

**REGULAR MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, FEBRUARY 9, 2009 - 1:00 P.M.**

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

**FLORENCE, SOUTH CAROLINA**

**AGENDA**

**I. CALL TO ORDER**

**II. INVOCATION**

*Pledge of Allegiance to the American Flag*

**III. APPROVAL OF MINUTES**

*Work Session - January 8, 2009*

*Regular Meeting - January 12, 2009*

**IV. SPECIAL HONORS AND RECOGNITIONS**

*Service Certificates*

*Patrick Green - 15 years - Fire Department*

*Retirement Recognition*

*Karen Spigner - 28 years - Finance Department*

**V. APPEARANCE BEFORE COUNCIL**

**a.** *Mr. Jamie Young - Chairman, Parks, Beautification and Leisure Service Commission - to present the annual plan to Council*

**b.** *A representative from the Pee Dee Community Action Agency to make a request for \$10,000 in funding for the boxing program.*

**VI. ORDINANCES IN POSITION**

**a.** *Bill No. 2008-16 - Second Reading*

*An Ordinance to amend Section 2.9 of the Consolidated Zoning Ordinance by adding to the existing Ordinance in order to create the Wilson Road Residential Overlay District associated with Design Guidelines and to provide for their enforcement and administration.*

## **VII. INTRODUCTION OF ORDINANCES**

- a. **Bill No. 2008-59 - First Reading**  
*An Ordinance to repeal Ordinance number 2008-47 adopted October 20, 2008 which provided for a Public Referendum to be held to determine whether or not the City of Florence shall amend Chapter 2 of its City Code to change its method of electing the Mayor and City Councilman members from partisan election to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws.*
- b. **Bill No. 2009-01 - First Reading**  
*An Ordinance to rezone property owned by South Florence Developers LLC located on Third Loop Road and Encino Drive.*
- c. **Bill No. 2009-02 - First Reading**  
*An Ordinance to amend the City of Florence Zoning Ordinance related to Floodplain Management.*
- d. **Bill No. 2009-03 - First Reading**  
*An Ordinance authorizing the sale of a vacant parcel containing approximately 5,908 square feet and being known and designated as Lot 24-B, Block J on the map of Brookgreen Park Annex recorded in the Office of the Clerk of Court for Florence County in Plat Book V at Page 158 and being the parcel designated as Tax Parcel 90055-07-002 in the records of the Florence County Tax Assessor.*
- e. **Bill No. 2009-04 - First Reading**  
*An Ordinance to establish the date for the holding of the referendum called for by Ordinance 2008-47 to determine whether or not the City of Florence shall amend Chapter 2 of its City Code to change its method of electing the Mayor and City Council members from partisan elections to nonpartisan and run-off election as authorized by Section 5-15-62 of the South Carolina Code of Laws.*
- f. **Bill No. 2009-05 - First Reading**  
*An Ordinance authorizing the lease of parcels located in the block bounded by Cheves Street, Dargan Street, West Evans Street, and Irby Street, and being the parcels designated as a portion of Tax Map 90-168-02-005 in the records of the Florence County Tax Assessor.*

## **VIII. INTRODUCTION OF RESOLUTION**

- a. **Resolution No. 2009-01**  
*A Resolution by the City of Florence declaring February 2009 as "Cities Mean Business" Month.*

***IX. REPORTS TO COUNCIL***

- a. Appointment to Civic Center Commission***
- b. Appointments to the Housing Board of Adjustments and Appeals***

***X. EXECUTIVE SESSION***

- a. Legal Matter***
- b. Personnel Matter***
- c. Personnel Matter***

***XI. ADJOURN***

**WORK SESSION OF FLORENCE CITY COUNCIL  
THURSDAY, JANUARY 8, 2009 - 3:30 P.M.  
CITY-COUNTY COMPLEX, CITY MANAGER'S CONFERENCE ROOM, #605  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Stephen J. Wukela called the work session to order at 3:30 p.m. The following members were present for the meeting: Councilman Frank J. Brand, II; Councilwoman Octavia Williams-Blake; Councilman William C. Bradham, Jr.; Councilman Ed Robinson; Mayor Pro tem Billy D. Williams; and Councilman Steve Powers.

**ALSO PRESENT:** David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; James W. Peterson, Jr., City Attorney; Scotty Davis, Director of Community Services; Drew Griffin, Director of Public Works; Inspector Allen Heidler, Florence Police Department; and Tom Shearin, Special Services Administrator.

Notices of this regular meeting were sent to the media informing them of the date, place and time of the meeting. Chuck Tomlinson of the Morning News was present.

**REPORTS TO COUNCIL**

**a. A report on concerns and issues related to Levy Park**

Mr. Drew Griffin, Director of Public Works stated that following a report to Council at the December, 2008 meeting, Council directed Staff to meet with Ms. Pat Gibson-Hye and Mr. Michael Hawkins to get specific information regarding the facility needs at Levy Park. The following needs were identified:

1.	Repair or replacement of outdoor basketball courts (3)	\$	45,000
2.	Construction of covered basketball shelter over 1 or more courts	\$	260,000
3.	Repair or replace tennis courts	\$	65,000
4.	Repair or replace shuffle board courts	\$	9,000
5.	Construction of large picnic shelter	\$	100,000
6.	Updates to existing activities building	\$	50,000
7.	Construction of new activity center	\$	390,000

There is approximately \$377,000 left from the Section 108 Loan that can be applied to any or all of these needs.

Mr. David Williams, City Manager stated that in the application for the Section 108 Loan, it was specified that these funds would be used for a new activity center. If any significant changes are made for the use of these funds, the City would have to conduct public hearings, Council would have to take formal action, and it would have to go back to HUD for approval. If funds are used for anything other than a new building, HUD would have to give approval.

Councilman Robinson stated that the money is for a new building and that is what is needed at Levy Park. Councilman Robinson is not opposed to the other needs, but would prefer that the City find another funding source for them.

Mr. Williams stated that Staff needs to clarify if the money is ear-marked for an activity center at Levy Park or somewhere else or if the money can be used for something other than an activity center at Levy Park.

Councilman Powers stated that Council needs to hold a public hearing for the purpose of receiving input from the public to hear what the people in that area want.

Staff will make arrangements for a public hearing to be held to give the residents in that area an opportunity to voice their requests.

No action was requested or taken by Council on this matter.

**b. A report concerning nuisance abatement and code enforcement activities**

Mr. Scotty Davis reviewed the current laws and processes that his department uses when dealing with abandoned houses, vacant lots or nuisance abatement.

**Section 4-2-1 Unsafe Commercial Buildings**

Any structure that is unsafe as a result of decay, damage, etc.

**Enforcement**

Owner contacted in writing to schedule a joint inspection. Owner has 120 days to make repairs.

**Penalties**

Not more than \$500 or by imprisonment for not more than 30 days.

**Section 9-24 Nuisance Conditions, Abatement**

Requires removal of trash and undergrowth from property. Weeds, vines, briars, grass, etc. greater than 12 inches in height are prohibited.

**Enforcement**

Owner contacted in writing and ordered to correct violation within 15 days.

Extensions can be given by the manager.

**Penalties**

First Offense - Written warning

Second Offense - \$100 fine

Third Offense - \$200 fine

Fourth Offense - Judges discretion

(Not more than \$500 **OR** by imprisonment for not more than 30 days)

**Article IV. Section 4-200 Dwellings Unfit For Human Habitation**

Dilapidations; lack of ventilation, light or sanitary facilities, etc.

**Enforcement**

Order to repair if cost is 50% or less than the value of the dwelling. Demolish if repair cost is greater than 50% of the value of the dwelling. (This is determined by City Staff) If owner fails to comply, staff can repair or demolish and place a lien against the property or issue a summons.

**Penalties**

Not more than \$500 or by imprisonment for not more than 30 days.

**Challenges**

**Service** - Have papers served by city law enforcement or by certified letter.

**Ownership issues** - There is a large number of heir properties. This makes it difficult to find the owner of the property and serve papers.

**Decrease of CDBG funding**

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**Judgments, liens, mortgages, etc.** - There is a large number of properties that do not have a clear title.

**Magnitude of Problem**

There are a total of 2,426 vacant and/or abandoned properties in the City of Florence. Of the 2,426 properties, 878 or 40% have absentee owners. Of the 878 parcels, 745 are in the CDBG target area.

**Summary of Property Maintenance and Code Enforcement in South Carolina  
(Survey by University of South Carolina in 2006)**

- 49 municipalities and 30 counties responded to the survey
- 60% used neighborhood sweeps
- 35 of the municipalities used liens but only 11 reported collections
- 22% placed tax liens on the property
- 5 have rental property registry and 3 have business license requirements
- Charleston, Columbia, Rock Hill, Myrtle Beach, Spartanburg, and Greenville use Livability Court. This court deals with quality of life issues.
- Fines range from \$200 - \$1,100
- 50% of responders use the International Property Maintenance Code. This Code is very strict but could handle a lot of problems in our area.
- Only 12% actively pursue demolition

**Options To Consider**

- Vacant Building Registry - pay fee to have building vacant
- Rental Property Registry - register with City - can impose fee or not.
- Urban Green Space (Get neighborhoods to adopt properties and keep them clean)
- Business License fee requirement for landlords
- Maintenance Registry required for landlords. This would show who is locally responsible for the property.
- Use "Rule To Show Cause" - Party would come before Council for review of issues to determine if property would be repaired or demolished
- Neighborhood Sweeps
- Livability Court
- Ordinance updates

Councilman Bradham suggested that Staff study all the options presented and make a recommendation to Council on a procedure to follow.

Councilman Robinson stated that he is vehemently opposed to taking people's property. Council needs to find other ways to deal with these issues other than taking someone's property.

Councilman Brand stated that his biggest concern is finding the funding for these issues.

Councilwoman Williams-Blake stated that she liked the concept of the Livability Court.

Inspector Allen Heidler briefly addressed Council from the law enforcement perspective. These abandoned houses are used by gangs as hideouts and present a safety issue for law enforcement. Redevelopment of these abandoned homes will not stop the gangs but it would decrease some of their activities.

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Council received this report as information and will wait for Staff to come back to them with recommendations.

**ADJOURN**

Mayor Pro tem Williams made a motion to adjourn the work session. Councilman Brand seconded the motion, which carried unanimously.

The work session was adjourned at 5:37 p.m.

Dated this \_\_\_\_\_ day of February, 2009

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

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

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
MONDAY, JANUARY 12, 2009 - 1:00 P.M.  
CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Stephen J. Wukela called the regular meeting to order at 1:00 p.m. The following members were present for the meeting: Councilman Frank J. Brand, II; Councilwoman Octavia Williams-Blake; Councilman William C. Bradham, Jr.; Councilman Ed Robinson; Mayor Pro tem Billy D. Williams; and Councilman Steve Powers.

**ALSO PRESENT:** David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; James W. Peterson, Jr., City Attorney; Phillip Lookadoo, Director of Urban Planning and Downtown Development; Thomas Chandler, Director of Finance; Scotty Davis, Director of Community Services; Chief Anson Shells, Florence Police Department; Drew Griffin, Director of Public Works; Tom Shearin, Special Services Administrator; Darene Stankus, Director of Human Resources; and Chief Randy Osterman, Florence Fire Department.

Notices of this regular meeting were sent to the media informing them of the date, place and time of the meeting.

**INVOCATION**

Mayor Pro tem Billy D. Williams gave the invocation, which was followed by the Pledge of Allegiance to the American Flag.

**APPROVAL OF MINUTES**

Councilman Brand made a motion to approve the minutes of the Regular Meeting of December 8, 2008. Councilman Bradham seconded the motion, which carried unanimously.

**SPECIAL HONORS AND RECOGNITIONS**

Mayor Wukela presented a certificate of recognition to Linda Maleckar for 15 years of service with the City of Florence.

Anthony Judkins received a certificate of recognition for 15 years of service from Mayor Wukela.

Mayor Wukela presented Wes Miller a certificate of recognition for 15 years of service with the City of Florence.

Brian Matthews received an educational bonus for completing his "B" Water Treatment Operator Certification.

**APPEARANCES BEFORE COUNCIL**

**a. Ms. Susie Brown and students from Lester Elementary**

Ms. Brown had 25 students representing the student council from Lester Elementary School present for the meeting. The students came to observe how city government operates. They met with City Manager, David Williams before the meeting and also spoke with Mayor Stephen Wukela.



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**b. Mrs. Jayne Boswell, Florence Area Humane Society**

Mrs. Jayne Boswell along with several members of the Board of Directors and representatives from the community appeared before Council to give a report on the status of the animal shelter and their fund raising efforts for the new animal shelter.

To date two Bon-E-Fit fund raisers have been held and have raised over \$206,000. The Drs. Bruce and Lee Foundation have awarded a grant in the amount of \$250,000 for the new shelter. Mrs. Carrington Baker Wingard speaking on behalf of the shelter, asked what their organization needs to do to have the new shelter built.

Mrs. Boswell stated that the existing shelter is reaching a crucial point. The existing shelter is inadequate and asked Council for a status report of the plans for the new shelter.

