part of not only the redevelopment of downtown but also for the growth of our community. Councilman Jebaily added that it appears the Cultural District aspect is the next logical step. The City would need to initiate the designation and move forward with it. Mr. Phillip Lookadoo, Director of Planning, Research and Development has prepared a list of the action steps that will need to be taken for this designation.

Mr. Drew Griffin stated it would be the intent of staff, if so directed by Council, to take steps to follow the guidelines of the Cultural District, make a proposal to City Council and then move forward with the required steps to take advantage of the district.

Mayor Wukela requested that staff take the next steps to bring this before Council.

**Mr. John Jebaily, Chairman of the Parks and Beautification Commission**

Mr. Jebaily spoke on behalf of the Parks and Beautification Commission. Mr. Jebaily commended city staff for a magnificent job of continuing to manage the community centers, parks, trails and programming. They continue to make Florence a better place to work, play and raise a family.

This is the 13<sup>th</sup> year that the Commission has presented the Annual Plan to Council.

**Arbor Day Observance** was held Friday, December 5, 2014 at the Lucy T. Davis Elementary School. Two Crepe Myrtles were planted.

**Tree Plantings:** The City planted approximately 100 trees this year.

**Barnes Street:** Since Mr. Jebaily's last presentation to Council, the new gymnasium flooring has been installed at Barnes Street. New signage has been put on the building and now identifies the building as the Parks and Recreation Department. Six pieces of assorted commercial grade exercise and fitness equipment have arrived. There are approximately 200 teens registered and approximately 30 adults that participate in the community wellness program Monday through Thursday at Barnes Street. Adjoining land has been acquired by the City and a new gymnasium will be built on site.

**Trail System:** The trail system is well utilized by the community and continues to see heavy use. More groups have taken to utilizing the trail for organized events such as the March of Dimes 5K and the Compassionate Friends of the Pee Dee.

**The Blue Trail:** This is primarily for kayaks and canoes. City park crews regularly clean the debris and overgrowth from Church Street to the Freedom Florence Complex.

**Athletics:** Mr. Jebaily thanked City Council for their continued support of athletics and neighborhood programming in the City. 5,270 children continue to participate in the athletic programs in Florence. This increase has been attributed to the City of Florence adding the soccer program. In addition to baseball and soccer there is also track and field. Once again the City will participate in the

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
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International Children's Games to be held in June 2015 in The Netherlands. A delegation of 10 athletes, 3 coaches, 2 city staff members and several parents will make the trip. They will be competing in tennis and track and field.

**Afterschool programs:** There are approximately 135 children enrolled in the afterschool programs at Levy, Maple and Northwest Community Center. Registration for the summer program will begin April 1<sup>st</sup>. There are four different summer playground programs planned for the summer at Levy, Northwest and Maple Community as well as North Vista Elementary School. There are 45 spaces for children at each site.

**The Tennis Complex:** There continues to be many tournaments conducted at the Florence Tennis Center. The United States Tennis Association in South Carolina named the Dr. Eddie Floyd Tennis Complex, Member Facility of the Year. During 2014 there were 13 tournaments with 3,184 participants and 4,876 room nights. For 2015, it is anticipated there will be another 13 tournaments with over 5,100 room nights and 3,300 participants. The total economic impact to the community was \$3,728,000.

**Freedom Florence Complex:** Freedom Florence is still the largest generator of visitors that add to the Accommodations Taxes. 2015 estimates 37 weekends with 50 tournaments scheduled throughout 8 organizations including the USSA Baseball World Series for three age groups. Also there will be a Spring State Tournament National Invitational for all age groups. The state tournament is for two age groups and there is also an Adult Softball State Championship. The economic impact for Freedom Florence was \$14,651,280.

**Senior Programs:** The Senior Adult Program continues at both Northwest and Levy Adult Community Centers. There are plans to implement a summer camp during June and July of this year. The program will include several trips, guest speakers and arts and crafts.

**Levy Park:** Improvements have been included in the commission's Annual Plan. Mr. Jebaily reminded Council of the dilapidated motel at the intersection of Cheves and Palmetto Streets and near to Levy Park. The motel houses undesirable activities within 50 feet of children playing on swing sets. Mr. Jebaily encouraged Council to move forward toward a solution.

**Iola Jones Park** has two new basketball courts, a complete newly sealed parking lot and a new fence.

**Northwest Community Center** has two new basketball courts and the old tennis courts have been replaced with a community garden.

**Maple Park Community Center:** The exterior portion of the Center has been painted and colorful silhouettes have been added as well. Last year new playground equipment; a new brick pathway through the park, and new seating areas were installed. New green space and palmetto trees have been planted.

**Timrod Park:** 11 tennis courts have recently been resurfaced and have been used for three tournaments. For the third consecutive year, these courts have served as the home facility for one of the local area high schools and there are plans to continue the relationship this upcoming year. Pickle Ball has been added to Timrod Park and is played every Sunday at 2:00 p.m. A playground for physically challenged residents has been added to the Annual Plan.

**Lucas Park:** The President of the Briggs Neighborhood Watch Association presented their "wish list" to the Parks Commission. It includes a five year long range plan.

**McLeod Park:** The Bruce Lee Foundation donated \$100,000 to be used for parks, improvements and upgrades. Florence County donated in-kind work to the park. The drainage problems at McLeod Park have been completed. The money from the Bruce Lee Foundation will be used for small fry dugouts, a new roof on the concession stand and many other projects inside the park, such as a large concrete pad around the concession, dugouts, and bathroom fixtures.

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**The Retreat:** The Commission just completed their 12<sup>th</sup> retreat on Saturday, January 31<sup>st</sup>.

**Community Gardens:** The gardens are flourishing and are well utilized. Gardens are located at Northwest Park, Iola Jones and Lester; the intersection of Pine and Gillard, Pine and Kershaw have plantings as well.

Mr. Walter Sallenger reported to Council that the Annual Plan is a long list of everything the Commission does. One topic that always comes up is a vision for connections within the park system. One thing suggested by the consultants who are working on the redevelopment of the neighborhoods adjacent to downtown was to put in community gardens. There are now three community gardens where neighbors can come out and meet each other and talk about what they can do to improve their neighborhoods. It is now in the Annual Plan to support this and to also work on street beautification adjacent to some of those community gardens. In addition, there is a long term plan to have trails or paths that connect each park to the downtown.

Mr. Chuck Pope spoke to council about the Blue Trail. The initial phase consisted of a grant through the Department of Natural Resources for \$200,000. The first step was to clear the main channel of Jeffries Creek. This was completed about 2 ½ years ago. Three launch areas are planned for kayaks and canoes. The first will be adjacent to Naturally Outdoors; the second will be down stream at Jeffries Creek Park and the third will be at Freedom Florence. Also, within the main channel of Jeffries Creek there are five sewer pipe lines that go across the creek and we have developed some plans for portages around those areas. Those plans have been designed and just recently the city received approval from the Corps of Engineers as well as the Department of Transportation for use of their encroachment permits. There is a project out for bid now to find a contractor that can put in those launch areas as well as those portage areas around the sewer lines. Hopefully this will be back in a couple of weeks. Staff will then select a contractor and hopefully they can begin work in the next 60 days and complete the project by June or July.

Mr. Barry Wingard spoke to Council on behalf of the Veterans Park Committee. Mr. Wingard thanked council for their continued support of the Veterans Park. Mr. Wingard stated that last year was probably the most significant year in the park since its opening. The U.S. Navy Monument and the U.S. Coast Guard Monument were added to the park. 36 names were added to the Wall of Honor. 612 veterans from across the Pee Dee area have now been honored. Brown Memorials has offered to donate a U.S. Air Force Monument to the park. There has been some modification to the Home Safe Monument. The dog that was an original part of the monument is now a free standing part of the monument and will be donated to the park by Mr. Alex Palkovich and Mr. Lee Burnett of Palmetto Animal Clinic. GE allowed their employees to volunteer to clean the areas for the Coast Guard and Navy monuments. This allowed city employees to continue with their work. Some interest has been expressed to have an Armed Forces Day Run on Armed Forces Day that would start and end at the Park. Their intent is to allow for the proceeds from this event to be used to help defray costs for plaques on the Wall of Honor. There is a World War II monument that is currently located at the American Legion Post. To move the monument and clean it up would cost approximately \$6-8,000. Mr. Wingard spoke about a monument, Alone With Memories, that would be a great addition to the park. The monument is of an African American woman sitting on the ground with a folded American Flag in her lap. If the Veterans Park could possibly get this monument it would add both a female presence and an African American presence to the park.

**Mr. Glynn Willis, representing the American Red Cross**

Mr. Willis was not present for the meeting.



**OTHER BUSINESS ADDED TO THE AGENDA**

This is a request from Councilman Robinson to add to the agenda. There was no objection to add this to the agenda.

**APPEARANCE BEFORE COUNCIL**

**MISS TEEN FLORENCE – MISS KALLY BETHEA**

Ms. Angela Clark, local Executive Director of the CROWN Group, appeared before Council to introduce Miss Teen Florence, who will be representing Florence at the Miss South Carolina Teen pageant. The sponsoring agency that owns the franchise for them in Florence is the CROWN Group. The Miss South Carolina system is one of the largest organizations that offers scholarships to young women.

