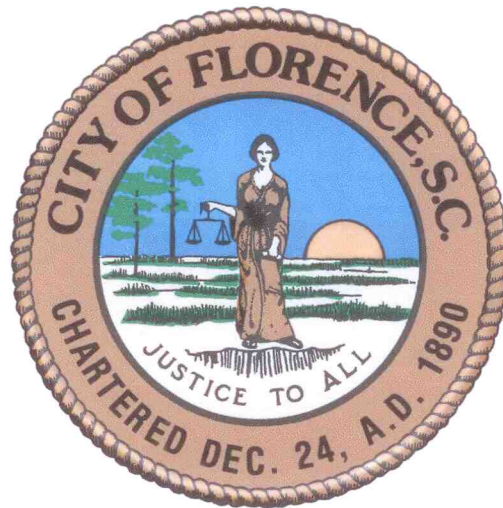


REGULAR MEETING  
OF  
FLORENCE CITY COUNCIL



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

MONDAY  
DECEMBER 10, 2012  
1:00 P.M.

**REGULAR MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, DECEMBER 10, 2012 - 1:00 P.M.**

**CITY-COUNTY COMPLEX, COUNCIL CHAMBERS, ROOM 604**

**FLORENCE, SOUTH CAROLINA**

**AGENDA**

**I. CALL TO ORDER**

**II. INVOCATION**

*Pledge of Allegiance*

**III. APPROVAL OF MINUTES**

*November 12, 2012 – Regular Meeting*

*November 26, 2012 – Special Meeting*

**IV. HONORS AND RECOGNITIONS**

*Citizen of the Month* – (Mayor Wukela)

*Retirement Recognitions*

*Vicki M. Suggs – 30 years of service – Florence Fire Department*

*February 1, 1982 – October 17, 2012*

**V. PUBLIC HEARING**

*A public hearing to receive input for a State Revolving Loan Fund (SRF) to fund Contract 3, which increases the capacity of the Florence Regional Wastewater Management Facility from 18 mgd per day to 22 mgd per day.*

**VI. APPEARANCE BEFORE COUNCIL**

*a. Mr. Andrew Kampiziones – to make a presentation to Mayor Wukela*

**VII. ELECTION OF MAYOR PRO TEM**

## **VIII. ORDINANCES IN POSITION**

- a. **Bill No. 2012-24 – Second Reading**  
*An Ordinance to amend the Zoning Ordinance for the City of Florence by amending Section 2.3, Table 1 and Section 2.4, Table 2 and by adding a new Section 3.24 in order to establish new Design Standards for Duplexes, Triplexes, Quadraplexes and Townhouses built within the City limits.*
- b. **Bill No. 2012-33 – Second Reading**  
*An Ordinance to amending the City of Florence, SC Business License Ordinance provisions for insurance companies.*
- c. **Bill No. 2012-34 – Second Reading**  
*An Ordinance to rezone 0.35 acres, identified by Florence County Tax Map 90103-01-001, from R-4 Multi-Family, Limited District to B -3 General Commercial District.*

## **IX. INTRODUCTION OF ORDINANCES**

- a. **Bill No. 2012-37 – First Reading**  
*An Ordinance to annex and zone property owned by Cynthia and Russell Gordon, 2509 Kingston Drive.*
- b. **Bill No. 2012-38 – First Reading**  
*An Ordinance to annex and zone property owned by Gilbert and Carolina Morehead, 1622 Southwood Court.*
- c. **Bill No. 2012-39 – First Reading**  
*An Ordinance to amend the budget for the City of Florence, SC, for the fiscal year beginning July 1, 2012, and ending June 30, 2013.*
- d. **Bill No. 2012-40 – First Reading**  
*An Ordinance to amend the budget for the City of Florence, SC, for the fiscal year beginning July 1, 2012, and ending June 30, 2013.*

## **X. REPORTS TO COUNCIL**

- a. *Presentation of the City of Florence, SC Comprehensive Annual Financial Report and audited financial statements by the independent certified public accounting firm of Webster Rogers LLP.*
- b. *Mr. Scotty Davis – Will present a report on the impediments to fair housing.*

- c. *Councilman Robinson will request that the City co-sponsor, along with Francis Marion University, the Martin Luther King, Jr. Walk and Rally.*
- d. *Councilman Robinson would like to have a discussion regarding the make-up of the Downtown Development Board.*

**XI. EXECUTIVE SESSION**

- a. *Legal Advice*

**XII. ADJOURN**

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
MONDAY, NOVEMBER 12, 2012 - 1:00 P.M.  
CITY COUNTY COMPLEX, COUNCIL CHAMBERS, ROOM 605  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Wukela called the regular meeting to order at 1:00 p.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman Steve Powers; Councilman Ed Robinson; Councilwoman Octavia Williams-Blake; and Councilman Glynn F. Willis.

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

**MEDIA PRESENT:** Notices of this regular meeting of the Florence City Council were sent to the media informing them of the date, time and location of the meeting. Mr. John Sweeney of the Morning News and Ms. Tonya Brown of WPDE TV-15 were present for the meeting.

**INVOCATION**

Councilwoman Teresa Myers Ervin gave the invocation for the meeting, which was followed by the pledge of allegiance to the American Flag.

**APPROVAL OF MINUTES**

Mayor Pro tem Brand made a motion to adopt the September 26, 2012 Special Meeting minutes and October 8, 2012 Regular Meeting minutes. Councilman Willis seconded the motion, which carried unanimously.

**HONORS AND RECOGNITIONS**

**Citizen of the Month**

Councilman Willis recognized Mrs. Marilyn Belk as the Citizen of the Month for November, 2012.

**Service Recognitions**

Mayor Wukela presented Chris Eason with a certificate of recognition for completing 25 years of service with the City of Florence.

Timothy Young received a certificate from Mayor Wukela in recognition of completing 25 years of service with the City of Florence.

Joseph Todd was presented a certificate by Mayor Wukela in recognition of completing 15 years with the City of Florence Fire Department.

Mayor Wukela presented Thomas Chandler with a certificate of recognition for completing 15 years of service with the City of Florence Finance Department.

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
NOVEMBER 12, 2012 –PAGE 2**

Everett McMillian received a certificate in recognition of completing 15 years with the Equipment Maintenance Department.

Mayor Wukela presented Bryan Molina a certificate of recognition for completing 10 years with the Florence Fire Department.

Brenda Echandy received a certificate of recognition for completing 10 years of service with the City of Florence Surface Water Department.

**APPEARANCE BEFORE COUNCIL**

**Mr. Andrew Kampiziones – to make a presentation to Mayor Wukela.**

Mr. Kampiziones was not present for the meeting.

**Mrs. Jennifer Lee – to make a report on issues regarding the Henry Timrod Schoolhouse.**

Mrs. Lee reported on the possible move of the Henry Timrod Schoolhouse from Timrod Park to the site of the new Florence County Museum. Mrs. Lee and the Timrod Park Neighborhood Association are against the move of the schoolhouse and requested that the City support them in setting an example for sustainability, preservation, creativity and restore the Henry Timrod Schoolhouse at its present location.

Mayor Wukela stated this matter is before the Historical Commission and the Design Review Board.

**Mr. Tom Ewart and Mr. Ray Reich – A report from the Downtown Development Corporation on developments taking place in downtown Florence.**

Mr. Ray Reich and Mr. Tom Ewart gave an update of what is happening in downtown. Mr. Reich stated that a revitalized downtown Florence will be a place to live, work, learn and play. In the near future there may be some loft apartments above existing buildings in downtown. There is an initiative from Francis Marion University to bring some of its health sciences program into the downtown and will be a stimulus for housing for those students. Downtown will be a place to work. A study has been conducted of how many people work within a 1 mile and a 2 mile radius of the center of downtown Florence. Within a 1 mile radius from the corner of Evans Street and Irby Street there are 13,700 people that work in the downtown area every day. Within a 2 mile radius there are 26,000 people in the area. Those are people who will eat and shop in the downtown area and will come back in the evening because they are familiar with the area. There are already centers of learning in downtown, i.e., the Florence Darlington Tech Health Science Program has 900 students a day coming to downtown. Also there are music and drama classes being held in the Francis Marion Performing Arts Center. Florence After Five and the Pecan Festival are ongoing events and more will be coming.

In implementing the Downtown Master Plan a revitalized Downtown Florence will be:

- \*A place that is a “don’t miss” destination
- \*A place that creates a “sense of place”
- \*A place that will help lure the industries of the new economy
  - \*Healthcare workers
  - \*Industry

- \*A place that will help us retain our Best and Brightest – our children & grandchildren

Mr. Reich reviewed the Master Plan Projects that have been completed for the period of July 2011 through June 2012.

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
NOVEMBER 12, 2012 –PAGE 3**

Mr. Reich stated that after the Historic District is revitalized then work will begin on another District.

Projects underway in the downtown are: Hotel Florence; Victors Restaurant; Water Building; Museum; Façade Improvements; Dargan Street Dining Courtyard; Dargan Walkway/Arts Walk; Business Incubator; and Business Recruitment.

Mr. Tom Ewart, Chairman of Florence Downtown Development Corporation (FDDC) gave an update on what the corporation is doing. Mr. Ewart reviewed the different committees of the FDDC and what projects they are working on.

Mayor Pro tem Brand and Councilman Willis commended Mr. Ewart and the board for what they are doing in downtown.

Councilman Robinson expressed his concerns with the direction that the revitalization is going in downtown. Councilman Robinson feels that a lot of the black businesses in the downtown area are being displaced and left out of the revitalization efforts.

Councilwoman Ervin had some concerns about the proposed building for location of the Business Incubator and the redevelopment of North Dargan.

Councilman Robinson feels that the board of the FDDC needs to be more diverse and that the merchants in the downtown are not being represented by the board.

**ORDINANCES IN POSITION**

**BILL NO. 2012-24 – SECOND READING**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF FLORENCE BY AMENDING SECTION 2.3, TABLE 1 AND SECTION 2.4, TABLE 2 AND BY ADDING A NEW SECTION 3.24 IN ORDER TO ESTABLISH NEW DESIGN STANDARDS FOR DUPLEXES, TRIPLEXES, QUADRAPLXES AND TOWNHOUSES BUILT WITHIN THE CITY LIMITS.**

An Ordinance to amend the Zoning Ordinance for the City of Florence by amending Section 2.3, Table 1 and Section 2.4, Table 2 and by adding a new Section 3.24 in order to establish new Design Standards for Duplexes, Triplexes, Quadraplexes and Townhouses built within the city limits was deferred on second reading.

Councilman Willis made a motion to defer Bill No. 2012-24. Mayor Pro tem Brand seconded the motion, which carried unanimously.

**BILL NO. 2012-30 – SECOND READING**

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY EARTHE RAY, 209 WILSON ROAD.**

An Ordinance to annex and zone property owned by Earthe Ray, 209 Wilson Road was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2012-30 on second reading. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

**BILL NO. 2012-31 – SECOND READING**  
**AN ORDINANCE TO AMEND ARTICLE X, DEFINITIONS IN THE ZONING ORDINANCE TO ADD INSTITUTIONAL USES.**

An Ordinance to amend Article X, Definitions in the Zoning Ordinance to add Institutional Uses was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2012-31. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

**INTRODUCTION OF ORDINANCES**

**BILL NO. 2012-33 – FIRST READING**  
**AN ORDINANCE AMENDING THE CITY OF FLORENCE, SC BUSINESS LICENSE ORDINANCE PROVISIONS FOR INSURANCE COMPANIES.**

An Ordinance amending the City of Florence, SC Business License Ordinance provisions for insurance companies was passed on first reading.

Mr. Thomas Chandler, Director of Finance reported to Council that in July of 1993 Florence City Council adopted an Ordinance and an accompanying agreement to provide that the Municipal Association of South Carolina would collect business license taxes for insurance companies and for broker's premium taxes. This Ordinance was adopted by the City of Florence as well as most, if not all, cities in the state. The reason the Municipal Association ventured into that area was a request by most of the municipalities for some assistance in collecting what was a very difficult license to collect. The increase resulting from the participation was significant. The cities were collecting just a fraction of what the centralized focus of the municipal association could collect with the expertise and the staff dedicated just to that. Since that time, over the years and due to changes in law, several amending ordinances have been adopted by City Council; one later in 1993, in 1995 and in 2004. Today we are requesting the approval of an ordinance amending the business license collection for insurance and the agreement with the Municipal Association. This need for the amendment is the result of a recent federal law, the Dodd Frank Act, which addressed only a small portion of the insurance industry, the broker's premium, the non-admitted insurance which is just a fraction of the collection that the City receives. The state changed their law to comply with the federal law which means we ultimately have to change our ordinance to comply with that. Essentially the Municipal Association will no longer be collecting that small portion, the broker's premium. The Municipal Association will be acting as the agent to work with the state department of insurance and collect those funds and remit to the municipalities. This ordinance does not change the city's current business license rate for insurance companies and the same rate that was in place in 1993 remains. This is largely an administrative change to the ordinance.

Mayor Pro tem Brand made a motion to pass Bill No. 2012-33 on first reading. Councilman Willis seconded the motion, which carried unanimously.