Mr. David Williams, City Manager stated that City staff is waiting to receive revised information from the architect. In October, 2008, former Mayor Frank Willis met with the architect and directed him to come back to city staff with a revised estimate for the cost of the building. The estimate for the new shelter given in October, 2008 was \$1.5 million. Mayor Willis asked that the bid be revised for a total cost of \$1 million. The City is awaiting this information from the architect and will contact Mrs. Boswell when it is received.

Mayor Pro tem Williams noted that there is a shortfall of about \$500,000 to have the new shelter built and stated that the City will need to find a way to make up this shortfall.

Mr. David Williams stated that the shortfall would be addressed at the mid-year budget review and that staff would look for options for funding the shortfall.

Councilman Brand and Councilwoman Williams-Blake stated that they would like to see this move forward and as soon as possible get a report to the animal shelter so they will know where they stand.

**c. Ms. Gerry Madison and Mr. Pete Sieler - Florence Chamber of Commerce**

Ms. Josephine Jupiter, speaking on behalf of Ms. Gerry Madison, appeared before Council to give a report on the upcoming session of the Chamber of Commerce Building Bridges program. The next session of Building Bridges will begin January 26 and run through March 9. This is a six-weeks session held at Poynor Adult Center each Monday from 4-6 p.m. The cost is \$15 per person. Ms. Jupiter encouraged the members of City Council to participate and to support this program.

**d. Representatives of the East Florence Community**

Mr. Lawrence Smith and Mr. Freddie Jolley appeared before Council to present a plan regarding the abandoned houses in Districts 1 and 2. Mr. Smith stated that instead of demolishing houses, he is proposing that property owners be allowed to use the City of Florence's line of credit to borrow money to be used to rehabilitate their homes. This plan also involves the Housing Authority to collect monthly payments that would repay the loans. Loans could be repaid over a 6 year period and the property owner could pay the loan in full at any time they chose to.

Councilman Robinson added that the method that is used by the City to demolish a property could be used to give the property owner a chance to maintain their property by participating in this program.

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Mr. Jolley asked that the City give the greater East Florence community an opportunity to meet with City Council and/or City staff to look at alternative methods for these property owners, instead of taking their property because they can not afford to make repairs or clean up their property.

Mayor Wukela stated that City Council would receive this proposal as an option. Mayor Wukela stated further that City staff is currently working on some proposals, in the form of Ordinances, for Council to consider. Council will take into consideration all options.

**ORDINANCES IN POSITION**

**BILL NO. 2008-13 - SECOND READING**

**AN ORDINANCE TO AMEND SECTION 2.5-TABLE III, SECTION 3.21, SECTION 5.2-TABLE VIII, SECTION 7.6, AND SECTION 7.7 OF THE CITY OF FLORENCE ZONING ORDINANCE FOR SETBACKS, TEXT ERRORS, ACCESSORY STRUCTURE RULES AND COMMERCIAL AND INDUSTRIAL PROPERTY ACCESS**

An Ordinance to amend Section 2.5-Table III, Section 3.21, Section 5.2-Table VIII, Section 7.6, and Section 7.7 of the City of Florence Zoning Ordinance for setbacks, text errors, accessory structure rules and commercial and industrial property access was tabled.

Councilman Brand made a motion to table Bill No. 2008-13. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

**BILL NO. 2008-16 - SECOND READING**

**AN ORDINANCE TO AMEND SECTION 2.9 OF THE CONSOLIDATED ZONING ORDINANCE BY ADDING TO THE EXISTING ORDINANCE IN ORDER TO CREATE THE WILSON ROAD RESIDENTIAL OVERLAY DISTRICT ASSOCIATED WITH DESIGN GUIDELINES AND TO PROVIDE FOR THEIR ENFORCEMENT AND ADMINISTRATION**

An Ordinance to amend Section 2.9 of the consolidated Zoning Ordinance by adding to the existing Ordinance in order to create the Wilson Road Residential Overlay District associated with Design Guidelines and to provide for their enforcement and administration was deferred on second reading.

Councilman Powers made a motion to defer Bill No. 2008-16 on second reading Councilman Brand seconded the motion, which carried unanimously.

**BILL NO. 2008-58 - SECOND READING**

**AN ORDINANCE TO ANNEX PROPERTY OWNED BY JANE RHODEN LOCATED AT 1615 SOUTHWOOD COURT**

An Ordinance to annex property owned by Jane Rhoden located at 1615 Southwood Court was adopted on second reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council at the regular meeting of December 8, 2008, that an annexation request has been received by Ms. Jane Rhoden for property located at 1615 Southwood Court. The property is shown more specifically on Florence County Tax Map 90080, Block 01, and Parcel 082.

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This property is contiguous to the City limits with both water and sewer services currently available. There have been several other recent annexations on this street. With this annexation, there will be five remaining properties in this subdivision to be annexed.

This property has been zoned previously to R-3, Single-Family Residential District by action of Florence County Council.

Councilman Brand made a motion to adopt Bill No. 2008-58 on second reading. Councilman Bradham seconded the motion, which carried unanimously.

**INTRODUCTION OF ORDINANCES**

**BILL NO. 2008-59 - FIRST READING**

**AN ORDINANCE TO REPEAL ORDINANCE NUMBER 2008-47 ADOPTED OCTOBER 20, 2008 WHICH PROVIDED FOR A PUBLIC REFERENDUM TO BE HELD TO DETERMINE WHETHER OR NOT THE CITY OF FLORENCE SHALL AMEND CHAPTER 2 OF ITS CITY CODE TO CHANGE ITS METHOD OF ELECTING THE MAYOR AND CITY COUNCILMAN MEMBERS FROM PARTISAN ELECTION TO THE NONPARTISAN ELECTION AND RUN-OFF ELECTION METHOD AS AUTHORIZED BY SECTION 5-15-62 OF THE SOUTH CAROLINA CODE OF LAWS.**

An Ordinance to repeal Ordinance number 2008-47 adopted October 20, 2008 which provided for a public referendum to be held to determine whether or not the City of Florence shall amend Chapter 2 of its City Code to change its method of electing the Mayor and City Councilman members from partisan election to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws was deferred on first reading.

Councilman Brand made a motion to set the date for the referendum in order to let the citizens decide if the method of election should be changed from the partisan election method to the nonpartisan election and run-off election method.

Mayor Wukela stated that as this item was not properly placed on the agenda, it would have to overcome two objections to be placed on the agenda for this meeting.

Mayor Pro tem Williams requested that this item be deferred until the Justice Department makes a decision to pre-clear the request. Mayor Pro tem Williams stated that he objected to Councilman Brand's motion to have this matter placed on today's agenda.

Mr. Jim Peterson, City Attorney stated that the Justice Department has indicated they will not address pre-clearance of anything until a date is set for the referendum to be held. Once a date is set, the Justice Department will then pre-clear the election process. They will then wait to see if the referendum passes to change to non-partisan elections. At that point before any election is held under the new system, the Justice Department would then address and discuss whether to pre-clear the change. They are basically saying they will not do anything unless Council sets a date for the referendum.

Mayor Wukela asked if there were any other objections to Councilman Brand's motion to have the matter placed on today's agenda to set a date for the referendum. Councilman Robinson and Mayor Wukela stated their objections. According to the City Code, Section 2.24(g) this item can not be placed on today's agenda.

Councilman Brand asked if an Ordinance could be placed on next month's agenda to address the issue of setting a date to hold a public referendum to change the City of Florence's method of election from partisan to non-partisan elections.

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Mayor Wukela asked if the objections were the same as stated today. Mayor Pro tem Williams, Councilman Robinson and Mayor Wukela made an objection to the request to have this placed on next month's agenda.

**REPORTS TO COUNCIL**

**A REPORT TO GIVE CONSIDERATION OF THE EXPENDITURE OF SECTION 108 FUNDS IN SUPPORT OF RECREATIONAL PROGRAMMING AND ACTIVITIES AT LEVY PARK.**

Mr. David Williams, City Manager stated that staff has no additional information beyond what was presented to Council at the January 8, 2009 work session.

A public meeting is being scheduled to receive public input on this matter.

**ADDENDUM TO THE AGENDA**

**a. Mayor Wukela to appoint a Conference Committee of three members of City Council to meet with members of County Council**

Mayor Wukela stated that he has been approached by Chairman Rusty Smith of Florence County Council and other members of County Council to have more communication between Florence City Council and Florence County Council. A recommendation has been made for Mayor Wukela to appoint three members of City Council to meet with a similar conference committee of three members of County Council to meet and discuss issues pertaining to both the City and County and to report to the respective Councils. Mayor Wukela would like for these committees to meet on a quarterly basis.

Mayor Wukela made a motion to appoint Councilman Powers to serve as the Chairman of the Committee and to appoint two other members of City Council to serve with him. Councilman Brand seconded the motion, which carried unanimously.

**b. Mayor Wukela to appoint a member of City Council to serve on a selection committee to evaluate independent audit proposals and make a recommendation to City Council for the audit contract for the City of Florence**

Mayor Wukela made a motion to appoint Councilman Buddy Brand to serve on the selection committee to evaluate independent audit proposals for the City of Florence. Councilman Powers seconded the motion, which carried unanimously.

**c. Appointments to Boards and Commissions**

**Design Review Board**

Councilman Powers made a motion to appoint Mr. George Wilds to serve on the Design Review Board. Councilman Brand seconded the motion, which carried unanimously.

Mr. George Wilds was appointed to serve on the City of Florence Design Review Board. Mr. Wilds' term will begin immediately and end June 30, 2009. Mr. Wilds will complete the unexpired term of Mr. Steve Powers on this board.

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Civic Center Commission

Mayor Wukela deferred his appointment to the Civic Center Commission.

ADJOURN

There being no further business, Councilman Brand made a motion to adjourn the meeting. Councilman Robinson seconded the motion, which carried unanimously.

The meeting was adjourned at 2:33 p.m.

Dated this \_\_\_\_\_ day of February, 2009

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

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

V. a.  
Mr. Jamie Young  
Parks, Beautification &  
Leisure Services

FLORENCE CITY COUNCIL MEETING

**DATE:** February 9, 2009

**AGENDA ITEM:** Appearance Before Council

**DEPARTMENT/DIVISION:** Mr. Jamie Young, Chairman  
Parks, Beautification, and Leisure Services  
Commission

**ISSUE UNDER CONSIDERATION:** To present the 2009 Annual Plan

# THE PARKS, BEAUTIFICATION, AND LEISURE SERVICES COMMISSION

Creating Community through People, Parks and Programs

## 2009 ANNUAL PLAN

The Parks, Beautification, and Leisure Services Commission is pleased to submit for review and consideration by City staff the following recommendations as required in Sec 15-12 of the City of Florence Code.

### 1 YEAR PLAN

#### **A. PARK RULE SIGNS:**

1. Update and upgrade park rule signs to include the new "branding" concept;
2. Post the "Rules" signs in multiple locations and specifically at the edges of the parking lot so that foot traffic cannot avoid seeing them upon entering the park;
3. Coordinate with City Police to obtain better enforcement of posted rules.

#### **B. TRAIL SYSTEM:**

Continue to develop urban connectors.

#### **C. PUBLIC AWARENESS:**

1. Create a liaison with TV and print media for the purpose of disseminating information and educating the public about events and programs within the City;
2. Create a public awareness program to better inform the public of the park rules.
3. Use City's PR capability to provide news releases about park activities and events on a regular basis;
4. Use public access channel to inform and educate the community about City parks and events;
5. Develop a power presentation to showcase the many programs and ideas being developed by staff and offer to local service clubs;
6. Assist in creation and recording (history) of publicity;
7. Educate the public on the benefits of tree preservation and the role of the Tree Committee of the Commission.

#### **D. TENNIS COURTS:**

1. Develop a master plan for the maintenance, renovation, expansion, and replacement of tennis courts (capital replacement account).
2. Support development of the tennis complex.

#### **E. LEVY PARK:**

1. Replace basketball court
2. Develop plan for the renovation/replacement of the community center.
3. Replace shuffleboard court.
4. Construct large picnic shelter.

#### **F. MAPLE PARK:**

Add Playground equipment.

**G. McLEOD PARK:**

Plan reconfiguration and renovation.

**H. SWIM PROJECT:**

Develop park like setting along Pye Branch as wetlands education facility.

**I. FREEDOM FLORENCE:**

1. Relocate football fields and construct baseball/softball field;
2. Provide room for future expansion of the Science South Facility.

**J. WATER PARK:**

Incorporate the "water park" concept into future upgrades.

**K. NORTHWEST CENTER:**

Upgrade tennis courts and encourage use.

**L. WHEELCHAIR COURSE:**

1. Restore/repair/construct "wheelchair exercise course" at Timrod Park and add wheelchair access to an area of the park that provides a landscaped viewing area along the creek.
2. Seek assistance from service organizations.

**M. CATALYST SITE #1:**

Encourage and promote the beautification and development of the seven (7) acre site located at Irby and Lucas Streets (formerly the Busch Recycling Center).

**N. COMMISSION DEVELOPMENT:**

1. Implement ongoing program for Commission members;
2. Plan annual trip to get new perspective of possibilities.



## **5 YEAR PLAN**

### **A. BARNES STREET ACTIVITY CENTER:**

Add gymnasium facility.

### **B. McLEOD PARK:**

Redesign and update ballfields for optimal use.

### **C. IOLA JONES:**

1. Build a "Senior Center";
2. Continue to upgrade and enhance this park to include its use by seniors;
3. Use concrete picnic tables and benches more accessible to seniors.