Ms. Clark requested that City Council consider a sponsorship for Miss Florence and Miss Teen Florence for the upcoming pageants for Miss South Carolina and Miss South Carolina Teen to be held in Columbia in June. Ms. Clark requested that Council consider a Silver Sponsorship (\$1,750-\$2,999 Cash Donation) for each of the young women.

Miss Teen Florence, Ms. Kally Bethea spoke to council about her platform: SKIPP (Single Kid Independent Parent Power). Ms. Bethea would like to use her platform to empower and strengthen young children to become successful adults. 41% of the children in Florence are from single-parent homes.

Mayor Wukela thanked Ms. Clark and Ms. Bethea for their presentation to Council.

**ORDINANCES IN POSITION**

**BILL NO. 2015-02 – SECOND READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY WILLIAM D. AND TIFFANY K. DOULAVERIS, SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX PARCEL 01221-01-278.**

An Ordinance to annex and zone property owned by William D. and Tiffany K. Doulaveris, said property being specifically designated in the Florence County Tax Records as Tax Parcel 01221-01-278 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2015-02 on second reading. Councilwoman Octavia Williams-Blake seconded the motion, which carried unanimously.

**BILL NO. 2015-03 – SECOND READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY STROUD HOLDINGS, LLC, TAX MAP NUMBERS 00101-01-732, 00101-01-733, 00101-01-734, 00101-01-735, 00101-01-736, 00101-01-737, 00101-01-738, 00101-01-739, AND A PORTION OF TAX MAP NUMBER 00101-01-021.**

An Ordinance to annex and zone property owned by Stroud Holdings, LLC, Tax Map Numbers 00101-01-732, 00101-01-733, 00101-01-734, 00101-01-735, 00101-01-736, 00101-01-737, 00101-01-738, 00101-01-739, and a portion of Tax Map Number 00101-01-021 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2015-03 on second reading. Councilman Hill seconded the motion, which carried unanimously.

**INTRODUCTION OF ORDINANCES**

**BILL NO. 2015-04 – FIRST READING**  
**AN ORDINANCE AMENDING CHAPTER 20, ARTICLE II, DIVISION 4 OF THE CITY OF FLORENCE, SOUTH CAROLINA CODE OF ORDINANCES PERTAINING TO TAXICABS.**

An Ordinance amending Chapter 20, Article II, Division 4 of the City of Florence, South Carolina Code of Ordinances pertaining to Taxicabs was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2015-04 on first reading. Councilman Hill seconded the motion.

Mr. Thomas Chandler, Director of Finance reported to Council that the proposed Ordinance is a result of a request from taxicab owners for the City to review and possibly increase the maximum charges that may be assessed for transportation of passengers and to update certain parts of the taxicab zone map.

Maximum fares that may be charged for Zones 1 through 4 were last amended by City Council in June 2008. Maximum fare charges for Flat Rate destinations have remained unchanged since August, 2003.

Certain street names used to describe the taxicab zone boundaries in Zones 1 and 2 are outdated and need to be revised to reflect current street names to ensure that the taxicab Zone Map is updated and accurate.

On January 16, 2015 and February 16, 2015 City staff met with a group of taxicab owners to discuss these issues.

The consensus of the taxicab representatives present at the meetings was to request that City Council amend the current ordinance regulating maximum charges for transportation of passengers to increase these maximum charges and to update the taxicab Zone Map. Certain street names in Zones 1 and 2 need to be updated. Through consensus, the taxicab owners have requested the maximum fares in Zones 1, 2, 3 and 4 to be updated as well as updating the flat rate charges and to add a fourth flat rate charge. These flat rate charges are specifically from the airport to certain main intersections of I-95. The three that were in existence were US Highway 52 and I-95; I-20 and I-95; US Highway 76 and I-95 and they are requesting an additional Highway 327 and I-95. And those would generally be locations of hotels and motels that are approximate to those intersections.

There are currently 73 taxi licenses in the City of Florence.

Council voted unanimously (7-0) to pass Bill No. 2015-04 on first reading.

**BILL NO. 2015-05 – FIRST READING**  
**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY FLORENCE COUNTY SCHOOL DISTRICT 1, SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX PARCEL 00100-01-039.**

An Ordinance to annex and zone property owned by Florence County School District 1, said property being specifically designated in the Florence County Tax Records as Tax Parcel 00100-01-039 was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2015-05 on first reading. Councilman Hill seconded the motion.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported this is a request by the property owner, Florence School District 1, to annex property located on S. Cashua Drive adjacent to Delmae Elementary School, into the City of Florence. The request is also to zone the property R-2, Single-Family Residential District.

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The lot is currently vacant; however this lot in combination with an adjacent lot is the proposed site of a new elementary school. The adjacent lot was annexed in March, 2005 and is zoned R-2.

City water and sewer services are currently available and there is no cost to extend utility services.

A Public Hearing for zoning was held at the February 10, 2015 Planning Commission meeting. The Planning Commission members voted unanimously (9-0) to recommend the zoning request of R-2, Single-Family Residential District.

City Council members voted unanimously (7-0) to pass Bill No. 2015-05 on first reading.

**BILL NO. 2015-06 – FIRST READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY HOFFMEYER ROAD DEVELOPMENT, LLC, SAID PROPERTY BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX PARCELS 00098-01-007, 00098-01-090, AND 00098-01-095.**

An Ordinance to annex and zone property owned by Hoffmeyer Road Development, LLC, said property being specifically designated in the Florence County Tax Records as Tax Parcels 00098-01-007, 00098-01-090, and 00098-01-095 was passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2015-06 on first reading. Councilman Hill seconded the motion.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported to Council that the applicant proposed to combine the parcels and redevelop the property as a multi-family apartment development. City water service is currently available and there is no cost to the City to extend water service. City sewer service is currently not available; the owner/developer of the property will incur the cost to extend sewer at the time of development. A traffic study will be required prior to development; however the traffic study will be required by SC DOT and it will be sufficient to fulfill the requirements of the City's ordinance. The findings of the study will be a prerequisite for commencing with the development. The applicant is petitioning for annexation to receive City services; however, the development could occur without annexation into the city limits.

A Public Hearing for zoning was held at the February 10, 2015 Planning Commission meeting.

Planning Commission members voted 7-2 to deny the zoning request of R-5, Multi-Family Residential District.

City staff recommends annexation and the zoning designation of R-5, Multi-Family Residential District based on its provision of an additional housing type for the area and compliance with the Comprehensive Plan.

Council voted unanimously (7-0) to pass Bill No. 2015-06 on first reading.

**INTRODUCTION OF RESOLUTIONS**

**RESOLUTION NO. 2015-05**

**A RESOLUTION TO DECLARE MARCH, 2015 AS AMERICAN RED CROSS MONTH.**

A Resolution to declare March, 2015 as American Red Cross Month was adopted by City Council.

Councilwoman Ervin made a motion to adopt Resolution No. 2015-05. Mayor Pro tem Brand seconded the motion, which carried unanimously.

**REPORTS TO COUNCIL**

**APPOINTMENTS TO BOARDS/COMMISSIONS**

**CITY OF FLORENCE PLANNING COMMISSION**

This appointment was placed on the agenda in error. It will be deferred until a later meeting.

**CIVIC CENTER COMMISSION**

Mayor Pro tem Brand made a motion to reappoint Mr. Michael Scott Long to serve on the Civic Center Commission. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

Mr. Michael Scott Long was reappointed to serve on the Civic Center Commission for a term to begin immediately and end June 30, 2018.

**VETERANS PARK COMMITTEE**

Councilwoman Williams-Blake made a motion to appoint Mr. Danny Ellerbe to complete the unexpired term of Mr. Carlton Pridgen on the Veterans Park Committee. Councilwoman Ervin seconded the motion, which carried unanimously.

Mr. Danny Ellerbe was appointed to serve on the Veterans Park Committee for a term to begin immediately and end June 30, 2016.

**OTHER BUSINESS**

Councilman Robinson requested that Bill No. 2015-07 be added to the agenda. There was no objection from Council to add this item to the agenda.

**INTRODUCTION OF ORDINANCE**

**BILL NO. 2015-07 – FIRST READING**

**AN ORDINANCE AMENDING CODE SECTION 2-205 IN ORDER TO ADD A SUB-PARAGRAPH (5) TO PROVIDE FOR AN ADDITIONAL “GENERAL ELIGIBILITY REQUIREMENT” TO THE DOWNTOWN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM WHICH REQUIRES THAT DEVELOPERS SEEKING ECONOMIC INCENTIVES FROM THE CITY INCLUDE MINORITY CONTRACTORS AND SUB-CONTRACTORS IN INVITATIONS TO PROVIDE WORK ON THE PROJECT.**

An Ordinance amending Code Section 2-205 in order to add a sub-paragraph (5) to provide for an additional “General Eligibility Requirement” to the Downtown Economic Development Incentive Program which requires that developers seeking economic incentives from the City include minority contractors and sub-contractors in invitations to provide work on the project was passed on first reading.

Councilman Robinson made a motion to pass Bill No. 2015-07 on first reading. Councilwoman Ervin seconded the motion.

