

**REGULAR MEETING OF FLORENCE CITY COUNCIL**

**MONDAY, MARCH 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**

*Regular Meeting - February 9, 2009*

*Town Hall Meeting - February 10, 2009*

**IV. SPECIAL HONORS AND RECOGNITIONS**

*Service Certificates*

*Marvin Scott - 20 years - Surface Water*

*John Lochart - 15 years - Police Department*

*Terry McFadden - 10 years - Utility Operations*

*Special Recognition*

*Shannon Tanner - Florence Fire Department*

*Adjunct Instructor of the Year*

**V. APPEARANCE BEFORE COUNCIL**

- a. *Mr. Larry Jackson, Superintendent, Florence School District 1 - to address Council regarding Graduate Florence*
- b. *Mr. John Chase, Chairman, Florence County Legislative Day*
- c. *Mr. Gary Finklea - to address Council regarding a rezoning request off Third Loop that was denied at the February 9, 2009 City Council meeting.*

- d. ***Ms. Rennie Lunn-McAllister - to give a report on the direction and growth of the City Talk 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.*
- b. ***Bill No. 2009-02 - Second Reading***  
*An Ordinance to amend the City of Florence Zoning Ordinance related to Floodplain Management.*
- c. ***Bill No. 2009-03 - Second 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.*
- d. ***Bill No. 2009-05 - Second 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.*
- e. ***Bill No. 2009-06 - Second Reading***  
*An Ordinance authorizing the lease-purchase financing of capital projects to be located in the City of Florence; authorizing the City of Florence, South Carolina to execute documents including the base lease by and between the City of Florence, South Carolina and BB&T Governmental Finance and the lease agreement by and between BB&T Governmental Finance and the City of Florence, South Carolina; and other matters relating thereto.*

## **VII. INTRODUCTION OF ORDINANCES**

- a. ***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.*

- b. Bill No. 2009-07 - First Reading**  
*An Ordinance to amend the Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2008 and ending June 30, 2009.*
- c. Bill No. 2009-08 - First Reading**  
*An Ordinance to annex property owned by Williamsburg First National Bank, 2257 S. Irby Street.*
- d. Bill No. 2009-09 - First Reading**  
*An Ordinance to annex and zone property owned by Property Investment Group, LLC located at 1201 E. Pamplico Highway.*
- e. Bill No. 2009-10 - First Reading**  
*An Ordinance to annex and zone property owned by Charles and Patricia Pigatt, 1726 Norwood Lane.*

#### **VIII. INTRODUCTION OF RESOLUTION**

- a. Resolution No. 2009-02**  
*A Resolution establishing and adopting an Identity Theft Prevention Policy for the City of Florence, South Carolina as required by and in compliance with recent Federal Legislation and Regulations.*

#### **IX. REPORTS TO COUNCIL**

- a. Appointments to the Housing Board of Adjustments and Appeals.**
- b. A report on the Auditing Services Contract for the City of Florence.**
- c. A report to Council regarding authorization by the City Manager or his designee to negotiate the purchase of parcels 90085-11-002 and 90085-11-003.**

#### **X. EXECUTIVE SESSION**

- a. Personnel Matter**

#### **XI. ADJOURN**

**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**

**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. Dwight Dana of the Morning News was present for 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 adopt the minutes of the Work Session of January 8, 2009 and the Regular Meeting of January 12, 2009. Councilman Bradham seconded the motion, which carried unanimously.

**SPECIAL HONORS AND RECOGNITIONS**

Patrick Green received a certificate in recognition of 15 years of service with the City of Florence Fire Department.

Karen Spigner was presented a Retirement Plaque in recognition of 28 years of service with the City of Florence Finance Department. Karen retired from the City on January 9, 2009.

**APPEARANCE BEFORE COUNCIL**

**a. Mr. Jamie Young - Chairman, Parks, Beautification and Leisure Services Commission - to present their Annual Plan to Council.**

Mr. Jamie Young appeared before Council and provided a brief summary of the 2009 annual plan. (A copy of the 2009 Annual Plan is attached). Mr. Young thanked Council for their continued support of this Commission.

Major projects the Commission worked on this year were the Rail Trail, renovations of the Barnes Street Center, ScienceSouth has been implemented with the

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
FEBRUARY 9, 2009 - PAGE 2**

Parks Department and will work in conjunction with the SWIM project, and opening of the Veterans Park.

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

Mr. Freddie Jolley appeared before Council and requested \$10,000 in funding from the City to assist with the Weed and Seed Boxing Program.

Mayor Pro tem Williams made a motion to approve the request for \$10,000. Councilman Brand seconded the motion, which carried unanimously.

**ORDINANCES IN POSITION**

**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 until the March 9, 2009 City Council meeting.

Councilman Brand made a motion to defer Bill No. 2008-16. Councilman Powers 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 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 Method as authorized by Section 5-15-62 of the South Carolina Code of Laws was tabled.

Councilman Robinson made a motion to table Bill No. 2008-59. Councilman Powers seconded the motion, which carried unanimously.

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
FEBRUARY 9, 2009 - PAGE 3**

**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.**

An Ordinance to rezone property owned by South Florence Developers LLC located on Third Loop Road and Encino Drive was denied on first reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported to Council that a request has been received from South Florence Developers for property located on Third Loop Road and Encino Drive. The property is shown more specifically on Florence County Tax Map 00151-01-234 (0.367 acres). The current zoning is R-4, Multi-Family Residential District, Limited. The proposed zoning is B-2, Convenience Business District.

Mr. Lookadoo reported that there is a zoning discrepancy between the current and proposed zonings.

At the January 13, 2009 Planning Commission meeting, the members present voted to approve the request with two members voting in opposition.

Staff is recommending denial of this request based on the application not being in compliance with the Comprehensive Plan Map.

Councilman Bradham made a motion to deny the request. Councilwoman Williams-Blake seconded the motion.

Councilman Brand made a motion to call the question. Councilman Bradham seconded the motion, which carried unanimously.

Voting aye to deny the request was unanimous.

**BILL NO. 2009-02 - FIRST READING**

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

An Ordinance to amend the City of Florence Zoning Ordinance related to Floodplain Management was passed on first reading.

Mr. Phillip Lookadoo, Director of Urban Planning and Development reported this is a request to amend Article 2, Sections 2.7, 2.7-1, 2.7-2; Article 8, Section 8.4 and 8.7; and Article 10 of the City of Florence Zoning Ordinance.

On November 18, 2008, an Associate Engineer with the South Carolina Department of Natural Resources conducted a Community Assistance Visit (CAV) with the Department of Urban Planning and Development staff. 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 CAV revealed there were sections of the City of Florence Zoning Ordinance that must be updated in order to remain in good standing with the NFIP.

Amendments to those sections of the Zoning Ordinance were presented to the Planning Commission and unanimously approved at the meeting held on January 13, 2009.

Councilman Brand made a motion to pass Bill No. 2009-02 on first reading. Councilman Powers seconded the motion, which carried unanimously.

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
FEBRUARY 9, 2009 - PAGE 4**

**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.**

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 was passed on first reading.

Mr. Tom Shearin, Special Services Administrator, reported to Council that at the October 13, 2008 City Council meeting, Council declared this undeveloped parcel as surplus and authorized the City Manager to initiate the disposal of the property.

In accordance with the City of Florence Purchasing and Contracting Policies and Procedures, the property has been appraised. The appraised value is \$3,600.00. As the value is less than \$10,000, there is no requirement that it be advertised and bids received.

Mr. Tervance Prince, the adjacent property owner, 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

Councilman Brand made a motion to pass Bill No. 2009-03 on first reading. Councilman Bradham seconded the motion.

Councilman Robinson made a motion to end debate and call for the question. Councilman Brand seconded the motion, which carried unanimously.

Voting aye to pass Bill No. 2009-03 on first reading carried unanimously.

**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 THE NONPARTISAN AND RUN-OFF ELECTION METHOD AS AUTHORIZED BY SECTION 5-15-62 OF THE SOUTH CAROLINA CODE OF LAWS.**

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 the nonpartisan 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 pass Bill No. 2009-04 on first reading. Councilman Bradham seconded the motion.

Councilman Brand amended the motion to reflect the date of the referendum to be held the first Tuesday after the first Monday in November 2009.

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
FEBRUARY 9, 2009 - PAGE 5**

Council entered into a lengthy discussion regarding this Ordinance. Councilman Robinson, Williams and Mayor Wukela were in opposition to the Ordinance. Councilman Brand, Bradham, Powers and Councilwoman Williams-Blake were in favor of the Ordinance.

Councilman Brand made a motion to end the debate and call for the question. Councilman Powers seconded the motion.

Voting in favor of ending debate and call for the question were Councilwoman Williams-Blake, Councilman Bradham, Councilman Brand and Councilman Powers.

Voting no was Mayor Wukela, Councilman Robinson and Mayor Pro tem Williams.

Mayor Wukela stated that the motion failed for lack of a 2/3 vote to call for the question and end the debate as required by Roberts Rules of Order.

Mayor Wukela asked for a motion to table Bill No. 2009-04 in order to move forward with the agenda.

Councilman Robinson made a motion to table Bill No. 2009-04. Councilman Williams seconded the motion.

Voting aye to table were Mayor Wukela, Mayor Pro tem Williams and Councilman Robinson.

Voting no was Councilwoman Williams-Blake, Councilman Bradham, Councilman Brand and Councilman Powers.

The motion to table Bill No. 2009-04 failed.

Mayor Pro tem Williams made a motion to adjourn the meeting. Councilman Robinson seconded the motion.

Voting aye to adjourn the meeting was Mayor Wukela, Councilman Robinson and Mayor Pro tem Williams.

Voting no to adjourn were Councilwoman Williams-Blake, Councilman Bradham, Councilman Brand and Councilman Powers.

The motion to adjourn failed.

Based on the discussions, it became evident that Council was at an impasse.

Mayor Wukela stated that Council could discuss the rest of the agenda but no action could be taken on any issue until the pending question regarding Bill No. 2009-04 was resolved.

Council moved forward with the next item on the agenda.

A motion to defer Bill No. 2009-04 until the March 9, 2009 meeting was made by Councilman Brand and seconded by Councilman Powers when the meeting was reconvened after Executive Session. The motion was unanimously approved.

**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.**

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 was not acted upon by Council

This is the property that City Council previously gave the County the option to purchase.

Mr. Tom Shearin, Special Services Administrator reported the construction company has requested the use of this property to be used for employee parking and a staging area during



**REGULAR MEETING OF FLORENCE CITY COUNCIL  
FEBRUARY 9, 2009 - PAGE 6**

construction of the new Performing Arts Center. A movable fence will be installed around the designated area which can be relocated if necessary.

Mr. Jim Peterson, City Attorney stated that the lease allows for a 90 day notice to the City to end the lease if the County decides to exercise the option to purchase this property. The lease includes a hold harmless agreement that protects the City in the event of something happening on this property. The construction company understands that if for any good reason, for public need of this property, the lease can be terminated and they will be required to relocate to another area.

Council took no action on this proposed Ordinance.

**INTRODUCTION OF RESOLUTION**

**RESOLUTION NO. 2009-01**

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

Council took no action on this Resolution.

**REPORTS TO COUNCIL**

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

Mayor Wukela will serve as the City appointee on the Civic Center Commission.

**b. Appointments to the Housing Board of Adjustments and Appeals**

Mr. Scotty Davis, Director of Community Services reported that the City, through the Mayor's office, is looking at creating the Housing Board of Adjustments and Appeals. From previous records it was determined that this Board was established in 1973, but has not active for at least 10 years. It was established in Article 4, Section 4-201, and Subsection 106.1 of the City Code of Ordinances. The Board is made up of five members; including specifically as stated in the Code, one real estate broker, one physician, one architect, engineer or general contractor, one building materials dealer, and one member at large or homeowner. All members appointed to serve must live in the city limits of Florence. If a particular person or profession is not found someone in the business community at large could be appointed. This board will have all the powers granted to the Codes Enforcement Officer. It may carry out its orders through its own actions or through the actions of the Code Enforcement Officer. This Board would have the power to write summons and bring persons to Court separate and apart from the current Code Enforcement Officer. Any person receiving an order from the Code Enforcement Officer may within 15 days of that notice appeal in writing to this board. This Board would be the go-between staff, the Code Enforcement Officer, and the court. Once that appeal is done, it would act as a stay until the board meets. The Board will have seven days to notify appellants of the date of the hearing and then they will give their finding of fact on the issue. After that, it would proceed on. Staff will be in a position to provide names of persons to serve on this board as well as receiving names from Council.

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
FEBRUARY 9, 2009 - PAGE 7**

Councilman Robinson had some concerns with the board. He felt that properties should be rebuilt and not torn down. He does not agree that the City should be able to take peoples property.

Mayor Wukela clarified that this board already exists but has been inactive for some time and that Council should be thinking about naming individuals to serve on this board. This Board will not set policy or decide which properties will be looked at, it only hears appeals.

Council had concerns with the level of power that the board members would have and felt this issue should be discussed in further detail to ensure that qualified individuals are appointed to serve.

Councilman Robinson asked if the board was mandatory or could it be eliminated? Councilman Robinson stated that jurisdiction needs to come through the Community Services Department to the City Manager and then to Coucil.

Scotty Davis clarified that the board would not stop the due process of the individual. The Board could issue a summons but it would then go before the Community Services Director and then to the Municipal Court.

Ms. Debbie Chandler, a resident of Windemere, spoke in favor of something being done about abandoned houses and reported on one particular house in her neighborhood.

Mr. Harry O'Bryan was in favor of having abandoned houses taken down. He talked with 15 neighbors in Windemere and all in favor of having the abandoned house in their neighborhood taken down.

Another resident of Windemere wants something done about the house previously discussed.

Mrs. Betty Shelley, President of Timrod Park Neighborhood Association, talked about houses in their area that need to be taken care of. She stated that the City needs a Livability or Accountability Court and that these matters should not go through Municipal Court.

The property owner of the Meredith Drive property located in the Windemere Subdivision has been notified to clean up the property.

**EXECUTIVE SESSION**

Mayor Pro tem Williams made a motion to enter into Executive Session. Councilman Bradham seconded the motion, which carried unanimously.

Council entered into Executive Session at 3:13 p.m.

Mayor Wukela reconvened the regular meeting at 5:15 p.m.

Mayor Wuikela stated there were three matters discussed in Executive Session. The first item discussed was a Personnel Matter to discuss the employment and compensation of city employees, the second item was another Personnel Matter to discuss the employment and compensation for another city employee and the third item was a Legal Matter to receive legal advice regarding issues related to planning.

**REGULAR MEETING OF FLORENCE CITY COUNCIL  
FEBRUARY 9, 2009 - PAGE 8**

Before Council could take any action on subsequent items, it was necessary that the pending matter related to Bill No. 2009-04 be resolved.

Councilman Brand made a motion to defer Bill No. 2009-04 to the March 2009 meeting. Councilman Powers seconded the motion, which carried unanimously.

As relates to one of the Personnel Matters discussed in Executive Session, Councilman Brand made a motion to extend the contract of the City Manager for one year, from July 1, 2009 to July 1, 2010, at which time Council will review his performance record and other benefits and go forward. Mayor Pro tem Williams seconded the motion, which carried unanimously.

No action was taken on the other Personnel Matter or the Legal Matter discussed in Executive Session.

**ADJOURN**

Mayor Pro tem Williams made a motion to adjourn the meeting. Councilman Bradham seconded the motion, which carried unanimously.

The meeting was adjourned at 5:18 p.m.

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

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

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

# 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.

**TOWN HALL MEETING OF FLORENCE CITY COUNCIL  
TUESDAY, FEBRUARY 10, 2009 - 6:30 P.M.  
PENTECOSTAL TEMPLE CHURCH OF GOD IN CHRIST  
806 E. PINE STREET, FLORENCE, SOUTH CAROLINA  
FLORENCE, SOUTH CAROLINA**

**MEMBERS PRESENT:** Mayor Stephen J. Wukela called the town hall meeting to order at 6:30 p.m. with the following members present: Councilman Steve Powers, Councilman Buddy Brand, Councilman Edward Robinson, Councilman William C. Bradham, Jr., and Councilwoman Octavia Williams-Blake.

**ALSO PRESENT:** David N. Williams, City Manager, Dianne M. Rowan, Municipal Clerk, James W. Peterson, Jr., Drew Griffin, Director of Public Works and Utilities, and Tom Shearin, Special Services Administrator.

**INVOCATION**

Councilman William C. Bradham, Jr. gave the invocation, which was followed by the Pledge of Allegiance to the American Flag.

Mayor Wukela stated that the purpose of this meeting is to gather input from the East Florence Community regarding the proposed changes at Levy Park. Mayor Wukela stated the following background information. The City obtained a Section 108 Loan to make improvements to the Barnes Street facility and to Levy Park. After completing the improvements to Barnes Street there is approximately \$377,000 remaining for improvements to Levy Park. The issue is how to use this money at Levy Park. Some residents would like to see the basketball, shuffle board and tennis courts repaired or replaced and also build a large picnic shelter. Others would like to see a new building constructed and/or improvements to the existing shelter.

Councilman Robinson stated that the money was requested specifically to be used to build a new building for Levy Park and if the use is revised to repair or replace the basketball, tennis and shuffleboard courts, the money would have to be sent back to HUD for them to decide if this is an appropriate use of the money. Councilman Robinson and Councilman Williams have concerns that this may jeopardize the city receiving the money.

Several residents addressed Council with their concerns about Levy Park and how the funds should be used for Levy Park.

The majority of the residents favored constructing a new Activity Center at Levy Park that would include computers, internet capability, and classrooms for the young people in the community. They would also like to see improvements to the existing building, repair or replace the outdoor basketball courts, repair or replace the shuffleboard courts and tennis courts, construct a large picnic shelter and the construction of a covered basketball shelter with lights if additional funding can be obtained.

Mr. Drew Griffin, Director of Public Works and Utilities was asked to give the residents an overview and the purpose of the SWIM Project.

At the close of the meeting, each member of City Council thanked the residents of the East Florence Community for welcoming the City Council to their community.

Elder Badie, Pastor of the Pentecostal Temple Church of God In Christ closed the meeting with a prayer.



**TOWN HALL MEETING OF FLORENCE CITY COUNCIL  
TUESDAY, FEBRUARY 10, 2009 - PAGE 2**

**ADJOURN**

The meeting was adjourned at 8:50 p.m.

Dated this \_\_\_\_\_ day of March, 2009.

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

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

**FLORENCE CITY COUNCIL MEETING**

**DATE:** March 9, 2009

**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. December 10, 2007 *City Council establish 45 day moratorium on building permits in the Wilson Road Area.*
- b. April 14, 2008 *City Council approved Bill 2008-16 (establish Wilson Rd Overlay District) on 1st reading.*
- c. May 12, 2008 *City Council deferred on 2<sup>nd</sup> reading pending PH at PC meeting.*
- d. May 27, 2008 *City/County PC deferred action for 90 days – sent to City PC.*
- e. June 16, 2008 - *City Council deferred each successive month on 2<sup>nd</sup> reading*  
January 12, 2009 *pending PC recommendation.*
- f. July 8, 2008 *Inaugural meeting of the City Planning Commission.*
- g. August 12, 2008 *Staff delivered an update to the new commission.*
- h. September 9, 2008 *PH held, action deferred until special meeting on 9/23/08*
- i. September 23, 2008 *Meeting re-scheduled for 9/29/08*
- j. September 29, 2008 *Discussion of proposed design guidelines was held. A consensus of the members present was to continue discussion at a date to be determined. Subsequent to the meeting an Ad Hoc committee, comprised of Tommy Phillips, Mildred Welch, Dorothy Hines*

*and members of the Wilson Road Community as well as Debbie Eaddy, was appointed by Chairman Willis to meet with the intention of discussing the proposed design guidelines and making a recommendation to the full Planning Commission.*

- k. October 14, 2008 *An update was given by staff stating that the Ad Hoc committee was to meet with Wilson Road Community members on October 16, 2008.*
- l. November 11, 2008 *Meeting Cancelled.*
- m. December 9, 2008 *Ad Hoc Committee met with members of the Wilson Road community in October and November. Ad Hoc committee informed community residents that they could not give them land use restrictions only. Meeting was to be scheduled with the Wilson Road community on January 6, 2009.*
- n. January 6, 2009 *Ad Hoc committee was unable to meet with Wilson Road community as no one from the community was in attendance.*
- o. February 2, 2009 *Ad Hoc committee met with Wilson Road Committee and no consensus was reached concerning the proposed guidelines.*
- p. February 10, 2009 *City Planning Commission recommends denial of the amendment to the Zoning Ordinance as submitted with use restrictions only.*

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


- (a) This action involved 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, 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**

*In light of legal advice staff recommends denial of the overlay district as written. Staff further recommends that the proposed design guidelines, dealing with design elements only, drafted in accordance with Planning Commission direction, be discussed and a recommendation be forwarded to City Council amending the ordinance as written to include guidelines that pertain to design elements of structures in the proposed overlay district and exclude ones that limit use to single family detached units and accessory structures.*

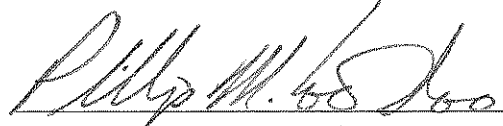
**V. ATTACHMENTS**

Copy of the proposed Amended Ordinance.  
Planning Commission Staff Report



---

**David N. Williams**  
City Manager



---

**Phillip M. Lookadoo, Director**  
Urban Planning and Development

## ZONING PETITION STAFF CHECKLIST

### IDENTIFYING DATA

**Planning Commission Case Number:** PC # 2008-03

**Name of Owner:** Multiple Owners (See enclosed list)

**Address of Property:** Wilson Road Area (See enclosed map)

**Tax Parcel Number(s):** See enclosed list

**Date:** September 4, 2008

### MATTER UNDER CONSIDERATION

Request to create a zoning overlay district to restrict the allowable principal uses within that district to single family detached dwelling. (See map enclosed for district boundaries).