**BILL NO. 2012-34 – FIRST READING**  
**AN ORDINANCE TO REZONE 0.35 ACRES, IDENTIFIED BY FLORENCE COUNTY TAX MAP 90103-01-011, FROM R-4 MULTI-FAMILY, LIMITED DISTRICT TO B-3 GENERAL COMMERCIAL DISTRICT.**

An Ordinance to rezone 0.35 acres, identified by Florence County Tax Map 90103-01-011, from R-5 Multi-Family, Limited District to B-3 General Commercial District was passed on first reading.



**REGULAR MEETING OF FLORENCE CITY COUNCIL  
NOVEMBER 12, 2012 –PAGE 5**

Mr. Phillip Lookadoo, Director of Urban Planning, Research and Development report to Council that the property is designated on the Future Land Use Map at the intersection of East Palmetto and Church Streets, and is currently designated as R-4 Multi-Family Limited. The Future Land Use Map calls for that to be the downtown designation and calls for that to be a redevelopment or a re-use of residential, commercial and mixed use buildings in the downtown. The current zoning does not allow for that type of use, the B-3 General Business which is requested does allow for higher intensity uses and includes both residential and commercial. The land is currently vacant. In 2006 the Design Review Board did issue a Certificate of Appropriateness to demolish three residential structures that were on the property. The parcel is currently in the D-1 Downtown Redevelopment District and anything that is constructed there will be subject to review by the Design Review Board. The Planning Commission held a public hearing at their October 9, 2012 meeting and the five members present voted unanimously to recommend approval of this request.

Councilman Willis made a motion to pass Bill No. 2012-34 on first reading. Councilwoman Ervin seconded the motion, which carried unanimously.

**EXECUTIVE SESSION**

Mayor Pro tem Brand made a motion to enter into Executive Session for the purpose of discussing contractual and legal issues regarding Bill No. 2012-35. Councilman Willis seconded the motion, which carried unanimously.

Council entered into Executive Session at 2:25 p.m.

Councilman Willis left the meeting at 3:40 p.m.

Councilman Powers left the meeting at 3:47 p.m.

Mayor Wukela reconvened the regular meeting at 3:50 p.m.

Mayor Wukela stated that several legal and contractual matters were discussed in Executive Session.

**BILL NO. 2012-35 – FIRST READING**

**AN ORDINANCE AUTHORIZING THE TRANSFER OF PROPERTY INTERESTS IN THE CITY COUNTY COMPLEX TO FLORENCE COUNTY AND TO ACQUIRE PROPERTY LOCATED AT 324 W. EVANS STREET DESIGNATED AS TAX PARCEL 90074-05-001.**

An Ordinance authorizing the transfer of property interests in the City County Complex to Florence County and to acquire property located at 324 W. Evans Street designated as Tax Parcel 90074-05-001 was passed on first reading.

Mayor Wukela stated that over the last 40 years or so the City has grown dramatically. The current facility, the City County Complex, has become inadequate for the City's needs. City offices are spread over five floors and it has become an increasingly inefficient way to operate. In fact, the City has had to acquire interest in facilities outside of the Complex for Planning, Utility Finance, and the Downtown Manager's office. The City spends on an annual basis approximately \$435,000 for about 52,000 square feet. 40,000 square feet is located in the Complex and another 12,000 square feet is located outside of the Complex. For many years, prior Councils have looked at the prospect of relocating City Hall, as it were, to some other facility. However, it never seemed to work right. The costs were such or the burdens were such that it was impossible to do it until perhaps now. Recently, events have occurred

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
NOVEMBER 12, 2012 –PAGE 6**

that seem to make it possible that the City might be able to move city hall into one building and consolidate operations. The first pre-requisite into this analysis was that the City maintains a presence in downtown. Other requirements were obviously space. City offices needed at least the current amount of space, which is approximately 52,000 sq. ft. and room to grow and expand somewhat beyond that. Also, parking was an essential need. One building was identified in the downtown area that meets those needs and that is the building commonly referred to as the City Center building or the former Fleet Funding Building. It is a four story building that has 70,000 plus square feet, a massive parking lot and is obviously located centrally in downtown. The next obstacle was whether the County, who co-occupies this building, would be willing to let the City offices leave. Currently the building is operated by a City County Building Commission and every year the City and the County is given a bill for its operation. The pro-rata share of the square footage occupied by the City, 28%, results in a bill of nearly \$400,000 every year. In order for the City to leave this facility, the County would have to agree and relieve the City of its portion of the cost of operation of the facility. It appears the County may be willing to do that. The next step to be evaluated in this process of due diligence was how much was it going to cost, whether the City was going to pay for it and how it was going to be paid for. The immediate benefit of leaving the Complex would be a revenue allocation of \$430,000 per year. Following negotiations with the owners of the City Center Building they offered to sell the property for \$5.3 million. It has been estimated by an architect that it will cost approximately \$1 million to upfit the building to make it usable for the City. The total cost of the building would be \$6.3 million and if the City were to finance it, it is estimated that it could be done for a price that is essentially a wash of what the City is currently paying. No additional tax dollars and no additional tax revenues would be necessary to finance the purchase. In discussions led by Mayor Pro tem Brand with the Bruce and Lee Foundation, they indicated they would be willing to effectively finance the purchase by purchasing it themselves, also granting the City \$1 million to do the upfit and then leasing it to the City at a rate of \$378,000 annually. This is obviously less than what the City is paying now and no later than at the end of 20 years the Bruce and Lee Foundation would grant the property to the City free and clear. This proposition would get the City significantly more space and at the end of 20 years and no later than at the end of 20 years that obligation to pay would end. Hopefully, if this works out, the City would be able to be in that building no later than July 1. It should also be noted that the City has done extensive due diligence on this issue and the consultant has evaluated all the properties in the downtown area to see if any other property was even comparable. None met the requirements. Also evaluated was what the City would have to pay to rent a comparable space and it would be about double what the City will be able buy and own no later than the end of 20 years. The benefits to the City are immediate and substantial: Consolidation of services, which implies a cost savings immediately; gain an identity that unifies us; cost savings; a much larger building - 70,000 square feet as compared to the approximately 50,000 square feet, for effectively the same money. The County also gets a benefit. They will occupy the space that the City will be vacating and they get to consolidate their operations as well in this facility. The people downtown will get a benefit as we leave the parking needs down here and move a little bit further down the street. So by diligent study, on behalf of staff through the help of Mayor Pro tem Brand and the friends at the Bruce Lee Foundation and the cooperation of the County, if they see fit to endorse this concept, City offices will be potentially moving from the City County Complex to the City Center Building, occupying that facility and doing it through a funding mechanism designed by the Bruce Lee Foundation for the City.

Mr. Jim Peterson, City Attorney explained that the first agreement is entitled "Agreement and Termination of Lease". This is the agreement between the City and the County that allows the City offices to move from this building. It basically envisions a couple of steps. The first step, as called for under the current lease that dates back to June 1970, envisions the City and the County notifying the Building Commission of the City's desire to have the property deeded to the City and the County. It then envisions the next step of the City conveying its interests in the property to the County, resulting in the

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
NOVEMBER 12, 2012 –PAGE 7**

County owing the Complex. It obviously then envisions relieving the City as of July 1, 2013 of any further lease responsibilities on this building and giving the county the exclusive rights to occupy this building. The second document, Exhibit B, is a Lease Agreement between the City and the entity known as Asset Holdings Trust LLC, which is the holding company formed by the Bruce and Lee Foundation by which the City would lease the City Center for an annual rent of \$378,000 for a period of up to 20 years. At the conclusion of which the property would be deeded free and clear of any liens or encumbrances to the City. Those are the two documents that have been added as Exhibits A and B and make up the last portion of the Ordinance. Within the Ordinance there are a number of whereas clauses that have been discussed between Staff and Council that basically create the findings of fact that recite the due diligence that has been done and the fact ultimately that if City Council approves this Ordinance, are making the determination that it is in the best interest of the City and the citizens of Florence to take this step to move out of the Complex and move into a separate City Hall Complex.

Mayor Pro tem Brand made a motion to pass Bill No. 2012-35 and to execute Exhibits A and B together with the County. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

(Councilman Powers and Councilman Willis were not present for the vote).

Mayor Wukela stated the next item discussed in Executive Session was in regards to the members of the Judicial Committee; Councilwoman Williams-Blake, Councilman Robinson and Mayor Pro tem Brand. This committee traveled to Charleston, SC to observe a Livability Court and to consider implementing a Livability Court in the City of Florence. This court deals with livability issues that include nuisance, underage drinking, animal control issues and other issues that the City encounters which don't seem to be handled very well in the traditional context of a city court.

Mayor Pro tem Brand made a motion to direct staff to move forward with implementing a Livability Court in the City of Florence under the design that has been established in Charleston, SC. Councilwoman Williams-Blake seconded the motion.

Councilman Robinson expressed his concerns with a Livability Court. Councilman Robinson stated that the Livability Court does have some great benefits however it could be detrimental to the lower income residents. Councilman Robinson's main concern is with code enforcement. Councilman Robinson stated he was in support of the concept but felt it needed further consideration.

Councilwoman Ervin stated she felt the Livability Court and the development of communities need to be developed together.

Council voted unanimously to direct staff to move forward with the implementation of a Livability Court.

**RESOLUTION NO. 2012-29**

**A RESOLUTION TO DECLARE NOVEMBER 12-18, 2012 AS EASTERN CAROLINA COMMUNITY FOUNDATION WEEK.**

A Resolution to declare November 12-18, 2012 as Eastern Carolina Community Foundation Week was adopted by Council.

Councilwoman Williams-Blake made a motion to adopt Resolution No. 2012-29. Mayor Pro tem Brand seconded the motion, which carried unanimously.

**RESOLUTION NO. 2012-30**

**A RESOLUTION TO PROCLAIM NOVEMBER 10-18, 2012 AS NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK.**

A Resolution to proclaim November 10-18, 2012 as National Hunger and Homelessness Awareness Week was adopted by Council.

Councilwoman Ervin made a motion to adopt Resolution No. 2012-30. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

**RESOLUTION NO. 2012-31**

**A RESOLUTION TO DESIGNATE NOVEMBER 2012 AS EPILEPSY AWARENESS MONTH.**

A Resolution to designate November 2012 as Epilepsy Awareness Month was adopted by Council.

Councilwoman Ervin made a motion to adopt Resolution No. 2012-31. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

**RESOLUTION NO. 2012-32**

**A RESOLUTION TO DESIGNATE THE MONTH OF NOVEMBER AS NATIONAL HOSPICE AND PALLIATIVE CARE MONTH.**

A Resolution to designate the month of November as National Hospice and Palliative Care Month was adopted by Council.

Councilwoman Ervin made a motion to adopt Resolution No. 2012-32. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Councilwoman Williams-Blake left the meeting at 4:13 p.m.

**REPORT TO COUNCIL**

**MR. SCOTTY DAVIS, DIRECTOR OF GENERAL SERVICES – TO MAKE A REPORT TO DECLARE APPROXIMATELY 18 ACRES OF REAL PROPERTY ADJACENT TO THE FLORENCE NATIONAL CEMETERY AS SURPLUS PROPERTY.**

Mr. Davis stated that a request has been received from the Veterans Administration seeking to purchase property owned by the City near the National Cemetery. In 2006-2007 the City purchased approximately 40 lots in this area. The lots were initially purchased for an affordable housing project. CDBG money was going to be used to provide infrastructure improvements in that area. In 2008 the market declined and the property has been sitting idle since then. Mr. Davis stated that the City has been in constant contact with the National Cemetery and they are in dire need of land to expand the cemetery. The land was purchased for approximately \$300,000 with General Fund money and CDBG money.

The City Manager and staff would like to sell these properties to the Veterans Affairs office and use the proceeds in the neighborhoods, particularly as relates to the Neighborhood Plan.

Mayor Pro tem Brand made a motion to declare this property as surplus. Mayor Wukela seconded the motion.

Mr. Drew Griffin, City Manager recommended that the funds of approximately \$300,000 from the sale of these properties be combined with \$300,000 that has already been set aside and reinvest those funds in the neighborhoods that need the investment.

**SWEARING IN CEREMONY  
FLORENCE CITY COUNCIL  
ELEVENTH FLOOR COURTROOM  
CITY-COUNTY COMPLEX  
FLORENCE, SOUTH CAROLINA  
NOVEMBER 12, 2012 - 6:00 P.M.**

Stephen J. Wukela was sworn in as Mayor of the City of Florence at a ceremony that began at 6:00 p.m. on November 12, 2012 in the courtroom on the eleventh floor of the City County Complex. Judge Ralph King Anderson, Jr. administered the oath of office to Mayor Stephen J. Wukela. Assisting with the swearing in was Mrs. Laura Wukela, Stephen J., Thomas and William Wukela.

Octavia Williams-Blake was sworn in as an At-Large Councilwoman on November 12, 2012 in the eleventh floor courtroom of the City County Complex. Mr. Walter H. Barefoot administered the oath of office to Councilwoman Octavia Williams-Blake. Assisting with the swearing in was Mr. Charlie Blake and Hannah Blake.

Robby L. Hill was sworn in as an At-Large Councilman on November 12, 2012 in the eleventh floor courtroom of the City County Complex. The Honorable A. E. "Gene" Morehead, III administered the oath of office to Councilman Robby L. Hill. Assisting with the swearing in was Mr. and Mrs. Robert (Joyce) Hill.

Following the swearing in, a reception was held in the lobby of the City County Complex.