Mr. Jim Peterson, City Attorney stated last spring or summer, as Council was giving approval to an Ordinance regarding incentive plans, a request was made to ask Council to incorporate a provision within the incentive package to require the developers and contractors to engage in a good faith effort, an effort that was documented with the city, to show that the city is seeking participation by minority

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contractors and suppliers on projects within the city. This request was actually on an earlier agenda but action on the request was postponed to give Council an opportunity to study some other things from around the country but in the meantime the City has been following this process. Staff developed a set of forms that are used by developers and contractors, when an incentivized development is done, to show the city what efforts they have made to seek minority participation in their projects. This Ordinance codifies what the city is already doing. The developers and contractors are very actively seeking and encouraging minority participation. Mr. Peterson added that it has been difficult for them to successfully accomplish this.

Councilman Robinson stated he agreed with Mr. Peterson that there is a problem trying to get minority black contractors who are certified to do the work. The Carolina Regional Black Chamber of Commerce is sponsoring a training session on how to become a Minority Business Enterprise (MBE) at the end of the month. SC DOT will be giving the training so these businesses can become certified.

Council voted unanimously to pass Bill No. 2015-07 (7-0) on first reading.

**EXECUTIVE SESSION**

Mayor Wukela stated there is a request for an Executive Session to discuss three matters. The first is for negotiations incident to matters related to a proposed economic development project. The second matter is also negotiations incident to matters related to a proposed economic development matter and the last matter is a discussion of negotiations incident to proposed contractual arrangements pursuant to section 30-4-77(a) 2.

Councilman Jebaily made a motion to enter into Executive Session. There was no objection.

Council entered into Executive Session at 2:22 p.m.

Councilman Robinson left the meeting at 3:32 p.m.

Mayor Wukela reconvened the regular meeting at 3:53 p.m.

Mayor Wukela stated that a number of matters were discussed. With regard to the discussions of negotiations incident to proposed contractual arrangements under Section 30-4-77(a) 2, no action was taken.

With regard to the first of two separate matters in which Council discussed negotiations incident to matters relating to proposed economic development projects, of which Council received information from Mr. Jesse Wiles of APD, Councilwoman Ervin made a motion to authorize staff to negotiate as discussed in Executive Session with regard to that matter. Councilman Jebaily seconded the matter, which carried unanimously. (Councilman Robinson was not present for the vote).

With regard to the second matter, Mayor Wukela spoke about the development of a new parking deck for downtown, to be located approximate to the intersections of Cheves and Irby Streets across from the Performing Arts Center. Discussed in Executive Session was a proposed economic development project, whereby a developer will build an apartment complex of approximately 85 apartments surrounding the parking deck, creating the outward appearance of the parking deck making it an attractive complex. The design of the complex will come before the Design Review Board on Wednesday, March 11, 2015. What is before City Council is the request for a Resolution and a Conditional Grant Agreement as well as an Ordinance to convey that portion of the property immediately surrounding some portions of that parking deck to allow the developers to develop that property. The parking deck will be public,

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owned by the City, constructed by the City and will provide public parking at no cost. That area immediately around the deck itself will, if this Council sees fit, be private and owned by the developer for the construction of that apartment complex. The complex itself will be four stories and the parking deck will be five.

Mayor Pro tem Brand made a motion to approve the Resolution and Conditional Grant Agreement. Councilwoman Williams-Blake seconded the motion, which carried unanimously. (Councilman Robinson was not present for the vote).

**ADJOURN**

Mayor Pro tem Brand made a motion to adjourn the meeting. Without objection, the meeting was adjourned at 3:56 p.m.

Dated this 13<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
Dianne M. Rowan, Municipal Clerk

\_\_\_\_\_  
Stephen J. Wukela, Mayor

**VII. a.**  
**Bill No. 2015-04**  
**Second Reading**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** March 9, 2015  
**AGENDA ITEM:** Ordinance – First Reading  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

An ordinance to amend Chapter 20, Article II, Division 4 of the Code of Ordinances of the City of Florence, South Carolina pertaining to taxicabs.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

The City has received a request from taxicab owners to review and increase the maximum charges that may be assessed by taxicab drivers for transportation of passengers and to update the taxicab zone map.

**III. POINTS TO CONSIDER**

A. Maximum fares that may be charged by licensed taxicab drivers/owners for Zones 1 through 4 were last amended by City Council in June, 2008. Maximum fares charged for Flat Rate destinations have remained unchanged since August, 2003.

B. Certain street names used to describe the taxicab zone boundaries in Zone 1 and Zone 2 are outdated and need to be revised to reflect current street names to ensure that the taxicab Zone Map is updated and accurate.

C. On January 16, 2015 and February 16, 2015 City staff met with a group of taxicab owners to discuss these issues.

D. The consensus of the taxicab representatives present at the meetings was to request that City Council amend the current ordinance regulating maximum charges for transportation of passengers to increase these maximum charges and to update the taxicab Zone Map.

**IV. STAFF RECOMMENDATIONS**

A. Amend Section 20-81 of the City's Code of Ordinances to update certain street name descriptions in taxicab Zone 1 and Zone 2.

B. Amend Section 20-82 of the City's Code of Ordinances to incorporate the following maximum rate increases allowed within Zones One, Two, Three and Four; and to increase the charge for additional passengers:

	<b>Change in Maximum Charge</b>
Zone One	from \$3.75 to \$4.50
Zone Two	from \$4.50 to \$8.25
Zone Three	from \$6.00 to \$11.75
Zone Four	from \$8.50 to \$15.25
Additional Passenger Charge	from \$1.00 to \$2.00

C. Amend Section 20-82.1 to the City's Code of Ordinances to incorporate the following maximum increases allowed for the following flat fee charges, and to add an additional flat fee charge for passengers taken from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersecion of SC Highway 327 and Interstate 95:

1. Florence Regional Airport to US Highway 52 and Interstate 95 locations:

**Change in Maximum Charge**

from \$8.00 to \$14.00

2. Florence Regional Airport to Interstate 20 and Interstate 95 locations:

**Change in Maximum Charge**

from \$9.00 to \$14.00

3. Florence Regional Airport to US Highway 76 and Interstate 95 locations:

**Change in Maximum Charge**

from \$10.00 to \$17.00

4. Florence Regional Airport to SC Highway 327 and Interstate 95 locations


**Maximum Charge**

\$14.00

5. The additional per passenger charge will change from 50% of the flat fee charge above to \$5.00 per additional passenger from the airport to each of the above destinations.

**V. ATTACHMENTS**

- A. Copy of the proposed amending ordinance.
- B. Copy of the taxicab zone map.
- C. Copy of the City's current taxicab rate ordinance.



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Thomas W. Chandler  
Finance Director



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Andrew H. Griffin  
City Manager



ORDINANCE NO. 2015 - \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 20, ARTICLE II, DIVISION 4 OF THE CITY OF FLORENCE, SOUTH CAROLINA CODE OF ORDINANCES PERTAINING TO TAXICABS**

**WHEREAS**, the City has received a request from taxicab owners to review and increase the maximum charges that may be assessed by taxicab drivers, and

**WHEREAS**, maximum fares that may be charged by licensed taxicab drivers for Zones 1 through 4 were last amended by City Council in June, 2008, and maximum fares charged for Flat Rate destinations have remained unchanged since August, 2003, and

**WHEREAS**, certain street names used to describe the taxicab zone boundaries in Zone 1 and Zone 2 are outdated and must be revised to reflect current street names, and

**WHEREAS**, City staff has met with a group of taxicab owners to discuss these issues.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Florence, South Carolina that Section 20-81(a) and (b) in Chapter 20, Article II, Division 4 of the City of Florence, South Carolina describing the boundaries for Zone One and Zone Two shall be amended to read as follows:

(a) Zone One shall consist of all that certain area within the city and contained within a general circumference of a circle with its center at the southwest corner of the intersection of North Dargan Street and NB Baroody Street and with a radius which passes through the intersection of Church Street and Cherokee Road, and more clearly defined on a map filed in the municipal clerk's office.

(b) Zone Two shall consist of all that certain area commencing at the outermost boundary line of Zone One and extending to a northernmost point at the intersection of Douglas Street and Hickory Grove Circle; to a westernmost point at the intersection of Five Points; to a southernmost point at the intersection of East Palmetto Street and Herbert K. Gilbert Street. Said Zone Two is more clearly defined on a map filed in the municipal clerk's office.

Section 20-81 (c) and (d) describing the boundaries for Zone Three and Zone Four shall remain unchanged as written.

**BE IT FURTHER ORDAINED** that Section 20-82 shall be amended to read as follows:

**Sec. 20-82 Maximum charges for transportation of passengers**

(a) The maximum charge by drivers of taxicabs for transportation of one passenger from one place to another place in Zone One shall not exceed four dollars and fifty cents (\$4.50). The maximum charge for each additional passenger from the same place of origin to the same place of destination shall not exceed two dollars (\$2.00).

(b) The maximum charge by drivers of taxicabs for transportation of one passenger from any place in Zone One to any place in Zone Two, or from any place in Zone Two to any place in Zone One, or from any place in Zone Two to another place in Zone Two shall not exceed eight dollars and twenty-five cents (\$8.25). The maximum charge for each additional passenger from the same place of origin to the same place of destination shall not exceed two dollars (\$2.00).

(c) The maximum charge by drivers of taxicabs for transportation of one passenger from any place in Zone One or Zone Two to any place in Zone Three, or from any place in Zone Three to any place in Zone One or Zone Two, or from any place in Zone Three to another Place in Zone Three shall not exceed eleven dollars and seventy-five cents (\$11.75). The maximum charge for each additional passenger from the same place of origin to the same place of destination shall not exceed two dollars (\$2.00).