### GENERAL BACKGROUND DATA

Current Zoning: R-4 and B-3                      Proposed Zoning: Residential Overlay District

Current Use: Residential single family,  
vacant and commercial.                      Proposed Use: Residential Single Family detached

### DIMENSIONAL REQUIREMENTS

	<u>Current Zoning</u>	<u>Proposed Zoning</u>
Lot Area:		N/A
Lot Width		N/A
Front Setback		N/A
Side Yards		N/A
Rear Yards		N/A
Max. Height		N/A
Open Space		N/A

**Comments:** The proposed overlay district does not involve any alterations to the affected

# ZONING PETITION STAFF CHECKLIST

---

underlying zoning districts.

## **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: See enclosed list.

This application is submitted by:                    \_\_\_ the owner listed above  
   \_\_\_ an agent for the owner  
   X other (City Council)

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?

*No; the Current Land Use Plan shows the above parcels being located in an area planned for residential use.*

Land Use Plan elements that impact the subject property:

The objective of this designation is to identify and protect the character and present use of residential resources (existing neighborhoods and subdivisions) and to prohibit development which would compromise or infringe on the prevailing character or continued use of such resources for residential purposes.

## **ADDITIONAL CRITERIA FOR CONSIDERATION**

1. What changes have, or are, occurring in the area to justify a change in zoning?

*The properties are located in the Wilson Road area in the northeast section of the City.*

*The pre-dominant land use within the boundaries of this proposed overlay district is single family residential with one parcel containing a commercial use and some parcels of significant size being vacant.*

## ZONING PETITION STAFF CHECKLIST

---

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

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Zoned & Un-zoned	Single Family Residential
Northeast	Zoned & Un-zoned	Single Family Residential
East	Un-zoned	Vacant & Commercial
Southeast	Un-zoned	Vacant & Single-Family Residential
South	Zoned	Multi-Family & Single-Family Residential
Southwest	Zoned & Un-zoned	Single Family Residential/Commercial
West	Zoned	Single Family Residential
Northwest	Zoned	Single Family Residential

3. What are development plans in the area – roads, schools, future commercial development, etc.?

*A large percentage of properties in this proposed overlay district currently contain single family detached dwellings. Three of the large tracts of vacant parcels have been platted for residential use.*

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.

*The existing zoning classification R-4 (Multi-Family Limited) allows: single family detached dwellings, duplexes, townhouses (conditional approval), patio homes (conditional approval); modular homes (allowed in any residential district) and various support and accessory uses.*

6. List some potential uses under proposed zoning.

*Only single family detached dwellings as well as accessory and support uses would be allowed.*

7. Are any of these uses inappropriate for this location, and if so, why?  
No.

8. (a) What is applicant's stated reason for requesting zoning?

*City Council received a request from members of the Wilson Road community to provide protection from possible future development of duplexes and townhomes which they felt was incompatible with the existing development pattern of their community.*

9. (a) What will be the benefits to the surrounding properties?

N/A.

## ZONING PETITION STAFF CHECKLIST

(b) What will be the detriments to the surrounding properties?

N/A

10. Is a traffic study required for this petition?

No.

If so, what are the recommendations of the study?

N/A

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

*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.*

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

Yes.

### HISTORY/STATUS OF THIS REQUEST

December 10, 2007	City Council establish 45 day moratorium on building permits in the Wilson Road Area.
April 14, 2008	City Council approved Bill 2008-16 (establish Wilson Rd Overlay District) on 1st reading
May 12, 2008	City Council deferred on 2 <sup>nd</sup> reading pending PH at PC meeting



## ZONING PETITION STAFF CHECKLIST

---

May 27, 2008	City/County PC deferred action for 90 days – sent to City PC
June 16, 2008 - January 12, 2009	City Council deferred each successive month on 2 <sup>nd</sup> reading pending PC recommendation.
July 8, 2008	Inaugural meeting of the City Planning Commission.
August 12, 2008	Staff delivered an update to the new commission.
September 9, 2008	PH held, action deferred until special meeting on 9/23/08
September 23, 2008	Meeting re-scheduled for 9/29/08
September 29, 2008	Discussion of proposed design guidelines was held. A consensus of the members present was to continue discussion at a date to be determined. Subsequent to the meeting an Ad Hoc committee , comprised of Tommy Phillips, Mildred Welch, Dorothy Hines and members of the Wilson Road Community as well as Debbie Eaddy, was appointed by Chairman Willis to meet with the intention of discussing the proposed design guidelines and making a recommendation to the full Planning Commission
October 14, 2008	An update was given by staff stating that the Ad Hoc committee was to meet with Wilson Road Community members on October 16, 2008.
November 11, 2008 December 9, 2008	Meeting Cancelled Ad Hoc Committee met with members of the Wilson Road community in October and November. Ad Hoc committee informed community residents that they could not give them land use restrictions only. Meeting was to be scheduled with the Wilson Road community on January 6, 2009
January 6, 2009	Ad Hoc committee was unable to meet with Wilson Road community as no one from the community was in attendance.
February 2, 2009	Ad Hoc committee met with Wilson Road Committee and no consensus was reached concerning the proposed guidelines.

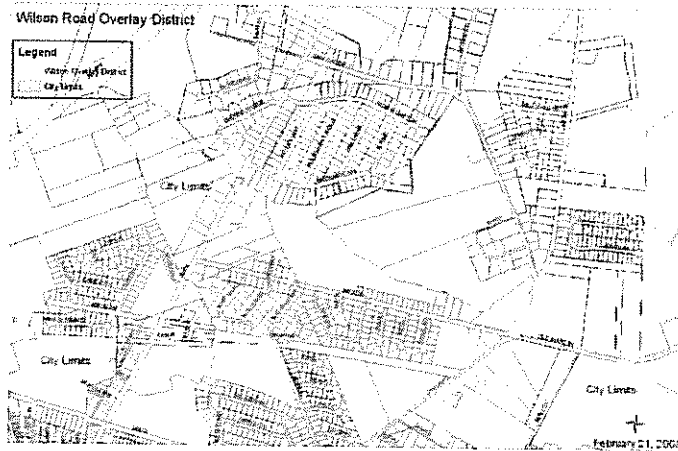
### **STAFF RECOMMENDATION**

*In light of legal advice staff recommends denial of the overlay district as written. Staff further recommends that the proposed design guidelines, dealing with design elements only, drafted in accordance with Planning Commission direction, be discussed and a recommendation be forwarded to City Council amending the ordinance as written to include guidelines that pertain to design elements of structures in the proposed overlay district and exclude ones that limit use to single family detached units and accessory structures.*

## 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 (~~65~~) 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, 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 \_\_\_\_\_, 2009.**

**Approved as to Form:**

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

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

**Attest:**

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

FLORENCE CITY COUNCIL MEETING

**VI. b.**  
**Bill No. 2009-02**  
**Second 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**



**VI. c.**  
**Bill No. 2009-03**  
**Second 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 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.

---

**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 \_\_\_\_\_

\_\_\_\_\_  
As to Lessor

DAVID N. WILLIAMS  
City Manager

**FLORENCE CITY COUNCIL MEETING**

**DATE:** March 2, 2009  
**AGENDA ITEM:** Ordinance--First Reading  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

An ordinance authorizing capital lease-purchase financing from BB&T Governmental Finance in an amount not to exceed \$7,500,000 to pay costs associated with the construction of a municipal tennis complex and providing a capital contribution for the construction of the Francis Marion University performing arts center to be located in downtown Florence.

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

1. April 2007: City Council received proposal for \$3 million construction contribution to Francis Marion University (FMU) for Performing Arts Center (PAC).
2. November 2007: City Council authorized a letter of commitment for the \$3 million to FMU.
3. November 2007: City Council also approved construction of \$5 million tennis complex (\$3 million funding from the City; \$1.5 million funding from Bruce and Lee Foundation; and \$522,000 funding from Florence County).
4. February 2008: City Council authorized lease-purchase financing for the tennis center and the contribution to FMU for PAC to be paid from local hospitality fee funds.
5. September 2008: City receives confirmation from Bruce & Lee Foundation of \$1.5 million grant to be paid from 2012, 2013, and 2014 at \$500,000 per year.
6. February 6, 2009: City requests proposals from fifteen area banks for 15-year financing to fund the projects (including \$1.5 million to be reimbursed over 3-year period by Bruce & Lee Foundation).
7. Debt service for the fifteen-year lease-purchase financing for the tennis complex construction and the capital contribution for the performing arts center is included in the FY 2008-09 budget.

**III. POINTS TO CONSIDER**

On February 23, 2009 the City received a proposal from BB&T Governmental Finance with an interest rate cost of 3.79% for a fifteen-year lease-purchase term.

**IV. STAFF RECOMMENDATION**

Approval and adoption of the proposed ordinance providing for the fifteen-year lease-purchase financing of funds to be used for the tennis complex construction and the capital contribution for the performing arts center.

**V. ATTACHMENTS**

Lease-purchase financing ordinance.



---

Thomas W. Chandler  
Finance Director



---

David N. Williams  
City Manager

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AUTHORIZING THE LEASE-PURCHASE FINANCING OF CAPITAL PROJECTS TO BE LOCATED IN THE CITY OF FLORENCE; AUTHORIZING THE CITY OF FLORENCE, SOUTH CAROLINA TO EXECUTE DOCUMENTS INCLUDING THE BASE LEASE BY AND BETWEEN THE CITY OF FLORENCE, SOUTH CAROLINA AND BB&T GOVERNMENTAL FINANCE AND THE LEASE AGREEMENT BY AND BETWEEN BB&T GOVERNMENTAL FINANCE AND THE CITY OF FLORENCE, SOUTH CAROLINA; AND OTHER MATTERS RELATING THERETO**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Definitions. The terms defined in this Section for all purposes of this Ordinance shall have the respective meanings as set forth in this Section.

*“Bank”* means BB&T Governmental Finance.

*“Base Lease”* means the Base Lease dated March 19, 2009, by and between the City and the Bank.

*“City”* means the City of Florence, South Carolina.

*“City Council”* means the City Council of the City.

*“Code”* means the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations thereunder.

*“Lease”* means the Lease Agreement dated March 19, 2009, by and between the Bank and the City.

*“Ordinance”* means this Ordinance of City Council.

*“Project”* means the construction of a municipal tennis complex and providing a capital contribution for the construction of the Francis Marion University Center for the Performing Arts to be located in downtown Florence.

Section 2. Findings and Determinations. The City hereby finds and determines:

- (a) Chapter 5, Title 7 of the Code of Laws of South Carolina 1976, as amended, empowers the City to lease real and personal property.
- (b) In addition, Section 6-1-700 through 6-1-770 (The Local Hospitality Tax Act) permits city councils to impose a local hospitality tax not to exceed two percent of

the charges for prepared food and beverages. Section 6-1-730 of the Local Hospitality Tax Act describes permitted uses of revenues so generated including tourism-related cultural and recreational facilities.

- (c) Pursuant to the Local Hospitality Tax Act, City Council imposed the Local Hospitality Fee codified at Sections 13-100 to 13-108 of the City of Florence Municipal Code. It also provides the use to which the proceeds may be applied including promotion of tourism, recreation and infrastructure to and for these projects.
- (d) The acquisition and construction of the Project within the City will promote tourism and provide related benefits to the citizens of the City such as increased employment opportunities and revenues to the City. The Tennis Complex is an important component of a strategy to attract tennis tournaments, players, their families, spectators and visitors to the City. The Francis Marion University Center for the Performing Arts is an important component of the City's redevelopment efforts to attract visitors to the downtown and surrounding areas. The City desires to finance the acquisition and construction of the Project by entering into a lease-purchase transaction with the Bank.
- (e) The Project will serve a proper corporate and public purpose of the City and satisfies the requirements of the Local Hospitality Tax Act as well as Sections 13-100 to 13-108 of the City of Florence Municipal Code.
- (f) Pursuant to the Base Lease, the City will convey to the Bank a leasehold interest in certain real property, including the improvements located thereon, as more particularly described in the Base Lease, and pursuant to the Lease, the Bank will lease to the City that certain real property and all improvements located thereon upon payment of Lease Rentals by the City to the Bank, as set forth in the Lease.
- (g) It has been determined that the estimated cost of the acquisition and construction of the Project, including necessary expenses incidental to the financing thereof, will not exceed \$7,500,000, and the City Council intends to apply the Base Lease Rent received from the Bank pursuant to the Base Lease to finance the acquisition and construction of the Project and the necessary expenses incidental thereto. It is anticipated that payments of Rentals will be made from the Local Hospitality Fee.

Section 3. Approval of Base Lease and Lease. The form, terms and provisions of the Base Lease and the Lease presented to this meeting and filed with the Clerk to the City Council be and hereby are approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Base Lease and the Lease were set out in this Ordinance in their entirety. The City Manager and the Finance Director or either of them be and are hereby authorized, empowered and directed to execute, acknowledge and deliver, and the Clerk to the City Council is hereby authorized, empowered and directed to attest, the Base Lease and Lease in the name and on behalf of the City, and thereupon to cause the Base Lease and the Lease to be delivered to the Bank and to cause the Base Lease and the Lease (or memoranda

thereof) to be recorded in the office of the Clerk of Court for Florence County. The Base Lease and the Lease are to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall be approved by the City Manager and the Finance Director, the City Manager's and Finance Director's execution thereof to constitute conclusive evidence of approval of any and all changes or revisions therein from the form of the Base Lease and the Lease now before this meeting. Any amendment to the Base Lease and the Lease Amendment shall be executed in the same manner.

Section 4. Acceptance of Bank Commitment. The proposal of the Bank, a copy of which is presented at this meeting, to provide financing for the lease-purchase transaction authorized by the Ordinance is hereby approved and accepted. City Council hereby ratifies and approves the acceptance of such proposal on behalf of the City by the Finance Director. City Council hereby delegates the authority to the City Manager and the Finance Director to approve any change in the terms set forth in the proposal.

Section 5. Approval of Transactions. The consummation of all transactions contemplated by the Base Lease and the Lease, including the lease and lease-back of the Property as defined therein and the application of the Base Lease Rent received pursuant to the Base Lease to the acquisition and construction of the Project, is hereby approved.

Section 6. Designation of "Qualified Tax-Exempt Obligation". City Council makes the following findings with respect to the Lease:

- (a) The Lease is not a private activity bond as defined in Section 141 of the Code.
- (b) The City does not reasonably anticipate the amount of "qualified tax-exempt obligations" required to be included in such calculation which will be issued by the City during the calendar year ending December 31, 2009, to exceed \$30,000,000.

On the basis of the foregoing, City Council hereby designates the Lease as a "Qualified Tax-Exempt Obligation" under the Code.

Section 7. Authorization. The City Manager, the Clerk to City Council, the Finance Director, and the City Attorney, for and on behalf of the City, are fully empowered and authorized to take such further action and to execute and deliver such additional documents, as may be reasonably requested by the Bank to effect the delivery of the Base Lease and Lease in accordance with the terms and conditions herein set forth, and the transactions contemplated hereby and thereby, and the action of such officers in executing and delivering any of such documents, in such form as the City Manager and Finance Director shall approve, is hereby fully authorized.

Section 8. Severability. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 9. Arbitrage Covenant. The City agrees and covenants that it will comply with all applicable portions of the Code, as in effect or hereafter amended, including Sections 103 and 141 through 150 thereof, and the regulations of the Treasury Department thereunder, to maintain the exclusion from gross income for federal income tax purposes of the interest components of the Base Rent (as defined in the Lease) under the Lease, including without limitation the proper use and expenditure of proceeds and the filing of information reports with the Internal Revenue Service and the rebate of certain arbitrage earnings on such proceeds to the United States Government.

Section 10. Repeal of Conflicting Ordinance. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

**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**

Date of First Reading: March 9, 2009  
Date of Second Reading: March 16, 2009



**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

**VII. b.**  
**Bill No. 2009-07**  
**First Reading**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** March 9, 2009  
**AGENDA ITEM:** Ordinance – First Reading  
**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

Amendment to the 2008-2009 City of Florence Budget.

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

No previous action has been taken on this ordinance.

**III. POINTS TO CONSIDER**

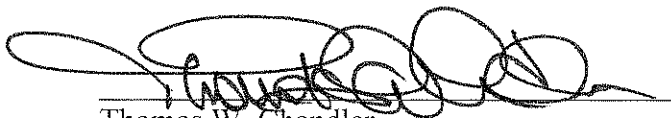
The objective of the proposed ordinance is to more closely align budgeted amounts with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories. Based on a midyear review of projections in the General Fund, the Water and Sewer Enterprise Fund, and the Stormwater Enterprise Fund, budget revisions are proposed in the revenues and expenditures for each of these funds to ensure that the City maintains a realistic and balanced budget wherein revenues and expenditures are appropriately aligned. Additionally, funds are being budgeted in the Hospitality Fee Fund as revenues and expenditures which, during the course of the current fiscal year, have been or are anticipated to be received and expended but were not included as part of the original budget ordinance.

**IV. STAFF RECOMMENDATION**

Approval and adoption of the proposed ordinance.

**VI. ATTACHMENTS**

Copy of the proposed ordinance.



Thomas W. Chandler  
Finance Director



David N. Williams  
City Manager

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE,  
SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, AND  
ENDING JUNE 30, 2009.

**BE IT ORDAINED** by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2008, and ending June 30, 2009, is hereby amended as follows:

**Section 1.** That the category of revenues of the General Fund in said budget is hereby amended by revising appropriations for Business & Professional License, Franchise Fees, Local Government Fund, and Traffic Fines for a net reduction in total General Fund revenues of \$200,000.

**Section 2.** That the category of expenditures of the General Fund in said budget is hereby amended by revising departmental and non-departmental expenditures for a net reduction in total General Fund expenditures of \$200,000.

**Section 3.** That the category of revenues of the Water and Sewer Enterprise Fund in said budget is hereby amended by revising appropriations in all categories for a net reduction in total Water and Sewer Enterprise Fund revenues of \$1,207,000.

**Section 4.** That the category of expenses of the Water and Sewer Enterprise Fund in said budget is hereby amended by revising departmental and non-departmental expenses for a net reduction in total Water and Sewer Enterprise Fund expenses of \$1,207,000.

**Section 5.** That the category of revenues of the Stormwater Enterprise Fund in said budget is hereby amended by revising appropriations for all categories of revenues for a net reduction in total Stormwater Enterprise Fund revenues of \$21,000.

**Section 6.** That the category of expenses of the Stormwater Enterprise Fund in said budget is hereby amended by revising departmental and non-departmental expenses for a net reduction in total Stormwater Enterprise Fund expenses of \$21,000.

**Section 7.** That the category of revenues of the Hospitality Fee Fund in said budget is hereby amended as follows:

26-377-1000 Unappropriated Surplus is increased in the total amount of \$4,300 to provide funding for Veterans Park expenditures not included in the original FY 2008-09 budget.

**Section 8.** That the category of expenditures of the Hospitality Fee Fund in said budget is hereby amended by the additional appropriations as follows:

**FY 2008-2009 Budget Amendment Ordinance (continued)**

26-465-0135 Veterans Park/Radio Drive Enhancements (Hospitality Fund General Expenditures) is funded in the amount of \$4,300 to provide for costs related to the Veterans Park not included in the original FY 2008-09 budget.