Dated this 10th day of December, 2012

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

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

**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
MONDAY, NOVEMBER 26, 2012 - 4:00 P.M.  
CITY COUNTY COMPLEX, CITY MANAGER'S CONFERENCE ROOM, #605  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Wukela called the special meeting to order at 4:04 p.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman Robby Hill; Councilwoman Octavia Williams-Blake; and Councilman Glynn F. Willis.

**MEMBERS ABSENT:** Councilman Ed Robinson was not present for the meeting.

**ALSO PRESENT:** Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney; and Thomas Chandler, Director of Finance.

**MEDIA PRESENT:** Notices of this special meeting of the Florence City Council were sent to the media informing them of the date, time and location of the meeting. Mr. John Sweeney of the Morning News was present for the meeting.

**INVOCATION**

Councilwoman Teresa Myers Ervin gave the invocation for the meeting, which was followed by the pledge of allegiance to the American Flag.

**ORDINANCES IN POSITION**

**BILL NO. 2012-35 – SECOND READING**  
**AN ORDINANCE AUTHORIZING THE TRANSFER OF PROPERTY INTERESTS IN THE**  
**CITY COUNTY COMPLEX TO FLORENCE COUNTY AND TO ACQUIRE PROPERTY**  
**LOCATED AT 324 W. EVANS STREET, DESIGNATED AS TAX PARCEL 90074-05-001.**

An Ordinance authorizing the transfer of property interests in the City County Complex to Florence County and to acquire property located at 324 W. Evans Street, designated as Tax Parcel 90074-05-001 was adopted on second reading.

**EXECUTIVE SESSION**

Mayor Wukela stated that Council would receive additional contractual and legal advice regarding Bill No. 2012-35 in Executive Session.

Councilman Willis made a motion for Council to enter into Executive Session. Mayor Pro tem Brand seconded the motion, which carried unanimously.

Council entered into Executive Session at 4:06 p.m.

Mayor Wukela reconvened the special meeting at 4:25 p.m.

Mayor Pro tem Brand made a motion to adopt Bill No. 2012-35 on second reading with the amendments to the new lease, attached as Exhibit B presented to Council today, being that 1) the lease shall begin on December 10<sup>th</sup>, 2012 rather than January 1, 2013; and 2) an additional amount of \$200,000 in the conditional grant that is intended as the carry over time during the preparation to actually occupy

**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
NOVEMBER 26, 2012 – PAGE 2**

the building. This amount would be folded back into the annual rental payment which will now be \$390,000. Councilman Willis seconded the motion, which carried unanimously.

**ADJOURN**

Councilman Willis made a motion to adjourn the meeting; there was no objection. The special meeting was adjourned at 4:28 p.m.

Dated this 10<sup>th</sup> day of December, 2012.

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

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

FLORENCE CITY COUNCIL MEETING

**DATE:** November 12, 2012

**AGENDA ITEM:** Second reading of an ordinance to amend the Zoning Ordinance for the City of Florence by amending Section 2.3, Table 1 and Section 2.4, Table 2, and by adding a new Section 3.24 in order to establish new design criteria for duplexes, triplexes, quadplexes, and townhouses built within the city limits of the city and, pursuant to the pending ordinance doctrine, to recognize a moratorium on the issuance of building permits in the City of Florence for duplexes, triplexes, quadplexes, and townhouses during the pendency of the process for adopting this ordinance in order to give the city time to properly refer this change to the planning commission and adopt new design criteria for these structures

**DEPARTMENT/DIVISION:** Department of Planning, Research and Development and City Attorney

**I. ISSUE UNDER CONSIDERATION**

This Ordinance seeks to establish design criteria for the construction of duplexes, triplexes, quadplexes, and townhouses within the City. The ordinance has been designed to proceed with the passage of design criteria that are currently part of the Uniform Development Ordinance (hereinafter referred to as the UDO) which has been the subject extended study through a citizens workshop approach through which City Staff has been meeting with citizens for many months to discuss in detail the concepts and wording of the UDO.

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

1. At the June 26, 2012 Special Council Meeting, City Council passed the above referenced ordinance on first reading. Upon passage the city ceased issuing zoning compliances and building permits pending second and final adoption of the ordinance within the City pursuant to the Pending Ordinance Doctrine.

2. Planning Commission held six work sessions, July 10, 17 and 30, 2012; August 14 and 20, 2012 and October 3, 2012 concerning the proposed ordinance.

3. A public hearing was held on September 11, 2012 to take public comment. Members of the public were present both in support of and opposed to the ordinance as presented.

4. Planning Commission, at their regular meeting held on October 9, 2012, voted to recommend the attached amendments to the current zoning ordinance.



**III. POINTS TO CONSIDER**

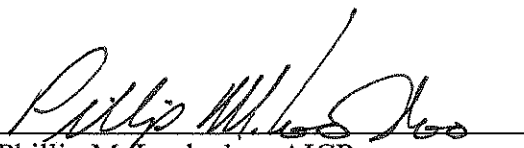
1. Planning Commission discussed the pending ordinance on six occasions outside of the required public hearing. Public comment was taken at these meetings as well as at the public hearing.
2. Planning Commission recommended substantive changes to the original ordinance adopted on first reading in the following areas:
  - a. Gives applicant ability to have project approved by staff or Planning Commission.
  - b. Parking will be allowed in all areas of the driveway, excluding right-of-way.
  - c. Primary entrance must have a must be covered by a front porch, however, the department director must approve the architectural design which must be in conformance with the surrounding area.
  - d. Minimum floor elevation reduced to eight inches (8") as opposed to eighteen inches (18").
  - e. Materials added to front façade approved list including pressure treated woods and vinyl.
  - f. Exception provided for triplexes, quadraplexes and town houses located on lots in excess of two acres.
  - g. Roofing materials to be compatible with surrounding area and allows three tab shingles.

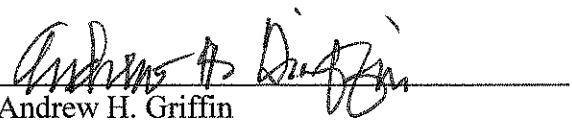
**IV. OPTIONS**

1. Adopt the Ordinance as presented on presented on first reading.
2. Adopt the Ordinance as recommended by Planning Commission.
3. Amend the Ordinance to accomplish the same goals and refer to Planning Commission for review.
4. Defeat the Ordinance.

**IV. ATTACHMENTS**

Proposed Ordinance 2012-\_\_\_\_  
Proposed Ordinance 2012-\_\_\_\_ as recommended by Planning Commission

  
Phillip M. Lookadoo, AICP  
Director of Planning Research and Development

  
Andrew H. Griffin  
City Manager

ORDINANCE NO. 2012-\_\_\_\_\_

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF FLORENCE BY AMENDING SECTION 2.3, TABLE 1 AND SECTION 2.4, TABLE 2, AND BY ADDING A NEW SECTION 3.24 IN ORDER TO ESTABLISH NEW DESIGN STANDARDS FOR DUPLEXES, TRIPLEXES, QUADRAPLEXES, AND TOWNHOUSES BUILT WITHIN THE CITY LIMITS OF THE CITY AND, PURSUANT TO THE PENDING ORDINANCE DOCTRINE, TO RECOGNIZE A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS IN THE CITY OF FLORENCE FOR DUPLEXES, TRIPLEXES, QUADRAPLEXES, AND TOWNHOUSES DURING THE PENDENCY OF THE PROCESS FOR ADOPTING THIS ORDINANCE IN ORDER TO GIVE THE CITY TIME TO PROPERLY REFER THIS CHANGE TO THE PLANNING COMMISSION AND ADOPT NEW DESIGN STANDARDS FOR THESE STRUCTURES.**

Incident to consideration and adoption of this Ordinance, City Council ("Council") makes the following findings of fact:

a. Over the last several years there have been numerous issues in the City of Florence that have arisen regarding the development and building of duplexes, triplexes, quadraplexes and townhouses which have presented difficult issues because of a lack of regulations addressing design criteria for such developments.

b. The City of Florence is currently working on a comprehensive revision to its Zoning Ordinance and Development Codes to bring these documents into full consistency with the Comprehensive Plan recently adopted, said revision to be embodied in a new Uniform Development Ordinance, hereinafter referred to as the UDO.

c. In order to fully involve the citizens in the development of the UDO, the City has undertaken an interested citizens workshop approach through which City Staff has been meeting with citizens for many months to discuss in detail the concepts and wording of the UDO.

d. It is anticipated that this process will result in the finalization of the UDO which will be presented to City Council through the Planning Commission by the end of 2012.

e. The UDO will contain design standards for duplexes, triplexes, quadraplexes and townhouses, and the citizens committee and staff has finished their detailed discussions regarding this portion of the UDO.

f. That in the current economic climate, we are seeing numerous projects involving the construction of duplexes, triplexes, quadplexes and townhouses, and it is in the best interest

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of the citizens of Florence that these design standards be enacted as soon as possible instead of waiting until the end of the year and the completion of the study and passage of the entire UDO.

g. That the introduction of this Ordinance, it's passage on first reading, and its referral to the Planning Commission is done with the full intention that it shall be treated as a pending ordinance for the purposes of the Pending Ordinance Doctrine, and, as a result, Council hereby establishes a moratorium upon the issuance of any zoning compliance or building permit for any construction project involving the construction of one or more duplexes, triplexes, quadraplexes and townhouses in the City of Florence, SC during the pendency of this Ordinance.

h. That, pursuant to the requirements of §6-1-110 of the South Carolina Code of Laws, as amended, notice of the intention of the City to adopt this ordinance and thereby impose a moratorium on construction projects involving the construction of duplexes, triplexes, quadraplexes and townhouses has been duly published in the Morning News once per week for two weeks.

**NOW, THEREFORE, BASED UPON THE FINDINGS OF FACT SET OUT ABOVE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AND BY THE AUTHORITY THEREOF AS FOLLOWS:**

A. That Section 2.3, Table 1 of the Zoning Ordinance is hereby amended to conditionally permit the following uses; duplex in the R-4 and R-5 zoning districts, tri-plex in the R-5 zoning district, quadraplex in the R-5 zoning district, and townhouse in the R-3, R-4, and R-5 zoning districts.

B. That Section 2.4, Table 2 of the Zoning Ordinance is hereby amended to conditionally permit duplex in the RU-1 zoning district.

C. That the new section designated as Section 3.24 is hereby added to the Zoning Ordinance, and said section shall read verbatim as follows:

**Section 3.24: Design Standards for Duplex, Tri-plex, Quadraplex, and Townhouse.**

It is the intent of design standards to cause development to be compatible with the existing built environment. Good design ensures neighborhood compatibility by appropriate scale and massing adjacent to existing houses. The provisions of this section shall apply to all duplex, tri-plex, quadraplex, and townhouse developments throughout the City. These standards shall supersede existing regulations elsewhere in the Zoning Ordinance and Land Development and Subdivision Ordinance when in conflict with this section. In all cases, compatibility with the neighborhood shall govern. The provisions of this section shall apply to all new duplex, tri-plex, quadraplex, and townhouse construction and; additions or alterations to an existing duplex, tri-plex, quadraplex, or

townhouse, totaling 25 percent or more of the gross floor area of the existing building. Interior-only improvements may be excluded. Only the portions of the building or site being altered or added to shall be required to integrate design standards into the design of the alteration or addition. The provisions of this section shall apply to all use conversions to duplex, tri-plex, quadraplex, and townhouse where conditionally permitted.

In order to provide flexibility and creativity of project designs and to promote development that is more compatible with the existing built environment, departures from these standards may be permitted subject to the approval of the Director of Planning, Research, and Development. In making this determination the director shall find that the departure creates a project design that meets or exceeds the overall purpose and intent of the design standards and replicates the design features existing within the surrounding area<sup>1</sup>. The Director may require such plans as necessary to render such a decision. The applicant may request to have their request for departure from these standards reviewed by the Planning Commission. In such cases, the Director shall determine whether the application is sufficient and therefore complete. In the event the Director makes the determination that the application is incomplete; the applicant may request that the Chairman of the Planning Commission review the application for sufficiency and completeness. In those cases, the decision of the Planning Commission Chairman shall govern. In all cases the Director may, at his discretion, refer the request from departure from these standards to the Planning Commission for review and approval.

The following design standards are intended to implement the City's vision for housing as set forth in the Comprehensive Plan.

### **Section 3.24-1: Duplex**

A duplex is a structure that contains two dwelling units constructed on a single lot.

#### **1. Site Standards**

- a. Duplexes that have vehicular access from the street may provide a separate hard surface driveway for each unit that shall be no more than 20 feet wide or provide a shared hard surface driveway for both units no greater than 27 feet wide.
- b. Parking shall only be allowed in developed designated areas which may be inclusive of the driveways.

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<sup>1</sup> The term surrounding area as used throughout Section 3.24 is defined as the area within the shorter distance of the same block or five hundred (500) feet in each direction, as measured from the corners of the front property line and including properties that are whole or in part within the aforementioned distance.

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c. Landscaping shall be provided in a manner that protects the single family character of the surrounding area as defined in footnote one.

d. The schedule of lot requirements follows the City of Florence Zoning Ordinance Section 2.5 Table III with the exception that the rear setback for a standard duplex shall be 15 feet.