(d) The maximum charge by drivers of taxicabs for transportation of one passenger from any place in Zone One, Zone Two or Zone Three to any place in Zone Four, or from any place in Zone Four to any place in Zone One, Zone Two or Zone Three, or from any place in Zone Four to another Place in Zone Four shall not exceed fifteen dollars and twenty-five cents (\$15.25). The maximum charge for each additional passenger from the same place of origin to the same place of destination shall not exceed two dollars (\$2.00).

**BE IT FURTHER ORDAINED** that Section 20-82.1 shall be amended to read as follows:

**Sec. 20-82.1 Flat fee charges for transportation of passengers**

(a) A flat fee of \$14.00 may be charged by drivers of taxicabs for transportation of one passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersecion of US Highway 52 and Interstate 95. The maximum charge for each additional passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersecion of US Highway 52 and Interstate 95 shall not exceed five dollars (\$5.00).

(b) A flat fee of \$14.00 may be charged by drivers of taxicabs for transportation of one passenger from the Florence Regional Airport to hotel, motel or other location situated in proximity to the intersecion of Interstate 20 and Interstate 95. The maximum charge for each additional passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersecion of Interstate 20 and Interstate 95 shall not exceed five dollars (\$5.00).

(c) A flat fee of \$17.00 may be charged by drivers of taxicabs for transportation of one passenger from the Florence Regional Airport to hotel, motel or other location situated in proximity to the intersecion of US Highway 76 and Interstate 95. The maximum charge for each additional passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersecion of US Highway 76 and Interstate 95 shall not exceed five dollars (\$5.00).

(d) A flat fee of \$14.00 may be charged by drivers of taxicabs for transportation of one passenger from the Florence Regional Airport to hotel, motel or other location situated in proximity to the intersecion of SC Highway 327 and Interstate 95. The maximum charge for each additional passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersecion of Highway 327 and Interstate 95 shall not exceed five dollars (\$5.00).

This ordinance shall become effective immediately upon adoption.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

Approved as to form:

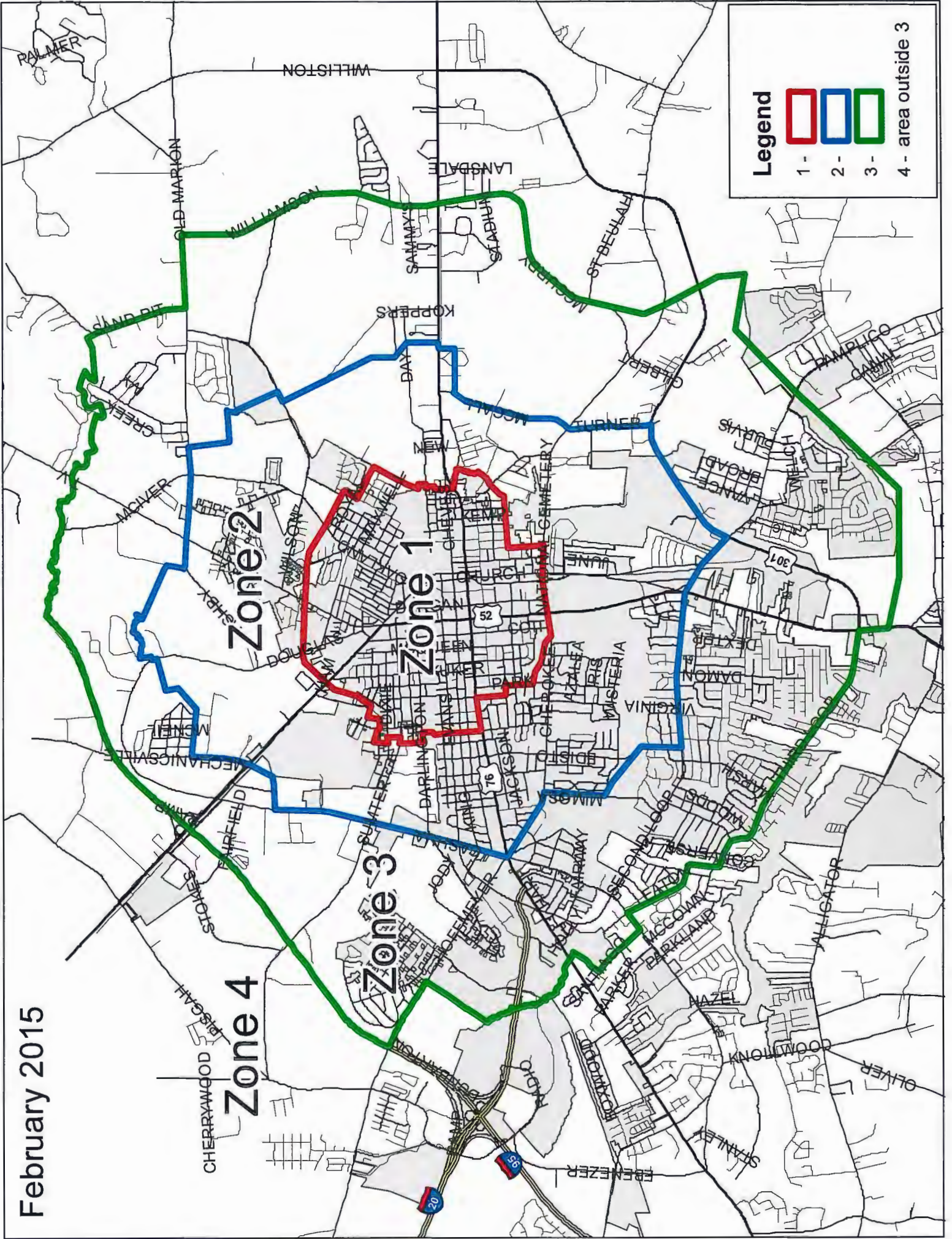
\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Stephen J. Wukela  
Mayor

Attest:

\_\_\_\_\_  
Dianne M. Rowan  
Municipal Clerk

February 2015



**CITY OF FLORENCE, SC  
CODE OF ORDINANCES**

**Chapter 20 – VEHICLES FOR HIRE  
ARTICLE II – TAXICABS  
DIVISION 4 – CHARGES**

**Sec. 20-81 - Areas within zones.**

- (a) Zone One shall consist of all that certain area within the city and contained within a general circumference of a circle with its center at the southwest corner of the intersection of North Dargan Street and Front Street and with a radius which passes through the intersection of Church Street and Cherokee Road, and more clearly defined on a map filed in the municipal clerk's office.
- (b) Zone Two shall consist of all that certain area commencing at the outermost boundary line of Zone One and extending to a northernmost point at the intersection of Douglas Street and Hickory Grove Road; to a westernmost point at the intersection of Five Points; to a southernmost point at the intersection of East Palmetto Street and Gilbert Street. Said Zone Two is more clearly defined on a map filed in the municipal clerk's office.
- (c) Zone Three shall consist of all that certain area commencing at the outermost boundary line of Zone Two and extending to a northernmost point at the intersection of McIver Road and Black Creek Road; thence to a westernmost point intersecting at Hoffmeyer Road and Interstate Highway 95; thence to a southernmost point intersecting at Irby Street and Third Loop Road; thence to an easternmost point intersecting at East Palmetto Street and Williamson Road. Zone Three is more clearly defined on a map filed in the municipal clerk's office.
- (d) Zone Four shall consist of all that area within the city limits of Florence commencing at the outermost boundary line of Zone Three.

**Sec. 20-82 - Maximum charges for transportation of passengers.**

- (a) The maximum charge by drivers of taxicabs for transportation of one passenger from one place to another place in Zone One shall not exceed two dollars seventy-five cents (\$2.75). Effective July 1, 2004 this maximum charge shall increase by twenty-five cents (\$0.25) and shall not exceed three dollars (\$3.00). Effective immediately upon adoption of this section, this maximum charge shall increase by seventy-five cents (\$0.75) and shall not exceed three dollars seventy-five cents (\$3.75). The maximum charge for each additional passenger from the same place of origin to the same place of destination the charge shall not exceed one dollar (\$1.00).
- (b) The maximum charge by drivers of taxicabs for transportation of one passenger from any place in Zone One to any place in Zone Two, or from any place in Zone Two to any place in Zone One, or from any place in Zone Two to another place in Zone Two shall not exceed three dollars and fifty cents (\$3.50). Effective July 1, 2004 this maximum charge shall increase by twenty-five cents (\$0.25) and shall not exceed three dollars and seventy-five cents (\$3.75). Effective immediately upon adoption of this section, this maximum charge shall increase by seventy-five cents (\$0.75) and shall not exceed four dollars and fifty cents (\$4.50). The

maximum charge for each additional passenger from the same place of origin to the same place of destination the charge shall not exceed one dollar (\$1.00).