### **E. OLD PETTIGREW MILLPOND PROPERTY:**

Develop ideas/plan for the development of a nature area within the property recently acquired by the City of Florence; This may include an open activity space, viewing areas, and trails.

### **F. GOLFING ACTIVITIES:**

1. Develop a plan to install and maintain putting greens in existing parks;
2. Develop a location for a driving range;
3. Coordinate with Florence School District #1 to develop other golfing activities.

## 10 YEAR PLAN

### **A. MAPLE PARK:**

Develop plan for the renovation/replacement of the community center as space within the park becomes available with the relocation of existing ballfield(s).

## CONTINUING GOALS:

### **A. MAYOR'S COALITION TO PREVENT JUVENILE CRIME:**

Continue to support the Mayor's Coalition to Prevent Juvenile Crime by designing programs and activities for Florence youth in an effort to prevent juvenile crime.

### **B. NEW PARKS:** This Commission recommends that the current parks system be expanded and enhanced by pursuing and implementing the following projects:

- 1. Green Space - Open Space:** Acquiring waterways and adjacent areas in order to have walking and boating possibilities across the City.
- 2. Conservation Easement:** Implement and promote the use of conservation easements by private property owners who have wetlands, waterways or other property with natural wildlife habitats.
- 3. Backyard Wildlife Habitat Certification:** Continue to develop, implement and promote a backyard wildlife certification program. Enhance habitat in parks. Seek assistance from community groups.
- 4. The Old Stockade:** Accommodate the development of this historic property and tie it into the City park system as a destination point.

### **C. OVERLAY DISTRICT - DOWNTOWN FLORENCE**

Work with and support the efforts of the Florence Downtown Development Corporation and the Downtown Merchants Association.

### **D. TREE PLANTING AND PRESERVATION:**

1. Continue to locate every tree of significant size (GIS) and retain maintenance history on each tree.
2. Plant a tree everyday - or 365 trees per year.

### **E. ATHLETIC PROGRAM:**

Serve as the final arbiter in any dispute over league rules or other issues that may arise.

### **F. COMMUNITY PROGRAMMING:**

1. Continue to improve and expand the programming at the community centers by developing more "structured programs" for children and seniors; providing a wide variety of activities; and increasing the hours of operation in order to serve a larger population.
2. Investigate opportunities to improve transportation, especially for the handicapped.

This Commission would like to thank staff for its cooperation and assistance in developing this Annual Plan. Staff is always ready to give of their time to help the members of this commission understand the past history, the current status, and the ideas they have for future development. We find their efforts to be commendable and believe that they represent the best of what makes the City of Florence the best place to call home.

**FLORENCE CITY COUNCIL MEETING**

**DATE:** February 9, 2009

**AGENDA ITEM:** Appearance Before Council

**DEPARTMENT/DIVISION:** Pee Dee Community Action Agency

**ISSUE UNDER CONSIDERATION:**

To request \$10,000 from the City of Florence to fund the Pee Dee Community Action Agency's Boxing Program

January 6, 2009

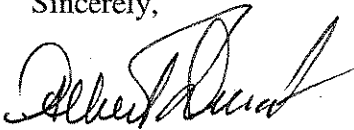
Mr. David Williams  
City Manager  
City County Complex AAA  
180 North Irby Street  
Florence, SC 29501

Dear Mr. Williams:

Please consider this letter an official request for our agency's Boxing Program allocation in the amount of \$10,000, for FY 2008/09.

If additional information is needed to process this request, please contact me at (843) 678-3400 extension 119.

Sincerely,



Alberta Durant  
Fiscal Officer

**FLORENCE CITY COUNCIL MEETING**

**DATE:** April 8, 2008

**AGENDA ITEM:** Amendment to Section 2.9 of the Consolidated Zoning Ordinance to create the Wilson Road Residential Overlay District and establish the applicable Design Guidelines

**DEPARTMENT/DIVISION:** Urban Planning and Development

**I. ISSUE UNDER CONSIDERATION**

The purpose of this amendment is to consider establishing a new overlay district to be known as the Wilson Road Residential Overlay District and adopt the Design Guidelines applicable to the new overlay district.

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

- a. The attached amendment to Section 2.9 is designed to establish a new overlay district to be known as the Wilson Road Residential Overlay District.
- b. In 2005 City Council adopted an ordinance creating four (4) Downtown Overlay Districts and establishing the Design Guidelines applicable to those Districts.
- c. In 2007 City Council adopted an ordinance which amended Section 2.9 to add a residential overlay district known as Timrod Park Residential Overlay District and establishing the Design Guidelines applicable to that District.
- d. Interested residents from the residential area around Wilson Road have requested that City Council create a residential overlay district in their area in order to preserve the residential character of that location.
- e. The interested residents have worked with staff to create the proposal being considered.
- f. The Florence County - Municipal Planning Commission will consider this matter at their regularly scheduled meeting on May 27, 2008.

### III. POINTS TO CONSIDER

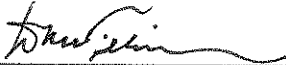
- a. This action involves possible legal issues which should be addressed by the City Attorney in executive session prior to action being taken.
- b. The proposed ordinance establishes a residential overlay district and adopts applicable Design guidelines, the guidelines addressing solely use restrictions.
- c. Adjacent to this area is property located outside the City and the residents have requested that the County consider similar action regarding that property.

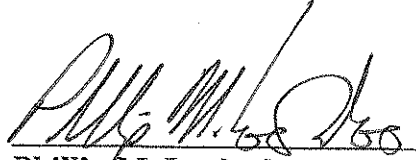
### IV. STAFF RECOMMENDATION

Staff recommends consideration of the Amended Ordinance after legal advise. If approved, this will be forwarded to the Planning Commission for their recommendation before the second reading.

### V. ATTACHMENTS

Copy of the proposed Amended Ordinance.

  
\_\_\_\_\_  
David N. Williams  
City Manager

  
\_\_\_\_\_  
Phillip M. Lookadoo, Director  
Urban Planning and Development



**FLORENCE COUNTY**  
**PLANNING, BUILDING INSPECTION, ENGINEERING**  
**AND CODE ENFORCEMENT DEPARTMENT**

June 30, 2008

Florence City Council  
City-County Complex  
180 North Irby Street  
Florence, South Carolina 29501

RE: Text Amendment to the Florence County/Municipal Zoning Ordinance-Section 2.9 to Create the Wilson Road Residential Overlay District and Establish the Applicable Design Guidelines.

To Florence City Council:

The Florence County/Municipal Planning Commission voted unanimously to reconsider the above-referenced request by the City of Florence Urban and Planning Department on Tuesday, June 24, 2008.

The nine Planning Commission members present voted unanimously to recommend that City Council defer second reading of the text amendment request and to refer the request to the City of Florence Planning Commission to conduct another public hearing and study the proposal.

Should you have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

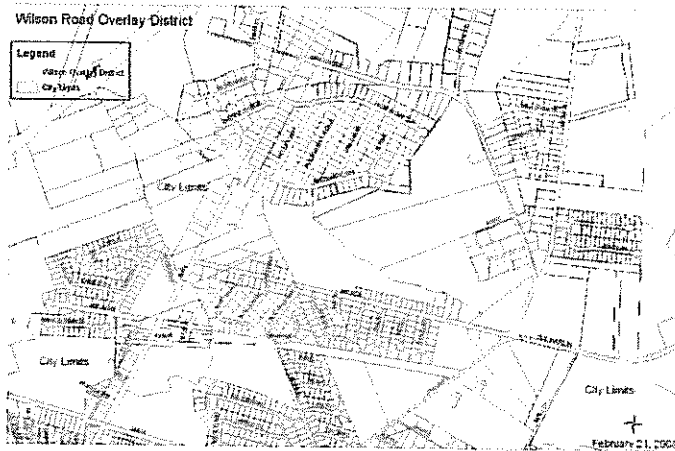
William H. Hoge  
Director, Planning and Building Inspections Department

Cc: Phillip Lookadoo, Director, City of Florence Urban and Planning Department  
Dianne Rowan, Municipal Clerk, City of Florence

## EXHIBIT 1

### Design Guidelines

#### 2: Wilson Road Residential District Design Guidelines & Requirements



*Please Note: This section sets out land uses and certain guidelines for the redevelopment, construction, renovation or restoration of buildings located within the Timrod Park Residential District. A Certificate of Appropriateness is required for any change in use, construction or redevelopment within this District.*

The map above shows the Wilson Road Residential District (in Blue and City Limits in Grey).

#### **Comments**

The intent of this District is to maintain the general quality and appearance of the neighborhood and to encourage development while preserving and promoting the cultural, economic and general welfare of the public. The District does so by providing a mechanism for the identification, recognition, preservation, maintenance, protection and enhancement of existing structures and other properties which make up the Wilson Road Residential District. Similar to other Districts, the goal is to implement and enable redevelopment by providing compatible residential development in the greater Wilson Road Area.

Of basic importance to this effort is the maintenance, restoration, and careful development of the residential area known as the Wilson Road Neighborhood. The boundaries of the Wilson Road Residential District are shown on the preceding page.

Within the Wilson Road Residential District the permitted uses are generally determined by the "underlying" or primary zoning district. All zoning and/or change in zoning requests shall be heard and acted upon by the City-County Planning Commission in compliance with the Consolidated Zoning Ordinance.

#### **General Guidelines**

For the Wilson Road Residential District, Zoning Compliances are issued by the Zoning Administrator of the County-Municipal Consolidated Zoning Ordinance.

#### **Zoning Compliance, Criteria for Issuance**

In considering the issue of compliance for the District, the Zoning Administrator shall use the following criteria:



1. All the regulations set forth in the Consolidated Zoning Ordinance; and
2. No duplexes, multi-family housing or town homes as defined in the Consolidated Zoning Ordinance shall be allowed in the district.

*Certificate of Appropriateness, Application Requirements*

The procedures for the administration and approval of a Zoning Compliance are contained within the following sections of the Consolidated Zoning Ordinance,:

A. County Municipal Consolidated Zoning Ordinance

1. Section 2.9 – Florence Downtown Overlay District

B. Design Guidelines for Overlay Districts Florence, South Carolina

1. Chapter 2 --Overlay District Guidelines  
Requirements:

# Wilson Road Overlay District

**Legend**

- Wilson-Overlay District
- City Limits



February 21, 2008

**ORDINANCE NO. 2008-\_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 2.9 OF THE CONSOLIDATED ZONING ORDINANCE BY ADDING TO THE EXISTING ORDINANCE IN ORDER TO CREATE THE WILSON ROAD RESIDENTIAL OVERLAY DISTRICT ASSOCIATED WITH DESIGN GUIDELINES AND TO PROVIDE FOR THEIR ENFORCEMENT AND ADMINISTRATION.**

**WHEREAS**, a public hearing was held in room number 803 of the City County Complex on May 27, 2008 before the Florence County - Municipal Planning Commission and notice of said hearing was duly given;

**WHEREAS**, the City of Florence wishes to protect and preserve an area that contains predominantly single family homes;

**WHEREAS**, the Florence County - Municipal Planning Commission, and the Florence City Council concur in the aforesaid application and findings;

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

**I.**

**That the provisions of the Consolidated Zoning Ordinance applicable to the City of Florence be, and the same are hereby, amended to amend Section 2.9, *et seq.*, which will read in whole as follows:**

**Sec. 2.9. Florence Overlay Districts.**

**Sec. 2.9-1. A Purpose and Intent.**

In order to promote the economic and general welfare of the City of Florence and of the public generally, the City of Florence seeks to promote and control preservation, redevelopment, restoration, and revitalization in its traditional downtown core and throughout the city limits and seeks to ensure the harmonious, orderly, and efficient growth and redevelopment of the City.

History demonstrates that the promotion of these goals requires that the City take action to preserve the qualities relating to the history of the Downtown area and to create a harmonious outward appearance of structures by emphasizing the preservation and restoration of the historic areas and buildings in both the

downtown area and the City in general. The continued construction of buildings in historic styles and with general harmony as to the style, form, color, proportion, texture, and material between the buildings within the surrounding area thereby fostering civic pride and the orderly efficient growth and redevelopment within the City.

The creation of Overlay Districts for the City of Florence is done in order to establish a mechanism for the accomplishment of these objectives.

**Sec. 2.9-2. Establishing Florence Downtown Overlay Districts.**

(A) There are hereby established ~~five~~ six (~~05~~) overlay districts in the ~~Downtown~~ City of Florence area, those districts being designated as follows:

**D-1. Downtown Redevelopment District:** The intent of this district is to promote the cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of existing architecturally valuable structures, properties, and neighborhoods which make up the district. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

**D-2. Downtown Central District:** The intent of this district is to promote good urban design and to establish and maintain a unified, improved identity for Downtown Florence. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference. .

