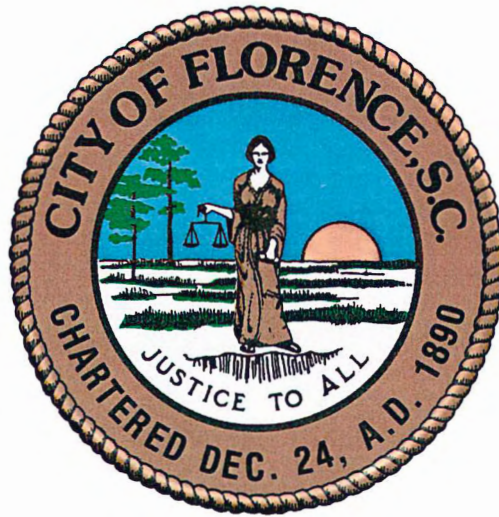


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA

MONDAY
JULY 13, 2020
1:00 P.M.



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, JULY 13, 2020 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

This meeting will be conducted through Zoom Video Conferencing.

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

June 8, 2020 – Regular Meeting
June 17, 2020 – Special Meeting

IV. APPEARANCE BEFORE COUNCIL

a. Ms. Shannon Kelley

To speak to Council on Stormwater issues on North Lakewood Drive.

V. ORDINANCES IN POSITION

a. Bill No. 2020-19 – Second Reading

An ordinance to rezone from RS to RG-3 a parcel located on Sam Harrell Road, Florence County Tax Map Parcel 00175-01-224.

b. Bill No. 2020-20 – Second Reading

An ordinance to rezone from CG to NC-4 two parcels located along East Chapel View Drive, Florence County Tax Map Parcels 00152-01-119 and 00152-01-140.

VI. INTRODUCTION OF ORDINANCES

a. Bill No. 2020-17 – First Reading

An ordinance revising the water and sewer rate schedule for the City of Florence, South Carolina.

- b. Bill No. 2020-18 – First Reading**
An ordinance to amend Chapter 12, Article 3 Section 12-130 of the City of Florence Code of Ordinances to allow for the protection of water meters from unlawful damage, tampering or improper care.
- c. Bill No. 2020-21 – First Reading**
An ordinance to amend the budget for the City of Florence, South Carolina, for fiscal year beginning July 1, 2020, and ending June 30, 2021.
- d. Bill No. 2020-22 – First Reading**
An ordinance authorizing the issuance of City of Florence Public Facilities Corporation Installment Purchase Revenue Bonds (City of Florence Project), Series 2020; authorizing the lease of certain property to City of Florence Public Facilities Corporation; authorizing the execution and delivery of certain instruments relating to the issuance and sale of the aforesaid bonds, including a base lease and conveyance agreement and a municipal facilities purchase and occupancy agreement, each between the City of Florence, South Carolina and City of Florence Public Facilities Corporation, a bond purchase agreement among the City, City of Florence Public Facilities Corporation and Stephens Inc., and a preliminary official statement and an official statement of the City; and other matters relating thereto.
- e. Bill No. 2020-23 – First Reading**
An ordinance to provide for the issuance and sale of a General Obligation Bond, Series 2020, of the City of Florence, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.
- f. Bill No. 2020-24 – First Reading**
An ordinance to provide for the issuance and sale of a General Obligation Refunding Bond, Series 2020A, of the City of Florence, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.
- g. Bill No. 2020-25 – First Reading**
An Ordinance authorizing the Conditional Grant and Development Agreement with a Developer Team regarding downtown real estate and authorizing the conveyance of the real estate located in the City of Florence described more fully on Exhibit "A" to be attached to the Ordinance, said property to be developed and utilized pursuant to the terms and conditions set out in the Conditional Grant and Development Agreement attached hereto as Exhibit "B" and approved hereby.
(Note: This item will be discussed in Executive Session.)
- h. Bill No. 2020-26 – First and Final Reading**
An Emergency Ordinance ratifying the Proclamation issued by the Mayor and City Manager requiring individuals to wear face coverings in establishments open to the public and foodservice establishments, and matters related thereto.

VII. INTRODUCTION OF RESOLUTIONS

a. Resolution No. 2020-16

A resolution approving a Conditional Grant Agreement to provide an incentive for the re-development of an unnamed project located within the Historic District.

(Note: This item is to be discussed in Executive Session.)

VIII. REPORTS TO COUNCIL

a. Appointments to Boards and Commissions

(Note: Staff has requested that this item be deferred.)

b. An update on the 2020 Census

IX. EXECUTIVE SESSION

a. Discussion of negotiations incident to matters relating to a proposed Economic Development within the Historic District [30-4-70(a)(5)].

b. Discussion of negotiations incident to matters relating to a proposed Economic Development [30-4-70(a)(5)].

c. To provide an update on a proposed Economic Development Project [30-4-70(a)(5)].

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

X. ADJOURN



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, JUNE 8, 2020 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA
MEETING CONDUCTED THROUGH ZOOM VIDEO CONFERENCING**

MEMBERS PRESENT

Mayor Stephen J. Wukela, Mayor Pro tem Frank J. “Buddy” Brand, Councilman George Jebaily, Councilwoman Teresa M. Ervin, Councilman Glynn F. Willis, Councilwoman Octavia Williams-Blake and Councilwoman Pat Gibson-Hye Moore.

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Amanda P. Pope, Municipal Clerk; Mrs. Casey Moore, Assistant City Clerk; Mr. Scotty Davis, Deputy City Manager of Community Engagement; Mr. Clint Moore, Assistant City Manager of Development; Mr. Kevin Yokim, Assistant City Manager of Administration/Finance; Chief Allen Heidler, Florence Police Department; Interim Chief Shannon Tanner, Florence Fire Department; Mr. Michael Hemingway, Director of Utilities; Mr. Chuck Pope, Director of Public Works; and Mr. Jerry Dudley, Director of Planning.

MEDIA PRESENT

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

CALL TO ORDER

Mayor Wukela called the June 8, 2020 regular meeting of Florence City Council to order at 1:02 p.m.

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

Councilwoman Ervin made a motion to adopt the minutes of the May 11, 2020 Regular City Council meeting and Councilman Willis seconded the motion. The minutes were unanimously adopted.

**ADDENDUM TO THE AGENDA:
PUBLIC HEARING**

A public hearing will be held to receive input on the City of Florence Fiscal Year Budget 2020-2021.

Councilwoman Moore made a motion to approve this addition to the agenda and Councilwoman Ervin seconded the motion. The motion carried unanimously.



FLORENCE CITY COUNCIL
REGULAR MEETING – JUNE 8, 2020

Mayor Wukela said the City has advertised the public hearing for public participation via Zoom.

Mayor Wukela opened the public hearing portion of the meeting at 1:08 p.m. Being no public comment on the City of Florence FY 2020-2021 budget, Mayor Wukela closed the public hearing at 1:09 p.m.

ORDINANCES IN POSITION

Bill No. 2020-15 – Second Reading

An ordinance to annex and zone NC-6.2 the parcel located at 1012 West Sumter Street, Florence County Tax Map Parcels 90060-08-010 and 90060-08-011.

Councilwoman Ervin made a motion to adopt Bill No. 2020-15 on second reading and Councilwoman Moore seconded the motion.

Council voted unanimously (7-0) to adopt Bill No. 2020-15.

Bill No. 2020-16 – Second Reading

An ordinance to raise revenue and adopt a budget for the City of Florence, South Carolina, for Fiscal Year beginning July 1, 2020 and ending June 30, 2021.

Councilwoman Ervin made a motion to adopt Bill No. 2020-16 on second reading and Councilman Willis seconded the motion.

Mayor Wukela said the budget presented is a standard budget and given the economic circumstances and its uncertainty, there will be amendments necessary as revenues and expenditures are determined.

Council voted unanimously (7-0) to adopt Bill No. 2020-16.

INTRODUCTION OF ORDINANCES

Bill No. 2020-11 – First Reading

An ordinance to annex and zone NC-10 the parcel located at 1620 Third Loop Road, Florence County Tax Map Parcel 90031-02-005.

Mayor Wukela stated, at the applicant's request, this item has been removed from the agenda. This item was removed from the agenda with no action required.

Bill No. 2020-17 – First Reading

An ordinance revising the water and sewer rate schedule for the City of Florence, South Carolina.

Mayor Wukela stated staff has requested that this item be deferred.

Without objection, Bill No. 2020-17 was deferred.

Bill No. 2020-18 – First Reading

An ordinance to amend Chapter 12, Article 3 Section 12-130 of the City of Florence Code of Ordinances to allow for the protection of water meters from unlawful damage, tampering or improper care.



**FLORENCE CITY COUNCIL
REGULAR MEETING – JUNE 8, 2020**

Councilman Willis made a motion to pass Bill No. 2020-18 on first reading and Councilwoman Williams-Blake seconded the motion.

Mr. Yokim stated the City recently began replacing and converting water meters to the Flex Net program, a virtual “radio read” system that will allow meters to be read remotely. This process involves replacing each meter and also installing an MXU radio read device on top of each meter. The cost of each new meter is approximately \$120.00 and the cost of each MXU device is approximately \$150.00. The old, brass meters were approximately \$60.00 and were very difficult to damage, the new meter boxes will be plastic. Meter reading staff has noticed a few instances in which either the new meter and/or the MXU device has been damaged after it was installed, resulting in increased cost to the City. Therefore, the City needs a mechanism to be able to recover this cost by adding this cost to the customer’s utility bill. The City Attorney has recommended that this be done through the adoption of an ordinance rather than by policy.

Councilman Willis stated establishing proof of damage to the box will be difficult and asked if the boxes are able to be locked in order to limit access. Mr. Yokim replied some of the boxes do have locks, others do not.

Councilman Willis asked about the possibility of going back to metal boxes and if riding lawn mowers are able to drive over the new meters without causing damage. Mayor Wukela said while the old meter boxes were difficult to damage, the new meter boxes must be made of plastic so that there is no interference in the radio read signal. Additionally, a lawn mower will be able to go over the meter box without causing damage.

Councilwoman Moore questioned the ability to prove who damaged the boxes and if there is or is not malicious intent. Mayor Wukela reminded Council that it is not the City’s intention to try to recoup costs of natural wear and tear of the boxes, this issue has been brought forward because staff has noticed damage that appears to be intentional and malicious.

Councilwoman Ervin asked if the boxes are durable enough to endure the weight of a normal vehicle. Mayor Wukela said they are able to sustain the weight of a vehicle. The boxes are not fragile, they are designed to be durable; however, they cannot sustain the blows of a hammer, for example.

Councilman Jebaily asked how frequent and how large of a problem has this become. Mr. Yokim replied they have replaced approximately 5,000 meter boxes as of yet, and only 10-20 have been damaged in a seemingly malicious manner. Councilman Jebaily said there appears to be a number of issues with this ordinance causing concern and relayed his desire to defer this matter.

Councilman Willis stated concerns on vindictive neighbors causing intentional damage to the meters so their neighbor has to incur the cost and questioned how this type of situation will be handled. Mayor Wukela said every situation cannot be imagined when drafting ordinances. Each situation will have to be looked at on a case by case basis by the discretion of the manager or utility director.

Councilwoman Williams-Blake asked if there has been a situation with multiple occurrences within the same location and Mr. Yokim replied they have not.

Councilwoman Ervin asked if a current ordinance is already in place that addresses this issue. Mr. Jim Peterson, City Attorney said in current City code, it is a criminal act where one can be summoned to appear in Municipal Court in which they could be fined or imprisoned. Current code does not currently define a mechanism for the City to recoup the costs occurred with meter damage.



**FLORENCE CITY COUNCIL
REGULAR MEETING – JUNE 8, 2020**

Councilwoman Moore requested for the proposed ordinance to be amended to allow for increment payments. Mayor Wukela said it is already City policy to allow for increment payments, but the ordinance could be modified to reference said policy.

Councilman Jebaily made a motion to defer Bill No. 2020-18 in order to address the issues that have been discussed and Councilman Willis seconded the motion. The motion to defer passed (4-3) with Councilman Jebaily, Councilman Willis, Councilwoman Ervin, and Councilwoman Moore voting Yay and the Mayor, Pro tem Brand, and Councilwoman Williams-Blake voting Nay.

Bill No. 2020-19 – First Reading

An ordinance to rezone from RS to RG-3 a parcel located on Sam Harrell Road, Florence County Tax Map Parcel 00175-01-224.

Councilman Jebaily made a motion to pass Bill No. 2020-19 on first reading and Councilwoman Moore seconded the motion.

Mr. Jerry Dudley, Planning Director reported the site is currently vacant and consists of approximately 44.2 acres and is zoned RS (Suburban Residential).

The proposed zoning is RG-3 (General Residential). At this time there is no development proposed for this parcel, however, the RG-3 district is intended to provide for a variety of residential housing and neighborhood types with an auto-urban or new-urban character. The minimum lot size in the RG-3 Zoning District for a Conventional Neighborhood Development is 6,000 square feet.

The parcel was previously zoned R-3 and R-2 by City Council under the previous Zoning Ordinance on March 14, 2008. Adoption of the Unified Development Ordinance resulted in the designation of the property as RS, which staff believes was a translational error in map conversion from the previous Zoning Ordinance to the current Unified Development Ordinance. The requested RG-3 is more consistent with the original zoning of R-3 and R-2 granted by City Council.

On May 12, 2020 Planning Commission held a public hearing on this matter and voted unanimously 8-0 to recommend the rezoning request of RG-3.

Council voted unanimously (7-0) to pass Bill No. 2020-19.

Bill No. 2020-20 – First Reading

An ordinance to rezone from CG to NC-4 two parcels located along East Chapel View Drive, Florence County Tax Map Parcels 00152-01-119 and 00152-01-140.

Councilman Willis made a motion to pass Bill No. 2020-20 on first reading and Councilwoman Moore seconded the motion.

Mr. Dudley reported the two parcels are currently vacant and zoned CG (Commercial General). The requested zoning is NC-4 (Neighborhood Conservation-4) which permits small-lot residential uses. The proposed development of these lots is single-family detached homes with small lots and a small cul-de-sac.

On May 12, 2020 Planning Commission held a public hearing on this matter and voted unanimously 8-0 to recommend the parcels be rezoned from CG to NC-4. City staff concurs with Planning Commission's



**FLORENCE CITY COUNCIL
REGULAR MEETING – JUNE 8, 2020**

recommendations and recommends that the rezoning request be approved to accommodate single family residential development.

Council voted unanimously (7-0) to pass Bill No. 2020-20.

INTRODUCTION OF RESOLUTIONS

Resolution No. 2020-13

A resolution to appoint Randall Osterman to the Board of the City of Florence Public Facilities Corporation.

Councilwoman Ervin made a motion to adopt Resolution No. 2020-13 and Councilwoman Moore seconded the motion.

Mayor Wukela stated the City of Florence Public Facilities Corporation is the legal entity that issues the City's installment Purchase Revenue Bonds. A vacancy has been created on the Board of Directors due to the retirement of former City Manager, Andrew H. Griffin.

Council voted unanimously (7-0) to adopt Resolution No. 2020-13.

ADDENDUM TO THE AGENDA:

Resolution No. 2020-14

A resolution to extend the term of Ordinance No. 2020-13, an ordinance providing emergency procedures for public meetings of the City of Florence during the continuance of the Coronavirus epidemic.

Councilwoman Moore made a motion to add this item to the agenda and Councilman Willis seconded the motion. The motion to add this item to the agenda was unanimous.

Mayor Wukela said the City adopted Ordinance No. 2020-13 which has allowed members to meet virtually via Zoom in light of the Coronavirus pandemic. Due to the rise in number of cases in South Carolina over the past couple weeks, Mayor Wukela proposes adopting this resolution to extend the term of the original ordinance by 60 days.

Pro tem Brand conveyed his desire to resume regular meetings as soon as possible, as the virtual meetings are not as effective and not conducive for public input.

Councilwoman Ervin said the City's first priority is citizen's health and safety and when Council looks to return to a normal schedule, there should be preventive efforts in place due to the rising numbers in Florence.

Councilwoman Moore also voiced her concerns on the rising infection levels in Florence and supports continuing the meetings virtually.

Mayor Wukela said the current ordinance will expire on June 13th. The future of the virus is uncertain and the passing of this resolution is necessary to protect public health and safety; however, the hope is to dispense with Zoom meetings as quickly and practically as possible.

Councilwoman Ervin made a motion to adopt Resolution No. 2020-14 and Councilwoman Moore seconded the motion. The motion carried unanimously (7-0).



**FLORENCE CITY COUNCIL
REGULAR MEETING – JUNE 8, 2020**

REPORT TO COUNCIL

Mr. Chuck Pope, Public Works Director gave an update on the City’s organized youth and adult sports programs and consideration of when to return to play in a manner that minimizes the prospect of contracting or transmitting the COVID-19 virus.

Mr. Pope reported the City continues to monitor and is keeping a close watch on new coronavirus developments. The City also continues to monitor and evaluate state and federal guidance for the reopening of parks, facilities and sports programs.

Currently, City parks are open; however, all playgrounds, or spaces with activities that require the use of shared sports apparatuses and equipment, or sports that involve interaction with another person in close proximity and within 6 feet of another person remain closed. Also currently open are the Florence Tennis Center and the Pickleball Courts at Timrod Park for singles/doubles only, with private lessons allowed.

Below is a tentative schedule for implementation of additional athletic facilities and programs:

Tentative Schedule

July 1, 2020 – Athletic Facilities

- | | |
|-------------------------------|--|
| ESAB Soccer Complex | ➤ Select Competitive Practice Only |
| Gymnastics Center | ➤ Competitive Team Practice Only |
| Freedom Florence Complex | ➤ Baseball & Softball Tournaments |
| Florence Tennis Center | ➤ Leagues & Tournament Play |
| Florence Soccer Complex | ➤ Soccer Tournament Play |
| Pearl Moore Basketball Center | ➤ Free Play but limited |
| Park Spaces | ➤ Playgrounds, Picnic Shelters, other spaces |

August 1, 2020 – Youth Sports

- | | |
|----------------------------------|------------------------|
| Cross Country | |
| Fall Baseball | |
| Fall Softball | |
| Jr. Football League/Cheerleading | |
| Gymnastics | ➤ Recreational Classes |
| Volleyball | |

The City also continues to recommend following social distancing guidelines of the South Carolina Governor’s Office, as well as of the Office of the Centers of Disease Control and Prevention. City staff may make adjustments to the schedule as necessary through the monitoring process.

EXECUTIVE SESSION

Mayor Wukela stated Council is not ready to discuss the executive session matters and it will be deferred until the August meeting.



**FLORENCE CITY COUNCIL
REGULAR MEETING – JUNE 8, 2020**

ADJOURN

Without objection, the Regular meeting of City Council was adjourned at 2:07 p.m.

Dated this 13th day of July, 2020.