- (c) The maximum charge by drivers of taxicabs for transportation of one passenger from any place in Zone One or Zone Two to any place in Zone Three, or from any place in Zone Three to any place in Zone One or Zone Two, or from any place in Zone Three to another Place in Zone Three shall not exceed five dollars (\$5.00). Effective July 1, 2004 this maximum charge shall increase by twenty-five cents (\$0.25) and shall not exceed five dollars and twenty-five cents (\$5.25). Effective immediately upon adoption of this section, this maximum charge shall increase by seventy-five cents (\$0.75) and shall not exceed six dollars (\$6.00). The maximum charge for each additional passenger from the same place of origin to the same place of destination the charge shall not exceed one dollar (\$1.00).
- (d) The maximum charge by drivers of taxicabs for transportation of one passenger from any place in Zone One, Zone Two or Zone Three to any place in Zone Four, or from any place in Zone Four to any place in Zone One, Zone Two or Zone Three, or from any place in Zone Four to another Place in Zone Four shall not exceed seven dollars and fifty cents (\$7.50). Effective July 1, 2004 this maximum charge shall increase by twenty-five cents (\$0.25) and shall not exceed seven dollars and seventy-five cents (\$7.75). Effective immediately upon adoption of this section, this maximum charge shall increase by seventy-five cents (\$0.75) and shall not exceed eight dollars and fifty cents (\$8.50). The maximum charge for each additional passenger from the same place of origin to the same place of destination the charge shall not exceed one dollar (\$1.00).

**Sec. 20-82.1 - Flat fee charges for transportation of passengers.**

- (a) A flat fee of eight dollars (\$8.00) may be charged by drivers of taxicabs for transportation of one passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersection of US Highway 52 and Interstate 95. The maximum charge for each additional passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersection of US Highway 52 and Interstate 95 shall not exceed four dollars (\$4.00).
- (b) A flat fee of nine dollars (\$9.00) may be charged by drivers of taxicabs for transportation of one passenger from the Florence Regional Airport to hotel, motel or other location situated in proximity to the intersection of Interstate 20 and Interstate 95. The maximum charge for each additional passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersection of Interstate 20 and Interstate 95 shall not exceed four dollars and fifty cents (\$4.50).
- (c) A flat fee of ten dollars (\$10.00) may be charged by drivers of taxicabs for transportation of one passenger from the Florence Regional Airport to hotel, motel or other location situated in proximity to the intersection of US Highway 76 and Interstate 95. The maximum charge for each additional passenger from the Florence Regional Airport to a hotel, motel or other location situated in proximity to the intersection of US Highway 76 and Interstate 95 shall not exceed five dollar (\$5.00).

**VII. b.**  
**Bill No. 2015-05**  
**Second Reading**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** March 9, 2015

**AGENDA ITEM:** Ordinance  
First Reading

**DEPARTMENT/DIVISION:** Department of Planning, Research & Development

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**I. ISSUE UNDER CONSIDERATION:**

Request to annex property located on S. Cashua Drive adjacent to Delmae Elementary School, Tax Map Number 00100-01-039, into the City of Florence and zone to R-2, Single-Family Residential District. The request is being made by the property owner, Florence School District 1.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

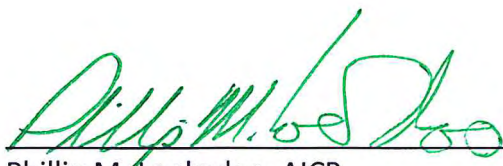
(1) No previous action has been taken by City Council on this request.

**III. POINTS TO CONSIDER:**

- (1) Request is being considered for first reading.
- (2) The lot is currently vacant; however, this lot in combination with an adjacent lot is the proposed site of a new elementary school. This adjacent lot was annexed in March of 2005 and is zoned R-2 (see Attachment 2).
- (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 February 10, 2015 Planning Commission meeting.
- (5) Planning Commission members voted 9-0 to recommend the zoning request of R-2, Single-Family Residential District.
- (6) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-2, Single-Family Residential District.

**IV. ATTACHMENTS:**

- (1) Ordinance
- (2) Map showing the location of the property
- (3) Petition for Annexation form



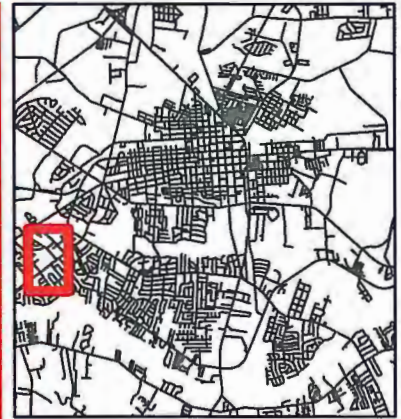
Phillip M. Lookadoo, AICP  
Planning, Research, & Development Director



Andrew H. Griffin  
City Manager

# Location Map

## TMP: 00100-01-039



### Legend

- RoadSegment
- Parcels

### Water

- Main

### Hydrant\_Type

- ⊕ Standard
- ⊕ Post

### Sewer

- ⊙ Manhole
- Pressurized Main
- Gravity Main



**DISCLAIMER:**  
 The City of Florence Urban Planning and Development Department data represented on this map is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

- 1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.
- 2. That the petitioner(s) desires to annex the property more particularly described below:

Florence County Tax Map 00100-01-059

\* (handwritten asterisk)

- 3. Annexation is being sought for the following purposes:

To Combine parcels for construction of the new Delmae Elementary School.

- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

Total Residents	<u>N/A</u>
Race	<u>          </u>
Total 18 and Over	<u>          </u>
Total Registered to Vote	<u>          </u>

\* Date 12-19-14

          
Petitioner

Date                     

                                  
Petitioner

Certification as to ownership on the date of petition:	FOR OFFICAL USE ONLY
Date <u>12/22/14</u>	<u>        </u>

ORDINANCE NO. 2015\_\_\_\_\_

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY  
FLORENCE SCHOOL DISTRICT 1, TMN 00100-01-039**

**WHEREAS**, a Public Hearing was held in the Council Chambers on February 10, 2015 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, application by Florence School District 1, owner of TMN 00100-01-039 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-2, Single-Family Residential District to the same parcels identified as follows:

**Florence County Tax Map 00100, block 01, parcel 039 (3.44 acres).**

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

**WHEREAS**, Florence City Council concurs in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE  
AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**EXECUTED ON ONE (1) ADDITIONAL PAGE**

**Ordinance No. 2015 - \_\_\_\_\_**  
**Page 2 – April, 2015**

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015**

**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:** March 9, 2015

**AGENDA ITEM:** Ordinance  
First Reading

**DEPARTMENT/DIVISION:** Department of Planning, Research & Development

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**I. ISSUE UNDER CONSIDERATION:**

Request to annex properties located on Hoffmeyer Road, Tax Map Numbers 00098-01-007, 00098-01-090, and 00098-01-095, into the City of Florence and zone to R-5, Multi-Family Residential District. The request is being made by the property owner, Hoffmeyer Road Development, LLC.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**


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

**III. POINTS TO CONSIDER:**

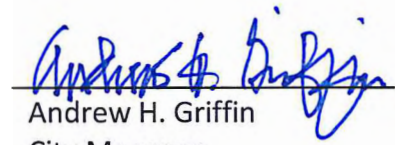
- (1) This request is being considered for first reading.
- (2) The applicant proposes to combine the parcels and redevelop the property as a multi-family apartment development.
- (3) City water service is currently available; there is no cost to the City to extend water service.
- (4) City sewer service is currently not available; the owner/developer of the property will incur the cost to extend sewer at time of development.
- (5) A traffic study will be required prior to development; however, said study as required by SCDOT will be sufficient to fulfill the requirements of our ordinance. The findings of the study will be a prerequisite for commencing with the development.
- (6) The applicant is petitioning for annexation to receive City services; however, the development could occur without annexation into the Florence City limits.
- (7) A Public Hearing for zoning was held at the February 10, 2015 Planning Commission meeting.
- (8) Planning Commission members voted 7-2 to deny the zoning request of R-5, Multi-Family Residential District.
- (9) City Staff recommends annexation and the zoning designation of R-5, Multi-family Residential District based on its provision of an additional housing type for the area and compliance with the Comprehensive Plan.

**IV. ATTACHMENTS:**

- (1) Ordinance
- (2) Map showing the location of the property
- (3) Petition for Annexation form



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



Andrew H. Griffin  
City Manager

**ORDINANCE NO. 2015\_\_\_\_\_**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY  
HOFFMEYER ROAD DEVELOPMENT, LLC, TAX MAP NUMBERS 00098-01-  
007, 00098-01-090, AND 00098-01-095**

**WHEREAS**, a Public Hearing was held in the Council Chambers on February 10, 2015 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Hoffmeyer Road Development, LLC, was presented requesting incorporation of certain parcels of land owned by Hoffmeyer Road Development, LLC and identified below into the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and also amending the City of Florence **Zoning Atlas** by adding the zoning district classification of R-5, Multi-Family Residential District to the same parcels identified as follows:

**Florence County Tax Map 00098, block 01, parcel 007 (18.07 acres);  
Florence County Tax Map 00098, block 01, parcel 090 (0.72 acres);  
and Florence County Tax Map 00098, block 01, parcel 095 (4.72  
acres);**

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

**WHEREAS**, Florence City Council concurs in the aforesaid application, findings and recommendations:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF FLORENCE IN MEETING DULY ASSEMBLED AND BY THE  
AUTHORITY THEREOF:**

1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the **Zoning Atlas** to the aforesaid zoning classifications.
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official **Zoning Atlas**.