This 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:**

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

<b>MID-YEAR REVIEW SUMMARY FISCAL YEAR 2008-2009</b>				
<b>General Fund</b>				
<b>REVENUES</b>				
	DEPT NO.	CURRENT BUDGET	INCREASE/ (DECREASE)	ADJUSTED BUDGET
<b>TOTAL REVENUES</b>		<b>\$28,941,400</b>	<b>(\$200,000)</b>	<b>\$28,741,400</b>
<b>EXPENDITURES</b>				
DEPARTMENT	DEPT NO.	CURRENT BUDGET	INCREASE/ (DECREASE)	ADJUSTED BUDGET
City Council	410	\$233,520	\$11,700	\$245,220
Legal Services	411	\$169,760	\$3,620	\$173,380
Justice & Law	412	\$435,270	\$2,380	\$437,650
City Manager	413	\$464,380	\$7,400	\$471,780
Finance	415	\$730,990	(\$4,820)	\$726,170
Personnel Office	416	\$467,260	\$14,460	\$481,720
Community Services	419	\$481,970	\$440	\$482,410
Police	421	\$8,760,600	(\$178,620)	\$8,581,980
Fire	422	\$4,423,690	(\$94,420)	\$4,329,270
Streets And Beautification	431	\$1,474,860	(\$67,880)	\$1,406,980
Sanitation	432	\$3,661,460	(\$115,300)	\$3,546,160
Equipment Maintenance	433	\$393,490	\$740	\$394,230
Parks & Leisure Services	451	\$1,530,030	(\$90,430)	\$1,439,600
Athletic Programs	453	\$1,096,970	(\$42,950)	\$1,054,020
Urban Planning & Development	463	\$973,350	(\$51,500)	\$921,850
Employee Fringe & Benefits	490	\$512,500	\$21,000	\$533,500
General Insurance/Claims	491	\$475,000	\$1,000	\$476,000
Community Programs & Projects	492	\$115,000	\$0	\$115,000
Non-Departmental Expenditures	493	\$2,541,300	\$383,180	\$2,924,480
<b>TOTAL EXPENDITURES</b>		<b>\$28,941,400</b>	<b>(\$200,000)</b>	<b>\$28,741,400</b>
<b>EXCESS REVENUES/(EXPENDITURES)</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



<b>MID-YEAR REVIEW SUMMARY FISCAL YEAR 2008-2009</b>				
<b>Water &amp; Sewer Utility Fund</b>				
<b>REVENUES</b>				
	DEPT NO.	CURRENT BUDGET	INCREASE/ (DECREASE)	ADJUSTED BUDGET
<b>TOTAL REVENUES</b>		<b>\$27,333,100</b>	<b>(\$1,207,000)</b>	<b>\$26,126,100</b>
<b>EXPENSES</b>				
DEPARTMENT	DEPT NO.	CURRENT BUDGET	INCREASE/ (DECREASE)	ADJUSTED BUDGET
Engineering	441	\$955,000	\$5,330	\$960,330
Utility Finance	442	\$885,830	(\$12,960)	\$872,870
Waste Water Treatment	443	\$3,354,520	(\$247,550)	\$3,106,970
Surface Water Production	444	\$1,531,610	(\$57,660)	\$1,473,950
Ground Water Production	445	\$1,622,890	\$10,670	\$1,633,560
Utility Operations	446	\$3,192,580	(\$70,320)	\$3,122,260
Utility Construction	448	\$235,970	(\$1,610)	\$234,360
Debt Service Fund	470	\$6,385,500	(\$8,300)	\$6,377,200
Employee Fringe & Benefits	490	\$185,500	\$0	\$185,500
General Insurance/Claims	491	\$238,500	(\$15,500)	\$223,000
Non-Dept. Expenses	493	\$8,745,200	(\$809,100)	\$7,936,100
<b>TOTAL EXPENSES</b>		<b>\$27,333,100</b>	<b>(\$1,207,000)</b>	<b>\$26,126,100</b>
<b>EXCESS REVENUES/(EXPENSES)</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>MID-YEAR REVIEW SUMMARY FISCAL YEAR 2008-2009</b>				
<b>Stormwater Utility Fund</b>				
<b>REVENUES</b>				
	<b>DEPT NO.</b>	<b>CURRENT BUDGET</b>	<b>INCREASE/ (DECREASE)</b>	<b>ADJUSTED BUDGET</b>
<b>TOTAL REVENUES</b>				
		<b>\$1,293,000</b>	<b>(\$21,000)</b>	<b>\$1,272,000</b>
<b>EXPENSES</b>				
<b>DEPARTMENT</b>	<b>DEPT NO.</b>	<b>CURRENT BUDGET</b>	<b>INCREASE/ (DECREASE)</b>	<b>ADJUSTED BUDGET</b>
	470	\$368,500	(\$2,200)	\$366,300
Employee Fringe & Benefits	490	\$15,210	(\$1,000)	\$14,210
Property & Liability Insurance	491	\$6,100	(\$300)	\$5,800
Non-Dept. Expenses	493	\$37,500	(\$13,240)	\$24,260
Stormwater Operations	610	\$865,690	(\$4,260)	\$861,430
<b>TOTAL EXPENSES</b>				
		<b>\$1,293,000</b>	<b>(\$21,000)</b>	<b>\$1,272,000</b>
<b>EXCESS REVENUES/(EXPENSES)</b>				
		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**CITY OF FLORENCE COUNCIL MEETING**

**DATE:** March 9, 2009

**AGENDA ITEM:** Ordinance  
First Reading

**DEPARTMENT/DIVISION:** City of Florence Urban Planning & Development Department

---

**I. ISSUE UNDER CONSIDERATION:**

*An annexation request by Williamsburg First National Bank for property at 2257 S. Irby Street. The property is shown more specifically on Florence County Tax Map 00150, block 01, parcels 095.*

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

*The property is contiguous to the City limits with both water and sewer services currently available.*

*This property has been previously zoned B-3, General Commercial District by action of Florence County Council.*

**III. POINTS TO CONSIDER:**

*The applicant is requesting that their property be annexed into the city. There is an existing bank located on this property.*

**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.*

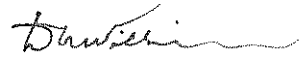
**V. PERSONAL NOTES:**

**VI. ATTACHMENTS:**

*Map showing the location of the properties.*  
*Annexation checklist*



Phillip M. Lookadoo, AICP  
Urban Planning and Development Director



David N. Williams  
City Manager



Annexation Request

BRANDON

MALDEN

YMCA

DEXTER

ANSLEY

CAUDLE

ATTWOOD

CAROLYN

WIMBLEDON

TOLEDO SCALE TOLEDO

GRACE

HAYDEN

MICHELLE

PAGE

KAREN

SIDNEY

IRBY

HICKORY HILL

MIDDLEBERG

BUTTERFLY LAKE

DIX

GREENSWARD

JACOBAN

HUTCHINSON

TUDOR

BECKETT

LANCELOT

FRANK MONROE

VANHOE

CHAUCER

SAINT GEORGE

SAINT CHRISTOPHER

**CITY OF FLORENCE**

**ANNEXATION CHECKLIST**

Date: October 31, 2008

Instructions: Engineering Department completes items #6 thru 10  
 Fire Department completes # 10a

1. Party requesting annexation: Williamsburg First National Bank
2. Location and acreage of property: 2257 S. Irby Street
3. Tax Map reference: 00150-01-095
4. Contact name & phone number: Travis Olinger 803.345-5706

**SERVICE AVAILABILITY INFORMATION**

INITIALS	YES/NO	IF NO, COST ESTIMATE FOR CITY TO PROVIDE
6. <u>SHA</u> Water Line	Yes.	
7. <u>SHA</u> Sewer Line	Yes.	
8. <u>SHA</u> Storm Drainage	Yes.	
9. <u>SHA</u> Paved Street SCDOT _____ Other <u>Fla. Co.</u> Length of existing curb and gutter.	Yes. ft	
10. _____ Traffic Control devices, including street name signs		
10a. <u>RO</u> Fire Hydrants	YES	

\* Economic Feasibility Analysis attached

- 11. Requested Zoning : Previously zoned B-3, by Florence County
- 12. Date of Petition: 10/30/2008
- 13. Party informed of costs and requirements of annexation: Yes
- 14. Residents: Total: 0 18 and over:  
Registered Voters by Race:

Annexation Checklist reviewed by:

Date:

Urban Planning & Development Director

*Phillip M. ...* 10/31/08

Engineering Department Manager

*Steve H. ...* 2-23-09

Public Works Director

*Andrews ...* 2-23-09

Police Chief

*[Signature]* 02-23-09

Fire Chief

*[Signature]* 2.24.09

City Manager

*[Signature]*

Please return completed form to: Liz Shaw, Urban Planning & Development Department

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

**AN ORDINANCE TO ANNEX PROPERTY OWNED BY WILLIAMSBURG  
FIRST NATIONAL BANK, 2257 SOUTH IRBY STREET.**

**WHEREAS**, an application by Williamsburg First National Bank, owner of property located at 2257 South Irby Street was presented requesting the aforesaid property be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** :

**The property requesting annexation is shown more specifically on Florence County Tax Map 00150, block 01, parcel 095.**

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

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

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

1. That an Ordinance is hereby adopted and annexing the aforesaid properties and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence.

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

**Approved as to form:**

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

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

**Attest:**

---

Dianne Rowan  
**Municipal Clerk**



FLORENCE CITY COUNCIL MEETING

**VII. d.**  
**Bill No. 2009-09**  
**First Reading**

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

**I. ISSUE UNDER CONSIDERATION**

1. Annex 1201 E. Pamplico Highway and zone the property B-3. Water service is available but sewer cannot be provided by gravity service to this property. Sewer service is to be provided by the developer.

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

1. In December 2008, the City of Florence Urban Planning and Development Department received a Petition for Annexation and a Zoning Application from Property Investment Group, LLC.
2. The petition and application were to annex 1201 E. Pamplico Highway and zone the property B-3, General Commercial District.
3. Upon reviewing the application, Urban Planning and Development staff recommended approval of the request to the City of Florence Planning Commission.
4. On February 10, 2009, the Planning Commission voted unanimously to recommend approval of the annexation and zoning request.

**III. POINTS TO CONSIDER**

1. Although, per the Land Use Plan, the subject property is located in an area planned for residential use, it is situated along a high intensity corridor that accommodates commercial and industrial uses.
2. The intensity of traffic along Pamplico Highway has influenced the pattern of development and has resulted in an increasing number of commercial uses.
3. Properties to the South, Southwest, West and Northwest are currently zoned B-3.

**IV. OPTIONS**


City Council may:


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

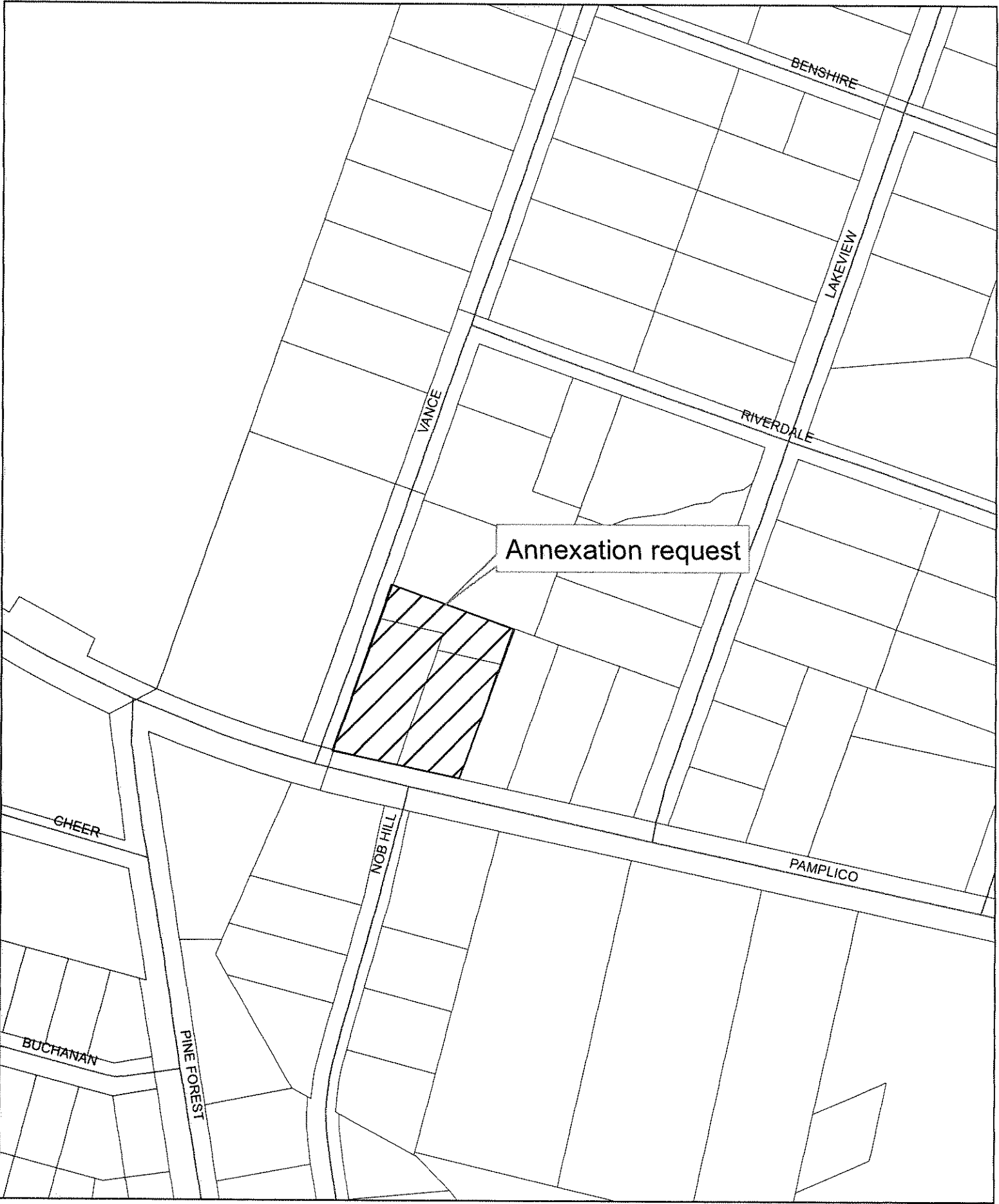
**V. PERSONAL NOTES**

**VI. ATTACHMENTS**

Map showing the location of the property  
Zoning Map  
Comprehensive Plan Map  
Staff Report