Amanda P. Pope, Municipal Clerk

Stephen J. Wukela, Mayor



**SPECIAL MEETING OF FLORENCE CITY COUNCIL
WEDNESDAY, JUNE 17, 2020-4:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA
MEETING CONDUCTED THROUGH ZOOM VIDEO CONFERENCING**

MEMBERS PRESENT

Mayor Stephen J. Wukela, Mayor Pro tem Frank J. “Buddy” Brand, Councilman George Jebaily, Councilwoman Teresa M. Ervin, Councilman Glynn F. Willis, Councilwoman Octavia Williams-Blake and Councilwoman Pat Gibson-Hye Moore

ALSO PRESENT

Mr. Randall S. Osterman, City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Casey Moore, Assistant City Clerk; and Scotty Davis, Deputy City Manager of Community Engagement

MEDIA PRESENT

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

CALL TO ORDER

Mayor Wukela called the May 5, 2020 special meeting of Florence City Council to order at 8:05 a.m.

INVOCATION

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

INTRODUCTION OF RESOLUTIONS

Resolution No. 2020-15

A resolution requesting Florence County Council to refer the Capital Projects Sales Tax III ballot recommendation back to the Commission for further deliberations in an effort to reach a decision that can be more universally supported.

Mayor Wukela stated this item will be discussed in Executive Session.

EXECUTIVE SESSION

Mayor Wukela stated Council will enter into Executive Session to receive legal advice.



**FLORENCE CITY COUNCIL
SPECIAL MEETING – JUNE 17, 2020**

Councilwoman Ervin made a motion to enter into Executive Session and Councilwoman Moore seconded the motion. By unanimous consent, Council entered into Executive Session at 4:04 p.m.

Council reconvened the special meeting at 4:20 p.m.

Council took action on the following item:

Resolution No. 2020-15

A resolution requesting Florence County Council to refer the Capital Projects Sales Tax III ballot recommendation back to the Commission for further deliberations in an effort to reach a decision that can be more universally supported.

Mayor Wukela explained Florence County is seeking to re-impose the 1% sales tax for seven years to provide for improvement projects throughout the County. Under state law, a commission was created to draft a ballot question setting the utilization of revenues collected from the sales tax. The commission is composed of three County appointees and three City appointees, appointed in October of 2019.

Approximately eight months passed and the commission did not meet and no action was taken with regard to the potential referendum question. However, on June 8th, City appointees received notice from the County Administrator calling for a meeting of the commission for June 10th with an agenda that included voting on a proposed ballot question.

Mayor Wukela said he received an invitation by the Florence County Council Chairman on June 10th to set a meeting on June 11th in order for the City and the County to come to an agreement on the proposed ballot. Mayor Wukela said he then drafted a letter to the commission asking that they defer any action on the ballot question until the City and the County could meet in hopes to reach an agreement both could support. However, during the meeting of the Commission on June 10th, the County presented the draft ballot to the Commission for a vote, which contains over \$140 million in projects. Mayor Wukela added that no one from the commission, no one in the City, and no one outside the County had ever seen the proposed ballot question before it was presented to the Commission on June 10th. Ultimately, the County was able to prevail upon the commission to adopt the ballot question with a 4-2 vote just a few hours after it was presented to them. Mayor Wukela added that he was notified on the morning of June 11th that his meeting with Florence County Council Chairman was canceled. County Council is scheduled to meet on June 18th to vote on the ballot question.

The Mayor noted the need for road maintenance throughout the City and the County. The City has approximately 100 miles of roadway to maintain costing approximately \$1 million per mile, but does not have a way to generate revenue for maintenance. The Mayor also referenced the \$35 road maintenance fee collected by the County that generates \$4 million in revenue including approximately \$1 million from City vehicles. He said \$4 million in road maintenance does not get done every year in the County, nor does the County spend \$1 million in the City on road maintenance.

The Mayor stated the most central need for Florence County, as well as the City, is road maintenance. He further questioned some of the projects listed on the ballot, and specifically mentioned that it contained \$3.9 million for the development a municipal golf course in Johnsonville.

For these reasons, Mayor Wukela asked City Council to consider a resolution requesting Florence County Council to refer the Capital Projects Sales Tax III ballot recommendation back to the commission for further deliberations in an effort to reach a decision that can be more universally supported.



**FLORENCE CITY COUNCIL
SPECIAL MEETING – JUNE 17, 2020**

Councilwoman Ervin shared her concerns on having not seen the complete ballot recommendation. She further asked for clarification on the commission's vote to recommend the ballot, and named City appointees Clay Swaggard, Ronnie Jebaily, and Daniel Ellerbe. She asked if the news correctly reported that Ronnie Jebaily was the member to side with the County appointed commission members to recommend the potential ballot question to County Council. The Mayor confirmed the reporting.

Councilwoman Moore asked when they would get the chance to review the potential ballot. The Mayor said he received the ballot from Mr. Swaggard and he will share it with Councilmembers.

Councilman Jebaily said he endorses the idea of having additional deliberation on this matter in order to serve the best interest of the City and asked the Mayor if it is correct that the City received \$20 million in the second penny sales tax while \$40 million is proposed in this ballot, to which the Mayor affirmed. Councilman Jebaily stated this is an "all or nothing proposition" in which the City will get double what it received from the second penny sales tax if approved or the proposed ballot will be disapproved.

Councilman Jebaily also said this resolution should be a straight-forward matter, but Councilwoman Ervin has taken this as an opportunity to use a platform for politics by mentioning his brother's name; however, Councilwoman Ervin denied that she interjected politics into the matter, and explained she was simply seeking clarification for the community. She feels the commission members should have stalemated the vote to allow City Councilmembers the opportunity to view the proposed ballot. She stated they are now at the mercy of County Council with never having seen the ballot recommendation. Councilman Jebaily responded that any clarification could have been made in Executive Session, and naming names in Open Session and politicizing the Council meeting has jeopardized the matter in question.

Councilwoman Williams-Blake asked Councilman Jebaily to clarify his "all or nothing" statement. Councilman Jebaily explained that it will either be an up or down vote in November. He further noted that it is a difficult endeavor to get the residents of the County and the City to extend a tax, especially when there is a division present.

Mayor Wukela confirmed that \$40 million is proposed in this ballot recommendation, as opposed to the \$20 million allocated in the second penny sales tax; however, he reminded citizens that over \$100 million in sales tax is generated within the City.

Councilwoman Ervin made a motion to adopt Resolution No. 2020-15 and Councilwoman Moore seconded the motion. Council voted unanimously (7-0) to adopt Resolution No. 2020-15.

ADJOURN

Without objection, the Special meeting of City Council was adjourned at 4:45 p.m.

Dated this 13th day of July, 2020.

Amanda P. Pope, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: June 8, 2020

AGENDA ITEM: Ordinance to rezone from Residential Suburban (RS) to Residential General (RG-3) a parcel located on Sam Harrell Road, Tax Map Number 00175-01-224.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to rezone from RS to RG-3 44 acres located on Sam Harrell Road, specifically identified as Florence County Tax Map Number 00175-01-224. The request is being made by the property owner, Gary Finklea.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On May 12, 2020 Planning Commission held a public hearing on this matter, and voted unanimously, 8-0 to recommend the rezoning request of RG-3, General Residential Housing District.
- (2) This parcel was considered by the Florence County/Municipal Planning Commission at its meeting on January 22, 2008, at which time it was recommended to be annexed into the City and zoned R-3, Single Family Residential District (40.61 acres) and R-2, Single Family Residential (4.56 acres).
- (3) The parcel was officially annexed by City Council March 14, 2008 with the R-3 & R-2 zoning designation.

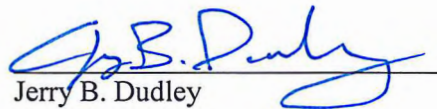
III. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) The vacant property consists of approximately 44.2 acres and is currently zoned RS Suburban Residential; this district is intended to provide for single-family development with a suburban character. The minimum lot size in the RS Zoning District for a Conventional Neighborhood Development is two acres.
- (3) The proposed zoning is RG-3 General Residential; this district is intended to provide for a variety of residential housing and neighborhood types with an auto-urban or new-urban character. The minimum lot size in the RG-3 Zoning District for a Conventional Neighborhood Development is 6,000 square feet.
- (4) At this time there is no development proposed for this parcel
- (5) The parcel was zoned R-3 (40.61 acres) and R-2 (4.56 acres) under the previous Zoning Ordinance. Adoption of the Unified Development Ordinance resulted in the designation of the property as RS, Residential Suburban, which staff believes was a translational error in map conversion from the previous Zoning Ordinance to the current Unified Development Ordinance. The requested RG-3 is more consistent with the original zoning granted by City Council March 14, 2008.
- (6) City staff recommends that the rezoning request be approved and concurs with Planning Commission's recommendation to rezone the property to RG-3.

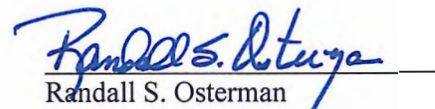
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A. Ordinance
- B. Location Map
- C. Zoning Map
- D. Future Land Use Map



Jerry B. Dudley
Planning Director



Randall S. Osterman
City Manager

ORDINANCE NO. 2020-_____

AN ORDINANCE TO REZONE PROPERTY IDENTIFIED AS TAX MAP NUMBER 00175-01-224 LOCATED ALONG EAST SAM HARRELL ROAD FROM RS RESIDENTIAL SUBURBAN ZONING DISTRICT TO RG-3 RESIDENTIAL GENERAL-3

WHEREAS, a Public Hearing was held in City Council Chambers on May 12, 2020 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Gary Finklea made application to rezone from RS, Residential Suburban District to RG-3, Residential General-3 District;

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence for the aforesaid property to RG-3 Residential General-3 District;
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 _____, 2020

Approved as to form:

James W. Peterson, Jr.
City Attorney

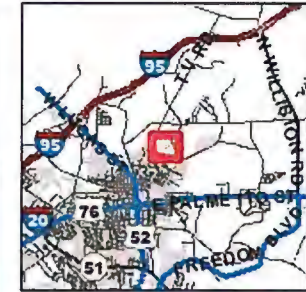
Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

PC 2020-09 Attachment A

Location Map 600 E. Sam Harrell Road



Legend

 Parcels



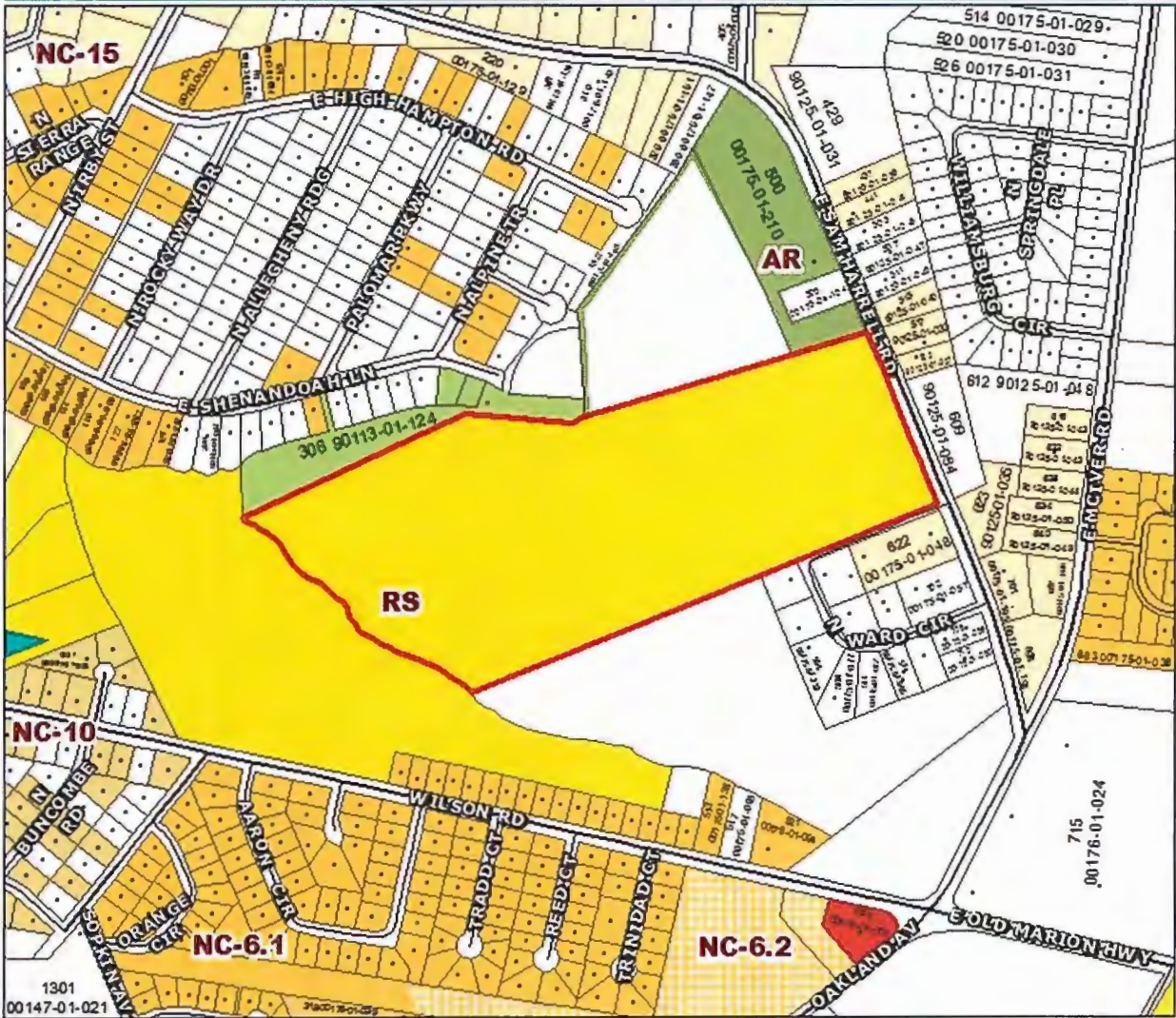
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600 300 0 600 Feet



Date: 4/26/2020

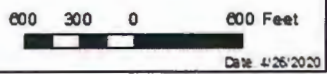
**PC 2020-09 Attachment B
Current Zoning Map**



- Legend**
- Parces
 - Zoning District
 - Agricultural and Open Space Districts
 - AR
 - OSR
 - Residential Districts
 - RS
 - Neighborhood Conservation Sub-Districts
 - NC-15
 - NC-10
 - NC-6.1
 - NC-6.2
 - NC-6.3
 - Business and Commercial Districts
 - CA
 - CO



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PC 2020-09 Attachment C Future Land Use

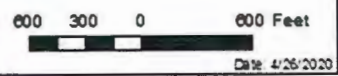


Legend

- Parcels
- Future Land Use 2010**
- Future Land Use**
- Industrial
- Neighborhood Conservation
- Parks and Open Space
- Public and Institutional
- Residential Auto-Urban
- Residential Estate
- Residential Sub-Urban



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FLORENCE CITY COUNCIL MEETING

DATE: June 8, 2020

AGENDA ITEM: An Ordinance to rezone from CG to NC-4 two parcels located along East Chapel View Drive, said property being specifically designated in the Florence County Tax Records as Tax Map Parcels 00152-01-119 and 00152-01-140.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A request to rezone from CG to NC-4 two parcels located along East Chapel View Drive, said property being specifically designated in the Florence County Tax Records as Tax Map Parcels 00152-01-119 and 00152-01-140. The request is being made by property owners Gary Finklea and Louie Hopkins.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On May 12, 2020, the City of Florence Planning Commission held a public hearing on this matter and voted 8-0 to recommend the parcels be rezoned from CG to NC-4.

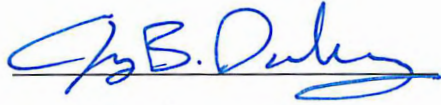
III. POINTS TO CONSIDER:

- (1) This request is being considered for first reading.
- (2) The property is currently zoned CG Commercial General District. The requested zoning is NC-4 Neighborhood Conservation-4, which permits small-lot residential uses.
- (3) City staff recommends that the rezoning request be approved to accommodate single family residential development.

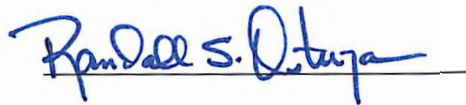
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Vicinity Map
- C) Location Map
- D) Zoning Map
- E) Future Land Use Map

A handwritten signature in blue ink that reads "Jerry B. Dudley". The signature is written in a cursive style with a horizontal line underneath.

Jerry B. Dudley
Planning Director

A handwritten signature in blue ink that reads "Randall S. Osterman". The signature is written in a cursive style with a horizontal line underneath.