### 2. Building Development Standards

a. Front facing garage doors shall not be greater than sixteen (16) feet wide and be separated by at least eighteen (18) inches. Garages accessed from an alley or if oriented perpendicular to the street are exempt from width and dimension requirements.

b. Primary entrance(s) into the building shall be oriented to face a street. Duplexes may share a primary building entrance with interior access to each unit.

c. Primary building entrances shall be separated by at least three feet.

d. Primary entrance(s) shall be sheltered by a covered front porch.

e. The roof of the covered porch shall be attached to and compatible with the architecture of the building.

f. Each entry door shall be lit by an external light fixture fixed to the building.

g. The architecture of the buildings shall include features that are repetitive or similar to architectural features of the existing buildings of the surrounding area as defined in footnote one.

h. Building facades, defined as the street front face of the building, shall be articulated for visual interest. The following are examples of features that may be used to accomplish this standard:

- (1) Building offsets.
- (2) Interesting fenestration and roof lines
- (3) Front porches to encourage eyes on the street.

i. If more than fifty (50) percent of the existing principal structures in the surrounding area, as defined in footnote 1, have an elevated first floor, then the first floor of the duplex shall be elevated above the finished grade

across the front building line to an average of the principal structures as defined. Provided, however, in no event shall the first floor be elevated less than 8 inches. The foundation shall be skirted with a brick, stucco or split faced block curtain wall.

j. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of windows. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of windows.

k. The front façade shall incorporate wall finish materials that are compatible with the surrounding area as define in footnote one. It is recommended that one or more of the following wall finish materials: cementous siding (e.g. hardi-plank, permastone, etc.), brick, eternal woods (pressure treated), stucco, vinyl or other material as may become available<sup>2</sup>; be used. In all cases related to the façade, compatibility with the surrounding area, as defined in footnote 1, shall be maintained.

l. Roofing materials shall be architectural shingles, three tab flat shingles, concrete tile, slate, or building integrated photovoltaics. If the existing principal structures in the surrounding area, defined in footnote one, have alternate roofing materials then the alternate foofing materials may be used.

### 3. Sidewalks

a. Sidewalks, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall be provided along the front property line of each project building where at least forty (40) percent of the surrounding area as defined in footnote 1 has front sidewalks or either adjacent lot has a sidewalk.

b. A sidewalk, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

### **Section 3.24-2: Tri-plex and Quadraplex**

The principle design for tri-plex and quadraplex is single family detached. A tri-plex is a building that contains three separate dwelling units that share a primary front building entrance. A quadraplex is a building that contains four

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<sup>2</sup> Other material as may become available must be approved by the Planning Commission.

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separate dwelling units that share a primary front building entrance. Alternate entrances to each unit may be located on the side or rear of the building. These standards for triplexes and quadraplexes shall only apply for infill developments. For purposes of this section, infill development shall be defined as development on lots containing less than two (2) acres and not fronting a private street or existing parking lot. However, in cases where lots are in excess of (2) acres; the Director shall only approve development applications if in his determination, they maintain the character of the surrounding area as defined in footnote 1.

### 1. Site Standards

- a. The schedule of lot requirements follows the City of Florence Zoning Ordinance Section 2.5 Table III with the exception that the minimum lot area shall be 9,000 square feet with a minimum lot width of 90 feet.
- b. Parking shall only be allowed in developed designated areas which may be inclusive of the driveways.
- c. . A continuous landscape screen<sup>3</sup>, a minimum of three feet in height and a maximum of four (4) feet in height, shall be required along the perimeter of the parking area or area affected by parking in those areas that adjoin existing residential uses or a publicly maintained street.
- d. Parking areas adjacent to residential land use not already occupied by a garage are required to have a vegetative screen or brick wall at least 3 feet in height.

### 2. Building and Development Standards

- a. Front facing garage doors shall not be greater than 16 feet wide and be separated by at least eighteen (18) inches. Garages accessed from an alley or oriented perpendicular to the street are exempt from width and dimension requirements.
- b. Primary entrance into the building shall be oriented to face the street.
- c. A garage including the frame shall not be greater than 50 percent of the horizontal plane of the front façade.
- d. If more than fifty (50) percent of the existing principal structures in the surrounding area, as defined in footnote 1, have an elevated first floor,

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<sup>3</sup> The materials for the landscape screen shall be approved by the Director.

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then the first floor of the duplex shall be elevated above the finished grade across the front building line to an average of the principal structures as defined. Provided, however, in no event shall the first floor be elevated less than eight (8) inches. The foundation shall be skirted with a brick, stucco or split faced block curtain wall

e. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of windows. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of windows.

f. The front façade shall incorporate wall finish materials that are compatible with the surrounding area as defined in footnote one. It is recommended that one or more of the following wall finish materials: cementous siding (e.g. hardi-plank or permastone), brick, eternal woods (pressure treated), stucco, vinyl or other material as may become available, if approved by the Planning Commission (see foot note two) be used. In all cases related to the façade, compatibility with the surrounding area as defined in footnote one shall be maintained.

g. Roofing materials shall be architectural shingles, three tab flat shingles, concrete tile, slate, or building integrated photovoltaics. If the existing principal structures in the neighborhood as defined in footnote one have alternate roofing materials, then the alternate roofing materials may be used.

### 3. Sidewalks

a. Sidewalks, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall be provided along the front property line of each project where at least forty (40) percent of the surrounding area as defined in footnote 1 has front sidewalks or either adjacent lot has a sidewalk.

b. A sidewalk, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

### **Section 3.24-4: Townhouse**

Townhouse design is a single-family attached unit in a building containing two or more units, contiguous to each other only by the sharing of one common bearing wall; such buildings are of the townhouse or rowhouse type as contrasted



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to multiple dwelling apartment structures. All townhouses in the City of Florence must comply with the requirements of zoning ordinance Section 3.1 unless altered by applicable provisions set out below. No single building shall contain in excess of eight units and each unit shall have separate and individual front and rear entrances. These standards for townhouses shall only apply for infill developments. For purposes of this section, infill development shall be defined as development on lots less than two (2) acres and not fronting on a private street or existing parking lot. However, in cases where lots are in excess of (2) acres; the Director shall only approve development applications if in his determination, they maintain the character of the surrounding area, as defined in footnote 1.

### 1. Site Standards

- a. Shall follow City of Florence Zoning Ordinance Section 3.1, unless altered by applicable provisions set out below and
- b. A minimum of 3 connected units shall be oriented to each street adjacent to the development. Two unit buildings shall only be permitted in the interior of a lot.
- c. Lot width may be reduced to 16 feet.

### 2. Building Development Standards

- a. Built in first floor garages for each unit shall not be greater than 12 feet wide and be separated by at least 18 inches. Garages accessed from an alley are exempt from width and dimension requirements.
- b. Primary entrance into the building shall be oriented to face a street.
- c. All primary entrances shall be sheltered by a covered front porch.
- d. Primary unit entrances shall be separated by at least three feet.
- e. Each unit door shall be lit by an external light fixture to the building.
- f. Parking shall only be allowed in designated areas which may be inclusive of the driveways.
- g. A continuous landscape screen, as defined in footnote 3, a minimum of three (3) feet in height and a maximum of four (4) feet in height, shall be required along the perimeter of the parking area or area affected by parking in those areas that adjoin existing residential uses or a publicly maintained street.

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h. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of windows. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of windows.

i. The front façade shall incorporate wall finish materials that are compatible with the surrounding area as defined in footnote one. It is recommended that one or more of the following wall finish materials: cementous siding (e.g. hardi-plank or permastone), brick, eternal woods (pressure treated), stucco, vinyl or other material as may become available, if approved by the Planning Commission (see footnote two) be used. In all cases related to the façade, compatibility with the surrounding area as defined in footnote one shall be maintained.

### 3. Sidewalks

a. A sidewalk, compliant with current standards as set forth in the current Americans with Disabilities Act and current requirements of the SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

D. This Ordinance shall become effective immediately upon its approval and adoption on Second Reading.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

Approved as to form:

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

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

Attest:

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

**ORDINANCE NO. 2012-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF FLORENCE BY AMENDING SECTION 2.3, TABLE 1 AND SECTION 2.4, TABLE 2, AND BY ADDING A NEW SECTION 3.24 IN ORDER TO ESTABLISH NEW DESIGN STANDARDS FOR DUPLEXES, TRIPLEXES, QUADRAPLEXES, AND TOWNHOUSES BUILT WITHIN THE CITY LIMITS OF THE CITY AND, PURSUANT TO THE PENDING ORDINANCE DOCTRINE, TO RECOGNIZE A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS IN THE CITY OF FLORENCE FOR DUPLEXES, TRIPLEXES, QUADRAPLEXES, AND TOWNHOUSES DURING THE PENDENCY OF THE PROCESS FOR ADOPTING THIS ORDINANCE IN ORDER TO GIVE THE CITY TIME TO PROPERLY REFER THIS CHANGE TO THE PLANNING COMMISSION AND ADOPT NEW DESIGN STANDARDS FOR THESE STRUCTURES.**

Incident to consideration and adoption of this Ordinance, City Council ("Council") makes the following findings of fact:

a. Over the last several years there have been numerous issues in the City of Florence that have arisen regarding the development and building of duplexes, triplexes, quadraplexes and townhouses which have presented difficult issues because of a lack of regulations addressing design criteria for such developments.

b. The City of Florence is currently working on a comprehensive revision to its Zoning Ordinance and Development Codes to bring these documents into full consistency with the Comprehensive Plan recently adopted, said revision to be embodied in a new Uniform Development Ordinance, hereinafter referred to as the UDO.

c. In order to fully involve the citizens in the development of the UDO, the City has undertaken an interested citizens workshop approach through which City Staff has been meeting with citizens for many months to discuss in detail the concepts and wording of the UDO.

d. It is anticipated that this process will result in the finalization of the UDO which will be presented to City Council through the Planning Commission by the end of 2012.

e. The UDO will contain design standards for duplexes, triplexes, quadraplexes and townhouses, and the citizens committee and staff has finished their detailed discussions regarding this portion of the UDO.

f. That in the current economic climate, we are seeing numerous projects involving the construction of duplexes, triplexes, quadplexes and townhouses, and it is in the best interest

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of the citizens of Florence that these design standards be enacted as soon as possible instead of waiting until the end of the year and the completion of the study and passage of the entire UDO.

g. That the introduction of this Ordinance, its passage on first reading, and its referral to the Planning Commission is done with the full intention that it shall be treated as a pending ordinance for the purposes of the Pending Ordinance Doctrine, and, as a result, Council hereby establishes a moratorium upon the issuance of any zoning compliance or building permit for any construction project involving the construction of one or more duplexes, triplexes, quadraplexes and townhouses in the City of Florence, SC during the pendency of this Ordinance.

h. That, pursuant to the requirements of §6-1-110 of the South Carolina Code of Laws, as amended, notice of the intention of the City to adopt this ordinance and thereby impose a moratorium on construction projects involving the construction of duplexes, triplexes, quadraplexes and townhouses has been duly published in the Morning News once per week for two weeks.

**NOW, THEREFORE, BASED UPON THE FINDINGS OF FACT SET OUT ABOVE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED, AND BY THE AUTHORITY THEREOF AS FOLLOWS:**

A. That Section 2.3, Table 1 of the Zoning Ordinance is hereby amended to conditionally permit the following uses; duplex in the R-4 and R-5 zoning districts, tri-plex in the R-5 zoning district, quadraplex in the R-5 zoning district, and townhouse in the R-3, R-4, and R-5 zoning districts.

B. That Section 2.4, Table 2 of the Zoning Ordinance is hereby amended to conditionally permit duplex in the RU-1 zoning district.

C. That the new section designated as Section 3.24 is hereby added to the Zoning Ordinance, and said section shall read verbatim as follows:

**Section 3.24: Design Standards for Duplex, Tri-plex, Quadraplex, and Townhouse.**

It is the intent of design standards to cause development to be compatible with the existing built environment. Good design ensures neighborhood compatibility by appropriate scale and massing adjacent to existing houses. The provisions of this section shall apply to all duplex, tri-plex, quadraplex, and townhouse developments throughout the City. These standards shall supersede existing regulations elsewhere in the Zoning Ordinance and Land Development and Subdivision Ordinance when in conflict with this section. In all cases, compatibility with the neighborhood shall govern. The provisions of this section shall apply to all new duplex, tri-plex, quadraplex, and townhouse construction and; additions or alterations to an existing duplex, tri-plex, quadraplex, or

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townhouse, totaling 25 percent or more of the gross floor area of the existing building. Interior-only improvements may be excluded. Only the portions of the building or site being altered or added to shall be required to integrate design standards into the design of the alteration or addition. The provisions of this section shall apply to all use conversions to duplex, tri-plex, quadraplex, and townhouse where conditionally permitted.

In order to provide flexibility and creativity of project designs and to promote development that is more compatible with the existing built environment, departures from these standards may be permitted subject to the approval of the Director of Planning, Research, and Development. In making this determination the director shall find that the departure creates a project design that meets or exceeds the overall purpose and intent of the design standards and replicates the design features existing within the surrounding area<sup>1</sup>. The Director may require such plans as necessary to render such a decision. The applicant may request to have their request for departure from these standards reviewed by the Planning Commission. In such cases, the Director shall determine whether the application is sufficient and therefore complete. In the event the Director makes the determination that the application is incomplete; the applicant may request that the Chairman of the Planning Commission review the application for sufficiency and completeness. In those cases, the decision of the Planning Commission Chairman shall govern. In all cases the Director may, at his discretion, refer the request from departure from these standards to the Planning Commission for review and approval.