  
Phillip M. Lookadoo, Director  
Urban Planning & Development

  
David N. Williams  
City Manager



BENSHERE

LAKEVIEW

RIVERDALE

Annexation request

VANCE

PAMPLICO

NOB HILL

PINE FOREST

CHEER

BUCHANAN

# ANNEXATION & ZONING

## 1201 Pamplico Hwy



1,000 0 Feet

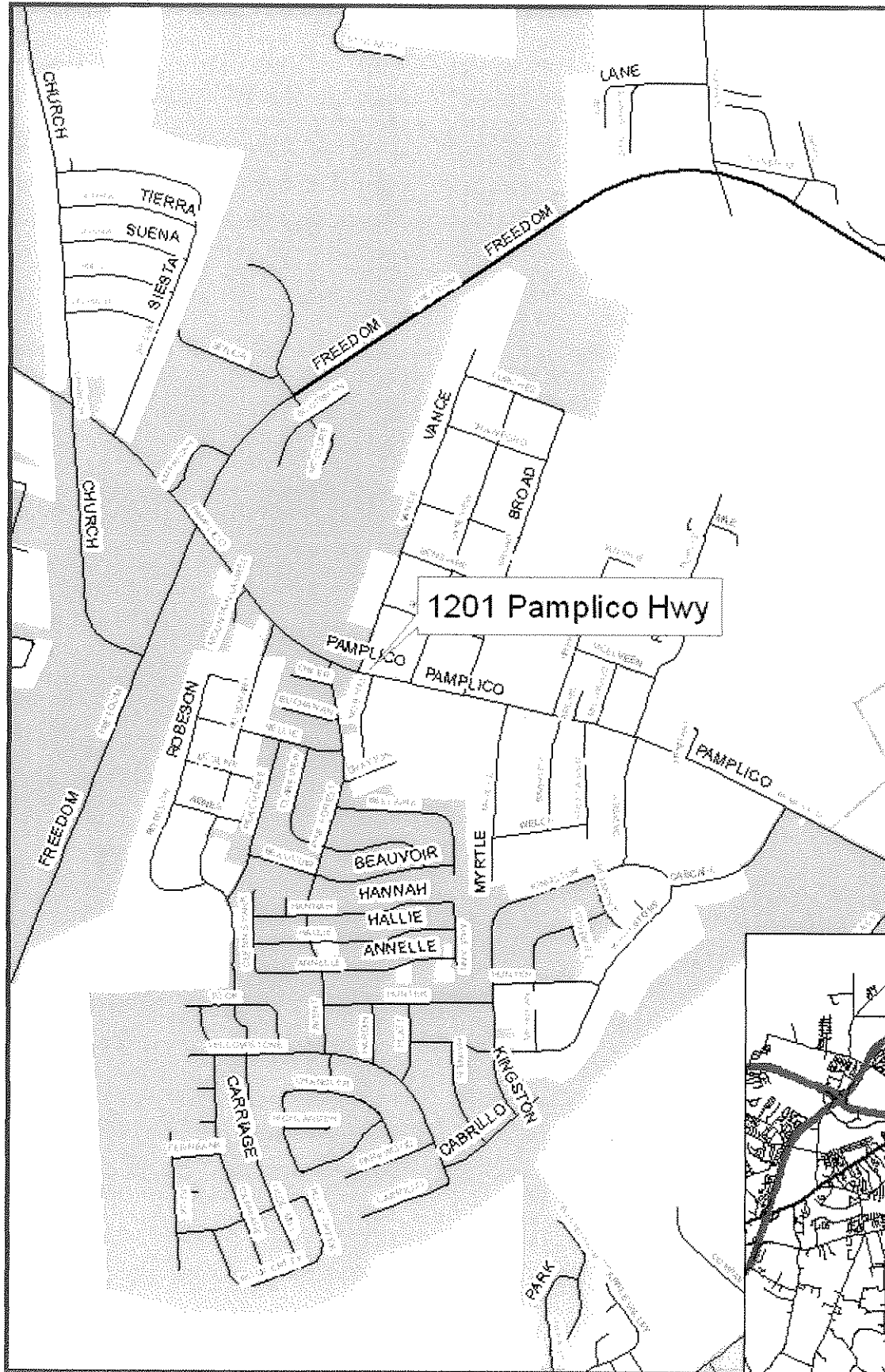


Urban Planning & Development Department

### Legend

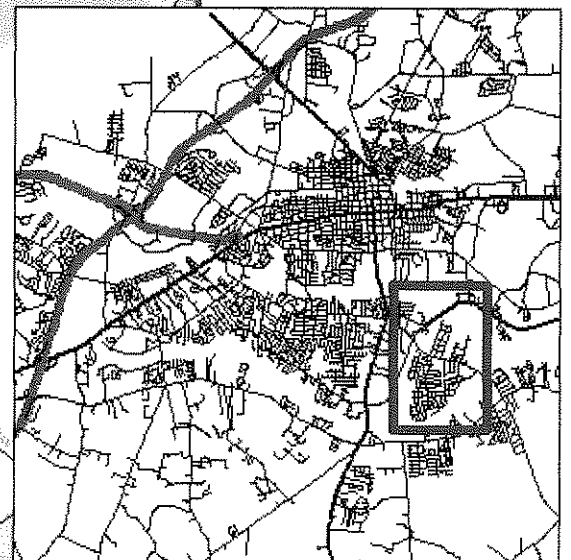
#### Roads

- City Maintained
- State Street
- Interstate
- US Highway
- City Boundary



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

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



# ZONING MAP

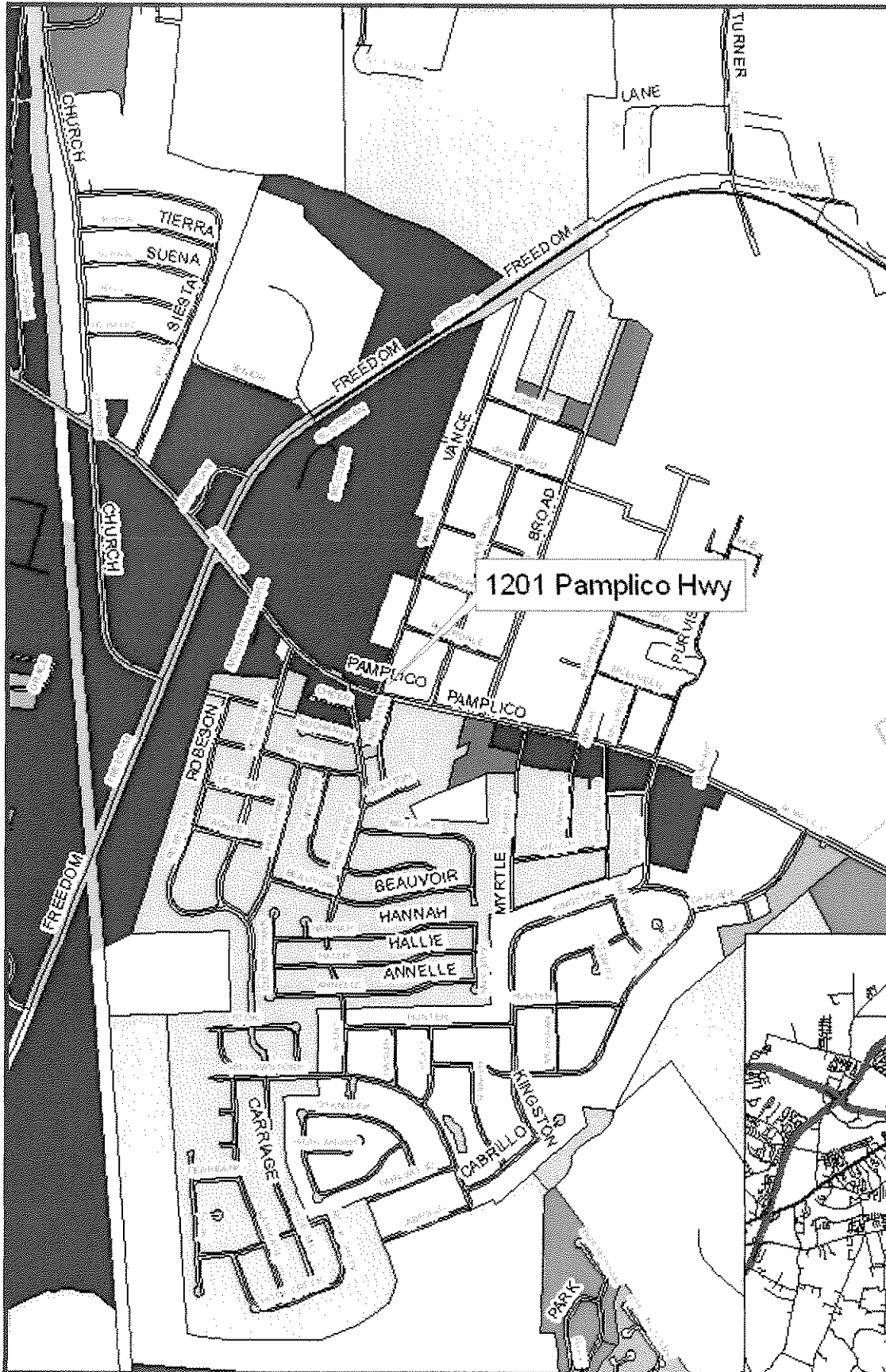
## 1201 Pamplico Hwy



1,000 0 Feet



Urban Planning & Development Department



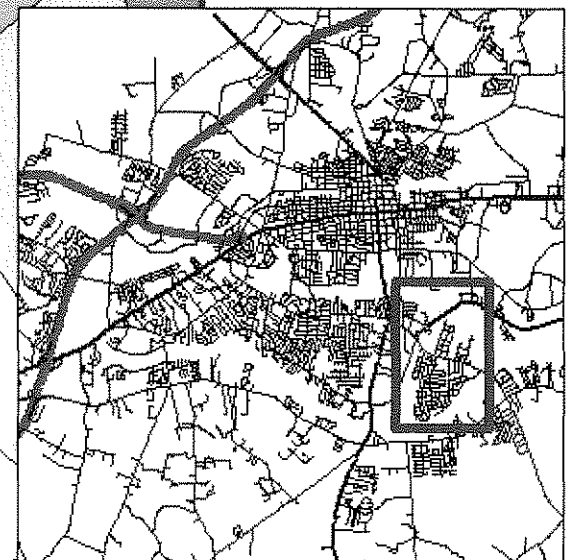
### Legend

#### Roads

- City Maintained
- State Street
- ▬ Interstate
- ▬ US Highway
- 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:  
City of Florence  
Urban Planning & Development Department

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



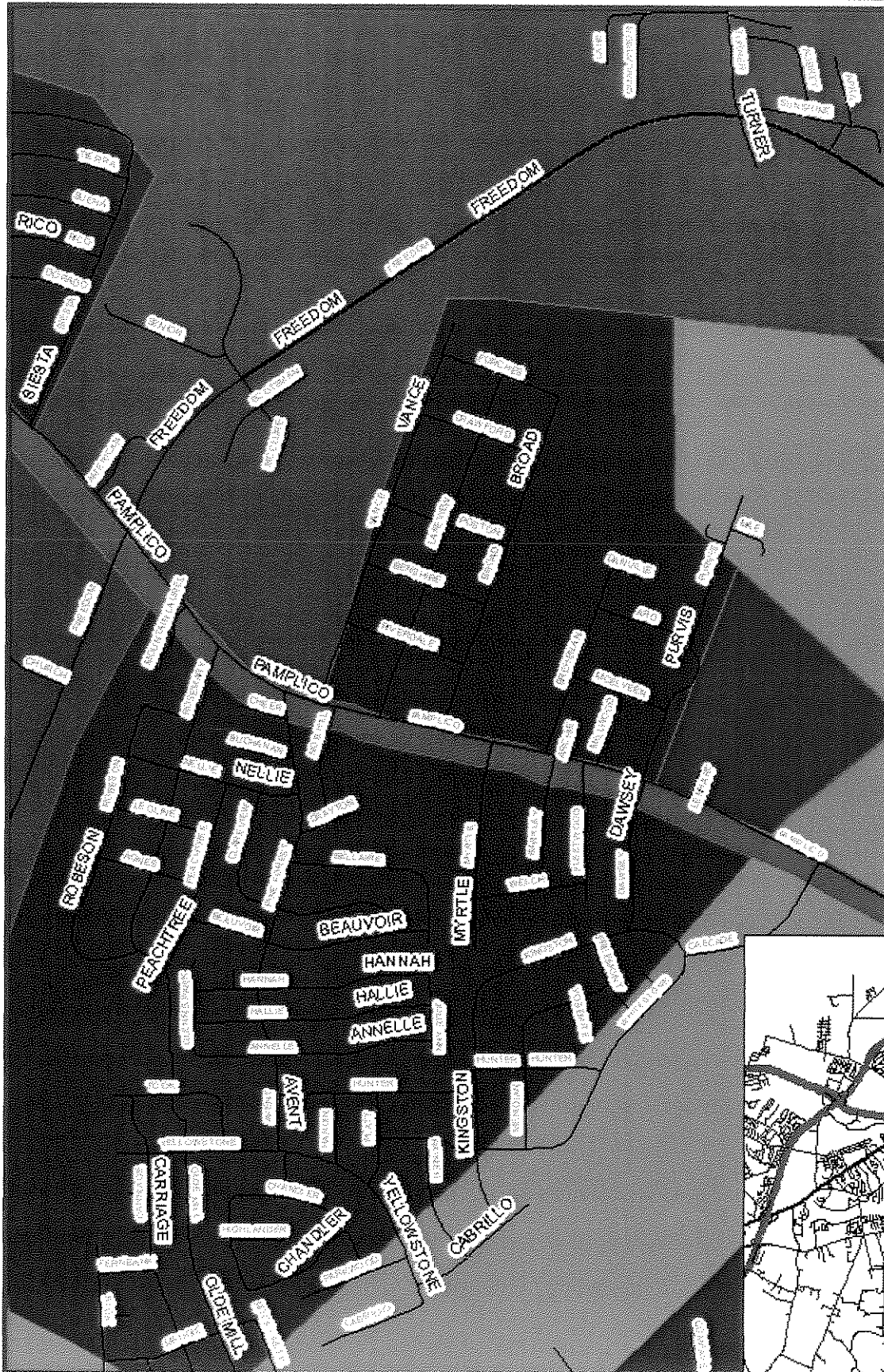
# COMPREHENSIVE MAP PLAN 1201 Pamplico Hwy






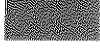







1,000 0 Feet



Urban Planning &  
Development Department

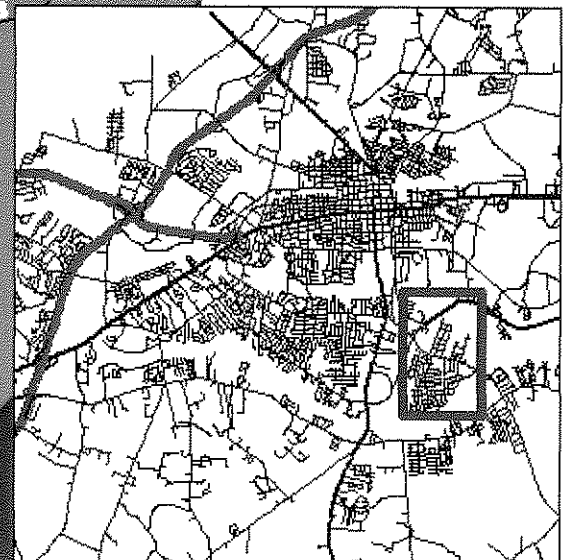


## Legend

-  DVR
-  EXR
-  HEC
-  HEN
-  IB
-  LEN
-  NC
-  OPN
-  RCN
-  RRL
-  TRN

This map was prepared by:  
City of Florence  
Urban Planning & Development Department at  
January 26, 2009

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



**CITY OF FLORENCE**

**ANNEXATION CHECKLIST**

Date: 12/18/2008

Instructions: Engineering Department completes items #6 thru 10  
 Fire Department completes # 10a

1. Party requesting annexation: First Southeast Fiduciary & Trust Services
2. Location and acreage of property: 1.11 acres, 1201 PAMPLICO HWY.
3. Tax Map reference: 90123-02-008,009 & 016(combined into 90123-02-008)
4. Contact name & phone number: Kenneth Nix 843 651-4583

**SERVICE AVAILABILITY INFORMATION**

INITIALS	YES/NO	IF NO, COST ESTIMATE FOR CITY TO PROVIDE
6. S.H.A. Water Line	Yes.	
7. S.H.A. Sewer Line	No.	GRAVITY SEWER NOT AVAILABLE, LIFT STAT. & F.M. TO BE PROVIDED BY PRIVATE DEVELOPER.
8. S.H.A. Storm Drainage	Yes.	
9. S.H.A. Paved Street SCDOT <input checked="" type="checkbox"/> Other _____	Yes.	Pamplico Hwy & Vance Drive
Length of existing curb and gutter.	0 ft	
10. S.H.A. Traffic Control devices, including street name signs	Yes.	
10a. _____ Fire Hydrants		

\* Economic Feasibility Analysis attached

- 11. Requested Zoning : B-3, General Commercial
- 12. Date of Petition: 12-4-2008
- 13. Party informed of costs and requirements of annexation: yes
- 14. Residents: Total: na 18 and over:  
Registered Voters by Race:

Annexation Checklist reviewed by:

Date:

Urban Planning & Development Director

*[Signature]* 12/18/08

Engineering Department Manager

*[Signature]* 2-25-09

Public Works Director

*[Signature]* 2-25-09

Police Chief \_\_\_\_\_

Fire Chief \_\_\_\_\_

City Manager

*[Signature]*

Please return completed form to: Liz Shaw, Urban Planning & Development Department

## ZONING PETITION STAFF CHECKLIST

### IDENTIFYING DATA

Name of Owner: Property Investment Group, LLC  
Address of Property: 1201 E. Pamplico Highway  
Tax Parcel Number(s): 90123-02-008, 009, 016  
Date: February 10, 2009

### GENERAL BACKGROUND DATA

Current Zoning: Unzoned Proposed Zoning: General Commercial District (B-3)  
Current Use: Commercial Proposed Use: Commercial

### DIMENSIONAL REQUIREMENTS

<u>Current Zoning</u>	<u>Proposed Zoning</u>
Lot Area:	Proposed Lot Area: 5,000
Lot Width	Proposed Lot Width: 50
Front Setback	Proposed Front Setback: 35
Side Yards	Proposed Side Yards: 5
Rear Yards	Proposed Rear Yards: 20
Max. Height	Proposed Max. Height: No maximum
Open Space	Proposed Open Space: 10%

### MISCELLANEOUS PROVISIONS

Is any portion of this property in floodplain? No  
Are there any known zoning violations on this site? No  
If so, explain: NA



# ZONING PETITION STAFF CHECKLIST

---

Tax records indicate the owner(s) are: Property Investment Group, LLC

This application is submitted by:             the owners 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?

Yes; the Current Land Use Plan shows the above parcel being located in an area planned for residential use. However, the area immediately to the west of the parcel in question is planned for industrial business use.

Land Use Plan elements that impact the subject property:

Per the Land Use Element of the Comprehensive Plan, the subject property is situated along a high intensity corridor, which would accommodate commercial and industrial uses.

Since the Land Use Plan shows the property being located in an Existing Residential area, the objective of such a designation is to identify and protect the character and present use of residential resources (existing neighborhoods and subdivisions) and to prohibit development which would compromise or infringe on the prevailing character or continued use of such resources for residential purposes. Nevertheless, the intensity of traffic along Pamlico Highway has influenced the pattern of development and has resulted in increasing commercial uses.

Also, for the adjacent Industrial Business area to the west, its purpose is to facilitate industrial and business development such as office parks.

## ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?

The property is in a developed area, which means zoning the property appropriately for current and future land use will further protect property owners and habitants.

Additionally, there is a commercial use to the east of the subject property, and Carolina's Hospital owns the lot to the west, so the requested zoning would complement the immediate surrounding uses.

## ZONING PETITION STAFF CHECKLIST

---

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

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	UZ	Single Family Residential
Northeast	UZ	Warehouse/Storage facility
East	UZ	Car lot
Southeast	R-2	Single-Family Residential
South	B-3	Single-Family Residential
Southwest	B-3	Single Family Residential
West	B-3	Vacant land (for Hospital)
Northwest	B-3	Vacant land (for Hospital)

3. What are development plans in the area – roads, schools, future commercial development, etc.?  
The area along Pamplico Highway is becoming increasingly commercial with residential development occurring along the minor corridors.
4. Is there a reason the current land use cannot continue to be feasible as it now exists?  
Since there are no limitations on what property owners can do with unzoned property, it is best to zone the property appropriately.
5. List some potential uses under existing zoning.  
Because the property is currently unzoned, any use is allowed at that location, unless private restrictive covenants are in effect.
6. What is applicant's stated reason for requesting zoning?  
The zoning request is associated with annexation into the City of Florence. The Applicant is requesting city services, primarily sewer.
7. What will be the benefits to the surrounding properties?  
It benefits the surrounding properties to have a property go from unzoned to zoned, thereby limiting safety hazards and enhancing property value.
- (b) What will be the detriments to the surrounding properties? NA
8. Is a traffic study required for this petition?  
No.  
If so, what are the recommendations of the study? NA

## ZONING PETITION STAFF CHECKLIST

---

9. What does the purpose statement of the proposed zoning district say?  
“The intent of this district is to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region in which it holds a central position.”
10. Will this proposal meet the intent of the above purpose statement? Yes

### Staff recommendation

Staff recommends approval of this request. The property is located on the High Intensity Corridor of Pamplico Highway and the property adjacent to it has a commercial use.

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

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY PROPERTY INVESTMENT GROUP, LLC LOCATED AT 1201 E. PAMPLICO HIGHWAY.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on February 10, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Property Investment Group LLC was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of B-3, General Commercial District and described as follows:

**The proposed annexation is shown more specifically on Florence County Tax Map 90123, Block 02, Parcels 008, 009, 016.**

**Any portions of South Carolina Department of Transportation rights-of-way and any other public rights-of-way abutting the above described property will be also included in the annexation.**

**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 COUNCIL OF THE CITY OF FLORENCE, IN MEETING DULY ASSEMBLED, AND BY THE AUTHORITY THEREOF:

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

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

**Approved as to form:**

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

**City Attorney**

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

**Mayor**

**Attest:**

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

CITY OF FLORENCE COUNCIL MEETING

DATE: March 9, 2009

AGENDA ITEM: Ordinance  
First Reading

DEPARTMENT/DIVISION: City of Florence Urban Planning & Development Department

---

**I. ISSUE UNDER CONSIDERATION:**

*Request to annex and zone 1726 Norwood Ln. from unzoned to R-3, Single-Family Residential District, pending annexation into the City of Florence. Tax Map 00175-01-089. The request is being made by the owners, Charles & Patricia Pigatt.*

*Water and Sewer services are already available, no cost to provide utility services.*

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

*No previous action has been taken on this request. A Public Hearing for rezoning was held at the February 10, 2009 Planning Commission meeting. Planning Commission members voted to approve the request unanimously.*

**III. POINTS TO CONSIDER:**

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

**IV. OPTIONS:**

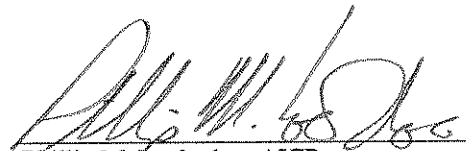
*City Council may:*

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

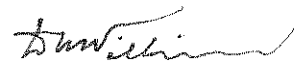
**V. PERSONAL NOTES:**

**VI. ATTACHMENTS:**

*Map showing the location of the property.  
Zoning Map  
Comprehensive Plan Map  
Staff Report*

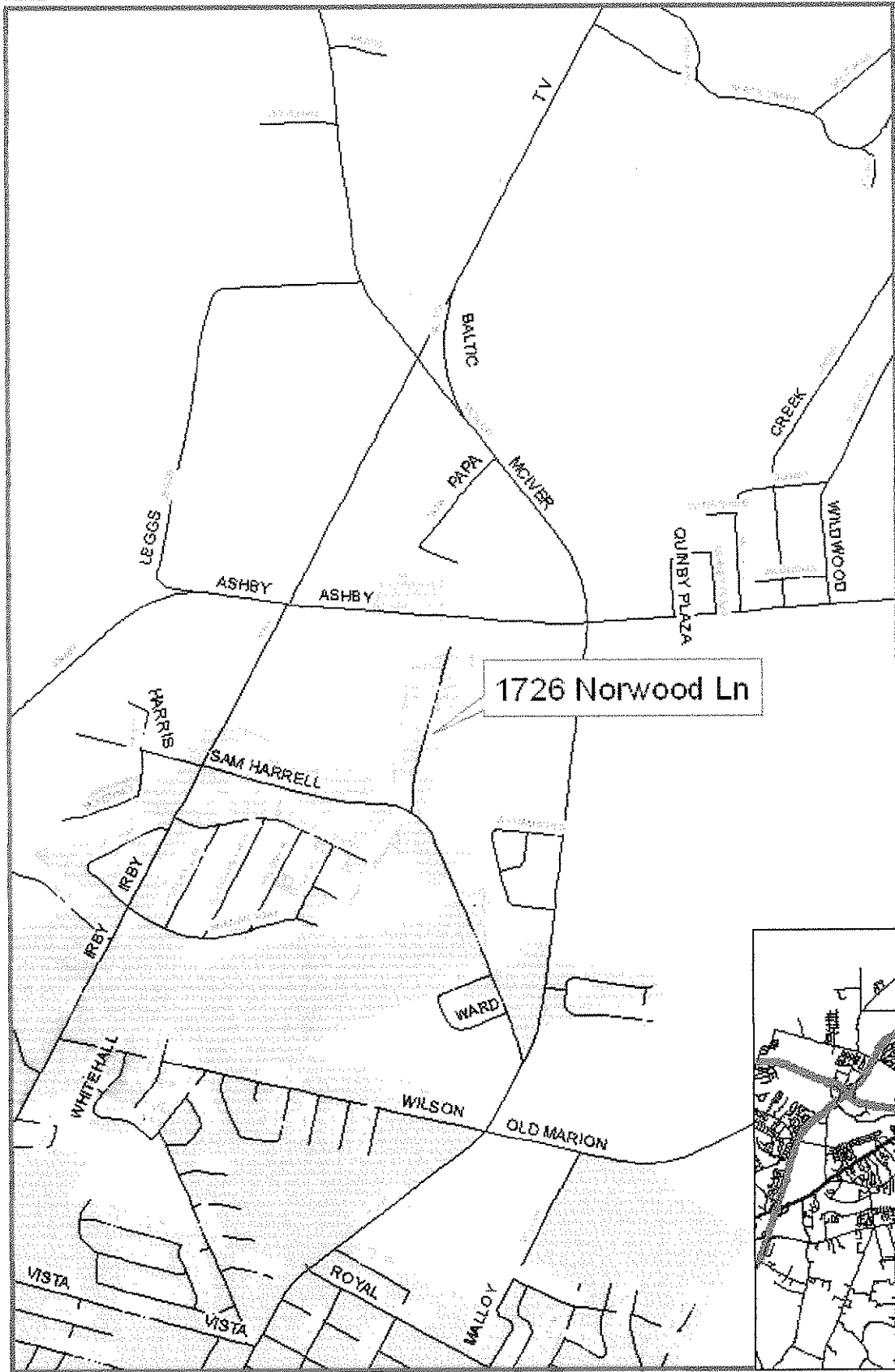
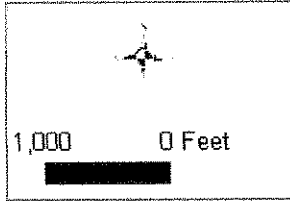