Randall S. Osterman
City Manager

ORDINANCE NO. 2020-_____

AN ORDINANCE TO REZONE PROPERTY IDENTIFIED AS TAX MAP NUMBERS 00152-01-119 AND 00152-01-140 LOCATED ALONG EAST CHAPEL VIEW DRIVE FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO NC-4 NEIGHBORHOOD CONSERVATION-4 ZONING DISTRICT:

WHEREAS, a Public Hearing was held in City Council Chambers on May 12, 2020 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Gary Finklea made application to rezone from CG, Commercial General District to NC-4, Neighborhood Conservation-4 District;

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence for the aforesaid property to CG Commercial General District;
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. 2020-_____
Page 2

ADOPTED THIS _____ DAY OF _____, 2020

Approved as to form:

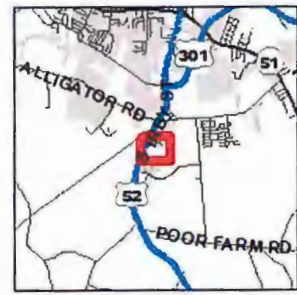
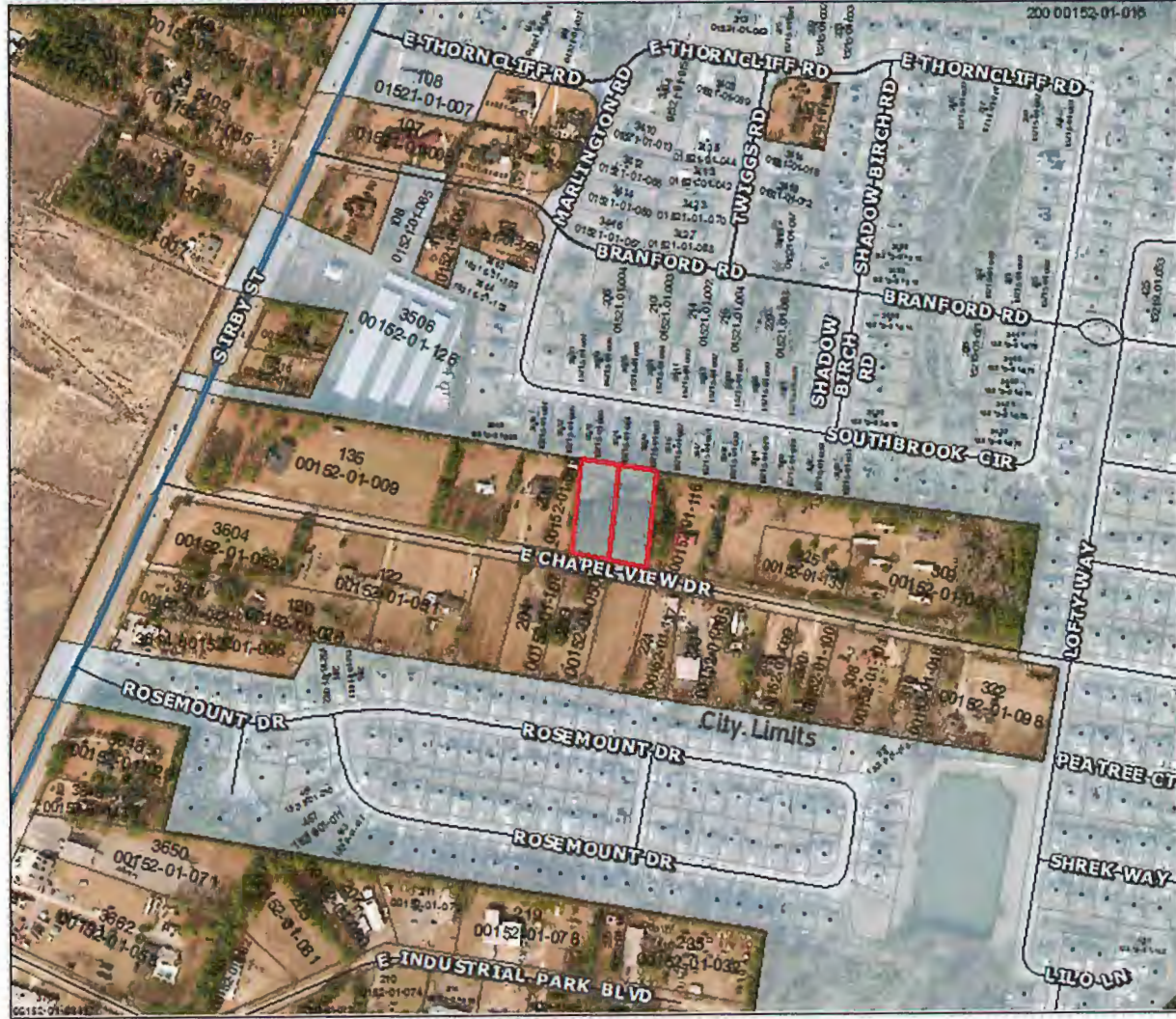
James W. Peterson, Jr.
City Attorney



Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

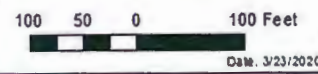
PC 2020-12 Vicinity Map - East Chapel View Drive



- Legend**
-  City Limits
 -  Parcels



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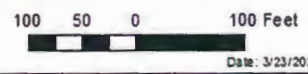
PC 2020-12 Location Map - East Chapel View Drive



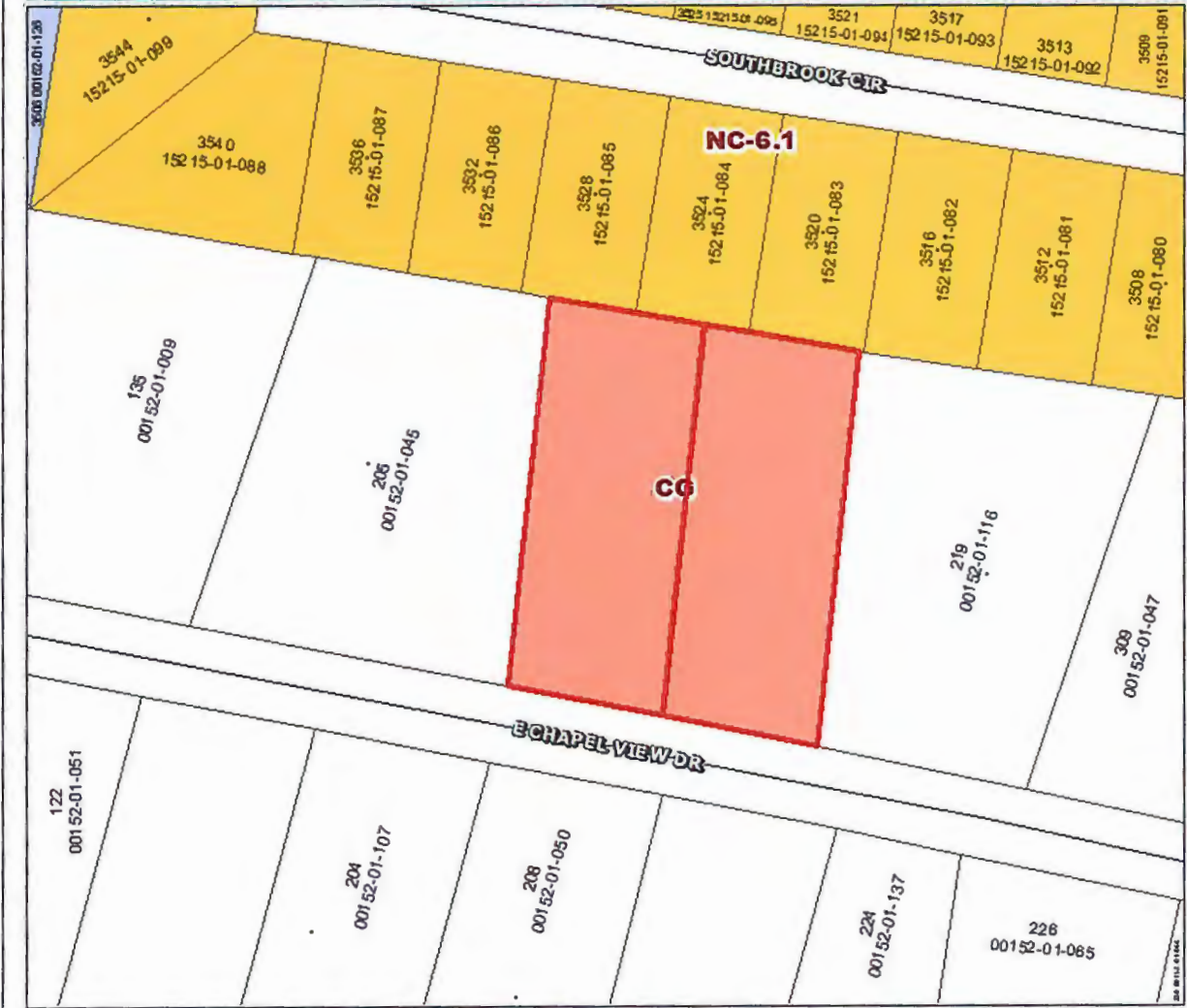
- Legend**
- City Limits
 - Parcels



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PC 2020-12 Current Zoning Map - East Chapel View Drive



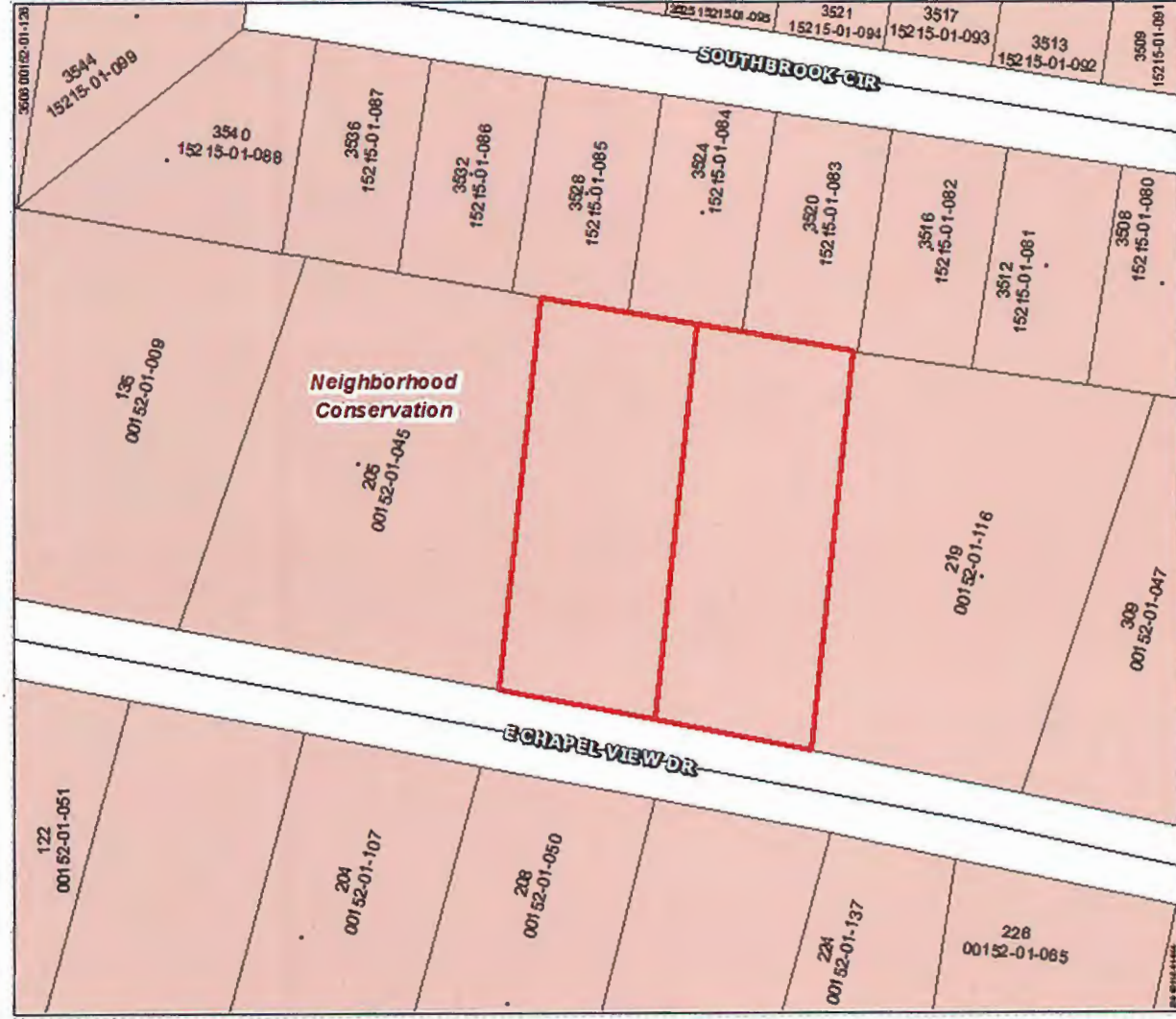
- Legend**
- Parcels
 - Zoning District**
 - Neighborhood Conservation Sub-Districts**
 - NC-6.1
 - Business and Commercial Districts**
 - CG
 - Industrial Zoning Districts**
 - L



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PC 2020-12 Future Land Use - East Chapel View Drive

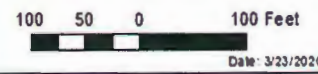


Legend

- Parcels
- Future Land Use 2010
- Future Land Use
- Neighborhood Conservation



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FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2020
AGENDA ITEM: An ordinance to revise water and sewer rates
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

An ordinance revising the water and sewer rates by providing for a ten-year rate schedule beginning with Fiscal Year 2020/21 to become effective July 1, 2020.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. A comprehensive water and sewer utility rate study for the City of Florence was last conducted in 2010. Based on the recommendations of that study, a ten-year rate schedule was adopted by City Council on March 8, 2010. This rate schedule is effective through June 30, 2020.

B. The City's combined water and wastewater system continues to face ongoing fiscal challenges related to increasing operational costs and capital improvement needs to include the construction of a new wastewater treatment facility.

C. In response to these challenges, the City of Florence contracted with Willdan Financial Services to perform a new ten-year comprehensive water and sewer rate study.

D. On April 9, 2020, the City received the first draft of the findings and recommendations of the comprehensive ten-year water and sewer rate study by Daryll Parker of Willdan Financial Services.

III. POINTS TO CONSIDER

A. A thorough analysis of the City's operating, capital, and debt service needs indicates that rates for the combined water and sewer system must be revised to include a rate schedule which will meet the current and future financial requirements of the system.

B. The proposed ten-year rate schedule, to become effective with the fiscal year beginning July 1, 2020, is recommended to meet these current and future requirements.

IV. STAFF RECOMMENDATION

Approve and adopt the proposed ordinance.

V. ATTACHMENTS

A copy of the proposed ordinance is attached.



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2020-_____

**AN ORDINANCE REVISING THE WATER AND SEWER RATE SCHEDULE FOR
THE CITY OF FLORENCE, SOUTH CAROLINA**

WHEREAS, continued use and expansion of the combined water and sewer system of the City of Florence is important and necessary for the health, welfare, and public good of the citizens, and

WHEREAS, a comprehensive water and sewer utility rate study for the City of Florence was last conducted in 2010, and based on the recommendations of that study, a ten-year rate schedule was adopted by City Council on March 8, 2010. This rate schedule is effective through June 30, 2020, and

WHEREAS, the City's combined water and sewer utility system faces ongoing fiscal challenges related to increasing operational costs and capital improvement needs to include the construction of a new wastewater treatment facility, and

WHEREAS, in response to these ongoing fiscal requirements, a new comprehensive ten-year rate study was recently performed by Willdan Financial Services, an independent rate consultant, that included an extensive examination of the City's combined water and sewer system operating and capital improvement needs, and

WHEREAS, based on recommendations resulting from the comprehensive rate study, the City has concluded that a revision of the water and sewer utility rates is necessary to allocate costs equitably and produce sufficient revenues to operate, expand, and improve the system as needed and required for the public good, and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Florence, South Carolina, that the following sections or noted subsections of said sections of the City of Florence Code of Ordinances be revised and are hereby amended to read as stated below. Existing subsections not specifically identified in the sections below shall remain unchanged as written.

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

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

MONTHLY CHARGES

Availability Charge (per account):

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

Availability Charge (per account):

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

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

MONTHLY CHARGES

Availability Charge (per account):

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

Availability Charge (per account):

| <i>Water Meter Size (inches)</i> | <i>FY 2026</i> | <i>FY 2027</i> | <i>FY 2028</i> | <i>FY 2029</i> | <i>FY 2030</i> |
|----------------------------------|----------------|----------------|----------------|----------------|----------------|
| ¾" | \$40.80 | \$42.08 | \$43.36 | \$44.64 | \$45.92 |
| 1" | 102.00 | 105.20 | 108.40 | 111.60 | 114.80 |
| 1¼ " | 153.01 | 157.81 | 162.61 | 167.41 | 172.21 |
| 1½ " | 204.00 | 210.40 | 216.80 | 223.20 | 229.60 |
| 2" | 326.40 | 336.64 | 346.88 | 357.12 | 367.36 |
| 3" | 652.80 | 673.28 | 693.76 | 714.24 | 734.72 |
| 4" | 1,020.00 | 1,052.00 | 1,084.00 | 1,116.00 | 1,148.00 |
| 6" | 2,040.00 | 2,104.00 | 2,168.00 | 2,232.00 | 2,296.00 |
| 8" | 3,264.00 | 3,366.40 | 3,468.80 | 3,571.20 | 3,673.60 |

| | | | | | |
|--------------------------------------|--------|--------|--------|--------|--------|
| Customer Charge (per account) | \$4.45 | \$4.55 | \$4.70 | \$4.85 | \$5.00 |
| Volume Charge (per 1,000 gallons) | \$5.81 | \$5.98 | \$6.16 | \$6.35 | \$6.54 |

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

MONTHLY CHARGES

Availability Charge (per account):

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

Availability Charge (per account):

| <i>Water Meter Size (inches)</i> | <i>FY 2026</i> | <i>FY 2027</i> | <i>FY 2028</i> | <i>FY 2029</i> | <i>FY 2030</i> |
|----------------------------------|----------------|----------------|----------------|----------------|----------------|
| ¾" | \$25.50 | \$26.30 | \$27.10 | \$27.90 | \$28.70 |
| 1" | 63.75 | 65.75 | 67.75 | 69.75 | 71.75 |
| 1¼ " | 95.63 | 98.63 | 101.63 | 104.63 | 107.63 |

| | | | | | |
|--------------------------------------|----------|----------|----------|----------|----------|
| 1½ " | 127.50 | 131.50 | 135.50 | 139.50 | 143.50 |
| 2" | 204.00 | 210.40 | 216.80 | 223.20 | 229.60 |
| 3" | 408.00 | 420.80 | 433.60 | 446.40 | 459.20 |
| 4" | 637.50 | 657.50 | 677.50 | 697.50 | 717.50 |
| 6" | 1,275.00 | 1,315.00 | 1,355.00 | 1,395.00 | 1,435.00 |
| 8" | 2,040.00 | 2,104.00 | 2,168.00 | 2,232.00 | 2,296.00 |
| Customer Charge (per account) | \$4.45 | \$4.55 | \$4.70 | \$4.85 | \$5.00 |
| Volume Charge (per 1,000 gallons) | \$3.63 | \$3.74 | \$3.85 | \$3.97 | \$4.09 |

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

MONTHLY CHARGES

Availability Charge (per account):

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

Availability Charge (per account):

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

(1) There shall be a septage disposal fee for each hauler recognized by the city who disposes of septage at the city’s wastewater treatment plant. This fee shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027, FY 2028, FY 2029, and FY 2030. Rates will be effective July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended.

| | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>FY 2025</i> |
|---------------------------|----------------|----------------|----------------|----------------|----------------|
| Per 100 pounds of septage | \$1.26 | \$1.28 | \$1.30 | \$1.32 | \$1.34 |
| | <i>FY 2026</i> | <i>FY 2027</i> | <i>FY 2028</i> | <i>FY 2029</i> | <i>FY 2030</i> |
| Per 100 pounds of septage | \$1.36 | \$1.38 | \$1.40 | \$1.42 | \$1.44 |

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

(a) The schedule for outside industrial sanitary sewer rates shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027, FY 2028, FY 2029, and FY 2030. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended. The industrial rates are applicable only for qualified customers that are shown in Sectors 31 through 33 of the most current edition of the

North American Industry Classification System and exceed an average annual water usage of seven hundred fifty thousand (750,000) gallons per month.

(1) Availability Charges (per account) and Customer Charges (per account) shall be as shown in Section 12-87.1 (g).

(2) Volume Charges (per 1,000 gallons) shall be as follows:

Monthly Volume Charges (Sewer)

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

Monthly Volume Charges (Sewer)

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

Sec. 12-87.3. Schedule of rates for customers in the Town of Timmons ville service area.

Repealed

Sec. 12-161. Schedule of rates.

(b) The schedule for water rates inside the City limits based on subsection (a), shall be set for a period of ten years consecutive fiscal years and thereafter, unless amended, as follows: FY 2021, FY 2022, FY 2023, FY 2024, FY 2025, FY 2026, FY 2027, FY 2028, FY 2029, and FY 2030. Rates will be effective from July 1 through June 30 of each fiscal year. The fiscal year 2030 rates shall remain in effect for subsequent years unless amended.