The following design standards are intended to implement the City's vision for housing as set forth in the Comprehensive Plan.

### Section 3.24-1: Duplex

A duplex is a building-structure that contains two dwelling units constructed on a single lot. ~~Duplex design is either standard or over under. A standard duplex has side-by-side dwelling units and an over-under duplex has dwelling units on separate floors.~~

#### 1. Site Standards

- a. ~~Standard and over-under-d~~Duplexes that ~~take~~have vehicular access from the street may provide a separate hard surface driveway for each unit that shall be no more than 20 feet wide or provide a shared hard surface driveway for both units no greater than 27 feet wide.
- b. Parking shall only be allowed in developed designated areas which

<sup>1</sup> The term surrounding area as used throughout Section 3.24 is defined as the area within the shorter distance of the same block or five hundred (500) feet in each direction, as measured from the corners of the front property line and including properties that are whole or in part within the aforementioned distance.

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~~may be inclusive of the driveways~~ Open parking shall be located to the side or rear of the building.

~~e. Vehicles shall be parked only in designated areas.~~

~~d.c. One tree shall be planted within four feet of the extension of the plane of the party wall for standard duplexes. Landscaping shall be provided in a manner that protects the single family character of the surrounding area as defined in footnote one.~~

e.d. The schedule of lot requirements follows the City of Florence Zoning Ordinance Section 2.5 Table III with the exception that the rear setback for a standard duplex shall be 15 feet.

### 2. Building Development Standards

a. Front facing garage doors shall not be greater than ~~12~~ sixteen (16) feet wide and be separated by at least ~~24~~ eighteen (18) inches. Garages accessed from an alley or if oriented perpendicular to the street are exempt from width and dimension requirements.

b. Primary entrance(s) into the building shall be oriented to face ~~the a~~ street. ~~Standard and over-under d~~ Duplexes may share a primary building entrance with interior access to each unit.

c. Primary building entrances shall be separated by at least three feet.

d. Primary entrance(s) shall be sheltered by a covered front porch ~~that is not less than three feet in any horizontal dimension.~~

e. The roof of the covered porch shall be attached to ~~the building~~ and compatible with the architecture of the building.

f. ~~Primary building entrances shall be separated by at least three feet.~~ Each primary entry door shall be lit by an external ~~source~~ light fixture fixed to the building.

g. The architecture of the buildings shall include features that are repetitive or similar to architectural features of the existing buildings of the surrounding area as defined in footnote one.

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h. Building facades, defined as the street front face of the building, shall be articulated for visual interest. The following are examples of features that may be used to accomplish this standard:

- (1) Building offsets.
- (2) Interesting fenestration and roof lines
- (3) Front porches to encourage eyes on the street.

i. If more than fifty (50) percent of the existing ~~single-family residential buildings~~principal structures in the surrounding area, on the same street as defined in footnote 1, have an elevated first floor, then the first floor of the duplex shall be elevated above the finished grade across the front building line to an average of the principal structures as defined. Provided, however, in no event shall the first floor be elevated not less than 48 inches ~~The foundation shall be skirted with a brick, stucco or split faced block curtain wall, above the finished grade across the front building line.~~

j. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of windows. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of windows.

k. The front façade shall ~~include~~incorporate wall finish materials that are compatible with the surrounding area as define in footnote one. It is recommended that one or more of the following wall finish materials: cementous siding (e.g. hardi-plank, permastone, etc.), brick, eternal woods (pressure treated), and stucco, vinyl or other material as may become available<sup>2</sup>; be used. ~~If more than 50 percent of the existing single family residential buildings on the same street have an alternate siding then the alternate siding may be used~~In all cases related to the façade, compatibility with the surrounding area, as defined in footnote 1, shall be maintained.

l. Roofing materials shall be architectural shingles, three tab flat shingles, concrete tile, slate, or building integrated photovoltaics. If the existing principal structures in the surrounding area, defined in footnote one, have alternate roofing materials then the alternate roofing materials may be used.

### 3. Sidewalks

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<sup>2</sup> Other material as may become available must be approved by the Planning Commission.

## ATTACHMENT B

- a. Sidewalks, ~~not less than three feet in width~~ compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall be provided along the front property line of each project building where at least ~~50-~~forty (40) percent of the ~~existing block~~surrounding area as defined in footnote 1 has front sidewalks or either adjacent lot has a sidewalk.
- b. A sidewalk, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, ~~not less than 3 feet in width~~ shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

### Section 3.24-2: Tri-plex and Quadraplex

The principle design for tri-plex and quadraplex is single family detached. A tri-plex is a building that contains three separate dwelling units that share a primary front building entrance. A quadraplex is a building that contains four separate dwelling units that share a primary front building entrance. Alternate entrances to each unit may be located on the side or rear of the building. These standards for triplexes and quadraplexes shall only apply for infill developments. For purposes of this section, infill development shall be defined as development on lots containing less than two (2) acres and not fronting a private street or existing parking lot. However, in cases where lots are in excess of (2) acres; the Director shall only approve development applications if in his determination, they maintain the character of the surrounding area as defined in footnote 1.

#### 1. Site Standards

- a. The schedule of lot requirements follows the City of Florence Zoning Ordinance Section 2.5 Table III with the exception that the minimum lot area shall be 9,000 square feet with a minimum lot width of 90 feet.
- b. Parking shall only be allowed in developed designated areas which may be inclusive of the driveways~~Open parking shall be located to the rear or side of the building.~~
- e. ~~Vehicles shall be parked only in designated areas.~~
- d.c. ~~Parking areas that extend beyond the rear width of the building shall be screened where visible from the street with vegetation a minimum of 4 feet in height. A continuous landscape screen<sup>3</sup>, a minimum of three feet in height and a maximum of four (4) feet in height, shall be required along the perimeter of the parking area or area affected by parking in those areas that adjoin existing residential uses or a publicly maintained street.~~

<sup>3</sup> The materials for the landscape screen shall be approved by the Director.



## ATTACHMENT B

e.d. Parking areas adjacent to residential land use not already occupied by a garage are required to have a vegetative screen or brick wall at least 3 feet in height.

### 2. Building and Development Standards

a. ~~Front facing garage doors shall not be greater than 12 feet in width and be separated by at least 18 inches. Garages accessed from an alley or if oriented perpendicular to the street are exempt from this requirement~~ Front facing garage doors shall not be greater than 16 feet wide and be separated by at least eighteen (18) inches. Garages accessed from an alley or oriented perpendicular to the street are exempt from width and dimension requirements.

b. Primary entrance into the building shall be oriented to face the street.

c. A garage including the frame shall not be greater than 50 percent of the horizontal plane of the front façade.

d. ~~If more than 50 percent of the existing single family residential buildings on the same street have an elevated first floor then the tri-plex or quadraplex shall be elevated not less than 18 inches above the finished grade across the front building line. If more than fifty (50) percent of the existing principal structures in the surrounding area, as defined in footnote 1, have an elevated first floor, then the first floor of the duplex shall be elevated above the finished grade across the front building line to an average of the principal structures as defined. Provided, however, in no event shall the first floor be elevated less than eight (8) inches~~ The foundation shall be skirted with a brick, stucco or split faced block curtain wall

e. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of windows. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of windows.

f. ~~The façade shall include the following wall finish material: cementous siding (e.g. hardi-plank, permastone, etc.), brick, and stucco. If more than 50 percent of the existing single family residential buildings on the same street have an alternate siding then the alternate siding may be used~~ The front façade shall incorporate wall finish materials that are compatible with the surrounding area as defined in footnote one. It is recommended that one or more of the following wall finish materials: cementous siding (e.g. hardi-plank or permastone), brick, eternal woods (pressure treated), stucco, vinyl or other material as may become available, if approved by the Planning Commission (see

## ATTACHMENT B

foot note two) be used. In all cases related to the façade, compatibility with the surrounding area as defined in footnote one shall be maintained.

~~g. Roofing materials shall be architectural shingles, concrete tile, slate, or building integrated photovoltaics~~Roofing materials shall be architectural shingles, three tab flat shingles, concrete tile, slate, or building integrated photovoltaics. If the existing principal structures in the neighborhood as defined in footnote one have alternate roofing materials, then the alternate roofing materials may be used.

### 3. Sidewalks

~~a. Sidewalks not less than three feet in width shall be provided along the front property line of each project building where at least 50 percent of the existing block has front sidewalks or either adjacent lot has a sidewalk~~Sidewalks, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall be provided along the front property line of each project where at least forty (40) percent of the surrounding area as defined in footnote 1 has front sidewalks or either adjacent lot has a sidewalk.

~~b. A sidewalk not less than 3 feet in width shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area~~A sidewalk, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

### **Section 3.24-4: Townhouse**

Townhouse design is a single-family attached unit in a building containing two or more units, contiguous to each other only by the sharing of one common bearing wall; such buildings are of the townhouse or rowhouse type as contrasted to multiple dwelling apartment structures. All townhouses in the City of Florence must comply with the requirements of zoning ordinance Section 3.1 unless altered by applicable provisions set out below. No single building shall contain in excess of eight units and each unit shall have separate and individual front and rear entrances. These standards for townhouses shall only apply for infill developments. For purposes of this section, infill development shall be defined as development on lots less than two (2) acres and not fronting on a private street or existing parking lot. However, in cases where lots are in excess of (2) acres; the Director shall only approve development applications if in his determination, they maintain the character of the surrounding area, as defined in footnote 1.

#### 1. Site Standards

~~Follows City of Florence Zoning Ordinance Section 3.1~~

## ATTACHMENT B

a. ~~Shall follow City of Florence Zoning Ordinance Section 3.1, unless altered by applicable provisions set out below and~~

a.b. A minimum of 3 connected units shall be oriented to each street adjacent to the development. Two unit buildings shall only be permitted in the interior of a lot.

b.c. Lot width may be reduced to 16 feet.

### 2. Building Development Standards

a. Built in first floor garages for each unit shall not be greater than 12 feet wide and be separated by at least 18 inches. Garages accessed from an alley are exempt from width and dimension requirements.

b. Primary entrance into the building shall be oriented to face ~~the a~~ street.

c. All primary entrances shall be sheltered by a covered front porch.

d. Primary unit entrances shall be separated by at least three feet.

e. Each unit door shall be lit by an external ~~source fixed~~ light fixture to the building.

f. ~~Open parking shall be located on the interior of the lot to the rear of the front building(s)~~ Parking shall only be allowed in designated areas which may be inclusive of the driveways.

g. ~~Vehicles shall be parked only in designated areas.~~

h.g. ~~Parking areas adjacent to residential land use not already occupied by a garage are required to have a vegetative screen or brick wall at least 3 feet in height~~ A continuous landscape screen, as defined in footnote 3, a minimum of three (3) feet in height and a maximum of four (4) feet in height, shall be required along the perimeter of the parking area or area affected by parking in those areas that adjoin existing residential uses or a publicly maintained street.

i.h. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of windows. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of windows.

j.i. ~~The façade shall include the following wall finish material: cementous siding (e.g. hardi-plank, permastone, etc.), brick, and stucco~~

**ATTACHMENT B**

The front façade shall incorporate wall finish materials that are compatible with the surrounding area as defined in footnote one. It is recommended that one or more of the following wall finish materials: cementous siding (e.g. hardi-plank or permastone), brick, eternal woods (pressure treated), stucco, vinyl or other material as may become available, if approved by the Planning Commission (see footnote two) be used. In all cases related to the façade, compatibility with the surrounding area as defined in footnote one shall be maintained.

3. Sidewalks

a. ~~A sidewalk not less than 3 feet in width shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area~~A sidewalk, compliant with current standards as set forth in the current Americans with Disabilities Act and current requirements of the SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

D. This Ordinance shall become effective immediately upon its approval and adoption on Second Reading.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

Approved as to form:

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

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

Attest:

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

FLORENCE CITY COUNCIL MEETING

DATE: November 12, 2012  
AGENDA ITEM: Ordinance – First Reading  
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

An ordinance amending the City of Florence, SC Business License ordinance provisions for insurance companies.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

The Municipal Association of South Carolina (MASC) collects all current and delinquent business license taxes due from insurance companies licensed in this state for participating municipalities. Since July 1993 the City of Florence has participated in the Insurance Tax Collection Program through an agreement with MASC for the collection of current and delinquent license taxes from insurance companies and non-admitted insurance brokers.

III. POINTS TO CONSIDER

- A. As a result of legislation passed in the 2012 by the South Carolina General Assembly, all cities must amend their business license ordinance for insurance companies and non-admitted insurance brokers. Cities must also renew their agreement with MASC to collect these taxes on their behalf.
- B. The state legislation was necessary and supported by municipalities because of a recent change in federal law known as the "Dodd-Frank" Act which provides that the "placement of non-admitted insurance is subject to the statutory and regulatory requirements solely of the insured's home state." It also states that only the "home state" may require the payment of premium tax for non-admitted insurance.
- C. In response to this change in federal law, on June 29, 2012, Governor Haley signed into law legislation that designates a single tax rate of 6 percent for the broker's premium tax in South Carolina. The new state law fully complies with the new federal regulations and preserves the designation and collection of a 4 percent state tax and a 2 percent municipal broker's premium tax.
- D. The new law requires the South Carolina Department of Insurance to collect the brokers' premium tax and deposit all revenue collected into a special fund. The law also authorizes the Municipal Association of South Carolina to serve as the municipal agent to receive the funds from the Department of Insurance and distribute the funds to municipalities. The Department of Insurance is required to give the Association a full accounting, including, but not limited to, the name and address of the broker, amount collected from each broker, and information as to the location of the risk covered by the insurance.
- E. The ordinance does **not** change the City's current business license rate for insurance companies.