**D-3. Downtown Arts and Cultural District:** The intent of this district is to promote good urban design and to build on the attractive and significant architecture that exists through new infill development. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

**D-4 Timrod Park Residential District:** The intent of this district is to promote good urban residential design and to maintain and build upon the attractive

and significant historic architecture that exists throughout the District. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

**H-1. Florence Historic District:** The intent of this district is to respect and build on the historic character of Downtown Florence and to establish the initial parameters for the possible pursuit of National Register Historic District designation. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

**WRRD. Wilson Road Residential District:** The intent of this district is to promote good urban residential design and to maintain and build upon the architecture that exists throughout the District. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

- (B) The boundaries for the overlay districts hereby established shall be shown on an amendment to the Consolidated Zoning Map, and the boundaries hereby established are set forth below:

**D-1. Downtown Redevelopment District:** The boundaries of the Downtown Redevelopment District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 1.

**D-2. Downtown Central District:** The boundaries of the Downtown Central District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 2.

**D-3. Downtown Arts and Cultural District:** The boundaries of the Downtown Arts and Cultural District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 3.

**D-4. Timrod Park Residential District:** The boundaries of the Timrod Park Residential District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 4.

**H-1. Florence Historic District:** The boundaries of the Florence Historic District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 5.

**WRRD. Wilson Road Residential District:** The boundaries of the **Wilson Road** Residential District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 6.

- (C) The overlay districts referred to above shall be incorporated into the Consolidated Zoning Map and shall be maintained in both the Florence County - Municipal Planning Department and in the office of the Florence ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development.
- (D) Variances for residential uses on any lot or parcel, including mixed use developments, may be permitted within the Downtown Redevelopment District as a Special Exception by the City-County Board of Zoning Appeals. To ensure conformity to the Consolidated Zoning Ordinance and compatibility with the intent of the overlay district for which that use is proposed, a Certificate of Appropriateness is required from the Design Review Board and a variance must be obtained from the City-County Board of Zoning Appeals. Prior to submitting a request for a variance from the City-County Board of Zoning Appeals the owner must first obtain a Certificate of Appropriateness which shall be used to determine that the proposed residential use is compatible with the purposes of the Overlay District for which it is proposed.

### **Sec. 2.9-3. Adoption of Design Guidelines.**

In the interest of promoting the cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of the existing architecturally valuable structures and to promote the redevelopment and revitalization of the traditional Downtown Area and throughout the City of Florence by insuring the harmonious,

orderly, and efficient growth and redevelopment of the City, the City of Florence hereby adopts and incorporates by reference the Design Guidelines attached hereto as Appendix 7.

**Sec. 2.9-4. Actions Requiring a Certificate of Appropriateness.**

Within any of the designated overlay districts established herein, an application must be submitted to the Design Review Board through the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development and a Certificate of Appropriateness issued before any of the following activities can be undertaken:

- (A) The issuance of a permit by the Building Official and/or Zoning Administrator for erection, alteration, improvement, demolition, or moving of such structure, building, or signage.
- (B) All requests related to land use.
- (C) Landscape changes which include either the removal of any tree four (4) inches in caliper, or greater, or the removal of any hedge or shrub group that is at least thirty (30) inches in height
- (D) Exterior modifications or maintenance which may change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, fencing, grading or paving, awnings, shutters or window replacement.

**Sec. 2.9-5. Powers of Design Review Board.**

Toward this objective, The Design Review Board shall have the following powers and duties:

- (A) To adopt procedural regulations;
- (B) To conduct and/or maintain an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the City;
- (C) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each such designation;
- (D) To advise and assist owners of all properties or structures within the overlay districts on the physical and financial aspects of preservation,

renovation, rehabilitation, and reuse and, where appropriate, to advise such owners of the procedures of the inclusion of structures on the National Register of Historic Places;

- (E) To work in conjunction with the Downtown Redevelopment Coordinator to inform and educate the citizens of Florence concerning the Downtown historic and architectural heritage by publishing appropriate maps, newsletters, brochures, and pamphlets; by holding programs and seminars; and through media exposure;
- (F) To consider, analyze, and make a determination with respect to all applications for a Certificate of Appropriateness by applying the Design Guidelines herein adopted to the project and property in question;
- (G) To make recommendations for amendments to the Design Guidelines for any of the overlay districts with final approval of the Design Guidelines to be accomplished by the City Council by resolution. Once approved, to implement any amendments to the Design Guidelines.
- (H) To assist the public entities in the development of streetscapes within the overlay districts which are consistent with the information contained in the Design Guidelines.
- (I) To hear and act upon appeals regarding the acceptance and granting of a Certificate of Compliance by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development.

**Sec. 2.9-6. Certificates of Appropriateness, Criteria for Issuance.**

In considering the issue of appropriateness of a particular project, the Design Review Board shall be guided by the Design Guidelines adopted herein by reference.

**Sec. 2.9-7. Design Review Board; Rules of Procedure.**

- (A) **Officers:** The officers of The City of Florence Design Review Board shall be a chairman and a vice-chairman elected for one (1) year at the first meeting of the Design Review Board in each calendar year. The officers of the Design Review Board may serve four (4) consecutive terms. The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development for the City of Florence shall serve as the staff representative to the Design Review Board. The City Manager will assign a member of the staff of the City to serve as secretary to the Design Review Board. The



designated officers of the Design Review Board shall have the following authority, duties, and responsibilities:

- (1) **Chairman:** The Chairman shall be a voting member of the Design Review Board and shall:
  - (a) Call meetings of the Design Review Board;
  - (b) Preside at meetings;
  - (c) Act in conjunction with the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development as a spokesperson for the Design Review Board;
  - (d) Sign documents for the Design Review Board;
  - (e) Perform other duties approved by the Design Review Board.
- (2) **Vice-Chairman:** The Vice-Chairman shall be a voting member of the Design Review Board and shall exercise the duties of the chairman in the absence, disability, or disqualification of the Chairman. In the absence of the Chairman and the Vice-Chairman, an acting Chairman shall be elected by the members present.
- (3) **Secretary to the Design Review Board:** The Secretary to the Design Review Board shall:
  - (a) Provide notice of all meetings;
  - (b) Assist the Chairman in the preparation of agendas;
  - (c) Keep minutes of meetings and hearings;
  - (d) Maintain the Design Review Board's records as public records;
  - (e) Attend to Design Review Board correspondence;
  - (f) Perform any other duties normally carried out by a Secretary.

(B) **Meetings**

- (1) **Time and place:** An annual schedule of regular monthly meetings shall be adopted, published, and posted at the City-County Complex in January of each year. Special meetings may be called by the Chairman upon twenty-four (24) hour notice, posted, and delivered to all members of the Design Review Board and the local media. Meetings shall be held in a place to be stated in the notice, and shall be open to the public.
- (2) **Agenda:** A written agenda shall be furnished by the Secretary to each member of the Design Review Board and to the news media, and it shall be posted at least four (4) days prior to each regular meeting and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by a majority vote of the members present.
- (3) **Quorum:** A majority of the members of the Design Review Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling a meeting.
- (4) **Voting:** A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member(s) affected, and any such member so affected shall announce the reasons for disqualifications, have it placed in the minutes, and shall refrain from deliberation or voting on the question.
- (5) **Public Input:** Except for public hearings and additional public input sought by the Design Review Board, no person shall speak at a Design Review Board meeting unless invited to do so by the Design Review Board. The presiding officer at the Design Review Board meeting reserves the right to determine the amount of public input desired.
- (6) **Minutes:** The Secretary to the Design Review Board shall prepare minutes of each meeting for approval by the Design Review Board at the next regular meeting. Minutes shall be maintained as a public record.

- (7) **Attendance:** The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Design Review Board shall recommend to the Mayor and City-Council the removal for cause of any member who is absent from three (3) consecutive meeting without adequate reason.

**Sec. 2.9-8. Design Review Board, Application Requirements for a Certificate of Appropriateness.**

- (A) **Applications for a Certificate of Appropriateness shall be submitted through the office of the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development.**

Prior to the placement of an item on the agenda for the Design Review Board, an application for a Certificate of Appropriateness must be "complete" as determined by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development and must be submitted with the details as set forth in the Design Guidelines which are attached hereto and incorporated herein by reference. In the event that the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development has made a determination that the application for a Certificate of Appropriateness is not "complete" but the owner believes that the project application is "complete", the owner may make a written request to place the application on the agenda. To have the application placed on the agenda, the owner must provide the Chairman of the Design Review Committee with a letter outlining and documenting the reasons and facts which the owner contends make the application "complete". The applicant has five (5) working days from the notification of denial from the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development to provide the letter requesting placement on the agenda.

Unless specified elsewhere, at the time of consideration of a proposed project, the Design Review Board shall approve, approve with modifications, or disapprove the application. Additionally, action may be deferred by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer/agent.

- (B) **Certificate of Appropriateness, Application Fee:** Upon presentation of a signed application, the owner/agent must pay the required application fee of \$100.00 in order for the application to be considered. Once received by the City of Florence, the application fee is not refundable. An application fee will not be required from any local, state, or federal governmental entity. Additionally, an application fee will not be required of any owner or

developer for a project which is approved by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development pursuant to the authority under subparagraph (F) below.

- (C) **Option for Preliminary Plan Approval:** The applicant may submit for consideration by the Design Review Board a "Preliminary Plan" of the proposed project. Such a submittal shall be submitted and considered in accordance with the provisions of the Design Guidelines adopted herein.
- (D) **Certificate of Appropriateness, Public Hearing Requirement:** A public hearing shall be required when an application for a Certificate of Appropriateness is to be considered by the Design Review Board. The time and location of the public hearing shall be published in a newspaper of general circulation in The City of Florence at least fifteen (15) days prior to the public hearing. The property in question shall be posted for the same period as the newspaper notice. The manner of posting shall follow the same signage/notification requirements as specified in The Florence County-Municipal Consolidated Ordinance.
- (E) **Certificate of Appropriateness, Demolition:** When it is determined by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development that demolition is a part of a project covered by an application for a Certificate of Appropriateness, the Design Review Board may, if in their judgment the public is best served, postpone action for not more than two (2) scheduled monthly meetings. The initial hearing before the Design Review Board shall be counted as the first of the two monthly meetings. At the end of the above referenced deferral period the Design Review Board shall approve, disapprove, or approve with modifications. Additionally, action may be deferred further by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer or agent.
- (F) **Certificate of Appropriateness, Approval by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development:** The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development is hereby granted the authority to approve and issue a Certificate of Appropriateness administratively, without going before the Design Review Board, provided that the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development specifically determines that the materials, paint color, design, architectural features, or style of the project or signage conforms to the applicable district in the following situations:

- (1) Any project or signage for which the total cost does not exceed \$5,000 in which a specific determination is made by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development that the project in question is not a part of a larger project:
- (2) Interior modifications/maintenance or exterior maintenance, which does not change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, awnings, shutters or window replacement. This power does not extend to those properties and structures within the H-1 Historic District or those listed on the State or National Register of Historic Places.
- (3) For emergency and/or permanent repairs relating to the incident to any structure resulting from a Force Majeur, fire or accident beyond the control of the property owner or tenant as long as the repair in question does not exceed 25% of the value of the structure as determined by the tax assessor and the materials used in the repairs are consistent with the Design Guidelines for the District in which it is located.
- (4) In the Wilson Road Residential District all applications for a Certificate of Appropriateness may be issued by the Director of Urban Planning and Development.

In all cases, the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development may, in his discretion, refer the application to the Design Review Board for review and consideration with particular attention being paid to properties and structures within the H-1 Historic district.

- (G) **Certificate of Appropriateness, Resubmission of a Denied Application:** A property owner or agent may resubmit the same application for a Certificate of Appropriateness affecting the same parcel or project after twelve (12) months have passed. If, in the opinion of the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development, there are substantial changes and improvements in the application for a project, the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall allow an owner to resubmit an application for Certificate of Appropriateness affecting the same parcel or lot after a waiting period of ten (10) days from the date of the initial denial. The applicant is required to meet the forty-five (45) day submittal schedule as outlined in the Design Guidelines.

and requirements contained in the Certificate of Appropriateness. In the event a Certificate of Compliance is denied by the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development the owner may appeal the decision by writing to the Design Review Board. In the event of an appeal, the Design Review Board shall consider and act on the appeal at its next regularly scheduled meeting.

**Sec. 2.9-10. Appeal from the Design Review Board.**

- (A) Any person with a substantial interest in any final decision of the Design Review Board may appeal from any decision of the Design Review Board to the City Council for the City of Florence by filing a Petition in Writing with the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development setting forth plainly, fully, and distinctly why the decision of the Design Review Board is contrary to law. Any such appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision Design Review Board. City Council shall hold a hearing on said appeal within forty-five (45) days after receipt of the Petition. Council's decision on said appeal shall be by majority vote, and the Petitioner shall be notified of the decision in writing.
- (B) Any person with substantial interest in any decision of City Council on the appeal from the Design Review Board may appeal from said decision of City Council to the Court of Common Pleas for Florence County by filing a Petition in Writing with Clerk of Court for Florence County setting forth plainly, fully, and distinctly why the decision of City Council on appeal is contrary to law. Any such appeal to the Court of Common Pleas must be filed within thirty (30) days after the affected party receives written notice of the decision of City Council under Paragraph "A" of this section.

**Sec. 2.9-11. Administrative Officer and Responsibilities.**

- (A) The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall be the administrative officer who shall have the responsibility for implementation and enforcement of all of the provisions relating to the overlay districts and the Design Guidelines. The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development may delegate duties to subordinate officials to assist in such administration and implementation and to represent the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development as needed. Ultimate responsibility to the City Manager for such implementation, enforcement, and representation shall remain with the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development.