MONTHLY CHARGES

Availability Charge (per account)

| <i>Water Meter Size (inches)</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>FY 2025</i> |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| ¾" | \$10.90 | \$11.00 | \$11.10 | \$11.30 | \$11.50 |
| 1" | 27.25 | 27.50 | 27.75 | 28.25 | 28.75 |
| 1¼ " | 40.88 | 41.25 | 41.63 | 42.38 | 43.13 |
| 1½ " | 54.50 | 55.00 | 55.50 | 56.50 | 57.50 |
| 2" | 87.20 | 88.00 | 88.80 | 90.40 | 92.00 |
| 3" | 174.40 | 176.00 | 177.60 | 180.80 | 184.00 |
| 4" | 272.50 | 275.00 | 277.50 | 282.50 | 287.50 |
| 6" | 545.00 | 550.00 | 555.00 | 565.00 | 575.00 |
| 8" | 872.00 | 880.00 | 888.00 | 904.00 | 920.00 |
| Customer Charge (per account) | \$3.50 | \$3.55 | \$3.60 | \$3.65 | \$3.70 |
| Volume Charge (per 1,000 gallons) | \$2.13 | \$2.15 | \$2.17 | \$2.21 | \$2.25 |

Availability Charge (per account)

| <i>Water Meter Size (inches)</i> | <i>FY 2026</i> | <i>FY 2027</i> | <i>FY 2028</i> | <i>FY 2029</i> | <i>FY 2030</i> |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| ¾" | \$11.70 | \$11.90 | \$12.10 | \$12.30 | \$12.50 |
| 1" | 29.25 | 29.75 | 30.25 | 30.75 | 31.25 |
| 1¼ " | 43.88 | 44.63 | 45.38 | 46.13 | 46.88 |
| 1½ " | 58.50 | 59.50 | 60.50 | 61.50 | 62.50 |
| 2" | 93.60 | 95.20 | 96.80 | 98.40 | 100.00 |
| 3" | 187.20 | 190.40 | 193.60 | 196.80 | 200.00 |
| 4" | 292.50 | 297.50 | 302.50 | 307.50 | 312.50 |
| 6" | 585.00 | 595.00 | 605.00 | 615.00 | 625.00 |
| 8" | 936.00 | 952.00 | 968.00 | 984.00 | 1,000.00 |
| Customer Charge (per account) | \$3.75 | \$3.80 | \$3.85 | \$3.90 | \$4.00 |
| Volume Charge (per 1,000 gallons) | \$2.30 | \$2.35 | \$2.40 | \$2.45 | \$2.50 |

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

MONTHLY CHARGES

Availability Charge (per account)

| <i>Water Meter Size (inches)</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>FY 2025</i> |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| ¾" | \$17.44 | \$17.60 | \$17.76 | \$18.08 | \$18.40 |
| 1" | 43.60 | 44.00 | 44.40 | 45.20 | 46.00 |
| 1¼ " | 65.41 | 66.00 | 66.61 | 67.81 | 69.01 |
| 1½ " | 87.20 | 88.00 | 88.80 | 90.40 | 92.00 |
| 2" | 139.52 | 140.80 | 142.08 | 144.64 | 147.20 |
| 3" | 279.04 | 281.60 | 284.16 | 289.28 | 294.40 |
| 4" | 436.00 | 440.00 | 444.00 | 452.00 | 460.00 |
| 6" | 872.00 | 880.00 | 888.00 | 904.00 | 920.00 |
| 8" | 1,395.20 | 1,408.00 | 1,420.80 | 1,446.40 | 1,472.00 |
| Customer Charge (per account) | \$3.50 | \$3.55 | \$3.60 | \$3.65 | \$3.70 |
| Volume Charge (per 1,000 gallons) | \$3.41 | \$3.44 | \$3.47 | \$3.54 | \$3.60 |

Availability Charge (per account)

| <i>Water Meter Size (inches)</i> | <i>FY 2026</i> | <i>FY 2027</i> | <i>FY 2028</i> | <i>FY 2029</i> | <i>FY 2030</i> |
|----------------------------------|----------------|----------------|----------------|----------------|----------------|
| ¾" | \$18.72 | \$19.04 | \$19.36 | \$19.68 | \$20.00 |
| 1" | 46.80 | 47.60 | 48.40 | 49.20 | 50.00 |
| 1¼ " | 70.21 | 71.41 | 72.61 | 73.81 | 75.01 |
| 1½ " | 93.60 | 95.20 | 96.80 | 98.40 | 100.00 |
| 2" | 149.76 | 152.32 | 154.88 | 157.44 | 160.00 |
| 3" | 299.52 | 304.64 | 309.76 | 314.88 | 320.00 |
| 4" | 468.00 | 476.00 | 484.00 | 492.00 | 500.00 |
| 6" | 936.00 | 952.00 | 968.00 | 984.00 | 1,000.00 |
| 8" | 1,497.60 | 1,523.20 | 1,548.80 | 1,574.40 | 1,600.00 |

| | | | | | |
|--------------------------------------|--------|--------|--------|--------|--------|
| Customer Charge (per account) | \$3.75 | \$3.80 | \$3.85 | \$3.90 | \$4.00 |
| Volume Charge (per 1,000 gallons) | \$3.68 | \$3.76 | \$3.84 | \$3.92 | \$4.00 |

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

MONTHLY CHARGES

Availability Charge (per account)

| <i>Water Meter Size (inches)</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>FY 2025</i> |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| Residential | \$19.16 | \$17.24 | \$15.33 | \$13.41 | \$11.50 |
| ¾" | 23.19 | 20.27 | 17.34 | 14.42 | 11.50 |
| 1" | 26.64 | 27.17 | 27.69 | 28.22 | 28.75 |
| 1¼" | 29.51 | 32.92 | 36.32 | 39.73 | 43.13 |
| 1½" | 32.39 | 38.67 | 44.94 | 51.22 | 57.50 |
| 2" | 39.29 | 52.47 | 65.64 | 78.82 | 92.00 |
| 3" | 57.69 | 89.27 | 120.84 | 152.42 | 184.00 |
| 4" | 78.39 | 130.67 | 182.94 | 235.22 | 287.50 |
| 6" | 135.89 | 245.67 | 355.44 | 465.22 | 575.00 |
| 8" | 204.89 | 383.67 | 562.44 | 741.22 | 920.00 |
| Customer Charge (per account) | \$0.74 | \$1.48 | \$2.22 | \$2.96 | \$3.70 |
| Volume Charge (per 1,000 Gallons) | | | | | |
| Residential | | | | | |
| (0 – 2,000 Gallons) | \$0.45 | \$0.90 | \$1.35 | \$1.80 | \$2.25 |
| (2,001 – 5,000 Gallons) | 3.59 | 3.25 | 2.92 | 2.58 | 2.25 |
| (Over 5,000 Gallons) | 3.32 | 3.05 | 2.79 | 2.52 | 2.25 |
| Commercial | | | | | |
| (0 – 2,000 Gallons) | \$0.45 | \$0.90 | \$1.35 | \$1.80 | \$2.25 |
| (2,000 – 5,000 Gallons) | 4.64 | 4.04 | 3.45 | 2.85 | 2.25 |

| | | | | | |
|----------------------|------|------|------|------|------|
| (Over 5,000 Gallons) | 4.27 | 3.77 | 3.26 | 2.76 | 2.25 |
|----------------------|------|------|------|------|------|

Availability Charge (per account)

| <i>Water Meter Size (inches)</i> | <i>FY 2026</i> | <i>FY 2027</i> | <i>FY 2028</i> | <i>FY 2029</i> | <i>FY 2030</i> |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| ¾" | \$11.70 | \$11.90 | \$12.10 | \$12.30 | \$12.50 |
| 1" | 29.25 | 29.75 | 30.25 | 30.75 | 31.25 |
| 1¼" | 43.88 | 44.63 | 45.38 | 46.13 | 46.88 |
| 1½" | 58.50 | 59.50 | 60.50 | 61.50 | 62.50 |
| 2" | 93.60 | 95.20 | 96.80 | 98.40 | 100.00 |
| 3" | 187.20 | 190.40 | 193.60 | 196.80 | 200.00 |
| 4" | 292.50 | 297.50 | 302.50 | 307.50 | 312.50 |
| 6" | 585.00 | 595.00 | 605.00 | 615.00 | 625.00 |
| 8" | 936.00 | 952.00 | 968.00 | 984.00 | 1,000.00 |
| Customer Charge (per account) | \$3.75 | \$3.80 | \$3.85 | \$3.90 | \$4.00 |
| Volume Charge (per 1,000 gallons) | \$2.30 | \$2.35 | \$2.40 | \$2.45 | \$2.50 |

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

MONTHLY CHARGES

Availability Charge (per account)

| <i>Water Meter Size (inches)</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>FY 2025</i> |
|----------------------------------|----------------|----------------|----------------|----------------|----------------|
| Residential | \$25.91 | \$24.03 | \$22.16 | \$20.28 | \$18.40 |
| ¾" | 32.59 | 29.04 | 25.50 | 21.95 | 18.40 |
| 1" | 38.11 | 40.08 | 42.06 | 44.03 | 46.00 |
| 1¼" | 42.71 | 49.29 | 55.86 | 62.44 | 69.01 |
| 1½" | 47.31 | 58.48 | 69.66 | 80.83 | 92.00 |
| 2" | 58.35 | 80.56 | 102.78 | 124.99 | 147.20 |

| | | | | | |
|--------------------------------------|--------|--------|--------|----------|----------|
| 3" | 87.79 | 139.44 | 191.10 | 242.75 | 294.40 |
| 4" | 120.91 | 205.68 | 290.46 | 375.23 | 460.00 |
| 6" | 212.91 | 389.68 | 566.46 | 743.23 | 920.00 |
| 8" | 323.31 | 610.48 | 897.66 | 1,184.83 | 1,472.00 |
| Customer Charge (per account) | \$0.74 | \$1.48 | \$2.22 | \$2.96 | \$3.70 |
| Volume Charge (per 1,000 gallons) | | | | | |
| Residential | | | | | |
| (0 – 2,000 Gallons) | \$0.72 | \$1.44 | \$2.16 | \$2.88 | \$3.60 |
| (2,000 – 5,000 Gallons) | 4.47 | 4.25 | 4.04 | 3.82 | 3.60 |
| (Over 5,000 Gallons) | 3.93 | 3.85 | 3.76 | 3.68 | 3.60 |
| Commercial | | | | | |
| (0 – 2,000 Gallons) | \$0.72 | \$1.44 | \$2.16 | \$2.88 | \$3.60 |
| (2,001 – 5,000 Gallons) | 5.73 | 5.20 | 4.66 | 4.13 | 3.60 |
| (Over 5,000 Gallons) | 4.99 | 4.64 | 4.30 | 3.95 | 3.60 |

Availability Charge (per account)

| <i>Water Meter Size (inches)</i> | <i>FY 2026</i> | <i>FY 2027</i> | <i>FY 2028</i> | <i>FY 2029</i> | <i>FY 2030</i> |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|
| ¾" | \$18.72 | \$19.04 | \$19.36 | \$19.68 | \$20.00 |
| 1" | 46.80 | 47.60 | 48.40 | 49.20 | 50.00 |
| 1¼ " | 70.21 | 71.41 | 72.61 | 73.81 | 75.01 |
| 1½ " | 93.60 | 95.20 | 96.80 | 98.40 | 100.00 |
| 2" | 149.76 | 152.32 | 154.88 | 157.44 | 160.00 |
| 3" | 299.00 | 304.64 | 309.76 | 314.88 | 320.00 |
| 4" | 468.00 | 476.00 | 484.00 | 492.00 | 500.00 |
| 6" | 936.00 | 952.00 | 968.00 | 984.00 | 1,000.00 |
| 8" | 1,497.60 | 1,523.20 | 1,548.80 | 1,574.40 | 1,600.00 |
| Customer Charge (per account) | \$3.75 | \$3.80 | \$3.85 | \$3.90 | \$4.00 |
| Volume Charge (per 1,000 gallons) | \$3.68 | \$3.76 | \$3.84 | \$3.92 | \$4.00 |

Section 12-161.2 Schedule of rates for outside industrial water customers.

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

(1) Availability Charges (per account) and Customer Charges (per account) shall be as shown in Section (b).

(2) Volume Charges (per 1,000 gallons) shall be as follows:

Monthly Volume Charges (Water)

| <i>Use (Gallons)</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>FY 2025</i> |
|-----------------------|----------------|----------------|----------------|----------------|----------------|
| 0 – 750,000 | \$3.41 | \$3.44 | \$3.47 | \$3.54 | \$3.60 |
| 750,001 – 3,000,000 | 2.59 | 2.65 | 2.71 | 2.80 | 2.88 |
| 3,000,001 – 6,000,000 | 2.01 | 2.17 | 2.32 | 2.51 | 2.70 |
| 6,000,001 – 9,000,000 | 1.87 | 2.02 | 2.17 | 2.34 | 2.52 |
| 9,000,001 and above | 2.13 | 2.15 | 2.17 | 2.21 | 2.25 |

Monthly Volume Charges (Water)

| <i>Use (Gallons)</i> | <i>FY 2026</i> | <i>FY 2027</i> | <i>FY 2028</i> | <i>FY 2029</i> | <i>FY 2030</i> |
|-----------------------|----------------|----------------|----------------|----------------|----------------|
| 0 – 750,000 | \$3.68 | \$3.76 | \$3.84 | \$3.92 | \$4.00 |
| 750,001 – 3,000,000 | 2.94 | 3.01 | 3.07 | 3.14 | 3.20 |
| 3,000,001 – 6,000,000 | 2.76 | 2.82 | 2.88 | 2.94 | 3.00 |
| 6,000,001 – 9,000,000 | 2.58 | 2.63 | 2.69 | 2.74 | 2.80 |
| 9,000,001 and above | 2.30 | 2.35 | 2.40 | 2.45 | 2.50 |

12-161.3. – Schedule of rates for customers in the Town of Timmonsville service area.

Repealed

All ordinances in conflict with this ordinance are hereby repealed.

Following approval and adoption by City Council, this ordinance shall become effective upon its adoption.

ADOPTED THIS _____ DAY OF _____, 2020.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2020
AGENDA ITEM: Amendment of Section 12-130 of the Code of Ordinances
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

For consideration is the adoption of an Ordinance to amend Code Section 12-130

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

Code Section 12-130 creates a violation for unlawful damage to the water system and states that any person causing such damage will be charged with a misdemeanor.

III. POINTS TO CONSIDER

The City is now several months into the Flex Net project, which will convert virtually all the water meters to "radio read" meters. This involves replacing each meter and also installing an MXU radio read device on top of each meter. The cost of each new meter is approximately \$120 and the cost of each MXU device is approximately \$150. Meter reading staff has noticed a few instances in which either the new meter and/or the MXU device has been damaged after it was installed, resulting in increased cost to the City. Therefore, the City needs a mechanism to be able to recover this cost by adding this cost to the customer's utility bill. The City Attorney has recommended that this be done through the adoption of an Ordinance, rather than by policy.

Also, City Code currently contains only a criminal remedy for meter tampering. This amendment will provide the City with a civil remedy as well.

In addition, the utilities which serve Chesterfield, Dillon, and Marion Counties have also adopted a meter tampering policy. This policy also charges for labor costs, which we do not intend to charge.

IV. OPTIONS

Adopt the Ordinance as presented.

Modify the Ordinance.

III. STAFF RECOMMENDATION

Adopt the Ordinance as presented.

IV. ATTACHMENTS

The proposed Ordinance is attached.

A copy of the meter tampering policy used by the other utilities is attached.

Pictures which illustrate damaged caused to meters and MXU devices are attached.



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2020- _____

AN ORDINANCE TO AMEND CODE OF ORDINANCES SECTION 12-130.

WHEREAS, the City of Florence needs a mechanism to recover the cost of replacing radio read water meters and associated devices.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Florence in Council duly assembled and by the authority of the same:

- 1) Section 12-130 currently reads as follows:

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

- 2) Section 12-130 is removed in its entirety and replaced with the following:

“Section 12-130. - Protection of Water Meters from Unlawful Damage, Tampering or Improper Care.

- a. It shall be unlawful and a violation of this chapter for any person to damage, deface, alter, change, or tamper with any part of the waterworks system; and upon conviction, said person shall be guilty of a misdemeanor and punished in accordance with the penalty for a misdemeanor and shall be liable for the full costs incurred.
 - b. According to South Carolina State Code, it is unlawful for anyone to tamper with or damage a water meter, MXU, SmartPoint device, or associated equipment. It shall be unlawful for anyone to remove a meter or install any pipe or other device which will cause water to be received without being properly registered by the meter. No trees, bushes, shrubs, fences, structures, or other obstructions shall be located within one foot of the meter box in order to keep the meter accessible to the City of Florence. The property owner and/or customer shall exercise proper care to protect the meter, MXU, SmartPoint device, meter box, and other City of Florence property serving his/her premises from damage or loss from any other cause, and in the event of loss or damage thereto arising from neglect or from any other cause, shall pay the estimated cost of any water received illegally and the costs of repairing or replacing the damaged items before further service will be provided at this location.”
- 3) If for any reason, any sentence, clause or provision of this Ordinance shall be declared invalid, such shall not affect the remaining provisions thereof.
 - 4) That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as the same affect this Ordinance.

5) That this Ordinance shall become effective upon its adoption.

ADOPTED THIS _____ DAY OF _____, 2020.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk







FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2020
AGENDA ITEM: An ordinance amending the FY 2020-21 budget
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

For City Council consideration is an ordinance to amend the FY 2020-21 City of Florence Budget.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER

- A. The objective of the proposed ordinance is to amend the General Fund budget for FY 2020-21 to appropriate funding for the following projects and purchases not currently included in the FY 2020-21 budget:
1. acquisition of approximately twenty-five (25) new patrol vehicles in the Police Department;
 2. purchase of turnout gear in the Fire Department;
 3. payment toward the acquisition of a command vehicle in the Fire Department;
 4. acquisition of up to four (4) pickup trucks in the Beautification & Facilities Department;
 5. acquisition of up to four (4) mowers with trailers in the Beautification & Facilities Department;
 6. obtain services for the Timrod Park and Maple Park Neighborhood plans.
- B. The General Fund's Debt Service Fund is also being amended to increase the budgeted revenues and budgeted expenditures for debt service payments for the issuance of General Obligation Bonds to construct two fire stations and purchase related equipment.

IV. STAFF RECOMMENDATION

Approve and adopt the proposed ordinance.

V. ATTACHMENTS

A copy of the proposed ordinance is attached.



Kevin V. Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled, that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2020 and ending June 30, 2021, is hereby amended as follows:

Section 1. That the budgeted revenues of the General Fund are hereby amended by the following additional appropriations:

100375-435010 From Unappropriated Reserve is increased in the amount of \$1,321,000 from unassigned fund balance for projects and purchases which are not currently included in FY 2020-21 budget.

Section 2. That the budgeted expenditures of the General Fund are hereby amended by the following additional appropriations:

10042100-580040 Auto Equipment (Police) is increased in the amount of \$1,010,000 to provide for the acquisition of approximately twenty-five (25) new police patrol vehicles in the Police Department.

10042200-550280 Personal Protective Equipment (Fire) is increased in the amount of \$25,000 for the purchase of turnout gear.

10042200-580040 Auto Equipment (Fire) is funded in the amount of \$55,000 for the acquisition of a command vehicle.