- F. MASC has informed all municipalities participating in the Insurance Tax Collection Program that the original signed agreement and a certified copy of the adopted amended ordinance must be received by the association by December 12, 2012 in order to collect a business license tax from insurance companies based on the new legislation.

**IV. STAFF RECOMMENDATION**

Approve and adopt the proposed ordinance.

**V. ATTACHMENTS**

- A. Memo from MASC pertaining to Insurance & Brokers Tax Collection Program changes
- B. Ordinance amending the City of Florence, SC business license ordinance for insurance companies
- C. Agreement with MASC for collection of business license taxes from insurance companies and administration as municipal agent of municipal brokers premium tax



Thomas W. Chandler  
Finance Director



Andrew H. Griffin  
City Manager



1411 Gervais Street, P.O. Box 12109  
Columbia, SC 29211  
tel: 803.799.9574  
fax: 803.933.1299  
www.masc.sc

Advocacy. Service. Innovation.

Date: September 25, 2012  
To: Mayors, Managers, Administrators, Attorneys, Clerks and  
Insurance Tax Collection Program Primary Contacts  
From: Miriam Hair, Executive Director *MH*  
Re: Insurance and Brokers Tax Collection Programs – IMMEDIATE ACTION REQUIRED

As a result of legislation passed in the 2012 session of the South Carolina General Assembly, all cities must immediately amend their business license ordinance for insurance companies and non-admitted insurance brokers. Cities must also renew their agreement with the Municipal Association of South Carolina to collect these taxes on their behalf.

The state legislation was necessary and supported by cities and towns because of a recent change in federal law known as the “Dodd-Frank” Act. Within the Act is a provision, The Non-admitted and Reinsurance Reform Act of 2010, which states that the “placement of non-admitted insurance is subject to the statutory and regulatory requirements solely of the insured’s home state.” It goes further to state only the “home state” may require the payment of premium tax for non-admitted insurance.

In response to this change in federal law, on June 29, 2012, Governor Nikki Haley signed into law legislation that designates a single tax rate of 6 percent for the broker’s premium tax in South Carolina. The new state law fully complies with the new federal regulations while preserving the designation and collection of a 4 percent state tax and a 2 percent municipal broker’s premium tax. The law further states that a municipality may not impose any additional license fee or tax based upon a percentage of premium.

The new law requires the South Carolina Department of Insurance to collect the brokers’ premium tax and deposit all revenue collected into a special fund, separate and distinct from the General Assembly’s general fund. The law also authorizes the Municipal Association of South Carolina to serve as the municipal agent to receive the funds from the Department of Insurance and distribute the funds to municipalities. The Department of Insurance is required to give the Association a full accounting, including, but not limited to, the name and address of the broker, amount collected from each broker, and information as to the location of the risk covered by the insurance.

In order to comply with the new state law, it is imperative your municipality adopt the enclosed ordinance and agreement exactly as written. It can be found on the Association’s website ([www.masc.sc](http://www.masc.sc) – keyword: collections ordinance) in Word or PDF format. You may also call (803.933.1229) or email Myan Jencks ([MJencks@masc.sc](mailto:MJencks@masc.sc)) to have it emailed directly to you.

**The Association must have the original signed agreement and a certified copy of your amended ordinance by Wednesday, December 12, 2012. We will send you a copy of the final agreement with my signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Association.**

Please let me bring to your attention that changes also appear in the amended ordinance with regard to the administration of the business license tax for insurance companies. The changes are only made to clarify the intent of your current ordinance. If you have any questions concerning the amended ordinance or agreement, please contact Gail Hampton, Collection Programs Manager, at 803.933.1213.

MOH/mw

Encl:as

ORDINANCE NO. 2012 - \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY OF FLORENCE, SC BUSINESS LICENSE  
ORDINANCE PROVISIONS FOR INSURANCE COMPANIES**

**WHEREAS**, the South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat # 283) on June 28, 2012, amending S. C. Code §§ 38-7-16 and 38-45-10 through 38-45-195; and

**WHEREAS**, the act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax; and

**WHEREAS**, the act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums; and

**WHEREAS**, the act authorizes the Municipal Association of South Carolina to act as the municipal agent for purposes of distributing to municipalities the municipal brokers tax collected by the South Carolina Department of Insurance; and

**WHEREAS**, it is necessary to amend the Business License Ordinance to conform to the State law as amended;

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the City of Florence, South Carolina, that the Business License Ordinance is amended by changing the provisions for insurance companies as follows:

**SECTION 1.**

NAICS

CODE

5241

Insurance Companies: Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.



52411	<u>Life, Health and Accident</u> .....	0.75% of Gross Premiums
524126	<u>Fire and Casualty</u> .....	2% of Gross Premiums
524127	<u>Title Insurance</u> .....	2% of Gross Premiums

**SECTION 2.**

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

**SECTION 3.**

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

**SECTION 4.**

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form attached hereto is approved, and the Mayor is authorized to execute it.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

Approved as to form:

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

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

Attest:

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

## **AGREEMENT**

### **For Collection Of All Business License Taxes From Insurance Companies and Administration as Municipal Agent of Municipal Brokers Premium Tax**

**WHEREAS**, the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA (hereinafter "the Association") has developed a program for statewide collection of all current and delinquent business license taxes due from insurance companies licensed in this state; and

**WHEREAS**, participating municipalities have adopted uniform rates and delinquent penalties for insurance companies and a uniform due date of May 31 for such license taxes; and

**WHEREAS**, municipalities are authorized to contract for assistance in collection of business license taxes pursuant to S.C. Code Ann. § 5-7-300; and

**WHEREAS**, the Association's collection of business license taxes from brokers for non-admitted surplus lines insurers is now governed by S.C. Code Ann. § 38-45-10, et seq., which is incorporated herein by reference; now therefore,

### **WITNESSETH**

THIS AGREEMENT is made between the Municipal Association of South Carolina ("the Association") and the City of Florence, South Carolina ("the Municipality").

It is agreed between the parties as follows:

#### **I. BUSINESS LICENSE TAXES FROM INSURANCE COMPANIES**

1. The Association will make the necessary investigations, develop a database for the Municipality, establish procedures for determining the amount of business license taxes due, communicate with insurance companies subject to the taxes, and collect all current and delinquent business license taxes due from insurers on an annual basis.
2. The Association will bear all expenses incurred in connection with the services rendered.
3. The Association will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes collected for the municipality, less the service charge herein agreed to, will be disbursed to the Municipality as collections permit.
4. The Association is hereby designated as the exclusive agent of the Municipality for assessment and collection of the said business license taxes and penalties utilizing all

procedures and actions authorized by ordinance or State law, and such procedures and actions may be invoked in the name of the Municipality without further approval by the Municipality.

5. The Association will notify all insurance companies licensed in the State of this agreement and the requirement that all business license taxes be paid to the Association.
6. The Municipality acknowledges that it is an essential element of the programs for all such taxes to be paid to the Association, and no such taxes will be accepted, waived or compromised by the Municipality directly from or with an insurer. All communications from insurance companies will be sent to the Association. Payments accepted by the Municipality will be included in the computation of compensation to the Association.
7. The Municipality agrees that the Association shall retain 4 percent of all funds collected for the Municipality pursuant to this agreement, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

## **II. Municipal Brokers Premium Tax**

1. On behalf of its municipalities, the Association will communicate with brokers for non-admitted insurance companies subject to the tax in S.C. Code Ann. § 38-45-10, et seq. and will communicate with the South Carolina Department of Insurance on all issues related to the taxes due from brokers per S.C. Code Ann. § 38-45-10, et seq.
2. The Association will bear all expenses incurred in connection with the services rendered.
3. Per S.C. Code Ann. § 38-45-10 and ordinance adopted by the Municipality, the Association is designated as the municipal agent to act on behalf of the municipality for the purposes set out in S.C. Code Ann. §38-45-10, et. seq.
4. S.C. Code Ann. § 38-45-10, et seq., governs the Association's receipt from the South Carolina Department of Insurance ("DOI") and distribution to the municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, the Association will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the municipality, less the service charge herein agreed to, as collections permit.
5. The Municipality agrees that the Association shall retain 4 percent of all funds collected or received by the Association for the Municipality pursuant to this agreement, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

**III. TERM AND LEGALITY**

1. The Municipality represents that this agreement has been approved by ordinance duly adopted pursuant to S.C. Code Ann. § 5-7-300.
2. This Agreement is effective until December 31, 2022, and shall continue from year to year thereafter until terminated by either party upon 90 days notice in writing given prior to December 31.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

By: \_\_\_\_\_  
Miriam O. Hair  
Executive Director

CITY OF FLORENCE, SOUTH CAROLINA

By: \_\_\_\_\_  
Mayor

DATE: \_\_\_\_\_, 20\_\_

CITY OF FLORENCE COUNCIL MEETING

DATE: November 12, 2012

AGENDA ITEM: Ordinance  
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

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I. ISSUE UNDER CONSIDERATION:

Request to rezone 0.35 acres identified by Florence County Tax Map 90103-01-011, from R-4 Multi-Family Residential, Limited to B-3 General Commercial. The request is being made by the owner, Heritage Community Bank.

II. POINTS TO CONSIDER:

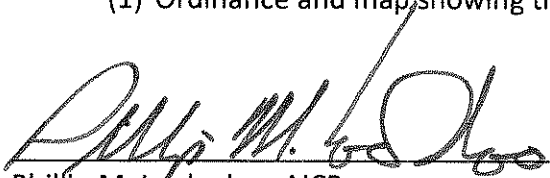
- (1) The future land use map of the Florence 2010 Comprehensive Plan designates the subject properties as Downtown.
- (2) The objective of the Downtown land use designation is for the development, redevelopment, and reuse of residential, commercial, and mixed-use buildings downtown. The current R-4 zoning does not allow for commercial development of the site. The requested B-3 zoning permits a higher intensity of uses which includes both residential and commercial.
- (3) The land is currently vacant after the demolition of three residential structures in 2006.
- (4) The parcel is located in the D-1 Downtown Redevelopment District. Development of the site is subject to the Design Guidelines and approval by the Design Review Board.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) Planning Commission members voted 5-0 to recommend the rezoning.
- (2) A public hearing was held at the October 9, 2012 Planning Commission meeting. No one was present to voice concerns or support the request.

IV. ATTACHMENTS:

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



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



Andrew H. Griffin  
City Manager

ORDINANCE NO. 2012 \_\_\_\_\_

**AN ORDINANCE TO REZONE 0.35 ACRES, IDENTIFIED BY FLORENCE COUNTY TAX MAP 90103-01-011, FROM R-4 MULIT-FAMILY, LIMITED DISTRICT TO B-3 GENERAL COMMERCIAL DISTRICT.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on October 9, 2012 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Heritage Bank, owner of Florence County Tax Map 90103-01-011 was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be rezoned to a B-3 General Commercial District classification:

**The land is shown more specifically on Florence County Tax Map 90103, block 01, parcel 011. (0.35 Acre)**

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence and rezoning the aforesaid properties to B-3, General Commercial 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.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012**