**EXECUTED ON ONE (1) ADDITIONAL PAGE**

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

Approved as to form:

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Stephen J. Wukela,  
Mayor

Attest:

\_\_\_\_\_  
Dianne Rowan  
Municipal Clerk

# Location Map

## TMP: 00098-01-007, 090, and 095



### Legend

- RoadSegment
- ▭ Parcels
- Water**
- Main
- Hydrant\_Type**
- ⊕ Standard
- ⊙ Post
- Sewer**
- ⊙ Manhole
- Pressurized Main
- Gravity Main



**DISCLAIMER:**  
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STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

Petition requesting Florence City Council to enact an Ordinance annexing the area described below, that area being the same property as shown by the map prepared by the City of Florence Planning, Research, and Development Department, attached and incorporated by reference herein:

The undersigned freeholder property owner(s) hereby respectfully certifies, petitions, and requests of the City Council of Florence as follows:

1. The petitioners are the sole owner(s) of real estate in the County of Florence, State of South Carolina which property lies adjacent and contiguous to the corporate limits of the City of Florence.

2. That the petitioner(s) desires to annex the property more particularly described below:

Florence County Tax Map 00098-01-007  
00098-01-090  
00098-01-095

★ 3. Annexation is being sought for the following purposes:

TO GAIN THE BENEFITS OF CITY OF FLORENCE SERVICES.

4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

To the Petitioner: The following information needs to be completed for submittal to the City of Florence and other government agencies for records prior to and after annexation.

★

Total Residents 0  
Race 0  
Total 18 and Over 0  
Total Registered to Vote 0

★

Date 1/08/15

*[Signature]*  
Petitioner  
Petitioner

Date \_\_\_\_\_

Certification as to ownership on the date of petition: FOR OFFICAL USE ONLY  
Date 01/09/15 *[Signature]*

FLORENCE CITY COUNCIL MEETING

VII. d.  
Bill No. 2015-07  
Second Reading

**DATE:** March 2, 2015

**AGENDA ITEM:** An ordinance amending Code Section 2-205 in order to add a sub- paragraph (5) to provide for an additional “general eligibility requirement” to the Downtown Economic Development Incentive Program which requires that developers seeking economic incentives from the city include minority contractors and subcontractors in invitations to provide work on the project.

**DEPARTMENT/DIVISION:** Councilman Robinson, City Staff, and City Attorney

**I. ISSUE UNDER CONSIDERATION**

Should the City add subparagraph (5) to Code Section 2-205 in order to add an “SRF like” requirement to the eligibility criteria for the Downtown Economic Development Incentive Program to ensure that developers seeking incentives from the City and their prime contractor(s) will make good faith efforts to actively invite and encourage minority business entities to participate in activities arising out of incentivized projects?

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

(a) City Code Sections 2-200 through 2-207 were adopted by the passage of Ordinance No. 2011-23 in October, 2011. The ordinance was designed to accomplish the following specific goals:

1. Establish the mechanism needed for Council to consider and approve applications for incentives on a case-by-case basis;
2. Establish the minimum requirements that must be met before Council will approve an application for incentive;
3. Establish a set of criteria that Council will consider on a case-by-case basis in determining whether to approve an incentive for a project that meets the minimum pre-requisites, and the amount of any such incentive.
4. Establish the administrative criteria and the terms of delivery of incentives granted.

(b) City Council, in directing staff to prepare an amendment to Resolution 2013-26 regarding the Royal Knight Building under the Downtown Economic Development Incentive Program, instructed staff to add requirements designed to ensure that the developers seeking an amendment to the incentives from the City and their prime contractor(s) will make good faith

efforts to actively invite and encourage minority business entities to participate in activities arising out of incentivized projects.

(c) Councilman Robinson, several months ago, raised the issue and requested an opinion from the City Attorney regarding the lawful steps available to Council to ensure that developers seeking incentives from the City and their prime contractor(s) will make good faith efforts to actively invite and encourage minority business entities to participate in activities arising out of incentivized projects.

### **III. POINTS TO CONSIDER**

(a) A review of Councilman Robinson's request from both a legal analysis and a practical analysis has resulted in the attached Ordinance which was drafted by the City Attorney to accomplish the stated goals in a lawful manner by adding a new eligibility requirement to the Downtown Economic Development Incentive Program.

(b) Assuming that Council passes the ordinance attached, or something close to it, then, using the program established by the ordinance, applications for incentives will continue to come before Council on a case-by-case basis and Council, after applying the requirements and criteria set out in the ordinance, will address the application for incentive by resolution.

(c) Upon adoption of the Ordinance, the City Attorney and City Staff will develop both the form and the procedure described in the Ordinance to finalize the reporting mechanism required by the Ordinance to ensure that developers and their prime contractors make good faith efforts to actively invite and encourage minority business entities to participate in activities arising out of incentivized projects.

### **IV. OPTIONS**

(a) Approve the Ordinance as presented on first reading.

(b) Amend the Ordinance to accomplish the same goals.

(c) Defeat the Ordinance.

### **IV. ATTACHMENTS**

Proposed Ordinance 2015-07

**ORDINANCE NO. 2015-07**

**AN ORDINANCE AMENDING CODE SECTION 2-205 IN ORDER TO ADD A SUB PARAGRAPH (5) TO PROVIDE FOR AN ADDITIONAL "GENERAL ELIGIBILITY REQUIREMENT" TO THE DOWNTOWN ECONOMIC DEVELOPMENT INCENTIVE PROGRAM WHICH REQUIRES THAT DEVELOPERS SEEKING ECONOMIC INCENTIVES FROM THE CITY INCLUDE MINORITY CONTRACTORS AND SUB CONTRACTORS IN INVITATIONS TO PROVIDE WORK ON THE PROJECT.**

**WHEREAS**, the City Council (the "Council") of the City of Florence, South Carolina recognizes that it is necessary and in the best interests of the City of Florence to encourage the economic development and redevelopment of the downtown area of the City and to provide for the increased benefit and prosperity of its citizens;

**WHEREAS**, the Council desires to facilitate business growth in designated areas;

**WHEREAS**, it is the desire of the Council to create new tools to encourage private capital investment and reinvestment in any of the designated areas that may be specifically identified;

**WHEREAS**, the establishment of an economic development program that recognizes the benefits and economic impact of new investment will contribute to the health and stability of the City and in furtherance of the various adopted goals and plans of the City;

**WHEREAS**, it is in the best interest of the City to take steps necessary to encourage recipients of incentives from the City to actively seek involvement of minority and women owned businesses in activity generated by incentivized construction activity; and

**WHEREAS**, the Council of the City of Florence, South Carolina, hereby finds and determines:

(a) The City of Florence, South Carolina (the "City"), is an incorporated municipality located in Florence County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C. Code § 5-7-30.

(b) Council is mindful of the criteria set forth by the South Carolina Supreme Court in *Byrd v. Florence County* in determining when industrial development constitutes a public purpose. In that case, as further developed in *Nichols v. South Carolina Research Authority*, the South Carolina Supreme Court formulated a four-point standard to include (1) the ultimate goal or benefit to the public, (2) whether public or private parties will be the primary beneficiaries, (3) the speculative nature of the project and (4) the probability that the public interest will be ultimately served.

(c) While recognizing that the provision of incentives to private developers has some benefit to the private developers, the purpose of this incentive program is to benefit the citizens of the City by encouraging revitalization and redevelopment of the downtown area thereby bringing about great positive direct economic impact upon the City, indirect economic impact upon the City by attracting

additional businesses, investment and patronage into the downtown, and through enhancing quality of life and enjoyment issues by restoring the historic downtown area of Florence. Council has therefore applied the four-part test formulated by the Supreme Court to the incentive program to ensure that Council's decision on individual incentive applications will be based upon consideration of proper objective criteria.

(d) The criteria and requirements under the incentive program are designed to make sure that decisions by Council will properly weigh the benefit to the public and the established goals of the City for effective redevelopment of the downtown area and to ensure that the benefit to the public greatly outweighs any private benefit resulting from any incentive granted.

(e) As repeatedly stated in both the City's Comprehensive Plan and the Master Plan for downtown revitalization, the provision of significant incentives to encourage investment in downtown properties is essential for the success of these programs.

(f) As repeatedly alluded to in both the City's Comprehensive Plan and the Master Plan for downtown revitalization, it is important to the process and to the goals of revitalization to encourage recipients of incentives from the City to actively seek involvement of minority and women owned businesses in activity generated by incentivized construction activity;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AND BY THE AUTHORITY THEREOF THAT SECTION 2-205 OF THE CITY CODE BE, AND THE SAME IS HEREBY, AMENDED AS FOLLOWS:**

**Section 1. Enactment.** The provisions contained in the "Downtown Economic Development Incentive Program" contained in Chapter 2 of the City Code are hereby amended by adding a new sub paragraph (5) to Section 2-205 which will read as follows:

(5) The entity seeking the incentive shall ensure that it and its prime contractors shall make good faith efforts as described herein to provide equal opportunity to and to actively invite minority business enterprises (MBE) to participate in the incentivized activities. For the purpose of this ordinance, MBE is defined as a minority business enterprise that is certified in accordance with South Carolina Regulations §19-445.2160, as authorized by §11-35-5270 the South Carolina Code of Laws, as amended. In order to meet this requirement, the entity must agree that it and its prime contractors will submit documentation on a form provided by the City and in a method prescribed by City Staff to establish that the developing entity and the prime contractors have actively solicited and encouraged MBE's to participate in subcontracting and significant material supplier opportunities available related to the incentivized project.