10043020-580040 Auto Equipment (Beautification & Facilities) is increased in the amount of \$100,000 to provide for the acquisition of up to four (4) pickup trucks.

10043020-580060 Other Equipment (Beautification & Facilities) is increased in the amount of \$36,000 to provide for the acquisition of up to four (4) mowers and two (2) trailers.

10046300-531000 Professional Services (Planning & Research Development) is increased \$95,000 for obtaining services to develop neighborhood plans for the Timrod Park and Maple Park neighborhoods.

Section 3. That the budgeted revenues of the Debt Service Fund are hereby amended by the following additional appropriations:

130100-401010 Property Tax Revenues from Debt Service Millage is increased in the amount of \$227,000 from debt service millage to service new General Obligation debt for the purpose of constructing two fire stations and the purchase of related equipment.

FY 2020-2021 Budget Amendment Ordinance (continued)

Section 4. That the budgeted expenditures of the Debt Service Fund are hereby amended by the following additional appropriations:

13049900-590010 General Obligation Bond Payment is increased by \$227,000 to provide for the payment of new General Obligation bonds used to construct two fire stations and to purchase related equipment.

This Ordinance shall become effective immediately upon its approval and adoption of City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2020.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2020

AGENDA ITEM: An ordinance authorizing the issuance of Installment Purchase Revenue Bonds, Series 2020

DEPARTMENT: Finance

I. ISSUE UNDER CONSIDERATION

For City Council consideration is an ordinance authorizing the issuance and sale of Installment Purchase Revenue Bonds in an estimated amount of \$40,000,000. The proceeds of the Bonds will be used to fund various projects and to refund the outstanding balance of the 2017 Installment Purchase Revenue Bonds, and other matters relating thereto.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. A portion of these installment purchase revenue bonds will refund the bond anticipation notes (BANs) issued to purchase the property for Project Urban Square and will fund the construction of the parking deck for Project Urban Square, the construction of the baseball stadium and other portions of the projects at the new athletic complex, and the renovation of the downtown theater. The remaining portion of the installment purchase revenue bonds will be used to refund the remaining outstanding portion of the 2017 Installment Purchase Revenue Bonds.

B. The economic impact of the COVID-19 novel corona virus has resulted in the reduction of long-term interest rates.

C. The City of Florence has Installment Purchase Revenue Bonds originally issued in 2017 with a total outstanding balance of approximately \$13,400,000 at an average interest rate of 2.99%.

III. POINTS TO CONSIDER

A. Regarding the 2017 Bonds, the City's financial advisor has indicated that these bonds could be refunded by issuing installment purchase revenue bonds and that the rate on these bonds may approximate 1.95%, saving the City approximately \$675,000 on a net present value basis over the remaining life of the Bonds.

B. Based on the timetable outlined in the attached financing schedule, the Bonds are scheduled to close on September 9, 2020.

C. The Bonds will mature on November 1, 2044.

D. Adoption of an ordinance authorizing the issuance of the Bonds is required prior to the issuance and sale of these bonds.


IV. STAFF RECOMMENDATION

Staff recommends approval and adoption of the proposed ordinance to provide for the issuance of the Bonds, and other matters related thereto.


V. ATTACHMENTS

A. An Ordinance authorizing the issuance of the Bonds.

B. The financing schedule for the borrowing.



Kevin Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2020-__

AUTHORIZING THE ISSUANCE OF CITY OF FLORENCE PUBLIC FACILITIES CORPORATION INSTALLMENT PURCHASE REVENUE BONDS (CITY OF FLORENCE PROJECT), SERIES 2020; AUTHORIZING THE LEASE OF CERTAIN PROPERTY TO CITY OF FLORENCE PUBLIC FACILITIES CORPORATION; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE AND SALE OF THE AFORESAID BONDS, INCLUDING A BASE LEASE AND CONVEYANCE AGREEMENT AND A MUNICIPAL FACILITIES PURCHASE AND OCCUPANCY AGREEMENT, EACH BETWEEN THE CITY OF FLORENCE, SOUTH CAROLINA AND CITY OF FLORENCE PUBLIC FACILITIES CORPORATION, A BOND PURCHASE AGREEMENT AMONG THE CITY, CITY OF FLORENCE PUBLIC FACILITIES CORPORATION AND STEPHENS INC., AND A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT OF THE CITY; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Florence, South Carolina, a municipal corporation duly organized and existing under the laws of the State of South Carolina (the "**City**"), is authorized under the provisions of Section 5-7-40 of the Code of Laws of South Carolina 1976, as amended, to enter into the transactions set forth below; and

WHEREAS, the City sold a \$3,025,000 General Obligation Bond Anticipation Note, Taxable Series 2019A and a \$4,340,000 General Obligation Bond Anticipation Note, Tax-Exempt Series 2019B, dated November 26, 2019 (collectively the "**2019 Notes**"), to defray the cost of certain economic and development efforts in the City's downtown area including, but not limited to, property, acquisition, parking, building demolition and streetscape additions and improvements, the proceeds of which have been expended for such purposes (the "**2019 Project**"); and

WHEREAS, the Corporation issued a \$15,000,000 Installment Purchase Revenue Bond (City of Florence Project), Series 2017, dated November 15, 2017 (the "**Series 2017 Bond**"); and

WHEREAS, the Corporation has determined that it is in the best interest to refund the Series 2017 Bond; and

WHEREAS, the City intends to enter into a Base Lease and Conveyance Agreement dated as of September 1, 2020 (the "**Base Lease**") with the City of Florence Public Facilities Corporation, a non-profit corporation organized and existing under the laws of the State of South Carolina (the "**Corporation**"); whereby the Corporation will lease from the City the land described in Exhibit A to the Facilities Agreement hereinafter defined (the "**Real Property**"); and

WHEREAS, the Real Property consists of two parcels, upon one of which will be located a municipal parking garage (the "**Municipal Parking Garage**") and upon the second of which is located the Freedom Florence Recreation Complex, a multi-use facility of approximately 100 acres and containing, among other things, nine lighted baseball/softball fields, three lighted football fields, a recreational/competitive gymnastics center and walking, jogging and biking trails (the "**Existing Facilities**"); and

WHEREAS, the City currently owns additional real property upon which will be constructed a downtown theater and an athletic complex consisting of multiple baseball fields, a full-sized 400 meter

track and a 1,500-seat baseball stadium (collectively with the Municipal Parking Garage and the 2019 Project, the "**Project Facilities**"), all in support of those public purposes set forth in the below analysis; and

WHEREAS, in order to refund the Series 2017 Bond, to pay the 2019 Notes and to finance the Project Facilities in an efficient and economical manner, the City desires to lease to the Corporation the Real Property and to convey to the Corporation the Municipal Parking Garage to be located thereon and the Existing Facilities so that the Corporation may provide for the acquisition, construction, renovation and equipping of the Project Facilities; and

WHEREAS, certain of the economic and development aspects of the Project Facilities include both public and private parties and therefore merit the analysis set forth in *Byrd v. County of Florence* (281 S.C. 402, 315 SE2d 804, 1984) to determine if the Project Facilities satisfy the public purpose requirement of the South Carolina Constitution; and

WHEREAS, that analysis requires that City Council "first determine the ultimate goal or benefit to the public intended by the project. Second...whether public or private parties will be the primary beneficiaries. Third, the speculative nature of the project must be considered. Fourth...analyze and balance the probability that the public interest will be ultimately served and to what degree;" and

WHEREAS, City Council determined and found that the Project Facilities satisfy such four-part test and therefore is a public purpose; and

WHEREAS, the Municipal Parking Garage and the Existing Facilities will be sold by the Corporation to the City under the terms of a Municipal Facilities Purchase and Occupancy Agreement dated as of September 1, 2020 (the "**Facilities Agreement**") between the Corporation and the City; and

WHEREAS, the Corporation will, pursuant to a Trust Agreement (the "**Trust Agreement**") dated as of September 1, 2020, between the Corporation and The Bank of New York Mellon Trust Company, N.A. (the "**Trustee**"), assign all of its right, title and interest in, to and under the Facilities Agreement, except the rights of the Corporation to receive indemnity against claims and payment of its fees and expenses, to the Trustee for the benefit of the purchasers and owners from time to time of the Series 2020 Bonds hereinafter defined; and

WHEREAS, the payments to be made under the Facilities Agreement and the rights of the Corporation thereto (except for certain reserved rights as provided therein) have been assigned to the Trustee pursuant to the Trust Agreement in order to secure and provide a source of payment for certain bonds the proceeds of which are to be applied to the payment of the costs of acquiring and constructing the Project Facilities; and

WHEREAS, the Corporation intends to refund the Series 2017 Bond and the 2019 Notes and to fund the Project Facilities, including necessary expenses incidental to the financing thereof, through the issuance of not exceeding \$40,000,000 Installment Purchase Revenue Bonds (City of Florence Project), Series 2020 (the "**Series 2020 Bonds**") at an interest rate not exceeding 5.00%; and

WHEREAS, the Series 2020 Bonds will be sold to Stephens Inc. (the "**Underwriter**") pursuant to the terms of a Bond Purchase Agreement (the "**Purchase Agreement**") to be entered into by the City, the Corporation and the Underwriter; and

WHEREAS, there shall be prepared the standard forms of: (a) the Base Lease; (b) the Facilities Agreement; (c) the Purchase Agreement; and (d) the Preliminary Official Statement of the City to be used

in connection with the sale of the Series 2020 Bonds (the "**Preliminary Official Statement**"), the final versions of which documents shall be in substantially the form previously used by the City in similar financings; and

WHEREAS, the execution of such documents shall constitute conclusive evidence of the persons executing the same of their approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, the governing body of the City of Florence, South Carolina (the "**City Council**"), in meeting duly assembled:

1. The conveyance of a leasehold interest in the Real Property and the conveyance of fee simple title to the Existing Facilities and the Municipal Parking Garage located or to be located thereon by the City to the Corporation pursuant to the terms of the Base Lease is hereby authorized, and the form of the Base Lease is hereby approved. The Mayor of the City (the "**Mayor**") is hereby authorized and directed to execute and deliver the Base Lease, with such changes, insertions and omissions as may be approved by the Mayor, with the advice of counsel, such execution being conclusive evidence of such approval.

2. The purchase of the Municipal Parking Garage and the Existing Facilities by the City from the Corporation pursuant to the terms set forth in the Facilities Agreement is hereby authorized, and the form of the Facilities Agreement is hereby approved. The Mayor is hereby authorized and directed to execute and deliver the Facilities Agreement, with such changes, insertions and omissions as may be approved by the Mayor, with the advice of counsel, such execution being conclusive evidence of such approval.

3. The sale of the Series 2020 Bonds to the Underwriter, with such terms, including principal maturities, maturity dates, interest rates, optional redemption features, mandatory sinking fund redemption features, federal tax-exempt or taxable status, and the determination as to whether and in what amount a debt service reserve fund for the Series 2020 Bonds shall be established, as set forth in the Purchase Agreement is hereby approved. The Purchase Agreement in substantially the form previously used by the City in similar financings is hereby approved. The Mayor is hereby authorized and directed to execute and deliver the Purchase Agreement, with such changes, insertions and omissions as may be approved by the Mayor, with the advice of counsel, such execution being conclusive evidence of such approval.

4. The Preliminary Official Statement, its execution and delivery by the Mayor, and its use in the offering and sale of the Series 2020 Bonds is hereby confirmed and ratified.

5. The Official Statement of the City (the "**Official Statement**"), in substantially the form of the Preliminary Official Statement with such changes, insertions and omissions as the Mayor shall approve upon the advice of counsel, is hereby approved. The Mayor is hereby authorized and directed to execute and deliver the Official Statement.

6. The consummation of all transactions contemplated by the Base Lease, the Facilities Agreement, the Purchase Agreement, the Preliminary Official Statement and the Official Statement are hereby approved.

7. The Mayor, the Assistant City Manager and such other appropriate officials of the City are hereby authorized to execute, deliver and receive any and all such other agreements and documents as may be required by the City in order to carry out, give effect to and consummate the transactions

contemplated by the Base Lease, the Facilities Agreement, the Purchase Agreement, the Preliminary Official Statement and the Official Statement, including without limitation a continuing disclosure certificate evidencing the City's compliance with the requirements of Securities and Exchange Commission Rule 15c2-12(b)(5) for the Series 2020 Bonds.

8. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

9. This Ordinance shall become effective immediately upon final reading by City Council.

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

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

DONE IN MEETING DULY ASSEMBLED this 10th day of August, 2020.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda Pope
Municipal Clerk

First Reading: July 13, 2020
Second Reading: August 10, 2020

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

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

That the foregoing is a true, correct and verbatim copy of an Ordinance unanimously adopted by the said City Council, having been read at two duly called and regularly held meetings at which a quorum attended and remained throughout on each of July 13 and August 10, 2020.

That the said Ordinance is now in full force and effect and has not been modified, amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my Hand this ____ day of August, 2020.

Municipal Clerk

CITY OF FLORENCE, SOUTH CAROLINA
Installment Purchase Revenue Bonds, Series 2020

FINANCING SCHEDULE

| Jun-20 | | | | | | | Jul-20 | | | | | | | Aug-20 | | | | | | | Sep-20 | | | | | | |
|--------|----|----|----|----|----|----|--------|----|-------|-------|----|----|----|--------|----|----|----|----|----|----|--------|----|----|----|----|----|----|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa |
| | 1 | 2 | 3 | 4 | 5 | 6 | | | 1 | 2 | 3 | 4 | | | | | | | 1 | | | 1 | 2 | 3 | 4 | 5 | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 28 | 29 | 30 | 26 | 27 | 28 | 29 | 30 | 31 | 23/30 | 24/31 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | | | | | | | | |

| DATE | TASK | RESPONSIBILITY |
|------------------|---|------------------------------|
| May 19 | Working Group Call to Review Plan of Finance | Working Group |
| May 22 | Select Underwriter | City/FA |
| May 28 | Follow Up on Plan of Finance – 3:00 PM | Working Group |
| June 12 | Distribute 1 st Draft of Ordinance/Bond Documents | BC |
| June 18 | Distribute 1 st Draft of POS | DC |
| June 25 | Working Group Call to Review Documents – 10:00 am | Working Group |
| July 1 | Distribute Revised Draft of Ordinance / Bond Documents Distribute 2 nd draft of POS | BC DC |
| July 13 | City Council Meeting – First Reading of Ordinance | City/BC |
| July [15] | Working Group Call to Review Documents – TBD | Working Group |
| July 10 | Distribute Draft of Rating Presentation | FA |
| July 24 | Distribute 3rd Draft of Bond Documents / POS Send Documents to Rating Agencies | BC/DC FA |
| Week of August 3 | Rating Agency Calls - TBD | City/FA |
| August 10 | City Council Meeting; Second Reading of Ordinance | City/BC |
| TBD | Corporation Meeting – Adopt Approving Resolution | Corp/BC |
| By August 14 | Receive Rating | City/FA |
| August 17 | Due Diligence / POS Sign-Off Call | Working Group |
| August 18 | Post POS | UC |
| August 26 | Price Bonds Execute Bond Purchase Agreement | Working Group City/Corp/U |
| September 8 | Pre-Closing | Working Group |
| September 9 | Closing | Working Group |

City Council typically meets on the 2nd Monday of each month

RESPONSIBILITY LEGEND:

| Role | Entity | Defined |
|-----------------------|--|---------|
| Issuer | City of Florence Public Facilities Corporation | “Corp” |
| Borrower | City of Florence, South Carolina | “City” |
| Bond Counsel | Haynsworth Sinkler Boyd | “BC” |
| Financial Advisor | First Tryon Advisors | “FTA” |
| Underwriter | TBD | “U” |
| Underwriter’s Counsel | TBD | “UC” |

FLORENCE CITY COUNCIL MEETING

VI. e.
Bill No. 2020-23
First Reading

DATE: July 13, 2020

AGENDA ITEM: An ordinance authorizing the issuance of General Obligation Bonds, Series 2020

DEPARTMENT: Finance

I. ISSUE UNDER CONSIDERATION

For City Council consideration is an ordinance authorizing the issuance and sale of General Obligation Bonds in an amount not to exceed \$6,300,000. The proceeds of the Bonds will be used to fund the construction of two new fire stations and the purchase of related fire apparatus, and other matters relating thereto.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. These bonds will fund the construction of two new fire stations. One station will be built to relocate the Ben Dozier Fire Station (Station #4) and one station will be a new station to be located on the west side of the City, in order to improve response times in that area.

B. These bonds will also be used to fund the purchase of fire apparatus for the new station.

III. POINTS TO CONSIDER

A. Based on the timetable outlined in the attached financing schedule, the Bonds are scheduled to close on September 10, 2020.

B. The Bonds will mature on September 1, 2039.

C. Adoption of an ordinance authorizing the issuance of the Bonds is required prior to the issuance and sale of these bonds.

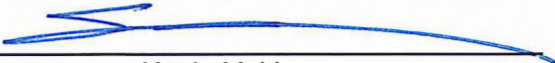
IV. STAFF RECOMMENDATION

Staff recommends approval and adoption of the proposed ordinance to provide for the issuance of the Bonds, and other matters related thereto.

V. ATTACHMENTS

A. An Ordinance authorizing the issuance of the Bonds.

B. The financing schedule for the borrowing.



Kevin Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2020-__

TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING \$6,300,000 GENERAL OBLIGATION BOND, SERIES 2020, OF THE CITY OF FLORENCE, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

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

ARTICLE I

FINDINGS OF FACT

As an incident to the adoption of this Ordinance, and the issuance of the bond provided for hereby, the City Council of City of Florence, South Carolina ("**Council**"), the governing body of the City of Florence, South Carolina (the "**City**"), finds that the facts set forth in this Article exist, and the statements made with respect thereto are true and correct.

Section 1.01. Objectives of Borrowing

Council is authorized by the provisions of Sections 5-21-210 to 5-21-500, inclusive, Code of Laws of South Carolina, 1976, as amended (the "**Municipal Bond Act**") to issue general obligation bonds of the City for any corporate purpose of the City. Section 14 of Article X of the Constitution provides that a City may issue general obligation debt for a purpose which is a public purpose and a corporate purpose of the City.

Council has determined that it is appropriate to raise sufficient moneys by the issuance of a general obligation bond to defray the cost of the acquisition, construction and equipping of two new fire stations (the "**Project**"). The Project is a public and corporate purpose of the City within the meaning of the Municipal Bond Act and Section 14 of Article X of the Constitution.

Section 1.02. Decision to Issue the Bond

On the basis of the foregoing, Council has determined to issue a General Obligation Bond, Series 2020, in the principal amount not to exceed \$6,300,000 (the "**Bond**"), the proceeds of which will be used to defray the cost of the Project and the cost of issuance of the Bond.

Section 1.03. Recital of Applicable Constitutional Provisions

Section 14 of Article X of the South Carolina Constitution provides that a city may incur general obligation indebtedness without referendum if such indebtedness, together with then outstanding indebtedness subject to the limitation, does not exceed 8% of the assessed value of all taxable property in the City. The most recent final assessed value of all taxable property in the City is not less than \$176,011,598. Eight percent of this sum equals \$14,080,928.