Phillip M. Lookadoo, AICP  
Urban Planning and Development Director



David N. Williams  
City Manager

# ANNEXATION & ZONING 1726 Norwood Ln



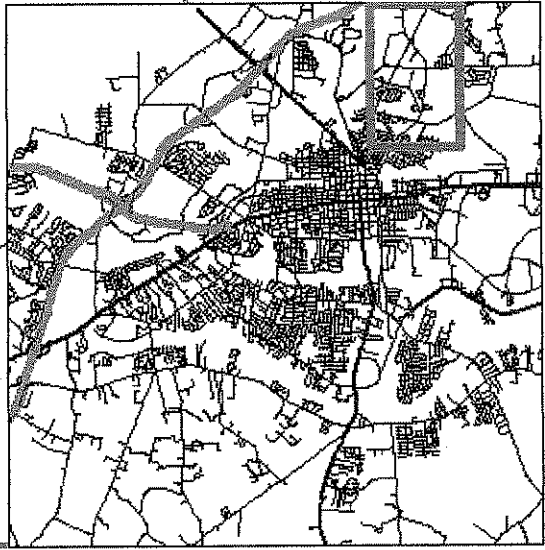
### Legend

#### Roads

- City Maintained
- State Street
- Interstate
- US Highway
- City Boundary

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

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



# ZONING

## 1726 Norwood Ln

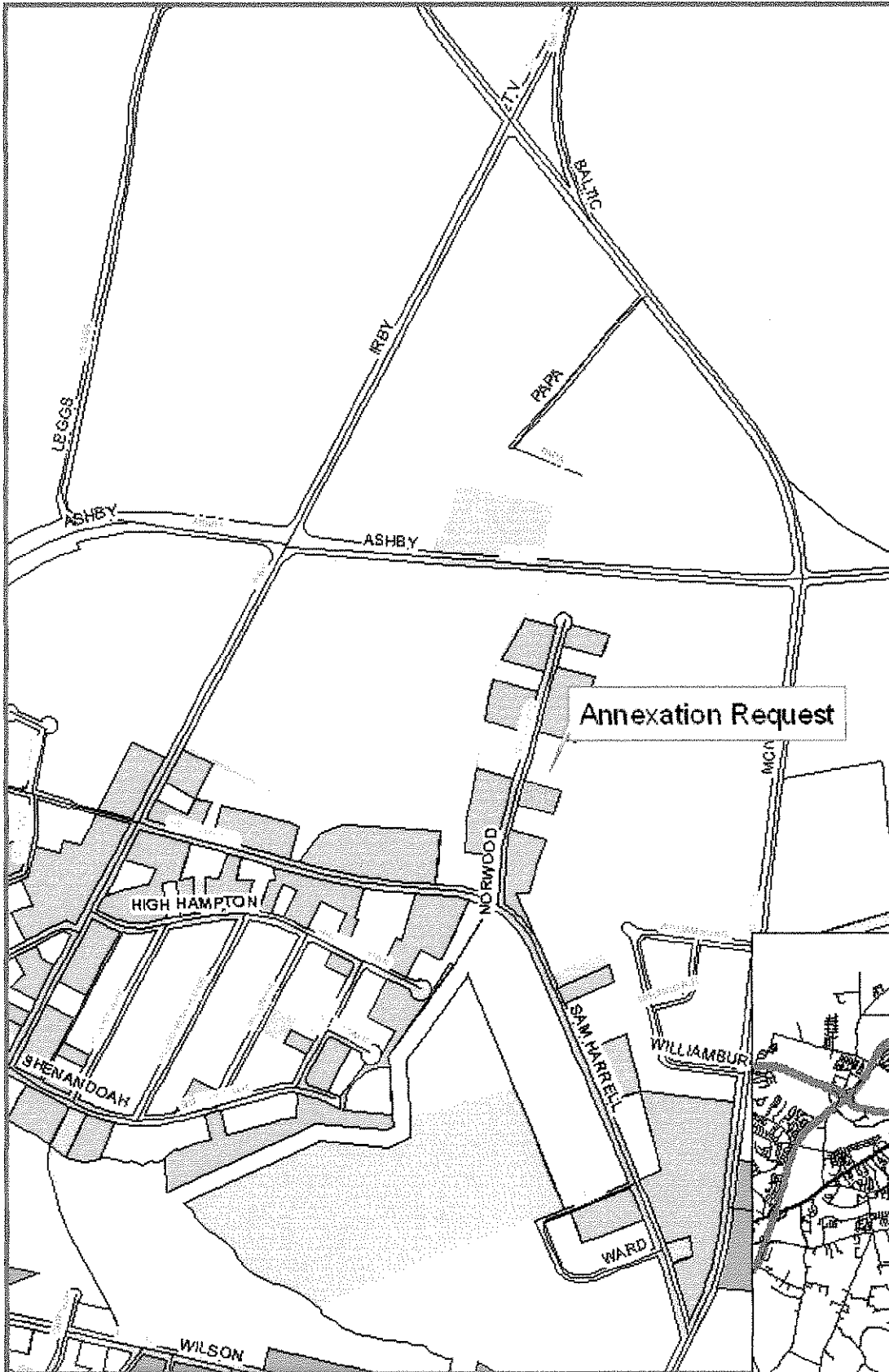


1,000

0 Feet



Urban Planning & Development Department



### Legend

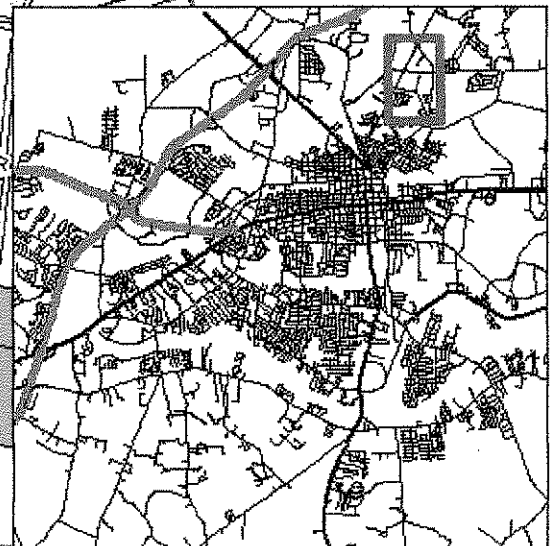
#### Roads

- City Maintained
- State Street
- ▨ Interstate
- US Highway
- 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:  
Urban Planning & Development Department

January 2009

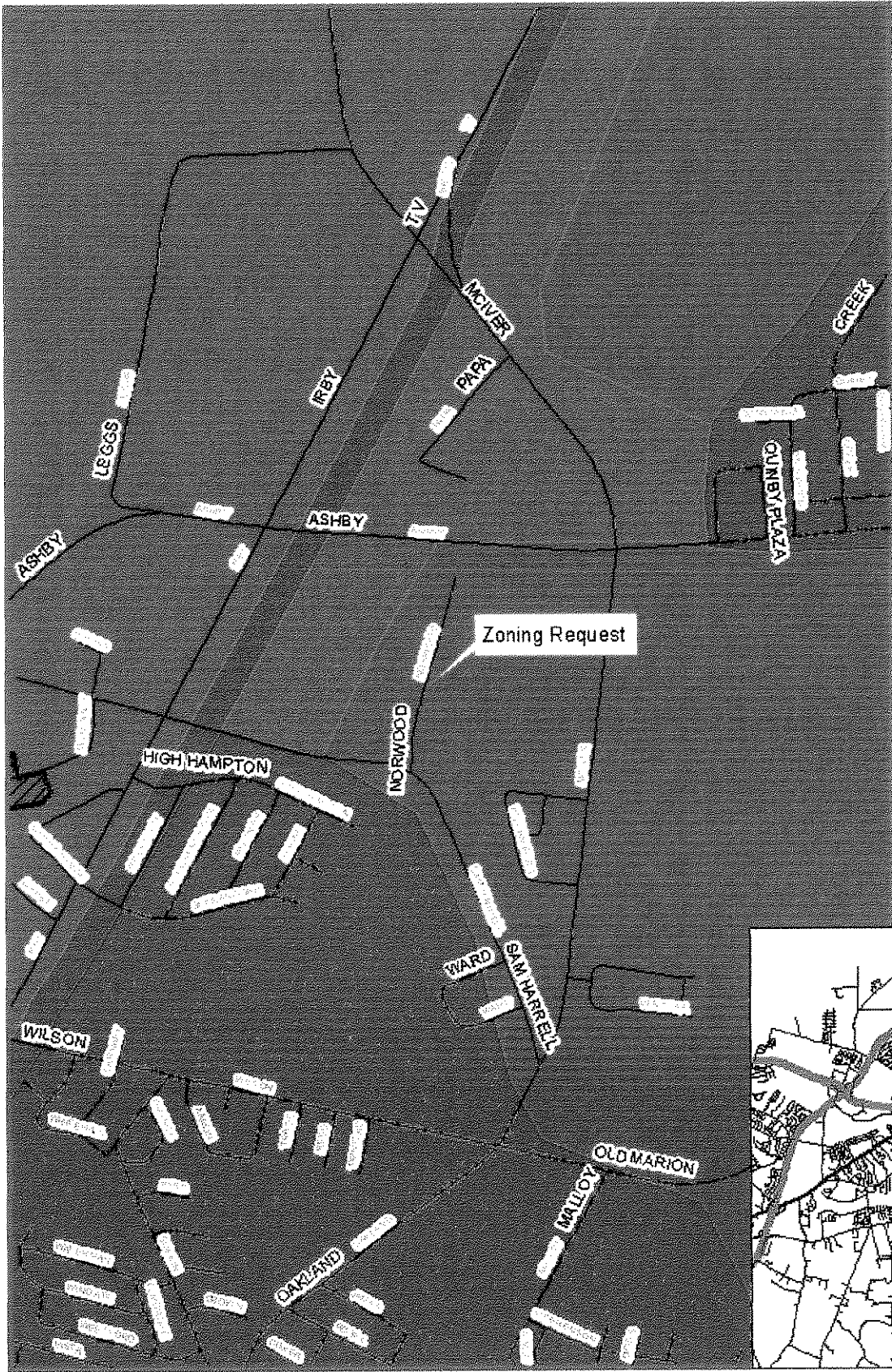
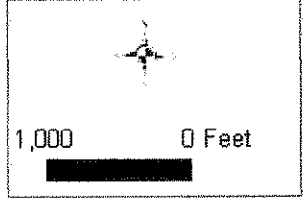
**DISCLAIMER:**  
The City of Florence Urban Planning and Development Department data represented on this map or plan is the product compilation, as produced by others. It is provided for informational purposes only, and the City of Florence makes no representation as to its accuracy, its use without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





# COMPREHENSIVE MAP PLAN

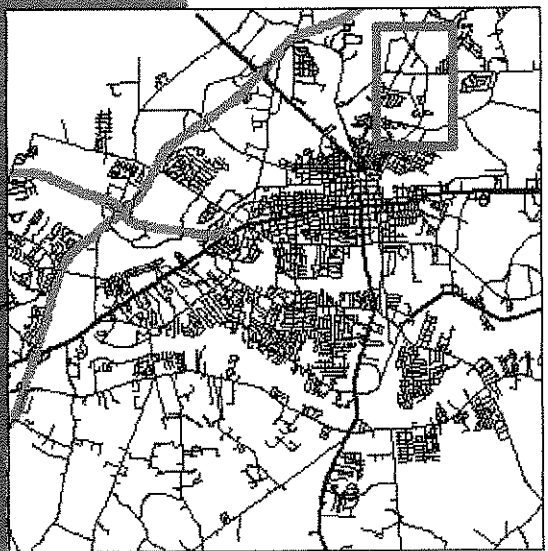
## 1726 Norwood Ln



- ### Legend
- #### Land\_Use\_Future\_Vism or
- DVR
  - EXR
  - HEC
  - HEN
  - IB
  - LEN
  - NC
  - OPN
  - RCN
  - RRL
  - TRN

This map was prepared by:  
 City of Florence  
 Urban Planning & Development Department  
 January 26, 2009

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



# ZONING PETITION STAFF CHECKLIST

---

## IDENTIFYING DATA

Name of Owner: Charles & Patricia Pigatt

Address of Property: 1726 Norwood Lane

Tax Parcel Number(s): 00175-01-089

Date: 1/26/2009

## GENERAL BACKGROUND DATA

Current Zoning: Unzoned

Proposed Zoning: Single Family Residential (R-3)

Current Use: Residential Single Family

Proposed Use: Residential Single Family

## DIMENSIONAL REQUIREMENTS

### Current Zoning

### Proposed Zoning

Lot Area: NA  
Lot Width: NA  
Front Setback: NA  
Side Yards: NA  
Rear Yards: NA  
Max. Height: NA  
Open Space: NA  
Comments: None

Proposed Lot Area: 6000  
Proposed Lot Width: 50  
Proposed Front Setback: 25  
Proposed Side Yards: 5  
Proposed Rear Yards: 25  
Proposed Max. Height: 38  
Proposed Open Space: 55%

## MISCELLANEOUS PROVISIONS

Is any portion of this property in floodplain? No

Are there any known zoning violations on this site? No  
If so, explain:

## ZONING PETITION STAFF CHECKLIST

Tax records indicate the owner(s) are:

This application is submitted by:             the owners 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?

No: the Current Land Use Plan shows the above parcel being located in an area planned for residential use.

Land Use Plan elements that impact the subject property:

Current Land Use Plans call for the subject area to continue as residential and encourage industrial business to the west of the subject property. Development and growth in this area is not considered to immediately impact the subject property nor change any future land use.

### ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?  
Parcels near the subject and others adjacent to the City are gradually being annexed into the City of Florence.

## ZONING PETITION STAFF CHECKLIST

---

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

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Unzoned	Single Family Residential
Northeast	Unzoned	Undeveloped
East	Unzoned	Undeveloped
Southeast	Unzoned	Undeveloped
South	R-3	Single Family Residential
Southwest	R-3	Single Family Residential
West	Unzoned	Single Family Residential
Northwest	Unzoned	Single Family Residential

3. What are development plans in the area – roads, schools, future commercial development, etc.?

The area consists of existing residential dwellings. There is easy access to public and private resources along existing roadways. Parcels within the area are gradually being annexed to the City of Florence. Industrial business land use is encouraged to the west of subject property.

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.

Because the property is currently unzoned, any use would be permitted under the Florence County Zoning Ordinance.

6. List some potential uses under proposed zoning.

The only primary use permitted under the new zoning is a single-family dwelling with accessory and support uses relevant to single-family dwellings.

7. Are any of these uses inappropriate for this location, and if so, why?  
No

8. What is applicant's stated reason for requesting zoning?

The zoning request is associated with annexation into the City of Florence.

## ZONING PETITION STAFF CHECKLIST

---

9. (a) What will be the benefits to the surrounding properties?  
Per the City of Florence Zoning Ordinance, the only use that may be developed within the R-3 zoning district is a single-family dwelling. The property will be subject to the City of Florence codes and regulations.

(b) What will be the detriments to the surrounding properties?  
NA

10. Is a traffic study required for this petition?

No

If so, what are the recommendations of the study?

NA

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

Single-family Residential Districts “are intended to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses.”  
Section 1.2, Zoning Ordinance of the City of Florence

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

Yes

### Staff recommendation

Staff recommend approval as the request is in conformance with the Comprehensive Plan Land Use map.

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

**AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY CHARLES AND PATRICIA PIGATT, 1726 NORWOOD LANE.**

**WHEREAS**, a Public Hearing was held in Room 603 of the City-County Complex on February 10, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

**WHEREAS**, an application by Charles and Patricia Pigatt, owner of 1726 Norwood Lane was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single-Family Residential District:

**The property requesting annexation is shown more specifically on Florence County Tax Map 00175, block 01, parcel 089. (0.72 Acres)**

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

**WHEREAS**, Florence City Council 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 and annexing the aforesaid properties and incorporating them into the City Limits of the City of Florence
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence.

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

**Approved as to form:**

---

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

---

Stephen J. Wukela,  
**Mayor**

**Attest:**

---

Dianne Rowan  
**Municipal Clerk**

FLORENCE CITY COUNCIL MEETING

**VIII. a.  
Resolution  
No. 2009-02**

**DATE:** March 9, 2009

**AGENDA ITEM:** Resolution

**DEPARTMENT/DIVISION:** Finance

**I. ISSUE UNDER CONSIDERATION**

A resolution establishing and adopting an Identity Theft Prevention Policy as required by and in compliance with recent legislation and regulations of the U.S. Federal Trade Commission.

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

No previous action has been taken on this resolution.

**III. POINTS TO CONSIDER**

**A.** The Federal Trade Commission issued regulations on November 9, 2007 requiring certain creditors to develop and implement a written identity theft prevention program.

**B.** The Identity theft prevention program must provide for the identification, detection, and response to patterns, practices or specific activities known as "Red Flags" that could indicate identity theft.

**C.** Because the City of Florence maintains utility and other accounts that require certain personal identifying and financial information from customers, the City must establish policies limiting and managing the collection and dissemination of this information, and the pursuit of "red flags" or indicators that identity theft has happened or could potentially happen.

**D.** To develop and implement these policies, a Red Flag Implementation Committee was established. This group consisted of eight staff members from the Finance Department, the Utility Finance Division, and the City's Information Technology staff. This group was charged with the responsibility of performing an initial gap analysis, prioritizing deficiencies, studying available solution options, developing specific solutions, delivering training appropriate to enact and maintain solutions, and documenting the above in a written Red Flag Prevention Program policy document.

**E.** This committee will, upon implementation of the Identity Theft Prevention Policy, serve as the Red Flag Oversight Committee, charged with the responsibility of keeping the program current and in compliance with policy requirements.

**F.** While compliance with these "Red Flag" rules was originally required by November 1, 2008, enforcement by the Federal Trade Commission was delayed until May 1, 2009, to allow adequate time for policy development and implementation.

**IV. STAFF RECOMMENDATION**

Approve the proposed resolution adopting an Identity Theft Prevention Policy as required by and in compliance with recent legislation and regulations of the U.S. Federal Trade Commission.



Thomas W. Chandler  
Finance Director



David N. Williams  
City Manager



# CITY OF FLORENCE, SC IDENTITY THEFT POLICY

## SECTION 1: BACKGROUND

The risk to the City of Florence, SC ("the City"), its employees and customers from data loss and identity theft is of significant concern to the City and can be reduced only through the combined efforts of every employee and contractor.

## SECTION 2: PURPOSE

The City adopts this sensitive information policy to help protect employees, customers, contractors, and the City from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the City in compliance with the Federal Trade Commission's Red Flag Rules regarding identity theft protection.

This policy enables the City to protect existing customers by reducing risk from identity fraud, and minimize potential damage to the City from fraudulent new accounts. The program will help the City:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

## SECTION 3: SCOPE

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the City, including all personnel affiliated with third parties.

## **SECTION 4: POLICY**

### **4.A: Sensitive Information Policy**

#### **4.A.1: Definition of Sensitive Information**

Sensitive information includes the following items whether stored in electronic or printed format:

##### **4.A.1.a: Credit card information, including any of the following:**

1. Credit card number
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

##### **4.A.1.b: Tax identification numbers, including:**

1. Social Security number
2. Business identification number
3. Employer identification numbers

##### **4.A.1.c: Other personal information such as name, address, and customer account number, belonging to any customer when combined with any information included in 4.A.1.a or b above.**

##### **4.A.1.d: City personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, the employee should contact their supervisor.**

#### **4.A.2: Hard Copy Distribution**

Each employee and contractor performing work for the City will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.