**Section 2. Codification.** The Municipal Code Corporation as codifier of the City of Florence Code shall, in consultation with the City Attorney of Florence, have discretion to make such adjustments

in the numbering and sequencing of the article numbers and sections numbers as will reasonably assure compliance with standard practices in codification and to codify the new provisions as soon as feasible after their effective dates.

**Section 3. Severability.** If any part of this Ordinance is held to be invalid or unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such invalid or unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such as holding shall not affect the applicability thereof to any persons, property or circumstances.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon its approval and adoption on Second Reading.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**Approved as to form:**

\_\_\_\_\_  
**James W. Peterson, Jr.**  
City Attorney

\_\_\_\_\_  
**Stephen J. Wukela**  
Mayor

**Attest:**

\_\_\_\_\_  
**Dianne M. Rowan**  
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

**VIII. a.**  
**Bill No. 2015-08**  
**First Reading**

**DATE:** April 7, 2015

**AGENDA ITEM:** Ordinance No. 2015-09 - An ordinance to regulate businesses by enacting a new chapter in the city of Florence Code of Ordinances to establish provisions and requirements for the screening of criminal records by employers within the City of Florence

**DEPARTMENT/DIVISION:** Councilman Robinson

**I. ISSUE UNDER CONSIDERATION**

This Ordinance, which is patterned after an Ordinance enacted by the City of Philadelphia, PA, would result in the City establishing regulations which limit the obtaining and use of information regarding arrests and convictions in the employment process in an effort to make sure that such information is not improperly used by the City or employers within the City to accomplish the following goals:

- a. To assist the successful reintegration of formerly-incarcerated people back into the community by removing barriers to gainful employment after their release from jail/prison;
- b. To enhance the health and security of the community by assisting people with criminal/arrest records to provide for their families and themselves; and
- c. To ensure that, within the City of Florence, just and fair measures are implemented and practiced when screening and identifying persons who may or may not have criminal records.

## **II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

a. Councilman Robinson previously provided Council with information regarding this proposal, including language for a proposed ordinance, and Council discussed this during several meetings in 2013.

b. The attached Ordinance contains the same language previously discussed, is based upon the Philadelphia Ordinance, and has been altered only to the extent needed to place it into the proper format for our ordinances.

c. This Ordinance is being presented by Councilman Robinson for First Reading.

## **III. OPTIONS**

- a. Approve the Ordinance on First Reading
- b. Defer the request should additional information be needed.
- c. Suggest other alternatives to accomplish the same goals.
- d. Defeat the Ordinance on First Reading.

## **IV. ATTACHMENTS**

- a. Proposed Ordinance No. 2015-09



**ORDINANCE NO. 2015-09**

**AN ORDINANCE TO REGULATE BUSINESSES BY ENACTING A NEW CHAPTER IN THE CITY OF FLORENCE CODE OF ORDINANCES TO ESTABLISH PROVISIONS AND REQUIREMENTS FOR THE SCREENING OF CRIMINAL RECORDS BY EMPLOYERS WITHIN THE CITY OF FLORENCE.**

**WHEREAS**, the Council of the City of Florence, South Carolina, hereby finds and determines:

- a. Persons with criminal records suffer from pervasive discrimination in many areas of life-employment housing, education, and eligibility for many forms of social benefits: and
- b. As of 2000, more than 70 million people nationwide had criminal records and are reported to experience lifelong discrimination because of their past convictions, and Florence has a high corrections population because of their past convictions:, and
- c. As of 2000 there have been approximately 35,000 arrest within the city of Florence of which approximately 60% are because recidivism: and
- d. The percentage of people of color arrested and convicted both local and nationwide exceed the percentage of their representation in the population as a whole, which disproportionately impacts their lives, families and communities; and
- e. Criminal background checks by employers have increased at a record rate, with a vast majority of employers in the U.S. now screening their workers for criminal records; and
- f. Formerly-incarcerated people represents a group of job-seekers, ready to contribute and add to the work force; and
- g. Lack of employment is a significant cause of recidivism; people who employed are significantly less likely to be re-arrested; and
- h. Obstacles to employment for people with criminal records and other barriers to re-entry are creating permanent members of an underclass that threatens the health of the community and undermines public safety.

- i. This Legislation concerns a sensitive and highly controversial subject, and should not be construed to require an employer to hire someone with a criminal record, nor to limit an employer's ability to choose the most qualified and appropriate application for the employment opportunity at hand.
- j. This legislation is intended to give the individual with a criminal/arrest record an opportunity to be judged on his or her own merit during the submission of the application and at least until the completion of one interview.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AND BY THE AUTHORITY THEREOF THAT CHAPTER 13 OF THE CITY CODE IS HEREBY AMENDED TO ADD A NEW ARTICLE IX WHICH SHALL READ IN ITS ENTIRETY AS FOLLOWS:**

**Article IX      Limitations on Inquiry Concerning Criminal Record During The Employment Process**

**Sec. 13-140      It is the intent and purpose of this Chapter:**

- a. To assist the successful reintegration of formerly-incarcerated people back into the community by removing barriers to gainful employment after their release from jail/prison;
- b. To enhance the health and security of the community by assisting people with criminal/arrest records to provide for their families and themselves; and
- c. To ensure that, within the City of Florence, just and fair measures are implemented and practiced when screening and identifying persons who may or may not have criminal records.

**Sec. 13-141      Definitions.**

As used in this Chapter this Chapter the following terms have the following meanings:

- a. "Applicant" means any person considered or who requests to be considered for employment by an employer

b. "City agency" means the city, or any City department, agency, board or commission.

c. "Conviction" shall mean any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

d. "Employment" means any occupation, vocation, job, work for pay or employment, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. "Employment" shall not, for the purpose of this Chapter, include membership in any law enforcement agency.

e. "Inquiry" means any direct or indirect conduct intended to gather information, using any mode of communication.

f. "Interview" means any direct contact by the employer with the applicant, whether in person or by telephone, to discuss the employment being sought or the applicant's qualifications.

g. "Criminal Justice Agency" means any, court including the minor judiciary, with criminal jurisdiction or any other governmental agency, or subunit thereof, created by statute or by the state or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to such function; and agencies whose principal function relates to the administration of criminal justice, including but not limited to organized State and municipal police departments, local detention facilities, correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, pardon boards and public agencies that provide care, guidance and control to adjudicated delinquents.

h. "License" means any certificate, license, permit, authorization or grant of permission required by the City as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. "License" shall not for the purpose of this Chapter, include any license, authorization or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

i. "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons within the City of Florence. It includes job placement and referral agencies and other employment agencies.

**Sec. 13-142 Prohibition Against Unfair Discrimination Against Persons Previously Arrested For One Or More Criminal Offenses.**

a. In connection with the licensing or employment of any person, it shall be an unlawful discriminatory practice of a City agency or private employer to knowingly and intentionally make any inquiry about or to take any adverse action against any person on the basis of any arrest or criminal accusation made against such person, which is not then pending against that person and which did not result in a conviction. It shall further be an unlawful discriminatory practice for a City agency or private employer to require any person to disclose or reveal any arrest or criminal accusation made against such person which is not then pending against that person and which did not result in a conviction.

**Sec.13-143 Prohibition Against Unfair Discrimination Against Persons Previously Convicted For One Or More Criminal Offenses.**

a. In connection with licensing or employment of any person, it shall be an unlawful discriminatory practice for a City agency or private employer to make any inquiry regarding or to require any person to disclose or reveal any criminal convictions during the application process. The application process shall begin when the applicant inquires about

the employment bent sought and shall end when an employer has accepted an employment application.

b. It shall further be an unlawful discriminatory practice for a City agency or private employer to make any inquiry regarding, or to require any person to disclose or reveal any criminal convictions against such person before the first interview. If an employer does not conduct an interview, that employer is prohibited from making any inquires or gathering any information regarding the applicant's criminal convictions. If the applicant voluntarily discloses any information regarding his or her criminal conviction at the interview, the employer may discuss the criminal conviction disclosed by the applicant.

**Sec. 13-144 Exemptions.**

a. The prohibitions of this Chapter shall not apply if the inquires or adverse actions prohibited herein are specifically authorized by any other applicable law.

b. The prohibitions of this Chapter shall not apply to a Criminal Justice Agency as defined herein.

c. Nothing in this Chapter shall modify or waive the requirements and limitations on the use of criminal records in Florence.

**Sec. 13-145 Enforcement.**

a. The City Manager shall designate the appropriate city department to administer and enforce this Chapter.

b. Each violation of this Chapter shall constitute a misdemeanor and any person who violates this Chapter shall be subject to a fine as set forth under Section 1-7 of the Code of Ordinances of the City of Florence.

**Sec. 13-146 Fair Criminal Record Screening Advisory Screening Advisory Committee.**

a. Establishment. The City Council hereby calls upon the City Manager to establish a nine (9) person committee entitled the "The Criminal Record Screening Advisory Committee" the purpose of which shall be to review the implementation and effectiveness of this Chapter and to make recommendations to the City Council regarding this Chapter.

b. Members. The Committee shall be composed of nine (9) members, one (1) each by each Council member, one (1) by the City Manager, and of the eight shall appoint one (1) other to be Chairperson. The appointees shall consist of: two (2) that have arrest/criminal records, two (2) from the business community, two (2) from general public, one (1) minister, and the other two, shall be the committee appointee and City Manager's appointee, no restrictions

c. Meetings: The committee shall meet at least quarterly. All meetings shall be open to the public and will allow for public testimony on policies or conduct relating to this Chapter.