- (B) The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall accept and examine all applications for a Certificate of Appropriateness and shall coordinate with the Florence County - Municipal Planning Department and the Building Official to ensure that all applications for new construction, renovation, rehabilitation, and demolition shall require a Certificate of Appropriateness if the property involved is located within the overlay districts. For landscape changes involving the removal of trees four (4) inches in caliper or greater or the removal of any hedge or shrub group exceeding thirty (30) inches in height, the owner/developer/agent shall submit an application for a Certificate of Appropriateness if the property involved is located within the overlay districts. Failure to comply with this requirement shall subject the owner/developer/agent to penalties as set forth in Section 1.7 of the Code of Ordinances, City of Florence, South Carolina.
- (C) If the ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall find that any of the provisions of this ordinance are being violated within the overlay districts, he/she shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall order the discontinuance of any unlawful uses of land, and (in full cooperation with the Building Official) the discontinuance of any unlawful building or demolition activity within the overlay districts or shall take any other action authorized by this ordinance or any other ordinance adopted by the City of Florence to ensure compliance with or to prevent violations of its provisions.
- (D) The ~~Downtown Planning Coordinator~~ Director of Urban Planning and Development shall have the authority and duty to accomplish all other tasks and responsibilities assigned to that position in the Design Guidelines which are incorporated herein.

## II.

**That the provisions of the Consolidated Zoning Ordinance applicable to the City of Florence be, and the same are hereby, amended to add the Design Guidelines applicable to the Wilson Road Residential Overlay District which are attached hereto as Exhibit 1, said Design Guidelines to be added to Appendix 7 to Section 2.9-3 of the Consolidated Zoning Ordinance.**

**III.**

**That this Ordinance, and the amendments contained herein, shall become effective immediately upon its approval and adoption.**

**ADOPTED THIS DAY OF \_\_\_\_\_, 2008.**

**Approved as to Form:**

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

\_\_\_\_\_  
Frank E. Willis  
Mayor

**Attest:**

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



**FLORENCE CITY COUNCIL MEETING**

**DATE:** December 8, 2008  
**AGENDA ITEM:** Ordinance No. 2008-\_\_\_\_  
**DEPARTMENT/DIVISION:** City Council

**I. ISSUE UNDER CONSIDERATION**

An ordinance to repeal Ordinance No. 2008-47 which was adopted on October 20, 2008 to provide for a public referendum to be held in order to determine whether or not the City of Florence will amend Chapter 2 of its City Code to change its method of electing the mayor and city council members from partisan elections to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws.

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

The attached Ordinance 2008-\_\_\_\_ is designed to repeal Ordinance No. 2008-47, eliminating the previous call for a referendum to allow a vote by the registered voters in the City to determine whether to change from partisan to non partisan elections. The current ordinance would call for a special referendum to be held within 90 days after Pre-clearance by the Department of Justice. If this ordinance repealing 2008-47 is adopted, there will be no referendum, and the mayor and council members will continue to be elected in partisan elections.

**III. STAFF RECOMMENDATION**

Staff stands ready to carry out the wishes of Council.

**V. ATTACHMENTS**

1. Copy of the proposed Ordinance 2008-\_\_\_\_.
2. Copy of Ordinance 2008-47 adopted on October 20, 2008.

**ORDINANCE NO. 2008 - \_\_\_\_\_**

**AN ORDINANCE TO REPEAL ORDINANCE NUMBER 2008-47 ADOPTED OCTOBER 20, 2008 WHICH PROVIDED FOR A PUBLIC REFERENDUM TO BE HELD TO DETERMINE WHETHER OR NOT THE CITY OF FLORENCE SHALL AMEND CHAPTER 2 OF ITS CITY CODE TO CHANGE ITS METHOD OF ELECTING THE MAYOR AND CITY COUNCIL MEMBERS FROM PARTISAN ELECTION TO THE NONPARTISAN ELECTION AND RUN-OFF ELECTION METHOD AS AUTHORIZED BY SECTION 5-15-62 OF THE SOUTH CAROLINA CODE OF LAWS.**

WHEREAS, City Council has reconsidered its earlier decision to call for a special public referendum pursuant to the provisions of South Carolina Code §5-15-30 in order to determine whether or not the City of Florence will amend Chapter 2 of its City Code to change its method of electing the mayor and city council members from partisan elections to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws;

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

1. That Ordinance Number 2008-47 previously adopted by City Council on October 20, 2008, is hereby repealed meaning that no referendum will be held and the partisan election system currently in place in the City of Florence for the election of the Mayor and Council Members shall remain in effect.
2. This ordinance shall be effective immediately upon its adoption by City Council on second reading.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

Approved as to form:

\_\_\_\_\_  
JAMES W. PETERSON, JR.  
City Attorney

\_\_\_\_\_  
STEPHEN J. WUKELA  
Mayor

Attest:

\_\_\_\_\_  
DIANNE M. ROWAN  
Municipal Clerk

**VII. b.**  
**Bill No. 2009-01**  
**First Reading**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** February 9, 2009  
**AGENDA ITEM:** Ordinance  
First Reading  
**DEPARTMENT/DIVISION:** City of Florence Urban Planning & Development Department

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**I. ISSUE UNDER CONSIDERATION:**

*A rezoning request for property located at Third Loop Road and Encino Drive from R-5, Multi-family Residential to B-2, Convenience Business District.*

*South Florence Developers LLC is proposing a neighborhood business type use on this 0.367 acre parcel located in front of Encino Subdivision which they are developing at this time.*

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

*No previous action has been taken on this request. A Public Hearing for rezoning was held at the January 13, 2009 Planning Commission meeting. Planning Commission members voted to approve the request with two members voting in opposition.*

**III. POINTS TO CONSIDER:**

*This item is being introduced for first reading only.*

**IV. OPTIONS:**

*City Council may:*

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

**V. PERSONAL NOTES:**

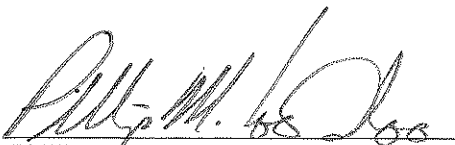
**VI. ATTACHMENTS:**

*Map showing the location of the property.*

*Zoning Map*

*Comprehensive Plan Map*

*Staff Report*



Phillip M. Lookadoo, AICP  
Urban Planning and Development Director



David N. Williams  
City Manager

## ZONING PETITION STAFF CHECKLIST

### IDENTIFYING DATA

Name of Owner: South Florence Developers  
Address of Property: Third Loop and Encino Drive  
Tax Parcel Number(s): 00151--01-234(0.367acres only)  
Date: December 31, 2008

### GENERAL BACKGROUND DATA

Current Zoning: R-4, Multi-Family Residential District, Limited  
Proposed Zoning: B-2, Convenience Business District  
Current Use: Undeveloped  
Proposed Use: Commercial development

### DIMENSIONAL REQUIREMENTS

<u>Current Zoning</u>	<u>Proposed Zoning</u>
Lot Area: 6,000	Proposed Lot Area: 5,000
Lot Width: 50'	Proposed Lot Width: 50'
Front Setback:25'	Proposed Front Setback: 35'
Side Yards:5'	Proposed Side Yards: 5'
Rear Yards:20'	Proposed Rear Yards: 20'
Max. Height:38'	Proposed Max. Height: 38'
Open Space:55% min	Proposed Open Space: 20% min
Comments:	

# ZONING PETITION STAFF CHECKLIST

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## MISCELLANEOUS PROVISIONS

Is any portion of this property in floodplain? No

Are there any known zoning violations on this site? No

If so, explain:

Tax records indicate the owner(s) as: South Florence Developers LLC

This application is submitted by:             the owner listed above  
    an agent for the owner  
    other

If agent or other, what documentation has been provided from owner or is none required?

## LAND USE PLAN CONFORMANCE

Is there any discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy?

The Land Use Plan map shows this location as Existing Residential, so there is a discrepancy between the current and proposed zoning.

Land Use Plan elements that impact the subject property:

The stated purpose of Existing Residential designation is as follows:

Protect and sustain existing residential areas, including property values and amenities.

Uses at variance with the objectives of the Existing Residential designation are:

- ❖ Most non-residential uses, including commercial, industrial, and business uses
- ❖ Multi-family residential uses

Mobile and Manufactured homes not meeting standards for inclusion with single-family site built dwellings

## ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?  
Residential development has continued to infill along Third Loop Road with no new commercial developments.

## ZONING PETITION STAFF CHECKLIST

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2. What are adjacent properties zoned, and what are adjacent land uses?

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	R-4 Residential	Subdivision under construction
Northeast	B-2 Limited Commercial	Vacant
East	B-2 Limited Commercial	Vacant
Southeast	R-4 Residential	Single-Family Residential
South	R-5 Residential	Multi-Family Residential
Southwest	R-5 Residential	Multi-Family Residential
West	PDD, Planned Development	Single Family Residential
Northwest	PDD, Planned Development	Single Family Residential

3. What are development plans in the area – roads, schools, future commercial development, etc.?  
An recent application has been approved for a new commercial auto parts store closer to South Irby Street to the east.
4. Is there a reason the current land use cannot continue to be feasible as it now exists?  
No.
5. List some potential uses under existing zoning.  
Single-family, duplexes, multi-family residential uses. Accessory and support uses such as parks, schools, daycare services and churches.
6. List some potential uses under proposed zoning.  
Retail, offices, schools, churches, single-family residential.
7. Are any of these uses inappropriate for this location, and if so, why?  
The relatively small size of the lot in question (.367 acre) would appear to limit the impact of a commercial use.
8. (a) What is applicant's stated reason for requesting zoning?  
i. To provide commercial and service needs generated by nearby residential areas.
9. (a) What will be the benefits to the surrounding properties?  
i. The availability of convenience type services.
- (b) What will be the detriments to the surrounding properties?  
i. Commercial development in a primarily residential area.

## ZONING PETITION STAFF CHECKLIST

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10. Is a traffic study required for this petition?

No. This is a small .367 acre property.

If so, what are the recommendations of the study?

NA

11. What does the purpose statement of the proposed zoning district say?

The intent of this district is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the "convenience variety." The size of this district should relate to surrounding residential markets and the location should be at or near major intersections, in proximity to and/or on the periphery of residential areas.

12. Will this proposal meet the intent of the above purpose statement?

Details of proposed development have not been finalized at this time. The applicant has expressed a vision of a neighborhood/office/professional use.

13. Staff recommendation.

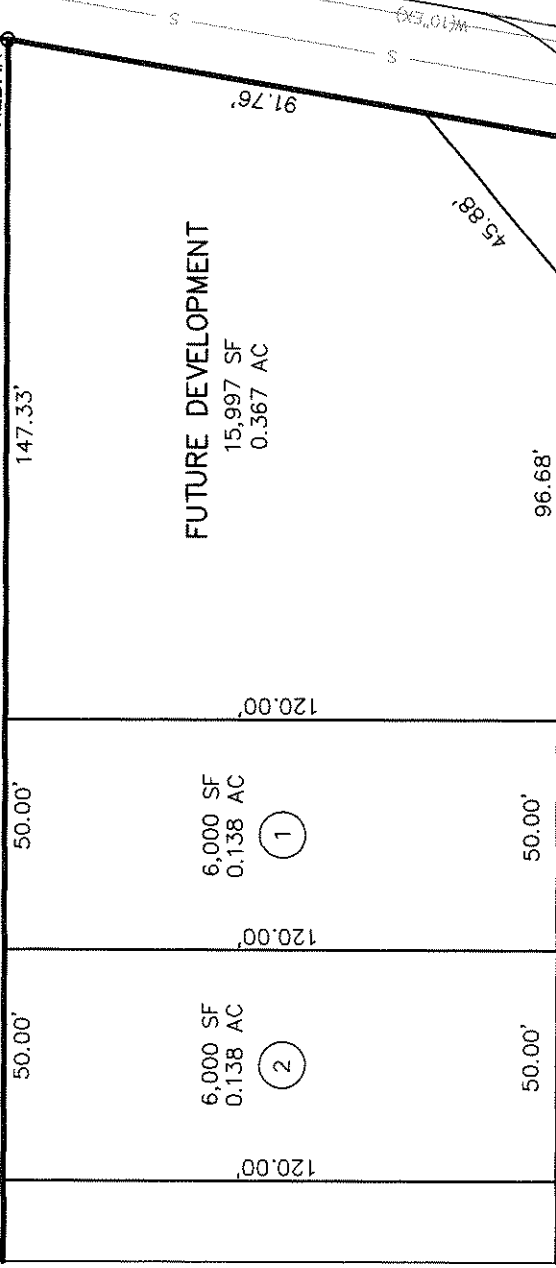
The application is not in compliance with the Comprehensive Plan Map and as such staff recommend denial of this request. There are, however, considerations that the Comprehensive Map Plan may be re-evaluated after a more detailed study of this area. The proposed rezoning is adjacent to vacant property that although not in the City of Florence, is zoned B-2, Commercial Business District.