4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be immediately shredded using a mechanical shredding device. City records, however, may only be destroyed in accordance with the City's records retention policy.

4.A.3: Electronic Distribution

Transmission of sensitive information either internally or externally is prohibited, unless the sensitive information is properly encrypted when distributed and stored.

## **SECTION 5: IDENTIFICATION OF RED FLAGS**

### **5.A: Covered accounts**

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or
2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the City from identity theft, including financial, operational, compliance, reputation, or litigation risks.

### **5.B: Red flags**

The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications, or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of address discrepancy from a consumer reporting agency.

### **5.C: Suspicious documents**

5.C.1: Documents provided for identification that appear to have been altered or forged.

5.C.2: The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

5.C.3: Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

5.C.4: Other information on the identification is not consistent with readily accessible

information that is on file with the City.

5.C.5: An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

5.C.6 The social security number provided matches a social security number that is publicly published on the internet and other media and is known to be used by identity thieves.

**5.D: Suspicious personal identifying information**

5.D.1: Personal identifying information provided is inconsistent when compared against external information sources used by the City. For example:

- The address does not match any address in the consumer report;
- The name on an account is similar to, or the same as, a famous person, a fictional character, popular movie themes, or is in some other manner comical or ironic.
- Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

5.D.2: Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the City. For example, the address on an application is the same as the address provided on a fraudulent application.

5.D.3: Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the City. For example, the address on an application is fictitious, a mail drop, or a prison.

5.D.4: The SSN provided is the same as that submitted by other persons opening an account or other customers.

5.D.5: The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

5.D.6: Personal identifying information provided is not consistent with personal identifying information that is on file with the City.

5.D.7: The person opening the account cannot authenticate "out of wallet" information contained on a consumer report.

**5.E: Unusual use of, or suspicious activity related to, the covered account**

5.E.1: A covered account is used in a manner that is not consistent with established patterns of activity on the account such as nonpayment when there is no history of

late or missed payments.

- 5.E.2: A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- 5.E.3: Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
- 5.E.4: The City is notified that the customer is not receiving paper account statements.
- 5.E.5: The City is notified of unauthorized charges or transactions in connection with a customer's covered account.
- 5.E.6: The City receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the City.
- 5.E.7: The City is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.
- 5.E.8: A request for credit yields a result of "no credit", taking into consideration the age of the individual and other factors. (This result could indicate an attempt to establish a synthetic credit identity or could indicate the takeover of a child's identity).
- 5.E.9: A customer or non-customer reports receiving a collections notice regarding a debt that they did not incur.
- 5.E.10: A customer or non-customer reports receiving a billing for a new credit relationship that they did not request.
- 5.E.11: A customer reports receiving a notice that his personal information was lost in a security breach incident.
- 5.E.12: The City has an incident that results in the loss of personal information of customers.
- 5.E.13: A customer or non-customer reports responding to a "phishing" email or providing personal information on a cloned website that appears to be that of the City.

## **SECTION 6: RESPONDING TO RED FLAGS**

- 6.A: **Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the City from damages and loss.**
- 6.A.1: Once potentially fraudulent activity is detected, the employee shall gather all related documentation and present this information to their supervisor for immediate determination.

6.A.2: The supervisor will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

**6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:**

1. Canceling the transaction;
2. Notifying and cooperating with appropriate law enforcement;
3. Determining the extent of liability of the City;
4. Notifying the actual customer that fraud has been attempted;
5. Continuing to monitor an account for evidence of Identity Theft;
6. Changing any passwords or other security devices that permit access to accounts;
7. Not opening a new account;
8. Closing an existing account and/or reopening an account with a new number;
9. Determining that no response is warranted under the particular circumstances.

## **SECTION 7: PERIODIC UPDATES TO PLAN**

7.A: At annual intervals or as required, the program will be re-evaluated to determine whether all aspects of the program are up-to-date and applicable in the current business environment.

7.B: Periodic reviews will include an assessment of which accounts are covered by the program.

7.C: As part of the review, red flags may be revised, replaced, or eliminated. Defining new red flags may also be appropriate.

7.D: Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the City and its customers.

## **SECTION 8: PROGRAM ADMINISTRATION**

**8.A: Involvement of management**

1. The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
2. The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and

maintained.

3. Operational responsibility of the program is delegated to the City of Florence Red Flag Oversight Committee.

**8.B: Staff training**

1. Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the City or its customers.
2. The City of Florence Red Flag Oversight Committee is responsible for ensuring identity theft training for all requisite employees and contractors.
3. Employees must receive annual training in all elements of this policy.
4. To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

**8.C: Oversight of service provider arrangements**

1. It is the responsibility of the City to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
2. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
3. Any specific requirements should be specifically addressed in the appropriate contract arrangements.

RESOLUTION NO. 2009-\_\_\_\_\_

**A RESOLUTION ESTABLISHING AND ADOPTING AN IDENTITY THEFT PREVENTION POLICY FOR THE CITY OF FLORENCE, SOUTH CAROLINA AS REQUIRED BY AND IN COMPLIANCE WITH RECENT FEDERAL LEGISLATION AND REGULATIONS**

**WHEREAS**, the Federal Trade Commission issued regulations on November 9, 2007 requiring creditors that hold consumer accounts to develop and implement a written identity theft prevention program providing for the identification, detection, and response to patterns, practices or specific activities known as "Red Flags" that could indicate identity theft; and

**WHEREAS**, compliance with these "Red Flag" rules was originally required by November 1, 2008; however, enforcement by the Federal Trade Commission was delayed until May 1, 2009, to allow adequate time for policy development and implementation; and

**WHEREAS**, the implementation of the "Red Flag Rules" requires the City of Florence, SC to establish policies limiting and managing the collection and dissemination of personal identifying and financial information, and the diligent pursuit of "red flags" which are indicators that identity theft is about to happen or has happened in the past in relation to the City's covered accounts;

**NOW, THEREFORE, IT IS RESOLVED** that:

1. The attached "Identity Theft Prevention Policy" (the "Policy") is hereby adopted to implement a written identity theft prevention program providing for the identification, detection and response to patterns, practices or specific activities known as "Red Flags" that could indicate identity theft, in compliance with the Federal Trade Commission regulations;
2. The City Manager is hereby authorized to make changes to this policy as necessary to achieve and maintain compliance to the fullest extent of these requirements.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

**Approved as to form:**

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

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

**Attest:**

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



**IX. a. Appointments to  
Housing Board of  
Adjustments And  
Appeals**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** March 9, 2009

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

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

**ISSUE UNDER CONSIDERATION:** To make appointments to the  
Housing Board of Adjustments and Appeals

**Attachments:** Copies of applications of persons interested in being appointed to  
serve on the Housing Board of Adjustments and Appeals

## **HOUSING BOARD OF ADJUSTMENTS AND APPEALS**

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.

In the event it would not be possible to fill the membership of the board in all categories listed above, the council may select the remaining membership from business and professional residents of the governed area.

Of the members first appointed, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, one (1) 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 appointments 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.



APPLICATION FOR BOARDS AND COMMISSIONS  
CITY OF FLORENCE  
SOUTH CAROLINA

Board or Commission for which you are applying: Housing Board of Adjustments And Appeals			
Your Name (Last, First, Middle) Richardson, Jr., David, Aubrey		County Florence	
Residential Address 2137 Pathway Ct.		City Effingham	State South Carolina
Mailing Address Same		City Effingham	Zip Code 29541
Your Occupation - Title Assistant Solicitor		Business Phone 843-665-3091	Residence Phone 843-407-4122
Employer Name 12th Judicial Circuit Solicitor's Office		E-Mail Address Darich81@aol.com	
Employer Address 180 N. Irby St MSC-Q		City Florence	Zip Code 29501

General Qualifications

Are you a resident of the City?  Yes  No How Long? 10 mths

Why would you like to serve?

To improve ~~the~~ aesthetics and safety in the City of Florence

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

No

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

No

Are you involved in any Community Activities? If so, please list:

Currently acting as President of a temporary board for the neighborhood ass. of "Womack Gardens" in hopes to establish the neighborhood association

What are your goals and objectives if appointed to the Commission/Board?

To act in the best interest of the city, specifically with regard to crime/ gang prevention

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature

2-3-09  
Date

**RETURN COMPLETED FORM TO:**

Office of the City Clerk  
City of Florence  
City County Complex AA  
180 N. Irby Street  
Florence, SC 29501  
Fax: 843-665-3110

**FOR OFFICE USE ONLY**

Received:	
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS  
CITY OF FLORENCE  
SOUTH CAROLINA

Board or Commission for which you are applying:  
**Housing Board of Adjustments And Appeals**

Your Name (Last, First, Middle) Collins, Peggy N.	County Florence	Council District	
Residential Address 602 Cherokee Road	City Florence	State South Carolina	Zip Code 29501
Mailing Address	City	State South Carolina	Zip Code
Your Occupation - Title Real Estate Broker	Business Phone 843 667 4156	Residence Phone 843 662 0103	
Employer Name Prudential Segars Realty	E-Mail Address peggy@thecollinsteam.com		
Employer Address 419 South Coit Street	City Florence	State South Carolina	Zip Code 29501

**General Qualifications**

Are you a resident of the City?  Yes  No How Long? 6 years

Why would you like to serve?  
To aid in the fiduciary responsibilities for the citizens of Florence and to enhance the community for all

Do you presently serve on any Commission/ Boards of the City/ County/ State? If so, please list:  
No

Have you formerly served on any Commission/ Boards of the City/ County/ State? If so, please list:  
No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:  
No

Are you involved in any Community Activities? If so, please list:  
Cooks for Christ

What are your goals and objectives if appointed to the Commission/Board? I would like to see the abandoned properties and lots around town cleaned up to make the area a safer place and to enhance the beauty of Florence. I also want to make sure that the true intent and meaning of the Housing Codes or any of its regulations have not been misconstrued or wrongly interpreted. I certify that the information above is true and correct. Information on this form will be considered public information.

*Peggy Collins*  
Signature

3/3/09  
Date

**RETURN COMPLETED FORM TO:**  
Office of the City Clerk  
City of Florence  
City County Complex AA  
180 N. Inby Street  
Florence, SC 29501  
Fax: 843-665-3110

**FOR OFFICE USE ONLY**

Received:	
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS  
CITY OF FLORENCE  
SOUTH CAROLINA

Board or Commission for which you are applying:  
Housing Board of Adjustments And Appeals

Your Name (Last, First, Middle) DAVIS, ROGER ALLEN		County FLORENCE		Council District	
Residential Address 615 ASCOT DR.		City FLORENCE		State South Carolina	
Mailing Address		City		Zip Code 29501	
Your Occupation - Title PHYSICIAN		Business Phone 843-665-1355		Residence Phone 843-665-1355	
Employer Name		E-Mail Address rd1118091.msn.com		State South Carolina	
Employer Address		City		Zip Code	

General Qualifications

Are you a resident of the City? Yes  No  How Long? \_\_\_\_\_

Why would you like to serve?  
TO IMPROVE THE COMMUNITY AT LARGE

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:  
NO.

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:  
NO.

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:  
NO

Are you involved in any Community Activities? If so, please list:  
\_\_\_\_\_

What are your goals and objectives if appointed to the Commission/Board?  
TO INSURE FAIR + BALANCED PROCEEDINGS

I certify that the information above is true and correct. Information on this form will be considered public information.

Roger A. Davis M.D.  
Signature

March 2, 2009  
Date

RETURN COMPLETED FORM TO:

Office of the City Clerk  
City of Florence  
City County Complex AA  
180 N. Irby Street  
Florence, SC 29501  
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	
Appointed to:	
Date:	

# IX. b. Auditing Services Contract for the City of Florence

## FLORENCE CITY COUNCIL MEETING

**DATE:** March 9, 2009

**AGENDA ITEM:** City Council Report: Auditing Services Contract

**DEPARTMENT/DIVISION:** Audit Evaluation Committee

### I. ISSUE UNDER CONSIDERATION

The City of Florence currently contracts for its annual auditing services through a request for proposals process. Accounting firms are given the opportunity to submit proposals to meet all appropriate criteria and provide the best possible services for the most competitive associated cost. The City's fiscal year ending June 30, 2008 marked the end of the current contract for auditing services with Burch, Oxner, Seale Co.

### II. CURRENT STATUS/PREVIOUS ACTION TAKEN

- A. On January 9, 2009 proposals were requested by the City of Florence from certified accounting firms for independent audits of the City's financial statements for fiscal years ending June 30 of 2009, 2010, 2011, 2012, and 2013. Advertisements for proposals were run in the Morning News, Community Times, News Journal, the South Carolina Business Opportunities (SCBO) Newsletter, and the Local Access Channel 11 (see **Attachment A**).
- B. As stated in the advertisement, a mandatory pre-proposal conference was held at 2:00 p.m. on January 20, 2009.

### III. POINTS TO CONSIDER

- A. On February 2, 2009 proposals were received and opened. Proposals were received by **Clifton Gunderson, LLP**; **Elliot Davis, LLC**; and **WebsterRogers, LLC**. Representatives from each of these three firms attended the mandatory pre-proposal conference (see **Attachment B**).
- B. An audit evaluation committee of five members, represented by individuals from City Council, the business community, and City staff, met on February 10, 2009 and February 18, 2009 to review and discuss the proposals.
- C. The proposals were reviewed and analyzed based on the following criteria:
  - 1) Technical Quality
    - a. Expertise & Experience
    - b. Audit Approach
  - 2) Price
- D. Proposals were evaluated on a 100 point scale by each committee member. Points for each qualified firm were totaled and averaged.

- E. A proposal was not received from Burch, Oxner, Seale Co., CPA's, PA, due to their organizational changes and the resulting lack of staffing necessary to perform the City's audit for the proposal period (see **Attachment C**)

#### **IV. AUDIT PROPOSAL EVALUATION COMMITTEE RECOMMENDATION**

It is the recommendation of the Audit Proposal Evaluation Committee that City Council award the five year contract for auditing services for fiscal years ending June 30, 2009, 2010, 2011, 2012, and 2013 to WebsterRogers, LLP. This recommendation is made based on the following assessments:

- WebsterRogers, LLP received the overall highest score of all proposing firms.
- WebsterRogers, LLP best met the requirements of all evaluation criteria as listed on pages 20 through 22 of the request for proposal (see **Attachment D**).
- WebsterRogers, LLP has extensive governmental accounting experience and meets all requirements of the request for proposal (see **Attachment E**).
- The proposed fees submitted by WebsterRogers, LLP were determined to be competitive and reasonable.

The proposed fees for auditing services for the five year contract are as follows:

▪ for Fiscal Year ending June 30, 2009	\$ 40,250
▪ for Fiscal Year ending June 30, 2010	41,500
▪ for Fiscal Year ending June 30, 2011	43,000
▪ for Fiscal Year ending June 30, 2012	44,500
▪ for Fiscal Year ending June 30, 2013	46,000

#### **V. ATTACHMENTS**

- Attachment A:** Copy of Advertisement for Audit Request for Proposals  
**Attachment B:** Mandatory Pre-proposal Conference Attendance Register  
**Attachment C:** Letter from Burch, Oxner, Seale Co., CPA's  
**Attachment D:** Proposal for Auditing Services Submitted by WebsterRogers, LLP.  
**Attachment E:** City of Florence Request for Proposal for Professional Auditing Services



---

David N. Williams  
City Manager

# TECHNICAL PROPOSAL TO PROVIDE INDEPENDENT AUDITING SERVICES

FOR



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

**Request for Proposals 2009-13**

By

**WR WebsterRogers** LLP  
CERTIFIED PUBLIC ACCOUNTANTS • CONSULTANTS  
[www.websterrogers.com](http://www.websterrogers.com)

1411 2<sup>nd</sup> Loop Road  
Florence, SC 29505  
843-665-5900 (T) 843-665-5970(F)

**Contact Person for this Proposal:**

Ellen K. Adkins, CPA, Partner  
[eadkins@websterrogers.com](mailto:eadkins@websterrogers.com)  
800-551-6032

**Attachment D**

**February 2, 2009**



**City of Florence, South Carolina**  
**Proposal to Provide Audit Services**

---

**TABLE OF CONTENTS**

---

<u>SECTION</u>	<u>PAGE</u>
<b>LETTER OF TRANSMITTAL</b> .....	1
<b>1 — GENERAL REQUIREMENTS OF TECHNICAL PROPOSAL</b> .....	2
<b>2 — INDEPENDENCE</b> .....	3
<b>3 — LICENSE TO PRACTICE IN SOUTH CAROLINA</b> .....	4
<b>4 — FIRM QUALIFICATIONS AND EXPERIENCE</b> .....	5
<b>5 — PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE</b> .	6-7
<b>6 — SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT ENTITIES</b> .....	8
<b>7 — SPECIFIC AUDIT APPROACH</b> .....	9-24
 <b>APPENDICES</b>	
A - Peer Review Report.....	25
B - Resumes .....	26-30
C - Proposer Guarantees .....	31
D - Proposer Warranties.....	32
List of Our Offices.....	33





Florence • Charleston • Myrtle Beach • Georgetown • Sumter • Litchfield • Columbia • Summerville

February 2, 2009

City of Florence
Patrick D. Fletcher, Procurement Office
City-County Complex BB, Room 602
180 North Irby Street
Florence, SC 29501

Dear Mr. Fletcher and Members of the Audit Selection Committee:

We at WebsterRogers LLP (WebsterRogers) are pleased to have the opportunity to present for your consideration a proposal to conduct an audit and provide an expression of an opinion on the financial statements of the City of Florence, South Carolina (the City) for the years ending June 30, 2009 through June 30, 2013.

WebsterRogers is a regional certified public accounting firm headquartered right here in Florence, SC. We provide audit and attestation services to a wide range of clients from each of our eight offices located throughout eastern South Carolina. WebsterRogers is large enough to provide the highest level of technical skills that ensure outstanding service, yet small enough to remain personally responsive to your needs.

Our auditing practice is one of the cornerstones of our firm and we are able to offer you the very best level of expertise in governmental audits. We have a separate audit and attestation staff that is dedicated to providing these services. They are well-trained and qualified to provide the professional services you are seeking, as will be illustrated in the subsequent body of this proposal. These factors of experience, location and the education of our staff make our firm best qualified to perform the audit for the City.

We are excited about this possibility and assure you of our commitment to timely professional service by experienced professionals at a fair price. Our proposal for audit services will remain a firm and irrevocable offer for 90 days from the date of this letter.

We trust that the enclosed proposal will demonstrate both the sincerity of our effort and our ability to deliver the professional product that you desire. Please do not hesitate to contact us if you have any questions or if you wish to discuss any of the particulars. We are available upon request to meet with you at any time. We look forward to hearing from you soon.

Sincerely,

WebsterRogers LLP
by its Partner

Handwritten signature of Ellen K. Adkins

Ellen K. Adkins, CPA

Members
SC Association of Certified Public Accountants
NC Association of Certified Public Accountants
Member
Division for CPA Firms, AICPA

RSM McGladrey Network
An Independently Owned Member

Attachment D

SECTION **1**

---

**GENERAL REQUIREMENTS**

The enclosed Technical Proposal sets forth the qualifications, competence and capacity of WebsterRogers to provide professional auditing services to the City of Florence, South Carolina.

This proposal covers all of the points outlined in the Technical Proposal section of your Request for Proposal for Auditing Services 2009-13 (RFP).

A separate package containing five (5) copies of a Dollar Cost Bid is being submitted in a separate sealed envelope per your RFP.

Both the Technical Proposal and the Dollar Cost Bid are being submitted prior to the due date of 2:00 PM on Monday, February 2, 2009 for your consideration.

SECTION **2**

---

**INDEPENDENCE**

**Independence**

Independence has been a key topic for consideration by every organization affected by or having oversight authority over the accounting profession. WebsterRogers understands the importance of auditor independence, and maintains strict policies designed to ensure our independence on all engagements. We evaluate the implications any advisory service proposed to an attest client will have on independence, in fact and in appearance. We communicate to our clients all conclusions with respect to the independence at the beginning and end of each engagement.

WebsterRogers further affirms that to the best of our knowledge, our Firm and our partners and employees are independent of the City and its component units, its management, employees, contractors, legal counsel and other key related parties, as defined by the generally accepted Auditing Standards and the United States General Accounting Office's Governmental Auditing Standards (1994). We will notify the City immediately should this change at any time during the term of this proposed contract.

SECTION **3**

---

**LICENSE TO PRACTICE**

WebsterRogers LLP and all CPAs assigned to the audit are properly registered and licensed to practice in the State of South Carolina and clear of any complaints with any regulatory authority. Our license and other related documents are available upon request, or may be confirmed with the SCACPA or SC Board of Accountancy.