**Sec. 13-147 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance, or the application of such provision to persons or circumstances other than those as to which it is held invalid. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the unconstitutionality of invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

**Sec. 13-148      Effective Date.**

After its approval and adoption on by City Council with two readings, this Ordinance shall become effective on January 1, 2016.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

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 13, 2015

**AGENDA ITEM:** A Reimbursement Resolution for Funding and Construction of a Soccer Complex

**DEPARTMENT:** Finance

**I. ISSUE UNDER CONSIDERATION**

A resolution of City Council declaring the City's intent to make reimbursement for funds advanced by the City from federally tax-exempt bond obligations issued to pay for costs associated with the construction of a Soccer Complex and related infrastructure on property located near the intersection of U.S. Highway 76 and Interstate Highway 95.

**II. CURRENT STATUS/PREVIOUS ACTION TAKEN**

- A. On October 13, 2014, City Council authorized the City Manager, the Mayor, and the City Attorney to execute a Memorandum of Understanding between the City and the Drs. Bruce and Lee Foundation ("the Foundation") for the funding, construction, and operation of a new soccer complex.
- B. On October 21, 2014 a Memorandum of Understanding between the City and the Foundation was signed and executed for those purposes.
- C. The Memorandum of Understanding provides funding of the complex as follows:
  - 1. The City will commit funding up to \$7,040,000 for the construction of a soccer facility, a main access road, roads internal to the soccer complex, and parking for the soccer complex.
  - 2. The source of funding for the \$7,040,000 will be in the forms of \$6,000,000 from the Foundation and \$1,040,000 from proceeds of the County-wide \$0.01 Sales Tax Referendum passed in 2013.
  - 3. The Foundation will provide the \$6 million funding at a rate of \$2 million per year from 2017 through 2019.
- D. In addition, the City will construct the water and sewer infrastructure needed for the soccer complex as well as provide for future access to water and sewer services on adjacent undeveloped tracts of land.

**III. POINTS TO CONSIDER**

- A. Due to the cost of the project, and because a significant portion of the funding will be provided over a 3-year period beginning in 2017, it will be necessary to issue bonds in an amount not exceeding \$6 million through 2020. The bonds will be repaid with funding to be received from the Foundation.




- B. Given that facility design costs and some construction costs may be incurred prior to bond closing, the City will likely have a need to make reimbursement for these expenditures from bond proceeds.
- C. To ensure that the City is legally able to reimburse funds advanced for the project with bond proceeds, it has been recommended by the City's bond attorney that a Reimbursement Resolution be adopted by City Council making a declaration of intent to reimburse such expenditures made prior to the issuance of the obligation bonds.

**IV. STAFF RECOMMENDATION**

Approve and adopt of the proposed resolution.


**V. ATTACHMENTS**

A Resolution of intent to make reimbursement advanced funds through federally tax-exempt obligations not exceeding \$6,000,000 is attached.



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Thomas W. Chandler  
Finance Director



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Andrew H. Griffin  
City Manager

**RESOLUTION 2015-\_\_\_\_\_**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, DECLARING ITS INTENT TO MAKE REIMBURSEMENT TO CERTAIN FUNDS OR ACCOUNTS OF THE CITY THROUGH THE ISSUANCE OF FEDERALLY TAX-EXEMPT OBLIGATIONS FOR THE CONSTRUCTION OF A SOCCER COMPLEX AND RELATED PUBLIC INFRASTRUCTURE PURSUANT TO UNITED STATES TREASURY DEPARTMENT, INTERNAL REVENUE SERVICE, REGULATION 1.150-2**

**WHEREAS**, the City Council of the City of Florence, South Carolina ("City Council") is the governing body of the City of Florence, South Carolina (the "City"); and

**WHEREAS**, City Council intends to issue bonds to defray the cost of capital improvements in the fiscal year commencing July 1, 2015, for the general welfare of the City including, but not limited to, the construction of a new soccer complex and necessary public infrastructure related thereto (the "Project"); and

**WHEREAS**, City Council finds that depending upon when the bonds may be issued in fiscal year 2016, funds for the Project might be advanced from certain funds or accounts of the City with the expectation that the proceeds of the bonds received as reimbursement will immediately be deposited to such funds or accounts to replenish amounts advanced; and

**WHEREAS**, City Council is mindful that, in order for the use of federally tax-exempt obligation proceeds to be considered "expended" for purposes of United States Treasury Department Internal Revenue Service Regulation 1.150-2 ("Reg. 1.150-2") when used to reimburse the City for expenditures made prior to the issuance of the obligations, certain conditions including the making of a declaration of intent to reimburse such expenditures must be met; and

**WHEREAS**, City Council desires to make such declaration of intent;

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

That the declaration of intent to reimburse expenditures on the Project with the proceeds of federally tax-exempt obligations not exceeding \$6 million pursuant to Reg. 1.150-2 is hereby made, and that the Clerk of City Council is hereby directed to maintain a copy of this declaration in the files and records of City Council.

**DONE IN A MEETING DULY ASSEMBLED ON \_\_\_\_\_ day of \_\_\_\_\_, 2015.**

**Approved as to form:**

\_\_\_\_\_  
James W. Peterson, Jr.  
City Attorney

\_\_\_\_\_  
Stephen J. Wukela  
Mayor

**Attest:**

\_\_\_\_\_  
Dianne Rowan  
Municipal Clerk

**IX. b.  
Resolution  
No. 2015-07**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** April 13, 2015  
**AGENDA ITEM:** Resolution  
**DEPARTMENT/DIVISION:** City Administration

**I. ISSUE UNDER CONSIDERATION**

A resolution for the City of Florence to recognize Reverend William Levi Thompson for his contributions to downtown and the Florence Community as a long term downtown business owner, and for opening the first school for barbers in the Pee Dee area.

**CURRENT STATUS/PREVIOUS ACTION TAKEN**

This is the initial consideration by City Council of this resolution.

**II. POINTS TO CONSIDER**

- A. Pastor William Levi Thompson is a long term downtown merchant serving the community for 32 years as Owner-Operator of Thompson Barber Shop, Thompson Master Hair Care, and Thompson & Sons Barber College at 218 N. Dargan Street in Florence.
- B. Pastor Thompson opened Thompson Barber Shop in 1983, and later started the first school for barbers in the Pee Dee area, Thompson & Sons Barber College, in 1989.
- C. Pastor Thompson is a spiritual leader in the community serving as pastor of Mount Clair Missionary Baptist Church in Lake City for over forty years.
- D. Pastor Thompson is also a civic-minded member of the Florence community with many affiliations including a member of Mill Branch Masonic Lodge #231 and the Pee Dee Consistory #197.

**III. PERSONAL NOTES**

**IV. ATTACHMENTS**

Resolution No. 2015-07 A Resolution for the City of Florence to recognize Reverend William Levi Thompson for his contributions to downtown and the Florence Community as a long term downtown business owner, and for opening the first school for barbers in the Pee Dee area.

  
\_\_\_\_\_  
Andrew H. Griffin  
City Manager

**RESOLUTION 2015 – 07**

**A RESOLUTION FOR THE CITY OF FLORENCE TO RECOGNIZE  
REVEREND WILLIAM LEVI THOMPSON FOR HIS CONTRIBUTIONS TO DOWNTOWN AND  
THE FLORENCE COMMUNITY AS A LONG TERM DOWNTOWN BUSINESS OWNER,  
AND FOR OPENING THE FIRST SCHOOL FOR BARBERS IN THE PEE DEE AREA.**

- WHEREAS,** in 1983, Pastor William Levi Thompson opened Thompson Barber Shop at 218 N. Dargan Street in Florence; and
- WHEREAS,** in 1989, Pastor William Levi Thompson started the first school for barbers in the Pee Dee area, Thompson & Sons Barber College at 218 N. Dargan Street in Florence; and,
- WHEREAS,** Pastor Thompson has served the community for 32 years as a downtown Florence business as Owner-Operator of Thompson Barber Shop, Thompson Master Hair Care, and Thompson & Sons Barber College at 218 N. Dargan Street in Florence; and,
- WHEREAS,** Pastor Thompson is a spiritual leader in the community serving as pastor of Mount Clair Missionary Baptist Church in Lake City for over forty years; and
- WHEREAS,** Pastor Thompson is also a civic-minded member of the Florence community with many affiliations including a member of Mill Branch Masonic Lodge #231 and the Pee Dee Consistory #197; and
- WHEREAS,** through hard work and dedication, and a sense of commitment to the betterment of the Florence community, Pastor Thompson continues making contributions today that attribute to the continued success of downtown.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE:**

The City of Florence recognizes Reverend William Levi Thompson for his success and his many contributions to downtown and the Florence Community as a long term downtown business owner, and for opening the first school for barbers in the Pee Dee area.

**RESOLVED THIS 13<sup>TH</sup>** day of April, 2015.

**Approved as to form:**

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**JAMES W. PETERSON, JR.**  
**CITY ATTORNEY**

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**STEPHEN J. WUKELA**  
**MAYOR**

**ATTEST:**

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**DIANNE M. ROWAN**  
**MUNICIPAL CLERK**