MARKY HENRY CLARK  
JANUARY 2008, 2009, 2010  
(APPROVED UNDER PERM)

IPF #5  
REBAR



S-21-688 THIRD LOOP ROAD 66' R/W

WINTERBROOK DRIVE

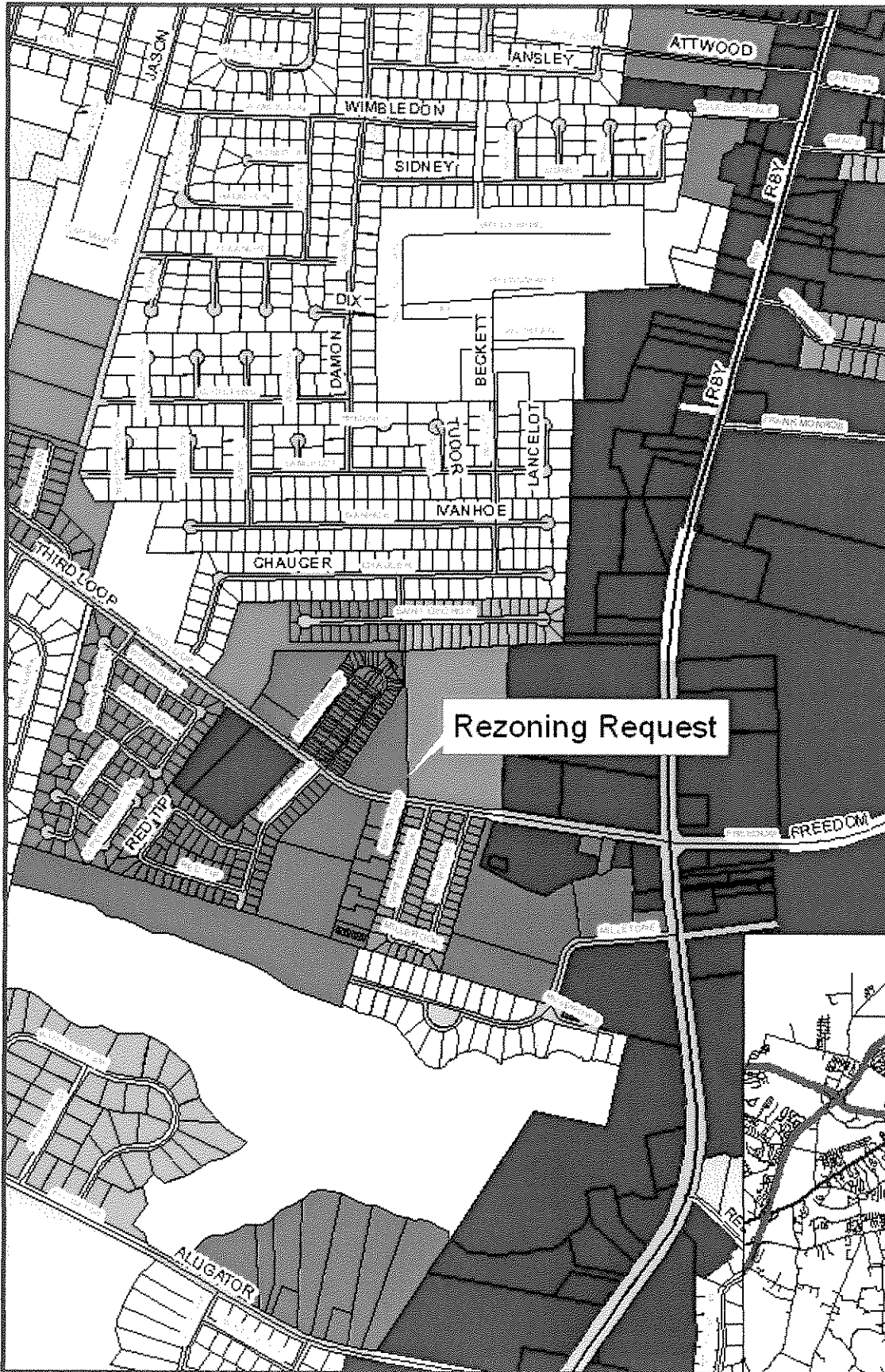
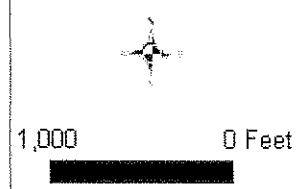
BASSWOOD DRIVE

ENCINO DRIVE (50' R/W)

N 77.46' 29" W

SCALE 1" = 40'

# ZONING MAP REZONING REQUEST PC#2009-02



**Legend**

**Roads**

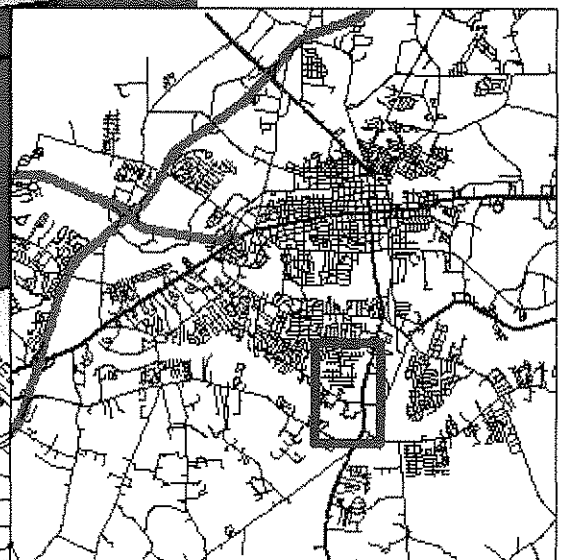
- City Maintained
- State Street
- Interstate
- US Highway

**Zoning**

- R-1, Single Family, 15,000 sf
- R-2, Single Family, 10,000 sf
- R-3, Single Family, 6,000 sf
- R-4, Multi-Family
- R-5, Multi-Family
- PDD
- B-1, Limited
- B-2, Convenience
- B-3, General
- B-4, Central
- B-5, Office - Light Industrial
- B-6, Industrial
- RU-1, Community 15,000 sf
- RU-2, Resource 87,120 sf
- Unzoned
- City Boundary

ORIGINAL PREPARATION/DATE:  
This map was prepared by:  
LTC Shaw  
Urban Planning & Development Department  
Aug 01, 2008  
REVISION NUMBER/DATE:  
August 1, 2008

**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 the City. 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.



ORDINANCE NO. 2009 \_\_\_\_\_

**AN ORDINANCE TO REZONE PROPERTY OWNED BY SOUTH FLORENCE DEVELOPERS LLC LOCATED ON THIRD LOOP ROAD AND ENCINO DRIVE.**

WHEREAS, a Public Hearing was held in Room 604 of the City County Complex on January 13, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given; and

WHEREAS, an application by South Florence Developers LLC., owner of property located on Third Loop Road and Encino Drive was presented requesting an amendment to the City of Florence Zoning Atlas changing the zoning district classification of the aforementioned property from R-5, Multi-Family Residential District to B-2, Convenience Business District and is described as follows:

**A portion of property shown on Florence County Tax Map 00151, block 01, parcel 234 (Encino Subdivision) and consisting of approximately 0.367 acres.**

WHEREAS, the City of Florence Planning Commission and 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 changing the zoning classification of the aforesaid property from R-5, Multi-Family Residential to B-2, Convenience Business District.
2. That this Ordinance shall become effective upon its approval and adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the City Council of the City of Florence and posting this amendment in the official Zoning Atlas.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

**Approved as to form:**

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

---

Stephan J. Wukela, **Mayor**

**Attest:**

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Dianne Rowan  
**Municipal Clerk**

FLORENCE CITY COUNCIL MEETING

VII. c.  
Bill No. 2009-02  
First Reading

**DATE:** February 9, 2009  
**AGENDA ITEM:** First Reading: Amendment to City of Florence Zoning Ordinance  
**DEPARTMENT/DIVISION:** Urban Planning & Development

**I. ISSUE UNDER CONSIDERATION**

Related to floodplain management, amend Article 2, Sections 2.7, 2.7-1, 2.7-2; Article 8, Sections 8.4 and 8.7; and Article 10 as found in the City of Florence Zoning Ordinance.

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

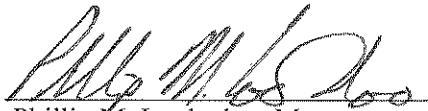
1. On November 18, 2008, an Associate Engineer with the South Carolina Department of Natural Resources, conducted a Community Assistance Visit (CAV) with Department of Urban Planning and Development staff.
2. The purpose of the visit was to assist staff with implementing and administering the local floodplain management program, as well as evaluate the City of Florence's participation in the National Flood Insurance Program (NFIP).
3. The CAV revealed that sections of the City of Florence Zoning Ordinance must be updated in order to remain in good standing with the NFIP.
4. Amendments to those sections of the Zoning Ordinance were presented to Planning Commission and unanimously approved at the meeting held on January 13, 2009.

**III. POINTS TO CONSIDER**

1. It is the commitment of the City of Florence to continue administering sound floodplain management and remain in good standing with the National Flood Insurance Program.
2. In order to review the City's floodplain management program, Department of Natural Resources conducted a CAV with the Department of Urban Planning and Development staff.
3. The CAV revealed that sections of the City Zoning Ordinance must be updated in order for the City to continue administering solid floodplain management.

**IV. STAFF RECOMMENDATION**

Approval and adoption of the proposed ordinance.



Phillip M. Lookadoo, Manager  
Urban Planning & Development



David N. Williams  
City Manager

**CITY OF FLORENCE URBAN PLANNING & DEVELOPMENT  
STAFF REPORT TO THE  
CITY OF FLORENCE PLANNING COMMISSION**

**CASE NO:** PC# 2009-03

**DATE:** January 13, 2009

**SUBJECT:** Text Amendment to Sections 2.7, 2.7-1, 2.7-2, 8.4, 8.7 and Article 10;  
relating to FEMA Community Assistance Visit

**STAFF ANALYSIS:**

Maria Cox, an Associate Engineer with the South Carolina Department of Natural Resources, conducted a Community Assistance Visit (CAV) with staff on November 18, 2008. The purpose of the visit was to assist staff with implementing and administering the local floodplain management program, as well as evaluate the City of Florence's participation in the National Flood Insurance Program (NFIP).

The recent CAV proved that the City continues to practice sound floodplain management; however, sections of the City of Florence Zoning Ordinance must be updated in order to remain in good standing with the NFIP.

As such, staff prepared amendments to the Ordinance. Specifically, the amendments are reflected in Article 2, Sections 2.7, 2.7-1 and 2.7-2; Article 8, Sections 8.4 and 8.7; and, definitions have been added and/or revised to Article 10 of the City of Florence Zoning Ordinance. The current floodplain ordinance with the amendments, which have been underlined, reads as follows:

**Section 2.7 FH Flood Hazard District**

Flood Hazard Districts include (1) flood plains, (2) areas of shallow flooding, (3) areas of special flood hazard, and (4) floodways. The development of these areas, where shown on Flood Hazard Boundary Maps, issued by the Federal Emergency Management Agency (FEMA) for the City of Florence may not occur where alternative locations exist due to the inherent hazards and risks involved. Before a building permit is issued, the applicant shall demonstrate on the Plan submitted with the zoning compliance application that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized.

Where there is no alternative to a location in a Flood Hazard District, all permit applications shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all development shall adhere to the following criteria:

### **Section 2.7-1 General Development Standards**

- (1) New construction or substantial improvements (shall) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydro-dynamic and hydrostatic loads, including the effects of buoyancy;
- (2) New construction and changes of existing structures below the minimum first floor elevation shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment or contamination during flooding;
- (9) Any alteration, repair, reconstruction, or improvement to a structure, which is not in compliance with the provisions of this Ordinance, shall be undertaken only if it is not considered a substantial improvement.

### **Section 2.7-2 Specific Development Standards**

In all areas of special flood hazard where base flood elevation data are available, the following shall be required:

- (1) Residential construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the base flood elevation. A pre-construction and post-construction flood elevation certificate shall be submitted. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, creating a fully enclosed area, said enclosed area shall:
  - a. Be designed to preclude permanent living space;
  - b. Be useable solely for parking vehicles, building access, or storage;
  - c. Include openings sufficient to facilitate unimpeded movement of flood waters and/or be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters.

Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- a. Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - b. The bottom of all openings shall be no higher than one foot above grade;
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
  - d. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side.
- (2) Non-residential construction. New construction or substantial improvements of any commercial, industrial, or non-residential structure shall have the lowest floor elevated no lower than one foot above the level of the base flood elevation. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Agricultural structures may be wet-floodproofed in accord with Technical Bulletin 7-



93, Wet Floodproofing Requirements for Structures located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program document number FIA-TB-7.

- (3) Temporary development. All applicants of a temporary use must submit to the zoning administrator, prior to the issuance of a development permit, a written plan for the removal of any temporary use or structure in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:
  - a. A specified time for which the temporary use will be permitted;
  - b. The name, address, and phone number of the individual responsible for the removal of said use;
  - c. The time frame prior to the event at which any structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
  - d. A copy of a contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;
  - e. Designation, accompanied by documentation, of a location outside the floodplain to which said temporary structure will be moved;
  - f. A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.
- (4) Accessory structures. An accessory structure, the cost of which is greater than \$3,000.00, must comply with the elevated structure requirements of this section. When accessory structures of \$3,000.00 or less are to be placed in the floodplain, such structure shall:
  - a. Not be used for human habitation (including working, sleeping, living, cooking, or restroom areas); and
  - b. Be designed to have low flood damage potential, be constructed and placed on the building site so as to offer minimum resistance to floodwaters, and be firmly anchored to prevent flotation, collapse, or lateral movement.
- (5) Floodways. The following provisions shall apply within floodways:

- a. No encroachments, including fill, new construction, substantial improvements, additions, or other developments shall be permitted unless it has been demonstrated through hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of a base flood.
  - b. Where no such increase is certified, new construction and substantial improvements may be permitted in compliance with the requirements of this section.
- (6) Standards for streams and/or floodways without established base flood elevations.