As of September 1, 2020, the City will have outstanding indebtedness chargeable to the 8% limit in the principal amount of \$2,578,388 being the remaining principal due on the City's original issue of \$5,345,000 General Obligation Bond of 2010 dated August 17, 2010 (the "**Bond of 2010**"). Additional indebtedness chargeable to the 8% limit consists of the City's \$3,025,000 General Obligation Bond Anticipation Note, Series 2019A and the \$4,340,000 General Obligation Bond Anticipation Note, Tax-Exempt Series 2019B dated November 26, 2019 (the "**General Obligation Notes**"). The total outstanding indebtedness of the 2010 Bond and the Notes is \$9,943,388.

By ordinance adopted at meetings at which this ordinance is also adopted, provision has been made for the repayment of the General Obligation Notes from the proceeds of an issue of Installment Purchase Revenue Bonds. Upon the occurrence of such repayment, the principal amount of the General Obligation Notes will not be chargeable to the 8% limit. It is a condition precedent to the issuance of the Bond that the principal amount of such borrowing, together with other indebtedness chargeable to such limit not exceed \$14,080,928. In such case, the City may incur the general obligation indebtedness for the Project authorized herein without referendum.

Section 1.04. Ability to Meet Requirements of Certain State and Federal Requirements

The City will take such action as is necessary to preserve the exclusion from gross income for federal income tax purposes of interest earned on the Bond which, when issued, is determined to be exempt from federal income tax.

Pursuant to Section 11-1-85, Code of Laws of South Carolina, 1976, as amended, the City shall file with a central repository for availability in the secondary bond market when requested (1) an annual independent audit within thirty days of receipt and (2) event specific information within thirty days of an event adversely affecting more than five percent of revenue or its tax base.

ARTICLE II

DEFINITIONS AND CONSTRUCTION

Section 2.01. Definitions

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

"Authorized Investments" means (a) any one or more of the investments now or hereafter permitted by applicable State law, including but not limited to Section 6-5-10 or 11-1-60, Code of Laws of South Carolina, 1976, as amended, and the South Carolina Pooled Investment Fund.

"Authorized Officer" means the Mayor, the City Manager, the Assistant City Manager, the Clerk of City Council and any other officer or employee of the City designated from time to time as an Authorized Officer by ordinance or resolution of Council, and when used with reference to any act or document also means any other person authorized by ordinance or resolution of Council to perform such act or sign such document.

"Bond Payment Date" means each March 1 or September 1 on which interest on the Bond shall be payable or on which both the Principal Installment and interest shall be payable on the Bond.

"City Council" or "Council" means the City Council of the City of Florence, South Carolina, the governing body of the City or any successor governing body of the City.

"City Request" means a written request of the City signed by an Authorized Officer.

"Ordinance" means this Ordinance as the same may be amended or supplemented from time to time in accordance with the terms hereof.

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

"Principal Installment" means, as of any date of calculation, the principal amount of the Bond due on a specified date.

ARTICLE III

ISSUANCE OF THE BOND

Section 3.01. Ordering the Issuance of the Bond

Pursuant to the provisions of the Municipal Bond Act, and for the purpose of obtaining funds to defray the cost of the Project and the cost of issuance of the Bond, there shall be issued a not exceeding \$6,300,000 general obligation bond of the City.

Section 3.02. Award of the Bond

The Bond shall be advertised for sale as required by the Municipal Bond Act, which notice, in substantially the form attached hereto as Exhibit B, shall be published not less than seven days before the date set for sale. The Mayor is authorized to award the Bond to the financial institution (the "**Purchaser**") deemed most responsive to the City's objectives within the parameters described herein. The Mayor is further authorized and directed to approve and execute and deliver such documents as shall be required in connection with the Bond, with the advice of counsel, such execution being conclusive evidence of such approval. The Purchaser will purchase the Bond for its own portfolio and not with the intent of reoffering the Bond to the general public.

Section 3.03. Maturity Schedule of the Bond

The Bond shall be dated as of the date of delivery, and shall mature on the dates and in the principal amounts as determined by the Mayor. The Bond shall bear interest at such rates of interest as shall be determined by the Mayor at the sale of the Bond at a price of not less than par and at an interest rate not to exceed 4.00%. Interest on the Bond shall be payable semiannually on March 1 and September 1 of each year commencing March 1, 2021, until payment of the principal thereof.

The Bond shall be in the denomination of not exceeding \$6,300,000, shall be numbered R-1, and shall be initially payable to the order of the successful Purchaser or registered assigns. The Bond shall mature on September 1 in annual series as determined by the Mayor.

The Bond shall be subject to redemption, at the option of the City, on such terms as the Mayor shall determine.

Section 3.04. Medium of Payment; Form of the Bond

(a) The Bond shall be payable as to Principal Installment and interest at the rate(s) per annum determined at the sale of the Bond (on the basis of a 360 day year of twelve 30-day months) in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(b) The Bond and the form of assignment thereon shall be substantially in the form thereof set forth in Exhibit A hereto with any omissions, insertions and variations which may be authorized or permitted by or consistent with this Ordinance.

The Bond shall be a negotiable instrument and shall express the purpose for which it is authorized, executed and delivered and any other statements or legends which may be required by law.

Section 3.05. Execution

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

Section 3.06. Payments Due on Saturdays, Sundays and Holidays

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

Section 3.07. Tax Exemption in South Carolina

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

Section 3.08. Order of Tax Levy to Pay Principal and Interest of the Bond

For the payment of the Principal Installment and interest on the Bond as the same respectively mature, the full faith, credit and taxing power of the City are hereby irrevocably pledged, and there shall be levied and collected annually a tax on all taxable property in the City, sufficient to pay the Principal Installment and interest on such Bond as they respectively mature, and to create such sinking fund as may be necessary therefore.

Section 3.09. Notice to Assistant City Manager to Levy Tax

The Assistant City Manager of the City shall be notified of this issue of Bond and directed to levy and collect, respectively, upon all taxable property in the City, to the extent necessary after taking into account such other funds as may be available, an annual tax sufficient to meet the payment of the Principal Installment and interest on the Bond, as the same respectively mature.

Section 3.10. Authorization for Further Action

The Mayor and the Assistant City Manager are fully authorized and empowered to take any further action and to execute and deliver any closing documents as may be necessary and proper to effect the delivery of the Bonds in accordance with the terms and conditions hereinabove set forth, their execution to be conclusive evidence of such approval. The Mayor and the Assistant City Manager are further authorized to amend certain of the provisions contained in this Article III (excepting the maximum principal amount and the maximum rate of interest) upon such terms as the Purchaser shall approve upon receipt of a City request to do so.

ARTICLE IV

DISPOSITION OF PROCEEDS OF SALE OF THE BOND

Section 4.01. Disposition of Bond Proceeds including Temporary Investments

The proceeds derived from the sale of the Bond issued pursuant to this Ordinance shall be deposited in a Bond Account Fund for the City, and shall be expended and made use of as follows:

(a) any premium shall be applied to the payment of the first installment of principal of such Bond or in such fashion as State law permits;

(b) pending the use of Bond proceeds for the purposes authorized hereby, it shall be lawful for Council to cause such proceeds to be invested in Authorized Investments. Income earned from investments shall, in the discretion of Council, (1) be used to meet the debt service of the Bond, or (2) be retained by the City and used for the purposes for which the Bond is to issued under this Ordinance or for additional capital improvements of the City; provided, however, if federal law requires a rebate of certain earnings such rebate shall be made; and

(c) if any balance remains, it shall be held in a special fund and used to effect the retirement of the Bond authorized by this Ordinance; provided, however, that the Purchaser of the Bond shall not be liable for the proper application of the proceeds thereof.

ARTICLE V

FEDERAL TAX CONSIDERATIONS

Section 5.01. Compliance with the Internal Revenue Code of 1986

If the Bond is issued as a tax-exempt bond, the City will comply with all requirements of the Internal Revenue Code of 1986 (the "**Code**") in order to preserve the tax-exempt status of the Bond, including without limitation, (i) the requirement to file the information report 8038-G with the Internal Revenue Service and (ii) the requirement to rebate certain arbitrage earnings to the United States Government pursuant to Section 148(f) of the Code. In this connection, the City covenants to execute any and all agreements, certificates and other documentation as it may be advised by bond counsel will enable it to comply with this Section, and such agreements, certificates and other documentation may be executed by an Authorized Officer.

If the Bond is issued as a tax-exempt bond, the City hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bond to become includable in the gross income of the holder thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the original issue date of the Bond.

ARTICLE VI
MISCELLANEOUS

Section 6.01. Severability of Invalid Provisions

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

Section 6.02. Successors

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

Section 6.03. Ordinance to Constitute Contract

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

Section 6.04. Effective Date

This Ordinance shall take effect immediately upon second reading of City Council and shall supersede any prior inconsistent ordinances or resolutions.

Section 6.05. Direction to Publish

The Clerk of the City Council of the City is hereby directed to publish at the appropriate time notice to comply with the provisions of Paragraph 8 of Section 11-27-40, Code of Laws of South Carolina, 1976, as amended, the form of which is attached hereto as Exhibit C.

Section 6.06. Filing of Copies of Ordinance

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

DONE IN MEETING DULY ASSEMBLED, this 10th day of August, 2020.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda Pope
Municipal Clerk

First Reading: July 13, 2020
Second Reading: August 10, 2020

(FORM OF BOND)

No. R-1

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
CITY OF FLORENCE
GENERAL OBLIGATION BOND, SERIES 2020

THE CITY OF FLORENCE, SOUTH CAROLINA (the "City") acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to _____ or registered assigns, the total aggregate principal amount of \$ _____ in the amounts and on the maturity dates stated below and to pay interest on such principal amounts at the interest rate of _____% (calculated on the basis of a 360-day year of twelve 30-day months), until the obligation of the City with respect to the payment of such principal amounts shall be discharged:

_____ 1 Principal Amount

Interest on the Bond shall be payable semiannually on _____ 1 and _____ 1 of each year commencing _____ 1, 202_, until payment of the principal thereof. The principal of, redemption premium, if any, and interest on the Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

The Bond is issued pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly the provisions of the Act, codified as Sections 5-21-210 to 5-21-500, inclusive, Code of Laws of South Carolina, 1976, as amended, and the Ordinance.

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

For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit and taxing power of the City are irrevocably pledged.

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

This Bond is issuable only as a fully registered Bond. This Bond is transferable at the office of the Clerk of the City Council of the City.

[The Bond shall be subject to redemption, at the option of the City, on and after _____ 1, 20__, in whole at any time or in part on any _____ 1 or _____ 1, at par plus accrued interest to the date fixed for redemption.]

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of South Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limit prescribed by such Constitution or Statutes, and that provision has been made for the allocation, on an annual basis, of sufficient tax revenues to provide for the punctual payment of the principal of and interest on this Bond.

IN WITNESS WHEREOF, the City of Florence, South Carolina has caused this Bond to be signed by its Mayor and its corporate seal to be hereunto reproduced and attested to by its Clerk.

(SEAL)

CITY OF FLORENCE, SOUTH CAROLINA

By: _____
Mayor

Attest:

Clerk

AT THE REQUEST of the holder, the within bond has been registered as to principal and interest in accordance with the provisions contained therein.

DATE OF
REGISTRATION

NAME OF
REGISTERED HOLDER

SIGNATURE OF CLERK
OF CITY COUNCIL

SUMMARY NOTICE OF SALE
NOT TO EXCEED \$6,300,000
CITY OF FLORENCE, SOUTH CAROLINA
GENERAL OBLIGATION BOND, SERIES 2020

Bids will be received by the City of Florence, South Carolina (the "**City**"), pursuant to the Request for Bid Proposals dated July 15, 2020, in City Council Chambers at 324 West Evans Street, Florence, South Carolina 29501, attention Kevin Yokim. No proposal will be considered which is not actually received by the City at the place, date and time appointed, and the City will not be responsible for any delay, failure, misdirection or error in the means of transmission selected by any bidder. E-mail submission is preferred to kyokim@cityofflorence.com and avitner@firsttryon.com. Proposals may also be delivered by hand or by mail. There is no official bid form.

| | |
|------------------------|---|
| Sales Date: | Wednesday, August 5, 2020 |
| Sale Time: | 11:00 a.m. (local time) |
| Bond Dated: | Date of Delivery (which is expected to be September 1, 2020) |
| Maturity: | Payable _____ |
| Redemption Provisions: | _____ |
| Legal Opinion: | Haynsworth Sinkler Boyd, P.A., Charleston, South Carolina |
| Request for Proposals: | Contact Kevin Yokim, Assistant City Manager of the City, 324 West Evans Street, Florence, South Carolina 29501, telephone (843) 665-3162. |

[The Bond is not a "qualified tax-exempt obligation" in accordance with Section 265(b)(3)(B) of the Code.]

The Bond will be a general obligation of the City, payable both as to principal and interest from ad valorem taxes imposed upon all taxable property within the City, without limit as to rate or amount.

This Notice is given to evidence the City's intent to receive bids for and award the Bond on the date stated above. Such sale may be postponed prior to the time bids are to be received. If postponed, the sale may be thereafter rescheduled, and notice of such rescheduled date of sale will be disseminated at least 48 hours prior to the time for receipt of bids through an electronic information service.

NOTICE OF ADOPTION OF ORDINANCE
AUTHORIZING NOT EXCEEDING \$6,300,000 GENERAL OBLIGATION BOND, SERIES 2020,
OF THE CITY OF FLORENCE, SOUTH CAROLINA

Notice is hereby given that by Ordinance effective August 10, 2020, the City Council of the City of Florence has made provision for the issuance and sale of a not exceeding \$6,300,000 General Obligation Bond, Series 2020.

The proceeds of the Bond will be used to defray the cost of the acquisition, construction and equipping of two new fire stations and to pay the cost of issuance of the Bond.

Notice is further given that the provisions of Section 5-17-20, Code of Laws of South Carolina, 1976, as amended, permitting the filing of a petition seeking a referendum to effect the repeal of the foregoing Ordinance will not be applicable unless as provided by paragraph 8 of Section 11-27-40, Code of Laws of South Carolina, 1976, as amended, notice of intention to seek such a referendum be filed by not less than five qualified electors with either the Office of the Clerk of Court of Florence County and with the City Clerk of the City of Florence within twenty days from the date of publication of this Notice.

By order of the City of Florence.

Mayor, City of Florence, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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

That the foregoing is a true, correct and verbatim copy of an Ordinance unanimously adopted by the said City Council, having been read at two duly called and regularly held meetings at which a quorum attended and remained throughout on each of July 13 and August 10, 2020.

That the said Ordinance is now in full force and effect and has not been modified, amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my Hand this ____ day of August, 2020.

Municipal Clerk

CITY OF FLORENCE, SOUTH CAROLINA
General Obligation Bond, Series 2020
(Fire Stations)

FINANCING SCHEDULE

| Jun-20 | | | | | | | Jul-20 | | | | | | | Aug-20 | | | | | | | Sep-20 | | | | | | | |
|--------|----|----|----|----|----|----|--------|----|-------|-------|----|----|----|--------|----|----|----|----|----|----|--------|----|----|----|----|----|----|---|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | |
| | 1 | 2 | 3 | 4 | 5 | 6 | | | | 1 | 2 | 3 | 4 | | | | | | | 1 | | | | 1 | 2 | 3 | 4 | 5 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | |
| 28 | 29 | 30 | 26 | 27 | 28 | 29 | 30 | 31 | 23/30 | 24/31 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | | | | | | | | | |

| DATE | TASK | RESPONSIBILITY |
|--------------|--|----------------|
| May 19 | Working Group Call to Review Plan of Finance | working Group |
| May 28 | Follow Up on Plan of Finance – 3:00 PM | Working Group |
| June 19 | Circulate draft of GO Bond Ordinance Circulate draft of bank RFP | BC FA |
| June 25 | Call to review ordinance/bank RFP -10:00 am | Working Group |
| July 13 | City Council Meeting – First Reading of Ordinance | City/BC |
| July 23 | Distribute Bank RFP | FA |
| July 24 | Publish Notice of Sale (<i>The State</i>) | BC |
| August 10 | City Council Meeting - Second Reading of Ordinance | City/BC |
| August 11 | Publish Notice of Adoption | City/BC |
| August 13 | Bank proposals due/select winning bank | Working Group |
| August 31 | Expiration of 20 day wait period following Publication of Notice of Adoption | |
| September 10 | Close GO Bond | Working Group |

City Council typically meets on the 2nd Monday of each month

RESPONSIBILITY LEGEND:

| Role | Entity | Defined |
|-------------------|----------------------------------|---------|
| Borrower | City of Florence, South Carolina | "City" |
| Bond Counsel | Haynsworth Sinkler Boyd | "BC" |
| Financial Advisor | First Tryon Advisors | "FTA" |
| Bank | TBD | "B" |
| Bank's Counsel | TBD | "BKC" |

FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2020

AGENDA ITEM: An ordinance authorizing the issuance of General Obligation Refunding Bonds, Series 2020A

DEPARTMENT: Finance

I. ISSUE UNDER CONSIDERATION

For City Council consideration is an ordinance authorizing the issuance and sale of General Obligation Refunding Bonds in an amount not to exceed \$2,300,000. The proceeds of the Bonds will be used to refund the outstanding balance of the 2010 General Obligation Bonds, and other matters relating thereto.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. These General Obligation Refunding Bonds will be used to refund the remaining outstanding portion of the 2010 General Obligation Bonds.

B. The economic impact of the COVID-19 novel corona virus has resulted in the reduction of long-term interest rates.

C. The City of Florence has General Obligation Bonds originally issued in 2010 with a total outstanding balance of approximately \$2,580,000 at an average interest rate of 3.16%.

III. POINTS TO CONSIDER

A. Regarding the 2010 Bonds, the City's financial advisor has indicated that these bonds could be refunded by issuing general obligation refunding bonds and that the rate on these bonds may approximate 1.90%, saving the City approximately \$80,000 on a net present value basis over the remaining life of the Bonds.

B. Based on the timetable outlined in the attached financing schedule, the Bonds are scheduled to close on September 10, 2020.

C. The Bonds will mature on September 1, 2025.

D. Adoption of an ordinance authorizing the issuance of the Bonds is required prior to the issuance and sale of these bonds.

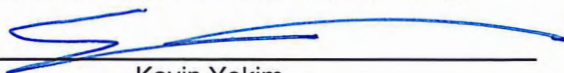
IV. STAFF RECOMMENDATION

Staff recommends approval and adoption of the proposed ordinance to provide for the issuance of the Bonds, and other matters related thereto.

V. ATTACHMENTS

A. An Ordinance authorizing the issuance of the Bonds.

B. The financing schedule for the borrowing.



Kevin Yokim
Assistant City Manager



Randall S. Osterman
City Manager

ORDINANCE NO. 2020__

TO PROVIDE FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING \$2,300,000 GENERAL OBLIGATION REFUNDING BOND, SERIES 2020A, OF THE CITY OF FLORENCE, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

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

ARTICLE I

FINDINGS OF FACT

As an incident to the adoption of this Ordinance, and the issuance of the bond provided for hereby, the City Council of City of Florence, South Carolina ("**Council**"), the governing body of the City of Florence, South Carolina (the "**City**"), finds that the facts set forth in this Article exist, and the statements made with respect thereto are true and correct.