---

## FIRM QUALIFICATIONS AND EXPERIENCE

### Organizational Size, Location and Structure

WebsterRogers LLP (WebsterRogers) is one of the largest regional accounting and consulting firms in South Carolina. WebsterRogers was organized and began operations in 1984 and has grown to include eight office locations in eastern South Carolina, including Summerville, Charleston, Myrtle Beach, Litchfield, Georgetown, Florence, Sumter, and Columbia. We have a staff complement of 20 Partners and over 125 professionals and support staff.

Since its establishment, WebsterRogers has experienced uninterrupted growth including our most recent merger with the Summerville, SC firm of Bryan, Truesdale, Adkins & Williams, PA. Our significant growth over the last several years is directly related to our strong commitment to both our people and our clients.

The audit services for the City will be centered out of our Florence, SC office location with supporting professional staff coming from that office as well. Ellen K. Adkins, CPA, will be the engagement partner authorized to make representations regarding this proposal, empowered to submit the proposal, and authorized to enter into a contract with the City. She will have the responsibility for the direct supervision of staff, quality of reports and working papers. She is supported by 21 governmental staff members on a full-time basis and one part-time staff member.

### Absence of Substandard Work Record

Our Firm has a reputation as one of the most technically qualified Firm's in the local market area. Our Firm voluntarily submits to an external peer review of our accounting and auditing practice every three years and we perform an internal inspection in each of the intervening years to ensure compliance with the highest standards of technical accuracy and ethical practice in the CPA profession.

We are proud that our firm has consistently received favorable peer review reports. In our most recent peer review the Firm received an unqualified opinion with no letter of comments. *A copy of our latest peer review report is included in Appendix A.*

The Firm has not had a federal or state desk review or field review of its audit during the past three (3) years. Our reports have been included in the pool for review with SC Board of Accountancy. WebsterRogers has not experienced disciplinary action with state regulatory bodies or professional organizations. Further, there are not any current disciplinary actions pending against WebsterRogers from any regulatory bodies or professional organizations.

SECTION **5**

---

**PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE****Engagement Team Members**

You can expect proactive client service from your WebsterRogers engagement team. Our team members were selected based on their knowledge, experience, and understanding of your engagement. We match individual qualifications with the unique nature of the assignment, emphasizing staffing continuity because we realize that this continuity enhances the quality of service we provide and contributes to better client relationships.

The principal supervisory and management staff assigned to your engagement will include: Ellen K. Adkins, CPA, Partner; Martha H. Bryan, CPA, Partner; Louis C. (Bud) Addison, Jr., CPA, William (Bill) Gleason, II, CPA and Lindsey W. Creech.

Individual Biographies for each of these team members are included in Appendix B. Information regarding experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations is reflected on the resumes.

**Audit Engagement Team Member Qualifications**

WebsterRogers is aware of the current GAO Yellow Book requirements concerning continuing education and peer review and is and will continue to be in compliance with all requirements during the term of this contract.

In addition to meeting the State Board of Accountancy continuing professional education (CPE) requirement, all of our assigned executive personnel have attended courses focused on governmental entities. We plan our education based on the requirements of our client assignments, and have consistently exceeded the CPE requirements of our governing boards, regulators and standards.

**Supervision of Audit Engagement Team**

Staff work is closely supervised. The professionals on the engagement will be frequently on-site, and when not will be in contact frequently each day with the team to ensure the work is progressing smoothly, directions are clear, efficient approaches are used, and questions are answered.

A formal audit approach plan, audit programs and list of information needed from you will be prepared by the engagement executives and available to the team members to further ensure proper procedure, direction and control of the work. All original work will be reviewed and review notes cleared before the audit is complete. Sensitive areas in which accounting services are rendered will be reviewed very closely or audited by a second person to ensure quality.

SECTION **5**

---

**PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE**

**Affirmative Action**

WebsterRogers commits that to the extent possible every effort will be made to staff this job in such a way as to reflect the City's commitment to Affirmative Action.

**Change in Audit Engagement Team Members**

WebsterRogers will not make any changes to the partner, manager or other supervisory staff assigned to this engagement without notifying the City in advance and obtaining any necessary written permission. WebsterRogers furthers understands that the City has the right to approve or reject any replacements.

Other engagement personnel may be changed should the need arise due to circumstances beyond our control; however, WebsterRogers will meet with and discuss any changes with the City and any replacements will have substantially the same or better qualifications or experience.



SECTION **6**

**SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT ENTITIES**

Some of WebsterRogers' Engagement Team Members' recent auditing experience similar to the type of audit you are requesting includes:

	<u>Client Served</u>	<u>Scope of Work</u>	<u>Year-End</u>	<u>Partner Staff in Charge</u>	<u># of Hrs.</u>	<u>Reference Contact</u>
1	City of Charleston, SC 96,650	CAFR & Single Audit	12/31/07	Charlotte Allen	1,597	Donna Emerson (843) 724-3710
2	City of Columbia, SC 116,219	CAFR & Single Audit	6/30/07	Bud Addison	1,350	Melisa Caughman (803) 545-3201
3	Town of Goose Creek, SC 29,208	Financial & Compliance Audit	12/31/07	Ellen Adkins	513	Dennis Harmon (843) 863-5215
4	Town of Summerville, SC 27,152	Financial & Compliance Audit	12/31/07	Martha Bryan	365	Dennis Pieper (843) 871-6000
2	5 City of Sumter, SC 40,399	CAFR & Single Audit	6/30/08	Bud Addison	500	Deron McCormick (803) 436-2660

---

## SPECIFIC AUDIT APPROACH

### **Auditing Standards**

The audit of the City will be made in accordance with auditing standards generally accepted in the United States of America, the provisions of Government Auditing Standards issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Office of the Budget (OMB) Circular A-133, Audits of State, Local Governments, and Non-Profit Organizations.

The primary purpose of the audit is to express an opinion on the financial statements of the City. An audit is subject to the inherent risk that errors or irregularities may not be detected. If conditions are discovered which lead to the belief that material errors, defalcations, or other irregularities may exist, or if any other circumstances are encountered that require extended services, WebsterRogers will promptly advise the City Manager.

WebsterRogers, in accordance with the auditing standards set forth in the RFP, Nature of Services Required, will select the necessary procedures to test compliance and to disclose material noncompliance with specified laws, regulations and contracts.

Our approach to this engagement will be tailored to specifically address your organizational structure. The engagement will be performed in three phases:

- Planning and timing
- Fieldwork
- Review

The final phase will culminate in the issuance of our report and the financial statements.

Each phase of our audit approach is divided into several tasks related to your unique organizational characteristics and the conditions. Our practice is not to "force fit" standardized checklists or programs to our clients' activities. Instead, we work to develop an audit approach that makes the most sense for you. This concern for your needs is indicative of the personal attention and professional care we will give throughout your audit.

---

## SPECIFIC AUDIT APPROACH

We believe that any auditing and accounting problems will be minimal and manageable because of our regularly scheduled meetings with your management representatives. These meetings, in conjunction with the detailed audit plan and schedule, will permit early identification, discussion and resolution of any potential or actual issues.

The major activities conducted during each of these phases are discussed in the pages that follow.

	<u>Segment of Engagement</u>			<u>Total</u>
	<u>Planning &amp; Timing</u>	<u>Fieldwork</u>	<u>Review</u>	
Partners	8	8	24	40
Senior Manager	16	40	40	96
Seniors	16	120	16	152
Assistants	-	120	-	120
Paraprofessional	-	84	-	84
				<u>492</u>

### Planning and Timing

The cornerstone of our audit approach is an understanding of your accounting systems and transactions. As a Firm, we have long held that this understanding comes with active and frequent contact with management throughout the year. We believe that with better understanding of your financial affairs, we are able to perform a better and more efficient audit.

Our audit approach includes an initial and annually updated assessment of business and account balance risk. Our approach, with respect for risk assessment, involves a common sense assessment by the entire engagement team relative to a variety of factors including: (i) the environment in which the City operates; (ii) the significant estimates inherent in the financial statements; (iii) the risk of intentional misstatement; (iv) the risk of failure to comply with various governmental requirements of the City; and (v) the sensitivity of the City's required disclosures in its financial statements.

---

**SPECIFIC AUDIT APPROACH**

The recently issued Statement on Auditing Standard No. 99 “Consideration of Fraud in a Financial Statement Audit” requires us to document fraud risk factors that relate to the misappropriation of assets and fraudulent financial reporting and to design and perform additional procedures if necessary based on the risk factors present.

Our documentation of these risk factors is accomplished through discussions with key personnel during the planning stages of the audit. We will meet with audit committee members and personnel within and outside of the accounting function, which will raise awareness of fraud risks throughout the organization. The goal of these discussions is to identify areas of risk, inquire as to your knowledge of any occurrence of fraud and to inquire of any areas where you may have a concern. We will hold engagement team meetings (brainstorming sessions) devoted to the topic to ensure we are adequately considering fraud in the City’s financial statements.

Once these discussions are completed, we will evaluate the information obtained, develop appropriate audit procedures and integrate them into our audit approach.

Our approach is founded on the following basic principles:

- Assessment of the internal control environment
- Controls reliance
- Risk assessment
- Tailoring procedures to specific risks
- Rotation of some procedures annually
- Assignment of work to competent personnel
- Understanding of industry practices and comparability
- Ongoing communications with management

Our audit approach focuses on account balances that enable us to quickly identify significant accounts and high-risk areas in each client. This approach begins in the planning phase with our obtaining an understanding of your business and the environmental aspects of your operations. As an industry, government authorities are unique because they operate under more restrictive regulations or other special provisions compared to most commercial organizations.

## SECTION

## 7

---

**SPECIFIC AUDIT APPROACH**

Each governmental client complies with these requirements and demonstrates its accountability to the public in different ways. By obtaining a thorough understanding of the environment in which you operate and/or your operations, we are able to identify potential areas of risk and to develop an audit plan which focuses on the significant accounts. Our planning includes consideration of the laws and regulations you are subject to, including the Single Audit Act.

We then identify the sources of information and factors affecting these account balances and federal financial assistance programs and perform a risk assessment. Through these phases we develop our audit procedures to address the areas of audit importance in your operations. Thus, we are able to achieve efficiency by avoiding excessive work in areas of low risk and by concentrating our audit effort on the areas of significance.

This approach will result in an audit tailored to your circumstances. The benefits are:

- The GAAS audit and the Single Audit will be performed on an integrated basis.
- The audit effort will be directed at areas with the greatest potential for risk of errors of audit importance.
- Maximum benefit will be realized from the involvement of your management and accounting personnel in the total audit effort.
- Our reports will provide useful, practical recommendations aimed at improving the efficiency and reliability of your control structure, including the accounting and administrative controls over federal financial assistance programs.

**General Planning:** We will obtain an understanding of your business, operations, policies and procedures and of the financial data that we will be auditing to identify areas of audit significance -- those related to the financial statements as well as related to federal financial assistance programs. Our contacts with City management and staff will be important to our determination of the sources of information and the control environment.

## SECTION

## 7

---

**SPECIFIC AUDIT APPROACH**

This phase includes preliminary decisions related to the:

- Scope of the Audit
- Extent of Assistance Required from your Accounting Personnel
- Specific Roles of Personnel Who Have Been Designated to Serve on your Engagement
- Techniques to be Used
- Contents of Reports

Our general planning phase results in:

- Preliminary judgments about materiality
- Preliminary assessments of the control environment
- Identification of significant accounts and account groups
- Identification of the sources of information

Our objectives in this phase are to understand the flow of all controls, accounts, and information, including federal financial assistance data. This information will be vital to our integrating the Single Audit with our GAAS audit.

To provide you with quality audit service, we believe you should have an audit approach tailored to the circumstances unique to your City. This approach must emphasize the importance of sound business judgment and common sense, and be built around certain basics:

- Obtaining an up-to-date understanding of your activities, organizations, and systems. This will help us assess the likelihood that errors of audit importance could occur and effectively communicate the circumstances to management.
- Having senior audit executives who take an active part in planning and conducting the engagement. By drawing on their experience and knowledge, we will be able to accomplish an effective and efficient audit.

---

## SPECIFIC AUDIT APPROACH

- Considering significant accounts, potential problems or issues, and related sources of information in developing our overall audit strategy and in designing an audit approach. This process enables us to focus our audit effort in high-risk areas and provides a basis for minimizing our audit procedures in low risk areas.
- Using overall analytical review procedures to see that financial and operating trends, ratios and relationships make sense. These procedures increase the effectiveness of our planning and may result in minimizing detailed testing.
- Identifying central, agency, and program accounting and control systems by focusing on audit objectives and the significant accounts and transactions that are affected by those control objectives. This identification of the sources of information, combined with our understanding of the City, will allow us to design an integrated audit approach for your review.

Because of the many regulatory and statutory compliance requirements, we expect to review varied forms and documents to determine the applicable federal laws, state statutes, ordinances, debt instruments, contracts, grants, and other agreements governing or affecting The City's operations, as well as the minutes and records of legislative hearings. We also will assess any current or planned changes in governmental accounting standards and audit requirements to determine the extent to which these will impact your financial accounting systems and reports.

**Identify Significant Sources of Information:** We identify the significant sources of information and gain an understanding of the processing of the information. We consider what types of errors could occur to determine their relationship to the financial statements, to the federal financial assistance programs, where applicable, and to assist us in performing our assessment of the likelihood of errors of audit importance.

With respect to the Single Audit Act, we identify and understand the accounting and administrative internal control structure related to any federal programs; the errors that could occur and result in noncompliance with applicable federal laws and regulations, and the filing of reports made to federal program officials. This requires that we consider the internal control structure related to these programs in a manner similar to the controls for the financial statement audit. This consideration will be integrated with the financial statement procedures to the greatest extent practical.

---

## SPECIFIC AUDIT APPROACH

The primary objectives of this phase are 1) to develop our understanding of your organization and the sources of information we will audit, and 2) to identify and evaluate the relevant controls.

**Perform Risk Assessments:** Once we have completed our review of the significant sources of information, we will assess the likelihood of errors of audit importance occurring in the related accounts. This assessment is based on the factors identified in the earlier phases of the audit, including account characteristics, the potential effect of changes in the accounting systems made during the year, assessment of the control environment, and our preliminary evaluation of the effectiveness of the controls. We also consider any other information that comes to our attention such as the results of audits conducted by federal and state auditors, or changes in economic conditions.

With respect to the general purpose financial statement audit, risk assessment requires evaluating the likelihood of errors important enough to materially affect the accuracy of the fund financial statements being audited. But, the Single Audit Act requires an evaluation of the likelihood of errors existing that are significant to federal financial assistance programs - a much lower level of materiality. Consequently, risk assessment is a continuing effort throughout the audit. For example, the existence of the following circumstances could reduce the risk of material errors existing in the accounts and program reports:

- Much of the data for significant accounts is routinely processed by computer and is edited for errors within the processing systems.
- Certain data is subject to significant management control features.
- Stringent budget limitations and a monitored encumbrance system minimize the possibility of large, undetected expenditures that are at variance with legislative or executive intent or contrary to a federal rule or regulation.
- Periodic reconciliations of details to control balances, regular comparisons and analyses for use by management and operating personnel, and timely reporting, including any exception reporting.
- Few individual transactions, which are significant to the financial statements or a specific major federal program, exist in accounts.



---

**SPECIFIC AUDIT APPROACH**

Our risk assessment provides the basis for developing an audit approach for each significant account or account group.

We will then make a final evaluation of and the degree of reliance we intend to place on the identified controls. A determination is then made on the extent of our substantive testing of the significant areas and areas of audit importance.

Our next step is to develop and execute the audit approach, including substantive audit procedures that can identify the extent of material error, if any, in account balances and federal financial assistance programs.

**Develop and Execute Audit Approach:** Our assessment of risk and the control environment is an integral part of our audit approach. This enables us to decide upon the degree of reliance we will place on various controls, the amount of testing of the controls that we plan to rely upon, and the nature, timing and extent of the audit procedures needed to make detailed tests of related account balances.

More recently, pursuant to the Single Audit Act, tests of controls are mandated by the federal government for all recipients of federal assistance. For example, specific tests must be made of the controls and management practices and policies employed over the receipt, deposit, encumbrance, disbursement and reporting of federal monies. These latter tests must be made for specific object classes of expenditures charged to each major federal program.

Several references must be used to determine the specific audit requirements during the Single Audit. Where control tests can serve the dual purpose of validating account balances and assisting in the procedures required by the Single Audit and OMB circulars issues, we will adopt this approach. Our audit methodology is designed to help us select the best audit approach. To the maximum extent, audit procedures supportive of the Single Audit's requirements will be integrated with tests of the financial statements. However, the focus for the Single Audit is more detailed and directed to specific federal programs.

Our tests will determine if the controls are sufficient to ensure 1) the eligibility of costs charged to federal programs, 2) the eligibility of aid recipients, 3) compliance with federal matching conditions, 4) monitoring of sub grantees, 5) the appropriateness of reports, 6) the appropriateness of indirect cost plans; 7) the timeliness of cash drawdowns, and 8) compliance with specific requirements.

---

**SPECIFIC AUDIT APPROACH**

Additionally, substantive testing will include assessing compliance with other federal criteria that may apply to your federal assistance programs.

While some of these tests may be conducted concurrent with our test of effectiveness of internal control, the focus of the substantive tests is to complement our reliance on internal controls and to validate our earlier observations. The substantive tests emphasize obtaining evidence as to the validity and propriety of the accounting treatment of transactions and account balances, and are directed at checking the timing, purpose, amount, compliance, allowability, and appropriateness of recorded transactions.

In this phase, we will perform tests of account balances and accounts at various locations within the departments and agencies as well as at central facilities. These tests could identify accounting and reporting issues for later discussions with management. Based on the above efforts and previous audit procedures, we will compile, submit, and discuss any audit observations with management prior to beginning the initial reporting phase.

**Drawing Overall Audit Conclusions:** During this phase we will perform a final overall review of the financial statements and financial data related to the federal financial assistance programs. We summarize potential financial statement adjustments, including findings related to federal financial assistance programs. These adjustments and findings are discussed with you.

We recognize the importance of adhering to the closing process and timetable outlined in your RFP. Our objective is to complete our audit procedures and to resolve accounting and reporting issues as early as possible.

Along with City personnel, we will review the financial statements to determine that the reported data conform to GAAP and agree that the data are fairly stated. Periodically, we also will ask City personnel to provide written legal and management responses to our inquiries. Our intention is to confirm that these representations are still appropriate and to assure a mutual understanding of the subject matters being discussed.

Our audit opinion will reflect the results of our total audit effort. When the report is completed, we will arrange to meet with the appropriate City executives and operating personnel to review the final contents of all reports.

---

**SPECIFIC AUDIT APPROACH**

**The Issue of Materiality:** The audit process is aimed at determining whether financial statements "...present fairly...". Tradition, professional literature, regulatory agencies, and the judiciary all agree that the concept of "present fairly" contemplates less than 100% precision, accuracy or completeness. However, there is no definitive literature or agreement as to how imprecise, how inaccurate, or how incomplete financial statements must be before it is said that they do not "present fairly". Materiality is undefined and left to the professional judgment of financial statement auditors and preparers.

Notwithstanding, however, the elusive nature of the concept of materiality, in practice we generally use as the basis for materiality decisions relating to government financial statements: unreserved, undesignated fund balance, fund balance, federal assistance program, total revenue, total assets, or occasionally, excess of revenues over expenditures (expenses).

**Ongoing Communications with Management:** We will work closely with you to serve as your advisor and to resolve issues on a timely basis. We will keep the lines of communications open.

Frequently, your concerns will be resolved immediately; however, in certain circumstances, additional time may be necessary. Your access to our executives and our access to your executives is key to fostering the kind of close working relationship and trust essential for us to serve you in a responsive manner.

**Sampling:** The use of sampling is an integral part of our audit approach. However, because it is unrealistic to expect all auditors to become statistical experts, we have developed practical tools that allow effective use of statistical techniques by those who are not specialists in the area. Our primary objective in developing these tools is to help our people design the most efficient and effective combination of procedures.

To help accomplish our audit objective, we utilize audit risk tables. These innovative, statistically based models incorporate various assessments of risk that we make when we are planning our audit. This approach provides a direct tie-in to the procedures used in testing account balances and classes of transactions. We can measure the audit effort by using the model to design the combination of tests that provide the desired flexibility in the nature, timing, and extent of testing. Because the model is based on the statistical theories used in auditing, it allows us to use the most efficient combination of procedures in a given audit situation, thus controlling our audit effort.