Development contiguous to small streams where no base flood data have been provided or where no floodways have been identified shall adhere to the following:

- a. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.
- b. Where no such increase is certified, new construction and substantial improvements may be allowed within such areas provided all applicable provisions of this section are satisfied.
- c. If subsections a. and b. above have been satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Section 2.7 and shall be elevated or flood proofed in accordance with the elevations established. In the absence of FEMA base flood elevation data and floodway data, obtain, review, and reasonably utilize other base flood elevation and other floodway data as a basis for elevating residential structures to or above the base flood level, and for flood proofing or elevating non-residential structures to or above the base flood level. Data from preliminary, draft and flood insurance studies constitutes best available data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used. ~~When base flood elevation data is not available from a federal, state or other source,~~

~~the lowest floor shall be elevated at least three feet above the highest adjacent grade.~~

- d. Where base flood elevation data is utilized in Zone A from another source, the administrator will obtain and maintain records of the lowest floor and flood proofing elevation for new and substantially improved construction.

(7) Standards for subdivision proposals.

- a. All subdivision proposals shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. An access road at or above the base flood elevation shall be provided to allow emergency access during flood conditions;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments greater than the lesser of five lots or five acres.

(8) Standards for areas of shallow flooding (AO zones).

Development within areas subject to shallow flooding in zone A and AO require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures and shall adhere to the general and specific development standards of this section.

(9) Recreational vehicles.

In A or AE zones, all recreational vehicles to be placed on a site must (a) be elevated and anchored to meet requirements of Sections 2.7-1 and 2.7-2; or (b) be on site for less than 180 consecutive days; or (c) be fully licensed and highway ready. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions

(10) Manufactured Homes.

- a. Manufactured homes that are placed or substantially improved within Zones A or AE, which meet one of the following location criteria, are to be elevated such that the lowest floor is to or above (1 foot) above the base flood elevation and be securely anchored: (a) outside a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; (d) on site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.
  
- b. Where manufactured homes are not subject to Section 3-4 the manufactured home will: (a) be elevated so the lowest floor of the manufactured home is at or above (1 foot) above the base flood elevation; (b) when no base flood elevation is established the manufactured home chassis is to be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### **Section 8.4 Responsibility of Administrative Official**

Administrative responsibilities shall include, but are not limited to, the following:

- (1) Interpretation of the general intent and/or specific meaning of any portion of the ordinance text, position of district boundaries, district designation, or other matters relating to the official zoning maps (atlas).
- (2) Maintain the official zoning maps (atlas) and record all amendments to and information thereon.
- (3) Maintain copies of this chapter for public inspection and have up-to-date copies available to the public. A mailing list of ordinance holders shall be kept in order to expedite dissemination of any annual amendments to the text.
- (4) Provide public information relating to zoning matters including scheduled meetings of the City of Florence Planning Commission and City of Florence Board of Zoning Appeals.
- (5) Receive, process, and record all applications for certificates of zoning compliance, zoning amendments, planned development projects, and variance requests with accompanying plans and documents which shall be a public record.

- (6) Register and maintain records and maps on non-conforming uses, structures, and undeveloped lots.
- (7) Receive and process applications for change and/or relief as provided for in Article 9 of this ordinance.
- (8) Appear before and provide assistance to the City of Florence Planning Commission and City of Florence Board of Zoning Appeals.
- (9) Revoke permits or certificates in violation of the provisions of this chapter.

In designated flood hazard areas, delineated on FEMA maps, the zoning administrator shall have the following additional responsibilities:

- (10) Advise applicants that additional federal and state permits may be required, and assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (11) Notify adjacent property owners and the S.C. Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- (12) Assure that appropriate maintenance is provided for in writing by the owner within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (13) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (14) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
- (15) Obtain certification from a registered professional engineer or architect when flood-proofing is utilized for a particular structure.
- (16) Obtain, review, and utilize any base flood elevation data available from a federal, state, or other source when such data are not available from FEMA.
- (17) Maintain all records pertaining to the provisions of this chapter, which

records shall be open for public inspection during workday hours.

- (18) Review Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposal shall be reviewed to assure that:
- a. all such proposals are consistent with the need to minimize flood damage within the flood-prone area;
  - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - c. adequate drainage is provided to reduce exposure to flood hazards.

### **Section 8.7 Certificates of Zoning Compliance**

- a. When required. A certificate of zoning compliance shall be required in advance of:
  - (1) The issuance of a building permit.
  - (2) Excavation preparatory to the construction of a structure for which a building permit is required.
  - (3) All proposed construction and other developments including the placement of manufactured homes.
  - (4) Grading, filling, surfacing, or enlarging parking areas containing more than six parking spaces for a new or changed use.
  - (5) Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.
  - (6) The installation on any zoning lot of a manufacturing or other industrial process whose operation may generate effects of the types and magnitudes limited by performance standards as set forth in Section 3-10.
  - (7) Installation of any sign for which a permit is required.
  - (8) The establishment of a temporary use.
  - (9) Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.

## Article 10 Definitions

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Flood insurance study. An official study provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Regulatory Floodway. The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Manufactured home park or manufactured home subdivision. A lot or a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale that include improvements and utilities for the long-term parking of three or more manufactured homes which may include services and facilities for the residents.

Existing manufactured home park or manufactured home subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before September 22, 1982.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Flood proofing. Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic Structure. Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of

the Interior (DOI) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

Lowest Floor. The lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New construction. Structure for which the start of construction commenced after (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date). The term also includes any subsequent improvements to such structure.

New manufactured home park or manufactured home subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after September 22, 1982.

Recreational vehicle. A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.



Special Flood Hazard Area. See Area of Special Flood Hazard

Start of construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

Violation. The failure of a structure or other development to be fully compliant with these regulations.

**STAFF RECOMMENDATION:**

Staff recommends approval of these proposed amendments.

**ORDINANCE NO. 2009-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CITY OF FLORENCE ZONING ORDINANCE RELATED TO FLOODPLAIN MANAGEMENT.**

**WHEREAS**, the Federal Emergency Management Agency (FEMA) performed a Community Assistance Visit to review the City of Florence's administration of the local floodplain management program and to evaluate its current standing in the National Flood Insurance Program;

**WHEREAS**, in order to remain in good standing with the National Flood Insurance Program, it is the commitment of the City of Florence to adhere to the requirements as established by FEMA, which include correcting any deficiencies found in the City of Florence Zoning Ordinance;

**WHEREAS**, the amendments to the following sections shall correct deficiencies found in the City of Florence Zoning Ordinance;

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

1. That Article 2, Sections 2.7, 2.7-1 and 2.7-2; Article 8, Sections 8.4 and 8.7; and Article 10, which are attached hereto are hereby amended;
2. That this Ordinance, and the amendments contained herein, shall become effective immediately upon its approval and adoption.

**ADOPTED THIS DAY OF \_\_\_\_\_, 2009.**

**Approved as to form:**

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

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

**Attest:**

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

**VII. d.**  
**Bill No. 2009-03**  
**First Reading**

FLORENCE CITY COUNCIL MEETING

DATE: January 27, 2009

AGENDA ITEM: Sale of property owned by City designated as Tax Parcel 90055-07-002

DEPARTMENT/DIVISION: City Manager – Special Services Division

I. ISSUE UNDER CONSIDERATION

An ordinance authorizing the sale of real property previously declared as surplus by City Council

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

- A. The subject property is identified by the office of the Florence County Tax Assessor as Tax Parcel 90055-07-002.
- B. The subject property is an undeveloped parcel located within Brookgreen Park Subdivision. It is triangular in shape measuring 112.65 x 104.9 x 153.86. Because of its size and shape, the lot is not usable for the construction of a residence in keeping with the subdivision.
- C. At its October 13, 2008 meeting, City Council declared the subject real property as surplus and authorized the City Manager to initiate the disposal of the subject surplus property.
- D. In accordance with City of Florence Purchasing and Contracting Policies and Procedures, the property has been appraised. The appraiser valued the property at \$3,600.00. Since the value is less than \$10,000.00, the City's policy does not require that it be advertised and bids received the subject property's minimum selling price (consisting of the appraised value plus all expenses of the sale) was established.
- E. Tervance Chad Prince, a resident in the residence immediately adjacent to the subject property, has submitted a request to purchase the property for the appraised value plus the cost of the appraisal, for a total of \$3,900.00.

III. POINTS TO CONSIDER

Section 2-26(a)(8) of the City Code of Ordinances and Section 5-7-260 of the South Carolina Code of Laws require that the conveyance of land owned by a municipality be done by ordinance adopted by City Council.

IV. OPTIONS


- A. Accept the offer-to-buy and approve and adopt the attached proposed ordinance authorizing the sale of the subject property.
- B. Instruct staff to take other action.
- C. Take no action.


V. STAFF RECOMMENDATION

- A. Accept the offer-to-buy and approve and adopt the attached proposed ordinance authorizing the sale of the subject property.

VI. ATTACHMENTS:

- A. Proposed ordinance authorizing the sale of the subject property.

  
\_\_\_\_\_  
Thomas B. J. Shearin, CPA  
Special Services Administrator

  
\_\_\_\_\_  
David N. Williams  
City Manager

**ORDINANCE NO. 2009-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE SALE OF A VACANT PARCEL CONTAINING APPROXIMATELY 5,908 SQUARE FEET AND BEING KNOWN AND DESIGNATED AS LOT 24-B, BLOCK J ON THE MAP OF BROOKGREEN PARK ANNEX RECORDED IN THE OFFICE OF THE CLERK OF COURT FOR FLORENCE COUNTY IN PLAT BOOK V AT PAGE 158 AND BEING THE PARCEL DESIGNATED AS TAX PARCEL 90055-07-002 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR.**

**WHEREAS**, after due consideration, City Council voted on October 13, 2008 to declare that the parcel of land more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, is surplus land to the City and is property that should be sold; and

**WHEREAS**, the City has had said property appraised and has obtained an offer for said property from Tervance Chad Prince to purchase said property for an amount equal to the appraised value plus all costs incurred by the City in obtaining the appraisal; and

**WHEREAS**, it is hereby determined that the conveyance of said property to Tervance Chad Prince for the amount of his offer is in the best interest and to the benefit of the citizens of the City of Florence;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Florence in meeting duly assembled and by the authority thereof:

1. That, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the necessary Agreement to Buy and Sell Real Estate, Deed, and other documentation in order to convey title to the property described on Exhibit "A" attached hereto to Tervance Chad Prince in return for the purchase price of Three Thousand Nine Hundred and no/100 (\$3,900.00) Dollars.

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

Approved as to form:

\_\_\_\_\_  
JAMES W. PETERSON, JR.  
City Attorney

\_\_\_\_\_  
STEPHEN J. WUKELA  
Mayor

Attest:

\_\_\_\_\_  
DIANNE M. ROWAN  
Municipal Clerk

## EXHIBIT "A"

All that certain piece, parcel or lot of land, triangular in shape, lying, being and situate in the County of Florence, State of South Carolina, being shown and designated as Lot No. 24B, in Block J, on a map of Brookgreen Park Annex by Ervin Engineering Co. dated July 23, 1965, recorded in Plat Book V, at page 158, in the Office of the Clerk of Court for Florence County, and being more particularly shown on a map prepared for City of Florence by Ferrell J. Prosser, R.L.S., dated December 28, 1977, and recorded in the office of the Clerk of Court for Florence County in Plat Book 17, at page 518. Reference being made to the above mentioned plats for a more complete and accurate description of said property.

This being a portion of the property conveyed to the City of Florence by deed of Brookgreen Water Corporation dated December 29, 1977, and recorded January 25, 1978, in Book A158, page 250 in the office of the Clerk of Court for Florence County.

**FLORENCE CITY COUNCIL MEETING**

**DATE:** February 2, 2009  
**AGENDA ITEM:** Ordinance No. 2009-\_\_\_\_  
**DEPARTMENT/DIVISION:** City Council - Councilman Brand

**I. ISSUE UNDER CONSIDERATION**

(a) Ordinance No. 2008-47 was adopted on October 20, 2008 to provide for a public referendum to be held in order to determine whether or not the City of Florence will amend Chapter 2 of its City Code to change its method of electing the mayor and city council members from partisan elections to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws.

(b) The ordinance now under consideration is designed to set the date for referendum election.

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

(a) After passage of Ordinance No. 2008-47 referred to above, as called for in the ordinance, we submitted the matter to the Department of Justice for pre-clearance. On January 5, 2009, we received a letter from the Department of Justice in which we were informed that no determination regarding the submission for pre-clearance would be made until the referendum election is scheduled.