**Approved as to form:**

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

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

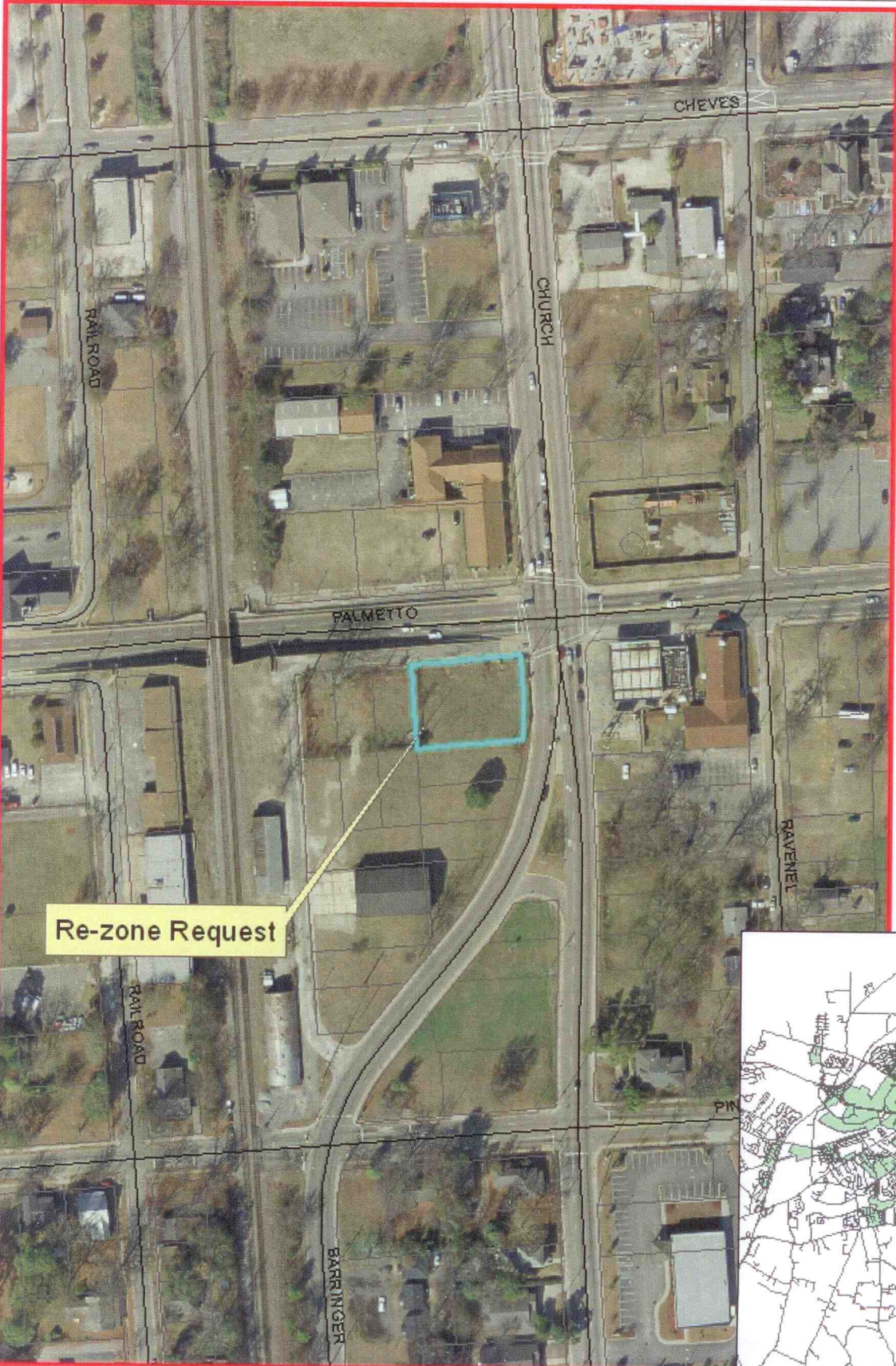
**Attest:**

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

# Location Map

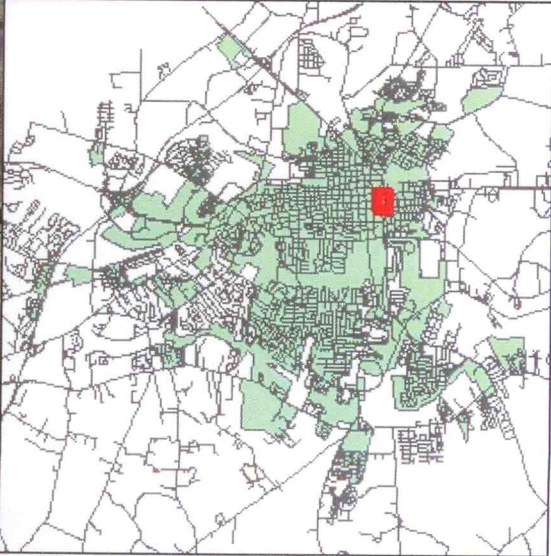


Urban Planning & Development Department



**ORIGINAL PREPARATION**  
This map was prepared by:  
City of Florence  
Urban Planning & Development Department

**DISCLAIMER:**  
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Re-zone Request



CITY OF FLORENCE COUNCIL MEETING

DATE: December 10, 2012

AGENDA ITEM: Ordinance  
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

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I. ISSUE UNDER CONSIDERATION:

Request to annex 2509 Kingston Drive, Tax Map 01801-04-016, into the City of Florence and zone to R-1 Single Family Residential District. The request is being made by the owners, Cynthia and Russell Gordon.

II. POINTS TO CONSIDER:

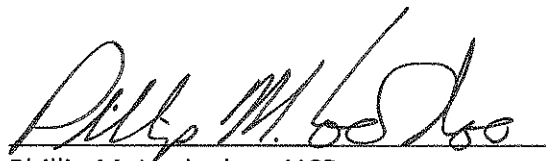
- (1) Request is being considered for first reading.
- (2) City water and sewer services are already available; there is no cost to extend utility services.
- (3) A Public Hearing for rezoning was held at the November 13, 2012 Planning Commission meeting. No one was present to voice concerns or support the request.
- (4) Planning Commission members voted 9-0 to recommend the zoning request of R-1 single Family Residential District.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-1 Single Family Residential District.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

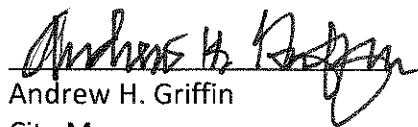
- (1) No previous action has been taken by City Council on this request.

IV. ATTACHMENTS:

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



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



Andrew H. Griffin  
City Manager

ORDINANCE NO. 2012 \_\_\_\_\_

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY CYNTHIA AND RUSSELL GORDON, 2509 KINGSTON DRIVE.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on November 13, 2012 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Cynthia and Russell Gordon, owner of 2509 Kingston Drive was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-1, Single Family Residential District:

**The properties requesting annexation are shown more specifically on Florence County Tax Map 01801, block 04, parcel 016. (0.41 Acres)**

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

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence and annexing the aforesaid properties to R-1, Single Family Residential District and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012**

**Ordinance No. 2012 - \_\_\_\_\_**  
**Page 2 – December, 2012**

**Approved as to form:**

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

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

**Attest:**

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

# Annexation Request



Urban Planning &  
Development Department

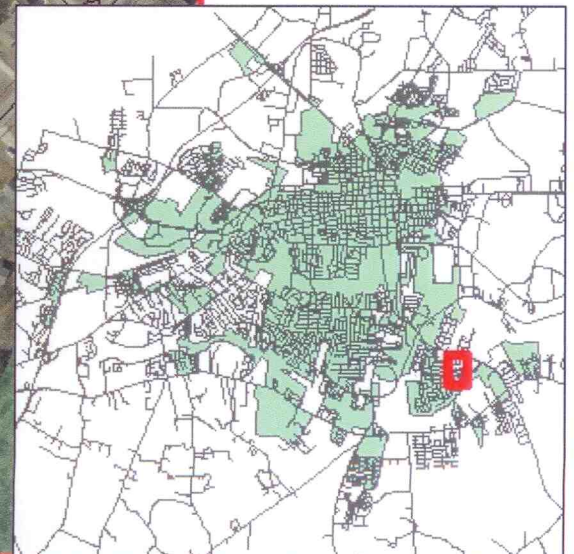


## Legend

 City Boundary

ORIGINAL PREPARATION  
This map was prepared by:  
City of Florence  
Urban Planning & Development Department

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



**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** December 10, 2012

**AGENDA ITEM:** Ordinance  
First Reading

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

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**I. ISSUE UNDER CONSIDERATION:**

Request to annex 1622 Southwood Court Tax Map 90080-01-100, into the City of Florence and zone to R-3 Single Family Residential District. The request is being made by the owners, Gilbert and Caroline Morehead.

**II. POINTS TO CONSIDER:**

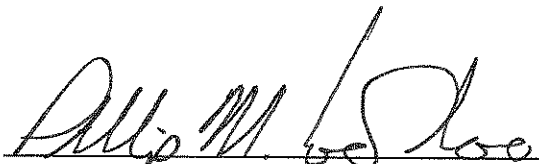
- (1) Request is being considered for first reading.
- (2) City water and sewer services are already available; there is no cost to extend utility services.
- (3) A Public Hearing for rezoning was held at the November 13, 2012 Planning Commission meeting. No one was present to voice concerns or support the request.
- (4) Planning Commission members voted 9-0 to recommend the zoning request of R-3 single Family Residential District.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property R-3 Single Family Residential District.

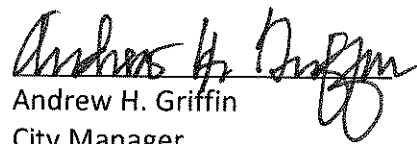
**III. CURRENT STATUS/PREVIOUS ACTION TAKEN:**

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

**IV. ATTACHMENTS:**

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

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

  
Andrew H. Griffin  
City Manager

ORDINANCE NO. 2012 \_\_\_\_\_

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY GILBERT AND CAROLINE MOREHEAD, 1622 SOUTHWOOD COURT.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on November 13, 2012 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Gilbert and Caroline, owner of 1622 Southwood Court was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single Family Residential District:

**The properties requesting annexation are shown more specifically on Florence County Tax Map 90080, block 01, parcel 100. (0.20 Acres)**

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

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence and annexing the aforesaid properties to R-3, Single Family Residential District and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012**

Approved as to form:

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

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

Attest:

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

# Annexation Request



Urban Planning &  
Development Department

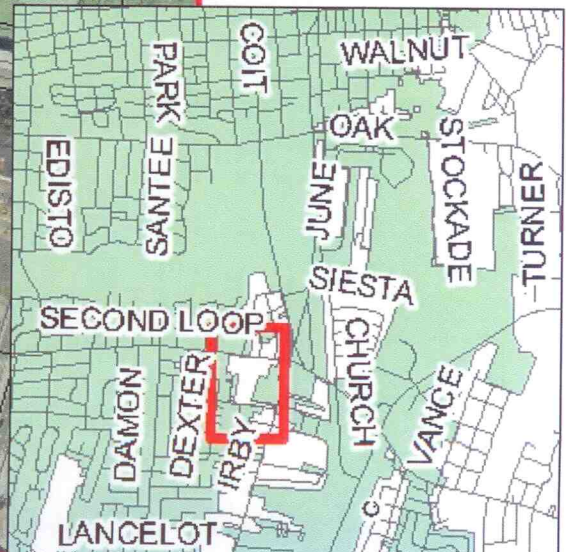


## Legend

 City Boundary

ORIGINAL PREPARATION  
This map was prepared by:  
City of Florence  
Urban Planning & Development Department

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





**FLORENCE CITY COUNCIL MEETING**

**DATE:** December 10, 2012  
**AGENDA ITEM:** Ordinance – First Reading  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

First amendment to the FY 2012-13 City of Florence Budget.

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

No previous action has been taken on this ordinance.

**III. POINTS TO CONSIDER**


The objective of the proposed ordinance is to more closely align budgeted amounts with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories. Funds are being re-appropriated from fiscal year 2011-12 to 2012-13 to complete transactions which were incomplete at the end of fiscal year 2011-12. Additionally, funds are being added in the Water and Sewer Construction Fund to provide for water and sewer line projects not included in the original FY 2012-13 budget to be reimbursed by the Florence County Infrastructure Fund.

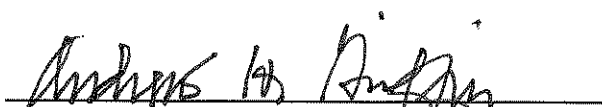
**IV. STAFF RECOMMENDATION**

Approval and adoption of the proposed ordinance.

**VI. ATTACHMENTS**

Copy of the proposed ordinance.

  
\_\_\_\_\_  
Thomas W. Chandler  
Finance Director

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

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

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013.

**BE IT ORDAINED** by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, is hereby amended as follows:

**Section 1.** That the category of revenues of the General Fund in said budget is hereby amended by the additional appropriations as follows:

100375-435010 From Unappropriated Reserve is increased in the amount of \$560,700 from fund balance.

**Section 2.** That the category of expenditures of the General Fund in said budget is hereby amended by the additional appropriations as follows:

10043020-580060 Other Equipment (Beautification & Facilities) is funded in the amount of \$31,800 to provide for the replacement of a brush chipper (\$21,800) and for the replacement of mower # 331 (10,000).

10043023-580060 Other Equipment (Equipment Maintenance) is funded in the amount of \$6,500 to provide for the purchase of a tire changing machine.

10043024-574010 Tree Beautification (Recreation) is increased in the amount of \$1,000 to provide tree and miscellaneous plant replacement at the Veterans Park and Tennis Center.

10043024-580010 Buildings & Fixed Equipment (Recreation) is funded in the amount of \$73,000 to provide for parks equipment and facilities improvements.

10043024-580040 Auto Equipment (Recreation) is funded in the amount of \$69,800 to provide for the replacement of seniors van # 923 (\$34,800); pickup truck # 931 (\$17,500); and pickup truck # 934 (\$17,500).

10043024-890000 Miscellaneous Grants (Recreation) is increased in the amount of \$6,000 for grant funded Maple Park facility improvements.

10043025-580010 Buildings & Fixed Equipment (Athletic Programs) is funded in the amount of \$9,400 to provide for facility improvements at Freedom Florence.

10043025-580060 Other Equipment (Athletic Programs) is funded in the amount of \$26,000 to provide for replacement of mower # 964 (\$10,000); replacement of mower # 992 (\$12,000); and replacement of trailer # 971 (\$4,000).