Section 1.01. Objectives of Borrowing

Council is authorized by the provisions of Sections 11-15-410 to 11-15-600, Code of Laws of South Carolina, 1976, as amended (the "**Enabling Act**" or the "**Refunding Act**") to issue general obligation debt for the purpose of refunding outstanding general obligation bonds. Council has determined that interest rates have declined since certain of the City's outstanding general obligation bonds were issued. Council has therefore determined that efforts should be made to refinance the following outstanding bonds in order to achieve a savings in debt service payments.

Specifically, the City issued a \$5,345,000 General Obligation Bond of 2010, dated August 17, 2010 (the "**Bond of 2010**"). As of September 1, 2020, there shall remain outstanding of the Bond of 2010 the principal amount of \$2,578,388 which bears interest at the rate of 3.16% and matures on September 1 in the following principal amounts and in the following years:

| <u>Year</u> | <u>Principal</u> |
|-------------|------------------|
| 2021 | \$384,187 |
| 2022 | 401,573 |
| 2023 | 419,567 |
| 2024 | 438,191 |
| 2025 | 457,463 |
| 2026 | 477,407 |

A savings in the debt service payments of the Bond of 2010 may be achieved by the issuance of a refunding general obligation bond, the proceeds of which may be applied to calling for redemption all or a portion of the Bond of 2010 which are stated to mature in the years 2021 through 2026, inclusive, at the earliest practicable date at a redemption price of par. The maturities of the Bonds of 2010 described in this paragraph are hereinafter referred to as the "**Refunded Bond**."

It is specifically recognized that changing market conditions may affect the timing of the sale and the date of redemption as well as the savings expected to be achieved by the refunding described above. The Assistant City Manager is authorized to approve the refunding of a fewer amount of the Refunded Bond described above as well as the date the redemption is to be effective.

Section 1.02. Decision to Issue the Bond

On the basis of the foregoing, Council has determined to issue a General Obligation Refunding Bond, Series 2020A, in the principal amount not to exceed \$2,300,000 (the "**Bond**"), the proceeds of which will be used to refund all or a portion of the Refunded Bond and the cost of issuance of the Bond.

Section 1.03. Recital of Applicable Constitutional Provisions

The Bond of 2010 is chargeable to the 8% debt limit of the City. Council is advised that the funding or refunding of a debt previously created and existed is not an increase of indebtedness but is merely a continuation thereof. McQuillan on Municipal Corporations Section 41.36. Council is further advised that the Supreme Court of South Carolina in Williams v. City of Rock Hill cited with approval from 44 Corpus Juris 1132 as follows: "Bonds

which are issued to fund a valid indebtedness do not create any new debt or increase the debt of the municipality within the meaning of the limitations of the amount of municipal indebtedness generally." Therefore, the Bond authorized herein may be issued without any additional effect upon the constitutional debt limitation applicable to the City because the Bond is being issued to fund a valid indebtedness of the City.

Section 1.04. Ability to Meet Requirements of Certain State and Federal Requirements

The City will take such action as is necessary to preserve the exclusion from gross income for federal income tax purposes of interest earned on the Bond which, when issued, is determined to be exempt from federal income tax.

Pursuant to Section 11-1-85, Code of Laws of South Carolina, 1976, as amended, the City shall file with a central repository for availability in the secondary bond market when requested (1) an annual independent audit within thirty days of receipt and (2) event specific information within thirty days of an event adversely affecting more than five percent of revenue or its tax base.

ARTICLE II

DEFINITIONS AND CONSTRUCTION

Section 2.01. Definitions

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

"Authorized Investments" means (a) any one or more of the investments now or hereafter permitted by applicable State law, including but not limited to Section 6-5-10 or 11-1-60, Code of Laws of South Carolina, 1976, as amended, and the South Carolina Pooled Investment Fund.

"Authorized Officer" means the Mayor, the City Manager, the Assistant City Manager, the Clerk of City Council and any other officer or employee of the City designated from time to time as an Authorized Officer by ordinance or resolution of Council, and when used with reference to any act or document also means any other person authorized by ordinance or resolution of Council to perform such act or sign such document.

"Bond Payment Date" means each March 1 or September 1 on which interest on the Bond shall be payable or on which both the Principal Installment and interest shall be payable on the Bond.

"City Council" or "Council" means the City Council of the City of Florence, South Carolina, the governing body of the City or any successor governing body of the City.

"City Request" means a written request of the City signed by an Authorized Officer.

"Ordinance" means this Ordinance as the same may be amended or supplemented from time to time in accordance with the terms hereof.

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

"Principal Installment" means, as of any date of calculation, the principal amount of the Bond due on a specified date.

ARTICLE III

ISSUANCE OF THE BOND

Section 3.01. Ordering the Issuance of the Bond

Pursuant to the provisions of the Enabling Act, and for the purpose of obtaining funds to refund all or a portion of the Refunded Bond and the cost of issuance of the Bond, there shall be issued a not exceeding \$2,300,000 general obligation refunding bond of the City.

Section 3.02. Award of the Bond

The Bond shall be advertised for sale as required by the Municipal Bond Act, in substantially the form attached hereto as Exhibit B, shall be published not less than seven days before the date set for sale. The Mayor is authorized to award the Bond to the financial institution (the "**Purchaser**") deemed most responsive to the City's objectives within the parameters described herein. The Mayor is further authorized and directed to approve and execute and deliver such documents as shall be required in connection with the Bond, with the advice of counsel, such execution being conclusive evidence of such approval. The Purchaser will purchase the Bond for its own portfolio and not with the intent of reoffering the Bond to the general public.

Section 3.03. Maturity Schedule of the Bond

The Bond shall be dated as of the date of delivery, and shall mature on the dates and in the principal amounts as determined by the Mayor. The Bond shall bear interest at such rates of interest as shall be determined by the Mayor at the sale of the Bond at a price of not less than par and at an interest rate not to exceed 2.50%. Interest on the Bond shall be payable semiannually on March 1 and September 1 of each year commencing March 1, 2021, until payment of the principal thereof.

The Bond shall be in the denomination of not exceeding \$2,300,000, shall be numbered R-1, and shall be initially payable to the order of the successful Purchaser or registered assigns. The Bond shall mature on September 1 in annual series as determined by the Mayor.

The Bond shall be subject to redemption, at the option of the City, on such terms as the Mayor shall determine.

Section 3.04. Medium of Payment; Form of the Bond

(a) The Bond shall be payable as to Principal Installment and interest at the rate(s) per annum determined at the sale of the Bond (on the basis of a 360 day year of twelve 30-day months) in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(b) The Bond and the form of assignment thereon shall be substantially in the form thereof set forth in Exhibit A hereto with any omissions, insertions and variations which may be authorized or permitted by or consistent with this Ordinance.

The Bond shall be a negotiable instrument and shall express the purpose for which it is authorized, executed and delivered and any other statements or legends which may be required by law.

Section 3.05. Execution

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

Section 3.06. Payments Due on Saturdays, Sundays and Holidays

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

Section 3.07. Tax Exemption in South Carolina

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

Section 3.08. Order of Tax Levy to Pay Principal and Interest of the Bond

For the payment of the Principal Installment and interest on the Bond as the same respectively mature, the full faith, credit and taxing power of the City are hereby irrevocably pledged, and there shall be levied and collected annually a tax on all taxable property in the City, sufficient to pay the Principal Installment and interest on such Bond as they respectively mature, and to create such sinking fund as may be necessary therefore.

Section 3.09. Notice to Assistant City Manager to Levy Tax

The Assistant City Manager of the City shall be notified of this issue of Bond and directed to levy and collect, respectively, upon all taxable property in the City, to the extent necessary after taking into account such other funds as may be available, an annual tax sufficient to meet the payment of the Principal Installment and interest on the Bond, as the same respectively mature.

Section 3.10. Authorization for Further Action

The Mayor and the Assistant City Manager are fully authorized and empowered to take any further action and to execute and deliver any closing documents as may be necessary and proper to effect the delivery of the Bonds in accordance with the terms and conditions hereinabove set forth, their execution to be conclusive evidence of such approval. The Mayor and the Assistant City Manager are further authorized to amend certain of the provisions contained in this Article III (excepting the maximum principal amount and the maximum rate of interest) upon such terms as the Purchaser shall approve upon receipt of a City request to do so.

ARTICLE IV

DISPOSITION OF PROCEEDS OF SALE OF THE BOND

Section 4.01. Disposition of Bond Proceeds including Temporary Investments

The proceeds derived from the sale of the Bond issued pursuant to this Ordinance shall be deposited in a Bond Account Fund for the City, and shall be expended and made use of as follows:

- (a) any premium shall be applied to the payment of the first installment of principal of such Bond or in such fashion as State law permits;
- (b) the sums necessary to effect the redemption of the Refunded Bond shall be deposited immediately upon receipt in a special fund as directed by the Assistant City Manager; and
- (c) the balance shall be applied to pay the costs of issuance.

Provided, that neither the Purchaser nor any holder of the Bond shall be liable for the proper application of the proceeds thereof.

ARTICLE V

FEDERAL TAX CONSIDERATIONS

Section 5.01. Compliance with the Internal Revenue Code of 1986

If the Bond is issued as a tax-exempt bond, the City will comply with all requirements of the Internal Revenue Code of 1986 (the "**Code**") in order to preserve the tax-exempt status of the Bond, including without limitation, (i) the requirement to file the information report 8038-G with the Internal Revenue Service and (ii) the requirement to rebate certain arbitrage earnings to the United States Government pursuant to Section 148(f) of the Code. In this connection, the City covenants to execute any and all agreements, certificates and other documentation as it may be advised by bond counsel will enable it to comply with this Section, and such agreements, certificates and other documentation may be executed by an Authorized Officer.

If the Bond is issued as a tax-exempt bond, the City hereby represents and covenants that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bond to become includable in the gross income of the holder thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the original issue date of the Bond.

ARTICLE VI

MISCELLANEOUS

Section 6.01. Severability of Invalid Provisions

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

Section 6.02. Successors

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

Section 6.03. Ordinance to Constitute Contract

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

Section 6.04. Effective Date

This Ordinance shall take effect immediately upon second reading of City Council and shall supersede any prior inconsistent ordinances or resolutions.

Section 6.05. Direction to Publish

The Clerk of the City Council of the City is hereby directed to publish at the appropriate time notice to comply with the provisions of Paragraph 8 of Section 11-27-40, Code of Laws of South Carolina, 1976, as amended, the form of which is attached hereto as Exhibit C.

Section 6.06. Filing of Copies of Ordinance

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

DONE IN MEETING DULY ASSEMBLED, this 10th day of August, 2020.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda Pope
Municipal Clerk

First Reading: July 13, 2020
Second Reading: August 10, 2020

(FORM OF BOND)

No. R-1

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
CITY OF FLORENCE
GENERAL OBLIGATION REFUNDING BOND, SERIES 2020A

THE CITY OF FLORENCE, SOUTH CAROLINA (the "City") acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to _____ or registered assigns, the total aggregate principal amount of \$_____ in the amounts and on the maturity dates stated below and to pay interest on such principal amounts at the interest rate of _____% (calculated on the basis of a 360-day year of twelve 30-day months), until the obligation of the City with respect to the payment of such principal amounts shall be discharged:

_____ 1 Principal Amount

Interest on the Bond shall be payable semiannually on _____ 1 and _____ 1 of each year commencing _____ 1, 202_, until payment of the principal thereof. The principal of, redemption premium, if any, and interest on the Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

The Bond is issued pursuant to and in accordance with the Constitution and Statutes of the State of South Carolina, including particularly the provisions of the Act, codified as Sections 5-21-210 to 5-21-500, inclusive, Code of Laws of South Carolina, 1976, as amended, and the Ordinance.

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

For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit and taxing power of the City are irrevocably pledged.

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

This Bond is issuable only as a fully registered Bond. This Bond is transferable at the office of the Clerk of the City Council of the City.

[The Bond shall be subject to redemption, at the option of the City, on and after _____ 1, 20__, in whole at any time or in part on any _____ 1 or _____ 1, at par plus accrued interest to the date fixed for redemption.]

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Statutes of the State of South Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limit prescribed by such Constitution or Statutes, and that provision has been made for the allocation, on an annual basis, of sufficient tax revenues to provide for the punctual payment of the principal of and interest on this Bond.

IN WITNESS WHEREOF, the City of Florence, South Carolina has caused this Bond to be signed by its Mayor and its corporate seal to be hereunto reproduced and attested to by its Clerk.

(SEAL)

CITY OF FLORENCE, SOUTH CAROLINA

By: _____
Mayor

Attest:

Clerk

AT THE REQUEST of the holder, the within bond has been registered as to principal and interest in accordance with the provisions contained therein.

DATE OF
REGISTRATION

NAME OF
REGISTERED HOLDER

SIGNATURE OF CLERK
OF CITY COUNCIL

SUMMARY NOTICE OF SALE
NOT TO EXCEED \$2,300,000
CITY OF FLORENCE, SOUTH CAROLINA
GENERAL OBLIGATION REFUNDING BOND, SERIES 2020A

Bids will be received by the City of Florence, South Carolina (the "City"), pursuant to the Request for Bid Proposals dated July 15, 2020, in City Council Chambers at 324 West Evans Street, Florence, South Carolina 29501, attention Kevin Yokim. No proposal will be considered which is not actually received by the City at the place, date and time appointed, and the City will not be responsible for any delay, failure, misdirection or error in the means of transmission selected by any bidder. E-mail submission is preferred to kyokim@cityofflorence.com and avitner@firsttryon.com. Proposals may also be delivered by hand or by mail. There is no official bid form.

| | |
|------------------------|---|
| Sales Date: | Wednesday, August 5, 2020 |
| Sale Time: | 11:00 a.m. (local time) |
| Bond Dated: | Date of Delivery (which is expected to be September 1, 2020) |
| Maturity: | Payable _____ |
| Redemption Provisions: | _____ |
| Legal Opinion: | Haynsworth Sinkler Boyd, P.A., Charleston, South Carolina |
| Request for Proposals: | Contact Kevin Yokim, Assistant City Manager of the City, 324 West Evans Street, Florence, South Carolina 29501, telephone (843) 665-3162. |

[The Bond is not a "qualified tax-exempt obligation" in accordance with Section 265(b)(3)(B) of the Code.]

The Bond will be a general obligation of the City, payable both as to principal and interest from ad valorem taxes imposed upon all taxable property within the City, without limit as to rate or amount.

This Notice is given to evidence the City's intent to receive bids for and award the Bond on the date stated above. Such sale may be postponed prior to the time bids are to be received. If postponed, the sale may be thereafter rescheduled, and notice of such rescheduled date of sale will be disseminated at least 48 hours prior to the time for receipt of bids through an electronic information service.

NOTICE OF ADOPTION OF ORDINANCE
AUTHORIZING NOT EXCEEDING \$2,300,000 GENERAL OBLIGATION REFUNDING BOND,
SERIES 2020A, OF THE CITY OF FLORENCE, SOUTH CAROLINA

Notice is hereby given that by Ordinance effective August 10, 2020, the City Council of the City of Florence has made provision for the issuance and sale of a not exceeding \$2,300,000 General Obligation Refunding Bond, Series 2020A.

The proceeds of the Bond will be used to refund all or a portion of the City's original issue of \$5,345,000 General Obligation Bond of 2010 and to pay the cost of issuance of the Bond.

Notice is further given that the provisions of Section 5-17-20, Code of Laws of South Carolina, 1976, as amended, permitting the filing of a petition seeking a referendum to effect the repeal of the foregoing Ordinance will not be applicable unless as provided by paragraph 8 of Section 11-27-40, Code of Laws of South Carolina, 1976, as amended, notice of intention to seek such a referendum be filed by not less than five qualified electors with either the Office of the Clerk of Court of Florence County and with the City Clerk of the City of Florence within twenty days from the date of publication of this Notice.

By order of the City of Florence.

Mayor, City of Florence, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

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

That the foregoing is a true, correct and verbatim copy of an Ordinance unanimously adopted by the said City Council, having been read at two duly called and regularly held meetings at which a quorum attended and remained throughout on each of July 13 and August 10, 2020.

That the said Ordinance is now in full force and effect and has not been modified, amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my Hand this ____ day of August, 2020.

Municipal Clerk

CITY OF FLORENCE, SOUTH CAROLINA
General Obligation Bond, Series 2020
(Fire Stations)

FINANCING SCHEDULE

| Jun-20 | | | | | | | Jul-20 | | | | | | | Aug-20 | | | | | | | Sep-20 | | | | | | | |
|--------|----|----|----|----|----|----|--------|----|-------|-------|----|----|----|--------|----|----|----|----|----|----|--------|----|----|----|----|----|----|---|
| Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | Su | Mo | Tu | We | Th | Fr | Sa | |
| | 1 | 2 | 3 | 4 | 5 | 6 | | | | 1 | 2 | 3 | 4 | | | | | | | 1 | | | | 1 | 2 | 3 | 4 | 5 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | |
| 28 | 29 | 30 | 26 | 27 | 28 | 29 | 30 | 31 | 23/30 | 24/31 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | | | | | | | | | |

| DATE | TASK | RESPONSIBILITY |
|--------------|--|----------------|
| May 19 | Working Group Call to Review Plan of Finance | Working Group |
| May 28 | Follow Up on Plan of Finance – 3:00 PM | Working Group |
| June 19 | Circulate draft of GO Bond Ordinance | BC |
| | Circulate draft of bank RFP | FA |
| June 25 | Call to review ordinance/bank RFP -10:00 am | Working Group |
| July 13 | City Council Meeting – First Reading of Ordinance | City/BC |
| July 23 | Distribute Bank RFP | FA |
| July 24 | Publish Notice of Sale (<i>The State</i>) | BC |
| August 10 | City Council Meeting - Second Reading of Ordinance | City/BC |
| August 11 | Publish Notice of Adoption | City/BC |
| August 13 | Bank proposals due/select winning bank | Working Group |
| August 31 | Expiration of 20 day wait period following Publication of Notice of Adoption | |
| September 10 | Close GO Bond | Working Group |

City Council typically meets on the 2nd Monday of each month

RESPONSIBILITY LEGEND:

| Role | Entity | Defined |
|-------------------|----------------------------------|---------|
| Borrower | City of Florence, South Carolina | "City" |
| Bond Counsel | Haynsworth Sinkler Boyd | "BC" |
| Financial Advisor | First Tryon Advisors | "FTA" |
| Bank | TBD | "B" |
| Bank's Counsel | TBD | "BKC" |

FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2020
AGENDA ITEM: Emergency Ordinance – Final Reading
DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION

An Emergency Ordinance requiring individuals to wear face coverings in Establishments Open to the Public and Foodservice Establishments, and matters related thereto.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

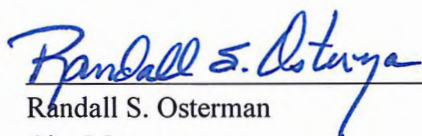
On July 2, 2020 a Proclamation was issued by the Mayor and the City Manager to require individuals to wear face coverings in Retail and Foodservice Establishments. The adoption of the Emergency Ordinance will ratify said Proclamation with the one clarification defining "Establishments Open to the Public" rather than "Retail".