(b) The attached ordinance is designed to set the date for the election for September 15, 2009 in order to leave time for pre-clearance and the required public notice.

**III. POINTS TO CONSIDER**

(a) The attached ordinance chooses the date of September 15, 2009 in order to allow the following to occur:

(1) The ordinance requires two readings;

(2) The Justice Department must pre-clear the election date and process, and it has sixty (60) days to complete that process after we submit it.

(3) Section 5-15-50 and 7-13-35 require that Public notice of the referendum election be published at least sixty (60) days prior to the election date, and this notice cannot be given prior to receiving the pre-clearance mentioned above.

(b) It is clear that any such change in Florence requires that we both follow the statutory requirements found in Title 5 of the South Carolina Code and that we comply with the requirements of the U.S. Justice Department.

(c) To safely allow for the activities and times set out above, and to allow all interested citizens time to prepare for the referendum, a September 15, 2009 date is about the earliest safe date for the election.

#### **IV. STAFF RECOMMENDATION**

Staff stands ready to carry out the wishes of Council.

#### **V. ATTACHMENTS**

Copy of the proposed Ordinance 2009-\_\_.



ORDINANCE NO. 2009-\_\_\_\_\_

**AN ORDINANCE TO ESTABLISH THE DATE FOR THE HOLDING OF THE REFERENDUM CALLED FOR BY ORDINANCE 2008-47 TO DETERMINE WHETHER OR NOT THE CITY OF FLORENCE SHALL AMEND CHAPTER 2 OF ITS CITY CODE TO CHANGE ITS METHOD OF ELECTING THE MAYOR AND CITY COUNCIL MEMBERS FROM PARTISAN ELECTIONS TO NONPARTISAN AND RUN-OFF ELECTION AS AUTHORIZED BY SECTION 5-15-62 OF THE SOUTH CAROLINA CODE OF LAWS.**

**WHEREAS**, City Council duly enacted Ordinance 2008-47 on October 20, 2008 and thereby called for a referendum to determine whether or not the City of Florence shall amend Chapter 2 of its City Code to change its method of electing the mayor and city council members from partisan elections to nonpartisan and run-off election as authorized by section 5-15-62 of the south carolina code of laws, and

**WHEREAS**, §5-15-70 of the Code of Laws of South Carolina, 1976, as amended, requires that certain times be established by Ordinance for the conduction of Municipal Elections.

**NOW, THEREFORE, BE IT ORDAINED** By the City Council of the City of Florence at a meeting duly assembled and by the authority thereof:

That the following is hereby established for the Referendum Election called for by Ordinance 2008-47:

1. Referendum Election

The Referendum Election shall be held on September 15, 2009 during voting hours beginning at 7:00 a.m. and concluding at 7:00 p.m., at which time a single question shall be posed to the citizens of the City of Florence as follows:

“Shall the Municipality of Florence amend Chapter 2 of its City Code to change its method of electing its Mayor and Members of Council from partisan elections to the nonpartisan election and run-off election method as authorized by Section 5-15-62 of the South Carolina Code of Laws?”

2. Election Commission

The Referendum Election shall be conducted in accordance with §5-15-100, S . C. Code of Laws, by the Municipal Election Commission, appointed pursuant to §5-5-90, S. C. Code of

Laws. Pursuant to §5-15-145 of the S. C. Code of Laws, the City hereby authorizes the Florence County Election Commission to physically conduct the General Election to include preparation of the ballots, obtaining Voter Registration Lists, appointing and coordinating Poll Managers, handling absentee ballots, preparing voting materials for each precinct, readying voting places, supervising voting places, counting votes, and reporting the results to the Municipal Election Commission. The Municipal Election Commission shall certify the results and address any contests of the results.

3. Notice

Public Notice of the Refendum Election shall be given at least 60 days prior to the election pursuant to §5-15-50 and §7-13-35 of the South Carolina Code of Laws, and the notice shall include the last date one can register to be eligible to vote in the referendum, the date, time and location any hearing on challenged ballots will be held, the time absentee ballots will be counted, and the location of the polling places.

4. Determining Results of the Election

To effect the change to the nonpartisan and run-off election method as authorized by §5-15-62 of the South Carolina Code of Laws, a majority of the votes cast by qualified electors must be “Yes” votes in favor of the change.

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

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

**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:** February 4, 2009

**AGENDA ITEM:** Ordinance to Approve Lease of a portion of the Old McLeod Hospital Property on Cheves Street to M. B. Kahn Construction Company, Inc.

**DEPARTMENT/DIVISION:** City Council / City Attorney

**I. ISSUE UNDER CONSIDERATION**

This ordinance would authorize the lease of a portion of the old McLeod Hospital Property on Cheves Street between the City of Florence and M. B. Kahn Construction Company, Inc. The purpose of the lease is to allow M. B. Kahn Construction Company, Inc. to use the old McLeod Hospital property on Cheves Street for a secured construction staging area during the construction of the Performing Arts Center.

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

The attached ordinance authorizes the execution of the Lease to provide a secured staging area for the construction of the Performing Arts Center.

**III. POINTS TO CONSIDER**

- A. City has been approached by M. B. Kahn Construction Company, Inc., General Contractor, for the Performing Arts Center to use a portion of the old McLeod Hospital property on Cheves Street as a secured construction staging area during the construction of the Performing Arts Center.
- B. Lease contains the provision that the lease can be terminated by the city upon ninety (90) days notice in the event that there is a buyer for the property.
- C. Lease requires M. B. Kohn Construction to provide proof of insurance, to indemnify and hold the City harmless, and to return the property to the City in its original condition.

#### **IV. STAFF RECOMMENDATION**

Staff recommends approval of the Ordinance.

#### **V. ATTACHMENTS**

- (a) Copy of the proposed Ordinance.
- (b) Copy of the proposed lease.

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**JAMES W. PETERSON, JR.**  
City Attorney

**ORDINANCE NO. 2009- \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE LEASE OF PARCELS LOCATED IN THE BLOCK BOUNDED BY CHEVES STREET, DARGAN STREET, WEST EVANS STREET, AND IRBY STREET, AND BEING THE PARCELS DESIGNATED AS A PORTION OF TAX MAP 90-168-02-005 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR.**

**WHEREAS**, after due consideration, the City has concluded that the land more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, is owned by the City, and the City of Florence and M. B. Kahn Construction Company, Inc. have entered into an agreement to lease property which will result in M. B. Kahn Construction Company, Inc. acquiring the use of property for a staging area during the construction of the Performing Arts Center, and

**WHEREAS**, the leasing of the properties described herein to M. B. Kohn Construction is in furtherance of the City's efforts to assist in the building of the Performing Arts Center in the downtown area of the City;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Florence in meeting duly assembled and by the authority thereof:

1. That, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the Lease attached hereto as Exhibit "B" and other documentation in order to lease the property described on Exhibit "A" to M. B. Kahn Construction Company, Inc. in order to provide a secured staging area for the construction of the Performing Arts Center.

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

\_\_\_\_\_  
STEPHEN J. WUKELA  
Mayor

**Approved as to form:**

**Attest:**

\_\_\_\_\_  
JAMES W. PETERSON, JR.  
City Attorney

\_\_\_\_\_  
DIANNE M. ROWAN  
Municipal Clerk

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF FLORENCE )

**LEASE**

This Lease made this \_\_\_\_ day of \_\_\_\_\_, 2009, between M. B. Kahn Construction Company, Inc., hereinafter called "Lessee", and the City of Florence, South Carolina, hereinafter called "Lessor".

**1. DEMISE AND TERM.**

The Lessor hereby leases to the Lessee that certain piece, parcel, or tract of land located in the City and County of Florence, State of South Carolina, and being shown and described on "Exhibit A" attached hereto.

To have and to hold the premises described above for a term of Eighteen (18) months beginning February \_\_\_\_\_, 2009.

**2. RENT**

The Lessee agrees to pay the One Dollar per year in rent.

**3. MAINTENANCE OF PROPERTY**

The Lessee shall, at its own cost, maintain the premises as a secured construction staging area for the construction of the Performing Arts Center. At the conclusion of the rental period, Lessee agrees to return the premises to the same condition it is in on today's date.

**4. TAXES**

Any taxes or assessments on the premises or on personal property located on the premises will be the sole responsibility of the Lessee.

## **5. ASSIGNMENT**

Lessee shall not assign this Lease without Lessor's prior written consent to such assignment.

## **6. INSURANCE**

It shall be Lessee's responsibility to keep the premises insured against loss or damage and to provide Lessor with proof of said insurance and proof of Lessor being added as an additional insured on said policy. In addition, Lessee agrees to hold harmless, indemnify, and defend Lessor, its agents and employees, from any claims for property damage or personal injury on the premises (including death resulting therefrom). Lessee shall also maintain general liability coverage in the amount of at least \$1,000,000.00 covering the activities on the premises of Lessee, its subcontractors, agents, employees and invitees, and Lessor shall be named as an additional insured on said policy..

## **7. MAINTENANCE OF PREMISES**

Lessee agrees that it will be solely responsible for the maintenance and upkeep of the property for so long as Lessee utilizes the premises under this lease.

## **8. TERMINATION AND SURRENDER**

If at any time during the term of the Lease Lessor decides that the premises are needed by the City for other public uses which will prohibit its use as a secured construction staging area, Lessor may, at Lessor's option, terminate the Lease by providing Lessor 90 days written notice of its intention to do so. Otherwise, the Lease will be

terminated at the conclusion of the term or terms as set forth herein. Upon termination of the Lease, Lessee shall surrender the premises to Lessor in its original condition.

**9. BINDING EFFECT**

It is agreed that the covenants, stipulations, and conditions herein contained shall inure to the benefit of and shall be binding upon the successors and assigns of the Lessee and the successor and assigns of the Lessor.

IN WITNESS WHEREOF, the parties hereto have signed by their proper corporate officers and have caused their proper corporate seal to be affixed hereto this \_\_\_\_\_ day of February, 2009.

**WITNESSES:**

**LESSEE:**

M. B. KAHN CONSTRUCTION COMPANY, INC.

\_\_\_\_\_

By \_\_\_\_\_

As to Lessee

**LESSOR:**

City of Florence

\_\_\_\_\_

By \_\_\_\_\_

DAVID N. WILLIAMS  
City Manager

As to Lessor



**VIII. a.**  
**Resolution No.**  
**2009-01**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** February 9, 2009

**AGENDA ITEM:** Resolution No. 2009-01

**DEPARTMENT/DIVISION:** Administration

**ISSUE UNDER CONSIDERATION:** To adopt a Resolution declaring February 2009 as "Cities Mean Business" Month.

STATE OF SOUTH CAROLINA)  
 )  
CITY OF FLORENCE )

**RESOLUTION NO. 2009-01**

**A RESOLUTION BY THE CITY OF FLORENCE DECLARING FEBRUARY 2009 AS  
“CITIES MEAN BUSINESS” MONTH**

**WHEREAS**, cities and towns are the economic engines of South Carolina; and

**WHEREAS**, the partnership between local officials and business leaders is critical to the new knowledge economy and future of regional workforce development; and

**WHEREAS**, cities and towns offer a positive quality of life that attracts business, industry and new jobs to the region; and

**WHEREAS**, success of the state relies upon the economic success and prosperity of hometowns; and

**WHEREAS**, “Cities Mean Business” month celebrates that cities and towns are committed to a strong and positive relationship with local business leaders; and

**NOW, THEREFORE BE IT RESOLVED**, that the Council of the City of Florence, South Carolina affirms on this day, February 9, 2009, its dedication to businesses that operate in this hometown and its commitment to the economic success and competitiveness of South Carolina and is proud to declare February 2009 as “Cities Mean Business” month.

**RESOLVED** this 9<sup>th</sup> day of February, 2009

**APPROVED AS TO FORM:**

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

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

**Attest:**

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

**IX. a.**  
**Appointment to the**  
**Civic Center Commission**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** February 9, 2009

**AGENDA ITEM:** Appointments to Boards and Commissions

**DEPARTMENT/DIVISION:** Administration/City Council

**ISSUE UNDER CONSIDERATION:** To appoint a City Designee to serve on the Civic Center Commission

**CITY OF FLORENCE DESIGN REVIEW BOARD**

**One Vacancy  
February 9, 2009**

**There is one vacancy on the City of Florence Design Review Board.**

**Mr. George J. Wilds - Would like to be appointed.**

**Mr. Justin Hardee - Would like to be appointed.**

**IX. b.  
Housing Board of  
Adjustments & Appeals**

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** February 9, 2009

**AGENDA ITEM:** Report to Council

**DEPARTMENT:** Community Services Department

**I. ISSUE UNDER CONSIDERATION:**

Council will discuss establishing a Housing Board of Adjustments and Appeals.

**II. POINTS TO CONSIDER:**

1. The Board shall consist of five (5) members, composed of one real estate broker, one physician, one architect, engineer or general contractor, one building materials dealer, and one member at large from the homeowners of the governed area. The board shall be appointed by the City Council.
2. In the event it would not be possible to fill the membership of the board in all the categories listed above, the council may select the remaining membership from business and professional residents of the governed area.
3. Of the members first appointed, two (2) shall be appointed for a term of one year, two (2) for a term of two (2) years, one for a term of three (3) years, and thereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointment are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the city council, render any such member liable to immediate removal from office.