**FY 2012-2013 Budget Amendment Ordinance (continued)**

- 10046300-531000 Professional Services (Planning) is increased in the amount of \$31,000 for uncompleted UDO and Neighborhood Action Plans development.
- 10049300-574120 Tennis Center Capital Equipment (Non-Departmental) is funded in the amount of \$5,300 to provide for the purchase of Tennis Center facility equipment.
- 10049300-594005 Lot Clearing and Demolition (Non-Departmental) is funded in the amount of \$91,500 to provide for the clearing and demolition of lots and abandoned structures within the city limits.
- 10049300-594020 Contingency Fund (Non-Departmental) is increased in the amount of \$92,900 to provide for contingency funding for unanticipated General Fund projects or programs required in FY 2012-13.
- 10049300-594060 IT Support Services (Non-Departmental) is increased in the amount of \$13,000 to provide for IT support services related to management system software implementation and development.
- 10049300-594070 Management System Software (Non-Departmental) is increased in the amount of \$86,000 to provide funds for the General Fund portion of the Financial and HR management software conversion and implementation.
- 10049300-594150 Rail Trail – DHEC (Non-Departmental) is funded in the amount of \$17,500 to provide for DHEC grant-funded trail system improvements.

**Section 3.** That the category of revenues of the Water and Sewer Enterprise Fund in said budget is hereby amended by the additional appropriations as follows:

- 200375-435010 From Unappropriated Reserve is funded in the amount of \$603,000 from unrestricted net assets.

**Section 4.** That the category of expenses of the Water and Sewer Enterprise Fund in said budget is hereby amended as follows:

- 20041506-550510 Meters, Parts & Supplies (Utility Finance) is increased in the amount of \$130,000 to provide for radio read equipment.
- 20044042-580050 Facility Improvements (Surface Water) is increased in the amount of \$120,000 to provide for lagoons solids dewatering (\$80,000) and cleaning of the raw water reservoir (\$40,000).

**FY 2012-2013 Budget Amendment Ordinance (continued)**

- 20044043-538040 Well Maintenance & Repairs (Ground Water) is increased in the amount of \$30,000 to provide for Public Works well chemicals.
- 20044043-580050 Facility Improvements (Ground Water) is increased in the amount of \$85,000 to provide for Alligator Road filter media replacement.
- 20049300-594020 Contingency Fund (Non-Departmental) is increased in the amount of \$50,000 to provide for contingency funding for unanticipated water and sewer facilities maintenance and improvements required in FY 2012-13.
- 20049300-594060 IT Support Services (Non-Departmental) is increased in the amount of \$13,000 to provide for IT support services related to management system software implementation and development.
- 20049300-594070 Management System Software (Non-Departmental) is increased in the amount of \$175,000 to provide funds for the General Fund portion of the Financial and HR management software conversion and implementation.

**Section 5.** That the category of revenues of the Water and Sewer Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

- 210375-435010 From Unappropriated Reserve is funded in the amount of \$277,000 from unrestricted net assets.

**Section 6.** That the category of expenses of the Water and Sewer Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

- 21041506-580030 Office Equipment (Utility Finance Equipment Replacement) is increased in the amount of \$6,500 to provide funding for the purchase of office equipment.
- 21044040-580040 Auto Equipment (Engineering Equipment Replacement) is increased in the amount of \$50,000 to provide funding for the replacement of utility vehicle # 100 (\$25,000) and the replacement of utility vehicle # 511 (\$25,000).
- 21044041-580060 Other Equipment (Wastewater Treatment Equipment Replacement) is increased in the amount of \$18,000 to provide funding for the replacement of backhoe # 766.
- 21044044-580010 Buildings and Fixed Equipment (Distribution Operations Equipment Replacement) is funded in the amount of \$7,500 to provide funding for the purchase of a heat pump replacement.

**FY 2012-2013 Budget Amendment Ordinance (continued)**

21044044-580060 Other Equipment (Distribution Operations Equipment Replacement) is increased in the amount of \$85,000 to provide funding for the purchase of a replacement trailer mounted 4" pump (\$20,000); a replacement 6" trash pump (\$20,000); and a replacement 8" trash pump (\$45,000).

21044045-580040 Auto Equipment (Collection Operations Equipment Replacement) is increased in the amount of \$94,000 to provide funding for the replacement of sewer rod truck # 677 (\$76,000), and the replacement of pickup truck # 696 (\$18,000).

21044045-580060 Other Equipment (Collection Operations Equipment Replacement) is increased in the amount of \$16,000 to provide funding for the replacement of an air compressor.

**Section 7.** That the category of revenues of the Water and Sewer Construction Fund in said budget is hereby amended by the additional appropriations as follows:

220375-435010 From Unappropriated Reserve is increased in the amount of \$494,000 from unrestricted net assets.

220399-460130 Florence County Infrastructure Fund Reimbursement is funded in the amount of \$139,000 for water and sewer line extension projects funded in part by Florence County.

**Section 8.** That the category of expenses of the Water and Sewer Construction Fund in said budget is hereby amended by the additional appropriations as follows:

22049900-W0013 Surface Water Raw Water Pump Station (W/S Construction Fund Projects) is funded in the amount of \$225,000 for raw water pump station repairs at the Surface Water Plant.

22049900-W0019 Jody Road Pump Station (W/S Construction Fund Projects) is funded in the amount of \$213,000 to upgrade the Jody Road pump station.

22049900-W0030 Wilson Road Sewer Extension (W/S Construction Fund Projects) is funded in the amount of \$35,000 for Wilson Road sewer line extension.

22049900-W0031 Becky's Parkway Water Line Extension (W/S Construction Fund Projects) is funded in the amount of \$40,000 for water line extension on Becky's Parkway.

22049900-W0045 Emma Lane Water Line Extension (W/S Construction Fund Projects) is funded in the amount of \$30,000 for water line extension on Emma Lane.

**FY 2012-2013 Budget Amendment Ordinance (continued)**

22049900-W0046 Olanta Highway Water Line Extension (W/S Construction Fund Projects) is funded in the amount of \$90,000 for water line extension on Olanta Highway.

**Section 9.** That the category of revenues of the Stormwater Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

310375-435010 From Unappropriated Reserve is increased in the amount of \$168,000 from unrestricted net assets.

**Section 10.** That the category of expenses of the Stormwater Equipment Replacement Fund in said budget is hereby amended by the additional appropriations as follows:

31044060-580060 Other Equipment (Stormwater Operations Equipment Replacement) is increased in the amount of \$168,000 to provide funding for the replacement of street sweeper # 851.

**Section 11.** That the category of revenues of the Hospitality Fund in said budget is hereby amended by the additional appropriations as follows:

400375-435010 From Unappropriated Reserve is funded in the amount of \$385,000 from fund balance.

**Section 12.** That the category of expenditures of the Hospitality Fee Fund in said budget is hereby amended by the additional appropriations as follows:

40049900-598045 Downtown Improvements (Hospitality Fund General Expenditures) is funded in the amount of \$260,000 for: courtyard construction on S. Dargan Street (\$125,000); breezeway construction on S. Dargan Street (\$100,000); and to provide for underground utility services on the west side of the 400 block of S. Dargan Street (\$35,000).

40049900-598135 Incubator (Hospitality Fund General Expenditures) is funded in the amount of \$125,000 to provide for the development of a downtown incubator.

**Section 13.** That all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

**FY 2012-2013 Budget Amendment Ordinance (continued)**

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

**Approved as to form:**

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

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

**Attest:**

\_\_\_\_\_  
Diane Rowan  
**Municipal Clerk**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** December 10, 2012  
**AGENDA ITEM:** Ordinance – First Reading  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

Second amendment to the 2012-13 City of Florence Budget.

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

No previous action has been taken on this ordinance.

**III. POINTS TO CONSIDER**

Funds are being added in the General Fund to provide for property acquisitions not included in the original FY 2012-13 budget to be paid from grant funding and unappropriated reserves of the General Fund. Additionally, funds are being added in the General Fund and Water and Sewer Enterprise Fund to provide for costs related to moving City administrative and operational departments into the City Center facility located at 324 W. Evans Street to serve as City Hall. These costs are being paid for from grant funding in the General Fund and from unappropriated reserves of the Water and Sewer Enterprise Fund.

**IV. STAFF RECOMMENDATION**


Approval and adoption of the proposed ordinance.

**VI. ATTACHMENTS**

Copy of the proposed ordinance.



Thomas W. Chandler  
Finance Director



Andrew H. Griffin  
City Manager



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

**AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013.**

**BE IT ORDAINED** by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2012, and ending June 30, 2013, is hereby amended as follows:

**Section 1.** That the category of revenues of the General Fund in said budget is hereby amended by the additional appropriations as follows:

100120-790000      Miscellaneous Grants is increased in the amount of \$1,285,000 to provide for Bruce and Lee Foundation grant funds for 50% of the land acquisition cost for property adjacent to the City's reclaimed brownfield property (\$85,000) and to provide funding for costs related to moving City administrative and operational departments into the City Center facility located at 324 W. Evans Street to serve as City Hall (\$1,200,000).

100375-435010      From Unappropriated Reserve is increased in the amount of \$110,000 from fund balance.

**Section 2.** That the category of expenditures of the General Fund in said budget is hereby amended by the additional appropriations as follows:

10049300-594015      City Center (Non-Departmental) is funded in the amount of \$1,200,000 to provide for costs related to moving City administrative and operational departments into the City Center facility located at 324 W. Evans Street to serve as City Hall.

10049300-594160      Property Acquisition (Non-Departmental) is increased in the amount of \$195,000 to provide for the acquisition of the Schaefer property adjacent to the City's reclaimed brownfield property (\$170,000) and to provide for the earnest money for the City Center property (\$25,000).

**Section 3.** That the category of revenues of the Water and Sewer Enterprise Fund in said budget is hereby amended by the additional appropriations as follows:

200375-435010      From Unappropriated Reserve is funded in the amount of \$200,000 from unrestricted net assets.

**Section 4.** That the category of expenses of the Water and Sewer Enterprise Fund in said budget is hereby amended as follows:

**FY 2012-2013 Budget Amendment Ordinance (continued)**

20049300-594015 City Center (Non-Departmental) is funded in the amount of \$200,000 to provide for costs related to moving City administrative and operational departments into the City Center facility located at 324 W. Evans Street to serve as City Hall.

**Section 5.** That all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

**Approved as to form:**

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

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

**Attest:**

\_\_\_\_\_  
Diane Rowan  
Municipal Clerk

**FLORENCE CITY COUNCIL MEETING**

**DATE:** December 10, 2012  
**AGENDA ITEM:** Presentation of Audited Financial Statements  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

Presentation of the City of Florence, SC Comprehensive Annual Financial Report and audited financial statements by the independent certified public accounting firm of WebsterRogers LLP.


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


Pursuant to state law the City of Florence contracts with an independent firm of certified public accountants to annually audit and certify the financial records and transactions of the City using generally accepted accounting principles.

**III. POINTS TO CONSIDER**

A. The accounting firm WebsterRogers LLP has completed its audit of the City's financial statements for the year ending June 30, 2012. A representative of the firm will present the report and distribute bound copies of the completed audit report to members of Council at the meeting.

B. The audited financial statements continue to reflect a sound financial position by the City. For the fiscal year ending June 30, 2012, the City budgeted the use of \$1,173,600 of General Fund balance, but used only 48% of that amount or a total of \$561,158. Net assets for both the Water and Sewer Combined Utilities and the Stormwater Utility Enterprise Funds have experienced healthy growth. The City has been fortunate over the past several years to maintain financial stability while at the same time experiencing difficult economic conditions.

  
\_\_\_\_\_  
Thomas W. Chandler  
Finance Director

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

**FLORENCE CITY COUNCIL MEETING**

**DATE:** December 10, 2012  
**AGENDA ITEM:** Report to Council  
**DEPARTMENT/DIVISION:** General Services

**I. ISSUE UNDER CONSIDERATION**

As part of its certification to affirmatively further fair housing, HUD requires the City of Florence to conduct an analysis of impediments to fair housing choice. The City also must take appropriate actions to overcome the effects of such impediments - if any are identified - through this analysis.

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

This Fair Housing Impediments analysis was initiated as part of the City's compliance with its Consolidated Plan. As an entitlement city, the Department of Housing and Urban Development requires the City of Florence to submit a consolidated plan every five years. The Consolidated Plan replaced the previously required Comprehensive Housing Affordability Strategy (CHAS) which had contained both one year and five year housing strategies. The most recent legislation now requires entitlement cities like Florence to submit grant funding applications for Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) as a part of the Consolidated Plan.

**III. POINTS TO CONSIDER**

Staff identified three potential impediments to fair housing.

Identified Impediment 1.

The City of Florence has identified that the apparent unequal access to mortgage financing from some lending institutions serving the Florence area indicates the presence of an impediment to housing choice for minorities.

Identified Impediment 2.

Non-representative, i.e., low number and percent of loans originating for minorities is an apparent impediment to Fair Housing Choice in Florence.

Identified Impediment 3.

Indications of disparities in property insurance coverage may be an impediment to fair housing choice in Florence.

The City of Florence has identified clear and obtainable action items to mitigate the identified impediments to fair housing choice. It is believed that by systematically focusing on eradicating the identified impediments and bringing attention to said impediments will effectively reduce the impediments to fair housing choice in Florence.

**IV. OPTIONS:**

City Council may:

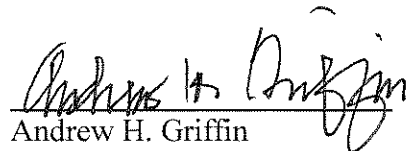
1. Receive as information.
2. Instruct staff to take further action.

**V. PERSONAL NOTES:**



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Scotty Davis  
Director of General Services



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Andrew H. Griffin  
City Manager