III. POINTS TO CONSIDER

- A. South Carolina is experiencing a dramatic increase in the number of identified new COVID-19 cases.
- B. Health authorities have recommended the use of face coverings as a means of preventing the spread of COVID-19.
- C. The City of Florence has determined that it would serve the public interest to require that individuals wear face coverings in Establishments Open to the Public and Foodservice Establishments as defined by the proposed Ordinance.

IV. ATTACHMENTS

Emergency Ordinance


Randall S. Osterman
City Manager

EMERGENCY ORDINANCE NO. 2020-_____

AN EMERGENCY ORDINANCE RATIFYING THE PROCLAMATION ISSUED BY THE MAYOR AND THE CITY MANAGER ON REQUIRING INDIVIDUALS TO WEAR FACE COVERINGS IN ESTABLISHMENTS OPEN TO THE PUBLIC AND FOODSERVICE ESTABLISHMENTS, AND MATTERS RELATED THERETO.

WHEREAS, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act; and

WHEREAS, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020; and

WHEREAS, also on March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State; and

WHEREAS, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), 2020-40 (June 11), and 20-42 (June 26); and

WHEREAS, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of June 25, 2020, the South Carolina Department of Health and Environmental Control (“DHEC”) is reporting that there have been 27,842 confirmed COVID-19 cases and 683 confirmed COVID-19 deaths in the State; and

WHEREAS, if COVID-19 cases continue to increase in the State and in the City of Florence, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector work force may be negatively impacted by absenteeism; and the demand for medical facilities may exceed locally available resources; and

WHEREAS, health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

WHEREAS, the Mayor and the City Manager of the City of Florence issued a Proclamation on July 2, 2020 requiring the use of face coverings, having determined, based on the recommendations of public health experts and responsive to a serious threat to the public health, safety, and welfare of its citizens, that it would serve the public interest and be within the City of Florence’s police powers under Home Rule and S.C. Code § 5-7-60 to require that individuals wear face coverings in certain situations and locations, and waiting until the next available Council Meeting to act on this issue is not in the best interest of the City of Florence and its citizens; and

WHEREAS, the South Carolina Attorney General, on June 25, 2020, issued a public statement that enacting local mask requirements is within the police power of municipalities and is not preempted by State law; and

WHEREAS, the Proclamation was made subject to ratification by the City Council of the City of Florence at its next meeting on July 13, 2020; and

WHEREAS, it has been determined by the City Council that the adoption of this Emergency Ordinance is in the best interest of the City of Florence and its citizens in order to ratify the earlier Proclamation with one clarification incorporated below; and

WHEREAS, S.C. Code § 5-7-250(d) provides that “[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;” and

WHEREAS, this Ordinance has been approved by at least two-thirds of the Councilmembers present at the meeting in which it was considered;

NOW, THEREFORE, it is hereby ordained by the City Council of the City of Florence as follows:

Section 1. Use of Face Coverings. Effective immediately:

- (a) All persons entering any Establishment Open to the Public or Foodservice Establishment as defined below in the City of Florence must wear a face covering while inside the establishment. For purposes of this Ordinance, the term “Establishment Open to the Public” shall mean any organization, establishment, facility, or retail business open to the public within the City of Florence. “Foodservice Establishment” shall mean any establishment

within the City of Florence that sells prepared food on a dine-in, delivery, carry-out, or drive-through basis. The business shall not have responsibility for enforcing this requirement, but it shall post conspicuous signage at all entrances informing its patrons of the requirements of this section.

(b) All Establishments Open to the Public and Foodservice Establishments in the City shall require their staff and employees to wear a face covering at all times while having face to face interaction with the public and while working in areas open to the general public and areas in which interactions with other staff are likely in which social distancing of at least six feet cannot be observed.

(c) "Face Covering" as used herein means a uniform piece of cloth, fabric, or other material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided they are worn such that they securely cover the person's nose and mouth.

Section 2. Exemptions. Face Coverings shall not be required as follows:

(a) in outdoor or unenclosed areas appurtenant to Establishments Open to the Publics or Foodservice Establishments in which social distancing of at least six feet is possible and observed;

(b) for people whose religious beliefs prevent them from wearing a Face Covering;

(c) for those who cannot wear a Face Covering due to a medical or behavioral condition;

(d) for children under six (6) years old, provided that adults accompanying children age two (2) through five (5) shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Establishments Open to the Public or Foodservice Establishment;

(e) for patrons of Foodservice Establishments while they are dining;

(f) in private offices and workspaces in which social distancing of at least six feet is possible and observed;

(g) when complying with directions of law enforcement officers;

(h) in settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming; and/or

- (i) while exclusively with members of a family or the same household, and no person other than such family or household is within the same enclosed area.

Section 3. Civil Infraction.

(a) Any person violating the provisions of Section 1(a) of this Ordinance by failing to wear a Face Covering when required shall be guilty of a civil infraction, punishable by a penalty of \$25.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

(b) A person who fails to comply with Section 1(b) of this Ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this Ordinance prior to the issuance of any citation. For the purposes of Section 1(b) of this Ordinance, "person" shall be defined as any individual associated with the business who has the control or authority and ability to enforce the requirements of the Ordinance within the business, such as an owner, manager or supervisor. "Person" may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc. but has the authority and ability to ensure that the requirements of this Ordinance are met while the business is open to the public.

Section 4. Suspension of Contrary Local Provisions. During the term of this Ordinance, any ordinance, resolution, policy, or bylaw of the City of Florence that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

Section 5. Expiration of Ordinance. This Ordinance shall expire automatically at Midnight on September 11, 2020 unless its Term is extended by City Council by resolution for one or more additional terms, each such term for no more than sixty days, provided that the aggregate term of the Emergency Term, including all such extensions, does not exceed six months.

Section 6. Severability. Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 7. Ratification. This Emergency Ordinance serves as ratification of the Proclamation dated July 2, 2020.

Section 8. Effective Date and Time. This Emergency Ordinance shall take immediately upon its adoption by at least two-thirds of the Councilmembers present.

ADOPTED THIS ____ DAY OF JULY, 2020.

Approved as to form:

JAMES W. PETERSON, JR.
City Attorney

STEPHEN J. WUKELA
Mayor

Attest:

AMANDA P. POPE
Municipal Clerk

VIII. b.
Report to Council
2020 Census Update

FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2020

AGENDA ITEM: 2020 Census Update

DEPARTMENT/DIVISION: Department of Planning, Research & Development

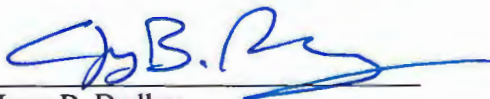
I. 2020 Census Update

- City Staff continues to participate in the Florence Complete Count Committee and to promote the completion of the Census throughout the City and County.
- The Census Bureau is operating on a 120 day delayed schedule due to the current pandemic with official final counts expected to be delivered to the President by April 30, 2021.
- The Census will begin home visits in select areas (not Florence) on July 16, 2020 to ensure all systems and procedures are ready to launch nationwide. Extensive home visits are planned to begin on August 11, 2020 and conclude by October 31, 2020. Census takers will follow public health guidelines during the visit.
- All individual information shared on the Census is kept confidential and you will never be asked for your Social Security Number or bank account information.
- As of July 6, Census 2020 response rates are:
 - Nationwide 61.9%
 - South Carolina 56.3%
 - Florence County 56.6%
 - City of Florence 58.9%
- Participation is critical to the annual distribution of \$800 billion to communities across the United States. The attached flyer and brochure provide further information regarding the benefits.
- Citizens can respond online at 2020census.gov, by phone at (844) 330-2020, or by mail until October 31st. The Census can be taken in 13 different languages online or over the phone.
- Please encourage your constituents to respond now instead of waiting for Census Takers to visit and to participate in the Census if they do receive a visit.

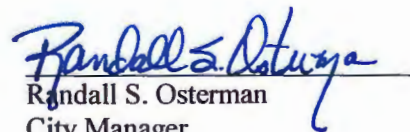
II. PERSONAL NOTES:

III. ATTACHMENTS:

- A. Countywide map of Census Tract response rates as of July 6, 2020
- B. Florence is Counting on YOU! brochure
- C. Census Impact flyer



Jerry B. Dudley
Planning Director

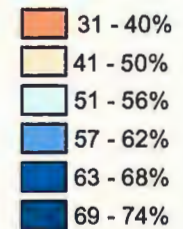


Randall S. Osterman
City Manager



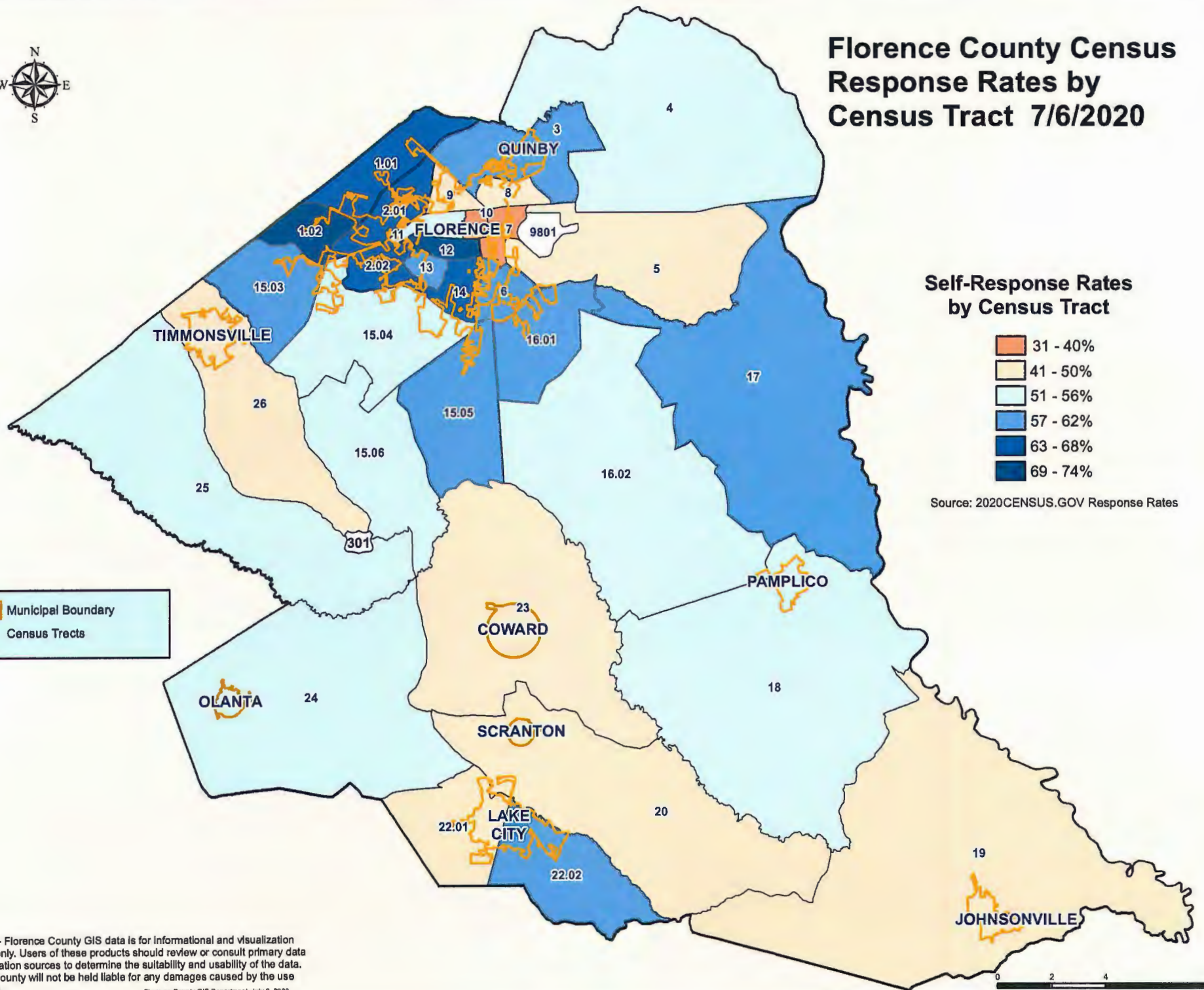
Florence County Census Response Rates by Census Tract 7/6/2020

Self-Response Rates by Census Tract



Source: 2020CENSUS.GOV Response Rates

Municipal Boundary
 Census Tracts



Disclaimer- Florence County GIS data is for informational and visualization purposes only. Users of these products should review or consult primary data and information sources to determine the suitability and usability of the data. Florence County will not be held liable for any damages caused by the use of this data.
Florence County GIS Department, July 8, 2020





The U.S. Census Bureau is committed to making the 2020 Census quick, easy and safe for all participants. Here are some tips to help you stay safe.

1. **Ensure the Web address provided in the letter is a "census.gov" domain.**
2. **Correspondence will contain reporting instructions and a toll-free number for survey assistance.**
3. **On the log-in screen, a warning message should be present stating the respondent in accessing a U.S. Government computer.**

If you still have questions about their identity, you can call **1-800-923-8282** to speak with a local Census Bureau representative.



English and Spanish Language Hours of Operation: Customer Service Representatives are available every day from 7am to 2am Eastern Time on the following phone lines:

Non-English and Non-Spanish Language Hours of Operation: Customer Service Representatives are available Monday through Friday from 8am to 10 pm Eastern Time on the following phone lines:

- English: 844-330-2020
 - Spanish: 844-468-2020
 - Chinese (Mandarin): 844-391-2020
 - Chinese (Cantonese): 844-398-2020
 - Vietnamese: 844-461-2020
 - Korean: 844-392-2020
 - Russian: 844-417-2020
 - Arabic: 844-416-2020
 - Tagalog: 844-478-2020
 - Polish: 844-479-2020
 - French: 844-494-2020
 - Haitian Creole: 844-477-2020
 - Portuguese: 844-474-2020
 - Japanese: 844-460-2020
- English (for Puerto Rico residents): 844-418-2020
 - Spanish (for Puerto Rico residents): 844-426-2020
 - For information on services for people who are deaf or hard of hearing: Call the TDD number at 844-467-2020.

2020 CENSUS



Florence - Counting on YOU!

ALL YOU
NEED TO
KNOW

United States
Census
Bureau



WHAT IS THE 2020 CENSUS?

The 2020 Census is a survey conducted by the Census Bureau that is a procedure of acquiring and recording information about the members of a given population.

Who is the Census Bureau?

The United States Census Bureau is an agency of the U.S. Federal Statistical System, responsible for producing data about the American people and economy. The 2020 Census counts every person living in the United States and the five U.S. territories.

WHY SHOULD I CARE

The 2020 Census can help receive billions of dollars in federal funding that goes to hospitals, fire departments, schools, roads and other resources, as well redistricting and determining the number of seats each state will have in the U.S. House of Representatives; however, what does that have to do with you and why should you care?

Well, the data collected from the 2020 Census will be viewed by businesses, companies and retailers. This is when numbers count the most! Businesses will not invest their future development into low count cities because of the risk of little to no revenue. Businesses invest into cities that have a higher count as well as signs of growth and forward development. Maintaining city trends and ideas from like-minded communities are very important when it comes to retaining interest for future retailers.

When businesses come and invest in cities, this means more jobs, entertainment, restaurants and more. Having an accurate count of your city also helps with maintaining the job you currently have. Jobs are competitive, and if cities in the surrounding areas receive more business and more development, companies in your city may suffer because of relocation of your current population.

You Count!



Keep My Info Confidential... YEAH RIGHT!

All Census Bureau employees swear a lifetime oath to protect respondent data. It is a felony for any Census Bureau employee to disclose any confidential census information during or after employment, and the penalty for wrongful disclosure is up to 5 years imprisonment and/or a fine of \$250,000.

Individual records from the decennial census are, by law (Title 44, U.S. Code) confidential for 72 years. All responses to Census Bureau Survey are confidential and protected under (Title 13 of U.S. Code). We will never share a respondent's personal information with immigration enforcement agencies, like ICE; law enforcement agencies, like the FBI or police; or allow it to be used to determine eligibility for government benefits.

The results from any census or survey are reported in statistical format only.



QUESTIONS ASKED

- Number of people at address
- Any additional people living or staying there
- Owner/Renter
- Phone Number
- Name
- Sex
- Age and date of birth
- Hispanic, Latino, or Spanish origin
- Race
- Whether a person lives or stays somewhere else
- Relationship



QUESTIONS NOT ASKED

- Your Social Security number
- Money or donations
- Anything on behalf of a political party
- Your bank or credit card account numbers

The 2020 Census decides how **over \$800 billion is distributed** annually to communities across the country, including towns like yours, based on how many people live there. This money is used to pay for important things that make life better for you, your family, and your kids for years to come.



CHILD CARE PROGRAMS & DEVELOPMENT FUNDING

EMERGENCY SERVICES & DISASTER RELIEF FUNDING



COMMUNITY & SCHOOL FOOD PROGRAMS



CONGRESSIONAL REPRESENTATION

HEALTH CARE PROGRAMS & HOSPITALS

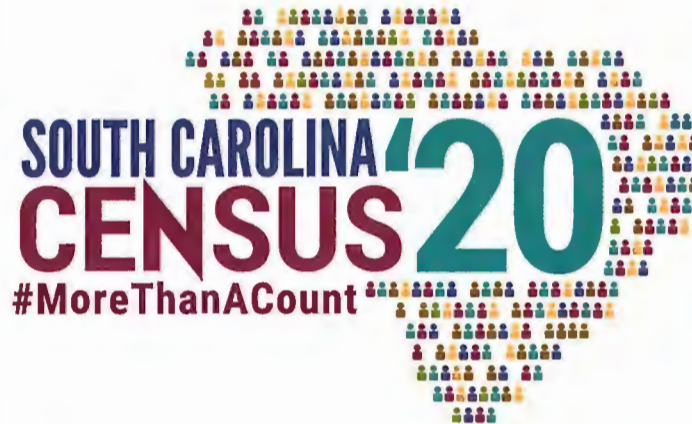


COMMUNITY FACILITIES & SERVICES

BUSINESS SITE SELECTIONS



HOUSING PROGRAMS



FUNDING FOR SCHOOLS



TOURISM & STATE PARKS

SPECIAL EDUCATION & PELL GRANTS



ROADS & INFRASTRUCTURE FUNDING

AFTERSCHOOL PROGRAMS



PUBLIC TRANSPORTATION

SBA PROGRAMS & FUNDING



ADOPTION & FOSTER CARE



Each person counted equals about \$2,900 per year for their community. If just 100 people in your area don't participate, your schools, roads, hospitals and other critical community services lose **\$3 million over the next 10 years**. YOU must be counted to help make your town better. **COMPLETE YOUR CENSUS TODAY AT:**

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