---

**SPECIFIC AUDIT APPROACH**

Our approach to sampling is dictated by our risk-based approach to evaluating a transaction balance or class. We generally stratify our sample to focus on the high dollar transactions while maintaining proper coverage over the balance of the population. Random samples are taken whenever possible. For samples where our expectation is to find zero deviations, our sample size is generally 25. Our sample size increases as the risk of error increases.

**Analytical Procedures:** We employ analytical procedures extensively in every audit. Your internal controls and accounting records are the key to enable effective analytical procedures. Our procedures include among others:

- budget to actual
- year to year
- graphical analysis
- % of base revenues and costs
- ratios
- relational review

We investigate unusual analytical results, via corroborative inquiry, contract reviews and examination of evidential matter and other procedures.

**Laws and Regulation Testing:** Annually we review changes in Federal and South Carolina law which may affect our local government clients. We also inquire of your legal counsel, other auditors, and professional peers to become aware of other issues affecting your entity. Further, various seminars we attend in South Carolina discuss such laws and regulations.

Our audit programs and checklists are updated annually to appropriately determine that all revisions are considered.

**Test of Compliance Sampling:** We perform four types of compliance testing as follows:

- 1) Accounting internal controls compliance testing
- 2) Substantive transactional compliance testing
- 3) Single Audit samples of internal and administrative controls
- 4) Single Audit samples of major programs transactions

Material in an earlier section discussed our sampling approach and factors which affect the number of sample items.

---

**SPECIFIC AUDIT APPROACH**

**Tailored Procedures:** As discussed in the previous approach section, we tailor our procedures to each client, their controls, nature of records, significant transactions and current issues. However, there are obviously certain common audit tasks required for virtually all local government entities.

The executives on the engagement will develop detailed audit programs for each significant audit area. The majority of our time will be incurred in the following areas:

- Study and evaluation of internal controls
- Testing of internal controls
- Confirmation of cash, receivable and debt balances
- Review of major contracts and agreements
- Review and testing of debt compliance
- Major item and random sampling of operating and capital disbursements
- Compliance testing for major federal financial assistance programs
- Analytical review of financial results and balances

The nature of our analytical procedures is described in the prior section.

We also are careful to balance the benefits of personnel continuity and procedures to achieve efficiency, and to rotate procedures to ensure against too much predictability and to attain the most effective audit.

Our audit manuals and sample programs from similar engagements are available should you desire to review the materials.

---

## SPECIFIC AUDIT APPROACH

### Audit Timing

Audit timing for the performance of the audit is as follows:

#### **Fieldwork**

Our audit fieldwork will be conducted in accordance with auditing standards generally accepted in the United States of America and will be performed in accordance with the timetable outlined in the RFP.

Throughout the audit, when any potential findings, questioned costs or possible management letter comments are found, they will be immediately discussed with the appropriate client personnel. Should any instance of fraud be discovered, we will immediately notify the appropriate officials in writing.

#### **Review**

To maintain our high standards of quality, we follow detailed policies and procedures contained within our comprehensive audit and accounting manuals. By adhering to these stringent guidelines, we continually promote our philosophy of excellence. All reports, financial statements, audit working papers, management letters and other letters and memoranda of substance are to be reviewed by the engagement partner prior to release of the report(s) to the client. In addition, all audit reports are subjected to a pre-issuance review by someone not associated with the engagement to ensure compliance with professional standards.

As a result of this review, any matters of significance uncovered during the audit on the following will be communicated to management.

- **Reportable Conditions.** During the course of the audit, we may become aware of matters relating to significant deficiencies in the internal control structure that may be of interest to Management. We may also identify matters that, in our judgment, are not reportable conditions as defined; however, we will communicate such matters to Management for their benefit.
- **Management Judgments and Accounting Estimates.** We will inform Management concerning the process used in formulating particularly sensitive accounting estimates, if any, and the basis of our conclusions regarding the reasonableness of those estimates.
- **Significant Audit Adjustments.** We will inform Management of adjustments, if any, arising from the audit that could, in our judgment, either individually or in the aggregate, have a significant effect on the organization's financial reporting process.

---

## **SPECIFIC AUDIT APPROACH**

### **Use of Information Technology**

WebsterRogers LLP relies on information technology to improve the effectiveness and efficiency of our audits. Some of the technology we may utilize for the City is described below. In order to assist us in the audit process, we use ACL data manipulation software on some of our engagements. A big advantage of using ACL is the fact that it is possible to perform a 100% test of a transaction class for some attributes in less time that it would take to draw a statistical sample. At a minimum, during the first year of our audit of the City, we will explore with management the desirability of utilizing ACL to analyze several of the City's databases. For example, we might download the master vendor listing, vendor transactions and employee master files and perform a number of sorts and comparative analyses.

ACL is an excellent tool to test for ways to improve efficiency and effectiveness in addition to compliance.

**Work Paper Management.** Our work papers are managed using Pro System's *Engagement* that allows us to prepare, review, transfer and manage our work in a paperless environment.

**Audit Software.** WebsterRogers has provided training Firm-wide for an audit software package called "Engagement." "Engagement" allows audit engagements to be completed almost 100% electronically. "Engagement" has trial balance software, which allows financial statements to be linked to the trial balances making the audit process even more efficient.

### **Communication**

Regular communication between our engagement team and the City management is integral to the success of the engagement. We will tailor our approach for the City to avoid unnecessary procedures and to maximize value-added services.

We remain on the leading edge of emerging issues facing the City. Current pronouncements and changes are communicated through the finance director and the audit committee immediately so as to better aid our clients in handling such changes.

Our management letters are designed to improve efficiency and strengthen internal control issues. Finally, we work actively with management to establish workable solutions to our comments.

---

**SPECIFIC AUDIT APPROACH****Handling the Transition**

We recognize the demanding environment in which the City operates. Thus, our goal is to minimize what can be the disruptive effect of an audit transition. A smooth engagement begins with detailed planning of the process and execution by the right people with the right experience. We have demonstrated our commitment by assigning a senior-level engagement team with the skills necessary to execute the audit. Our senior management team's initial time investment in fully understanding your operations will enhance our ability to serve you effectively on a long-term basis and will allow us to minimize the burden on your management. We are your best choice for this transition.

We will work closely with management to establish common goals and objectives and to ensure that your people are comfortable with our process. We will hold status meetings with key executives during the year to avoid surprises and resolve any issues as they arise.

**Staff Assistance**

We realize the City's accounting staff's time should be utilized in an efficient manner. We have planned our audit approach to permit a smooth transition of auditors and to keep our requests organized and limited. Therefore, assistance from the City's staff, consistent with that provided auditors in previous years will enable us to perform the audit in an effective and efficient manner. We have determined our fees based upon the following assistance:

- Appropriate personnel being available for questions during all phases of fieldwork as well as for "interviews" during the initial planning phase regarding the City's significant accounting systems, computer applications and overall control environment
- Providing copies of the necessary audit schedules at year-end
- Providing copies of all legal documents and major contracts (i.e., Memorandums of Understanding, rental agreements, debt agreements, and leases)
- Providing source documents (i.e., invoices, remittance advices, canceled checks, bills, etc.) as may be required in performing substantive audit procedures
- Providing a letter of representation signed by management at the completion of the audit



---

**SPECIFIC AUDIT APPROACH****Quality Control**

Professionalism in the accounting industry involves independence, integrity, objectivity, and adherence to professional standards and applicable laws and regulations. This includes a demonstrated will to maintain and improve the quality of professional services and to withstand all pressures, competitive and other, to compromise on core values, principles, standards, and quality.

WebsterRogers LLP strives to provide the highest possible quality of service to our clients, to meet our obligations to the public, and to conform to the standards of our profession. In order to meet these goals, we adhere to policies and procedures that provide reasonable assurance that every audit, tax, accounting, and management advisory services engagement will be completed in accordance with the high standards of the public, our firm, and most importantly, our clients.

Peer reviews are intensive reviews of a firm's quality system applicable to its accounting and auditing practice. WebsterRogers LLP has passed, without exception, each peer review conducted under the auspices of the AICPA. These reviews are performed by CPAs from other AICPA division member firms in accordance with standards established by the AICPA. The review evaluates the firm's policies and procedures and reviews a sample of the firm's engagements to determine compliance. The work of the reviewers is in turn reviewed by the independent Oversight Board and by the AICPA. A formal report, which is available to the public, is then issued.

**CAFR Experience**

Three members of our Firm, two of which will be assigned to your engagement, are members of the Special Review Committee of the Government Finance Officers' Association. This committee is responsible for reviewing comprehensive annual financial reports considered for the Certification of Achievement for Excellence in Financial Reporting.

**Significant Audit Issues**

Based on the review of documents furnished we do not anticipate any significant audit issues that will require an unusual amount of time to resolve.

# APPENDIX A

---

## Peer Review Report for WebsterRogers LLP

---

*As a commitment to quality service and ethical practice, we voluntarily submit to external peer reviews every three years.*



HENDERSON HUTCHERSON & MCCULLOUGH, PLLC  
CERTIFIED PUBLIC ACCOUNTANTS

May 29, 2008

To the Owners  
WebsterRogers LLP

We have reviewed the system of quality control for the accounting and auditing practice of WebsterRogers LLP (the firm) in effect for the year ended August 31, 2007. A system of quality control encompasses the firm's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of conforming with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (AICPA). The firm is responsible for designing a system of quality control and complying with it to provide the firm reasonable assurance of conforming with professional standards in all material respects. The design of the system and compliance with it are the responsibility of the firm. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance with the system based on our review.

Our review was conducted in accordance with standards established by the Peer Review Board of the AICPA. During our review, we read required representations from the firm, interviewed firm personnel and obtained an understanding of the nature of the firm's accounting and auditing practice, and the design of the firm's system of quality control sufficient to assess the risks implicit in its practice. Based on our assessments, we selected engagements and administrative files to test for conformity with professional standards and compliance with the firm's system of quality control. The engagements selected represented a reasonable cross-section of the firm's accounting and auditing practice with emphasis on higher-risk engagements. The engagements selected included among others, audits of Employee Benefit Plans and engagements performed under *Government Audit Standards*. Prior to concluding the review, we reassessed the adequacy of the scope of the peer review procedures and met with firm management to discuss the results of our review. We believe that the procedures we performed provide a reasonable basis for our opinion.

In performing our review, we obtained an understanding of the system of quality control for the firm's accounting and auditing practice. In addition, we tested compliance with the firm's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of the firm's policies and procedures on selected engagements. Our review was based on selected tests therefore it would not necessarily detect all weaknesses in the system of quality control or all instances of noncompliance with it. There are inherent limitations in the effectiveness of any system of quality control and therefore noncompliance with the system of quality control may occur and not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control for the accounting and auditing practice of WebsterRogers, LLP in effect for the year ended August 31, 2007, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.

*Henderson Hutcherson  
& McCullough, PLLC*

1200 MARKET STREET · FREIGHT DEPOT  
CHATTANOOGA, TENNESSEE 37402-2713  
T 423.756.7771 · F 423.265.8125 · hhmcpas.com  
AN INDEPENDENT MEMBER OF THE BDO SEIDMAN ALLIANCE

# APPENDIX B

---

## Resumes for WebsterRogers LLP Engagement Team Members

*“You get to know us and we get to know you. That lets us bring you ideas that are not just solutions for a problem, but ideas that fit your business objectives.”*

**CLIENT SERVICE ENGAGEMENT TEAM  
Team Member Biographies**

**Ellen K. Adkins, CPA****Audit Engagement Partner**

Ellen is a 1981 graduate of Virginia Tech University with Bachelor of Science Degrees in Accounting and Finance, and a 1984 graduate of Virginia Commonwealth University with a Master's Degree in Business Administration. She successfully completed the CPA exam upon the first sitting in November 1982.



*2 by 2*

Ellen's experience has been diverse in industry and public accounting with emphasis in management consulting, information systems, write-up services, and auditing. Ellen has over 26 years of accounting experience. Ellen is a Partner in the Audit, Accounting and Review, and Attestation Services Group for the Firm. She is located in the Summerville office.

Ellen has served as a quality control reviewer for the State Board of Accountancy's Positive Enforcement program and has served on South Carolina Association of Certified Public Accountant's committees. She has also been a member of the Special Review Committee of the Government Finance Officers' Association since 1996. That committee is responsible for reviewing comprehensive annual financial reports considered for the Certification of Achievement for Excellence in Financial Reporting. In addition, Ellen was appointed to the Technical Standards Subcommittee of the Professional Ethics Committee of the AICPA for 2007-2009.

**CONTINUING PROFESSIONAL EDUCATION:**

- Jul 2008 Governmental A & A Update
- Jul 2008 A & A Update
- Dec 2007 A & A Conference
- Nov 2007 GFOA Annual GAAP Update
- Jun 2007 Schemes & Fraud Compliance & 2007 Government Standards

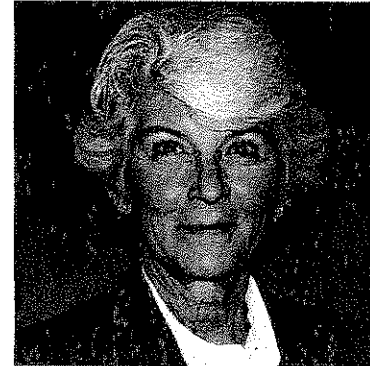
**PROFESSIONAL AND CIVIC ORGANIZATIONS:**

- ◆ American Institute of Certified Public Accountants
- ◆ Technical Standards Subcommittee of the Professional Ethics Committee
- ◆ South Carolina Association of Certified Public Accountants
- ◆ Behavioral Standards Committee
- ◆ SCACPA Technical Standards Committee
- ◆ Peer Review Committee
- ◆ Coastal Chapter of CPA's
- ◆ Government Finance Officers' Association, Special Review Committee ✓
- ◆ Greater Summerville - Dorchester Chamber of Commerce

**CLIENT SERVICE ENGAGEMENT TEAM  
Team Member Biographies**

**Martha H. Bryan, CPA                      Independent Technical Review Partner**

Martha H. Bryan graduated from The College of Charleston in 1976 with a BS degree and completed the CPA exam in 1978. For over 32 years, she has worked on governmental audits beginning at the staff level and continuing today as an audit officer of the firm. She handles the in-charge responsibilities for a variety of accounting and auditing clients including direct responsibility for non-profit and governmental audits as well as other financial statement preparation and consulting engagements.



Martha's reputation in governmental accounting and auditing in South Carolina is demonstrated through her election and appointment to numerous governmental accounting organizations. She has served as an advisor/instructor for "Audits of School Districts" for the South Carolina Association of Certified Public Accountants (SCACPA) Continuing Professional Education Division. She received the Certificate of Educational Achievement from the AICPA Governmental Accounting and Auditing Program. She has served as Chairperson on the Association's Technical Standards Committee. As Chairperson, she was responsible for the SCACPA subcommittee that reviewed the state's Audit Standards Manual for Annual Audit of County Assessor, County Auditor, County Treasurer, and County Delinquent Tax Collector. Martha has also conducted governmental training seminars for the SCACPA and has assisted governmental clients in receiving the Certificate of Achievement for Excellence in Financial Reporting and served as a reviewer for that program. She has also served as a quality control reviewer for the State Board of Accountancy's Positive Review program.

**CONTINUING PROFESSIONAL EDUCATION:**

- Dec 2008 Identifying Fraudulent Financial Transactions
- Jul 2008 Governmental A & A Update
- Jul 2008 A & A Update
- Dec 2007 A & A Conference
- Nov 2007 Federal Tax Update
- Jun 2007 Schemes & Fraud Compliance and 2007 Government Standards
- May 2007 Government Conference
- Dec 2006 Fraud Update
- Dec 2006 A & A Conference
- Nov 2006 GFOA Annual GAAP Update
- Aug 2006 Auditor's Risk Assessment Process
- Jul 2006 Governmental Accounting & Auditing Update
- Jun 2006 A & A Fusion

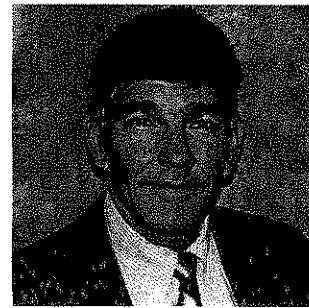
**PROFESSIONAL AND CIVIC ORGANIZATIONS:**

- ◆ American Institute of Certified Public Accountants
- ◆ SC Association of Certified Public Accountants
  - ◆ Behavioral Standards Committee
  - ◆ Technical Standards Committee
- ◆ Coastal Chapter of SCACPA
- ◆ Greater Summerville Chamber of Commerce
- ◆ Summerville Rotary Club
- ◆ Dorchester County Children in Crisis – Board member
- ◆ Dorchester County Habitat for Humanity
- ◆ American Red Cross

**CLIENT SERVICE ENGAGEMENT TEAM  
Team Member Biographies**

**Louis C. (Bud) Addison Jr., CPA****Engagement Senior Manager**

Bud is a graduate of The Citadel and is a Senior Manager in the Firms' audit group. Prior to joining WebsterRogers LLP, he was a senior manager with another regional public accounting firm where he was in charge of a variety of auditing, review and tax engagements. Bud has extensive experience in all areas of auditing including planning, performing and supervising audit engagements.



Bud is a CPA licensed to practice in South Carolina. Bud has extensive experience in all areas of auditing colleges and universities, governmental, and not-for-profit entities including planning, performing and supervising audit engagements.

**CONTINUING PROFESSIONAL EDUCATION:** Specific governmental CPE attended in the past 24 months includes:

- ◆ Financial Controls and Risks in Higher Education
- ◆ Targeting Solutions in Higher Education
- ◆ Auditing Standards Update
- ◆ Governmental Workpaper Techniques and Planning
- ◆ Single Audit Management
- ◆ Documentation and Workpaper Review
- ◆ Risk Based Audit Standards Update
- ◆ 2008 Accounting and Audit Update and Review
- ◆ 2007 Revised Yellow Book for Financial Audits
- ◆ Common OMB A-133 and Yellow Book Deficiencies
- ◆ Common Frauds Found in Governments and Not-for-Profits
- ◆ 2008 Annual Update for State and Local Governments

**PROFESSIONAL AND CIVIC ORGANIZATIONS:**

- ◆ American Institute of Certified Public Accountants
- ◆ South Carolina Association of Certified Public Accountants
- ◆ Pee Dee Chapter of Certified Public Accountants
- ◆ Government Finance Officers Association, Special Review Committee

**CLIENT SERVICE ENGAGEMENT TEAM**  
**Team Member Biographies**

**William (Bill) Gleason, II, CPA****Engagement Manager**

As the audit manager, Bill Gleason will be responsible for planning, coordinating, supervising other auditors, preparing and completing audit programs, performing control reviews, and performing the audit of significant areas. Bill will report directly to the engagement senior manager and assist in communicating with the client. Bill joined our team during the summer of 2005.



Bill is a graduate of Marshall University and has over nine years of auditing experience and is a CPA licensed in South Carolina and West Virginia. Bill began his career working for a regional firm in Charleston, West Virginia where he progressed from staff accountant to audit manager.

Bill has extensive experience in all areas of auditing including planning, performing and supervising audit engagements. As a manager he is responsible for the performance and review of compiled, reviewed and audited financial statements and presenting financial statements to the Boards of Directors, Trustees, Audit Committees and Investors. He has investigated fraud in various audit engagements including governments, non-for profit, cable companies and manufacturing companies. Bill also has a wealth of experience in corporate and individual tax as well as business consulting.

**CONTINUING PROFESSIONAL EDUCATION:** Specific governmental CPE attended in the past 24 months includes:

- ◆ Governmental Accounting & Auditing
- ◆ Fraud in a Not-for-Profit Organization
- ◆ Guide to Compliance Auditing
- ◆ Governmental Non-Profit Update
- ◆ Analytical Procedures
- ◆ Risk Assessment Suite

**PROFESSIONAL AND CIVIC ORGANIZATIONS:**

- ◆ American Institute of Certified Public Accountants
- ◆ South Carolina Association of Certified Public Accountants
- ◆ Pee Dee Chapter of Certified Public Accountants
- ◆ West Virginia Society of Certified Public Accountants
- ◆ Charleston Chapter of the West Virginia Society of Certified Public Accountants



**CLIENT SERVICE ENGAGEMENT TEAM  
Team Member Biographies**

**Lindsey W. Creech**

**Engagement Staff Accountant**

Lindsey W. Creech is a Staff Accountant in the Audit Group of WebsterRogers LLP. She graduated Magna Cum Laude from Clemson University with a Bachelor of Science in Accounting in 2005.



While at Clemson, Lindsey was a member of Beta Alpha Psi, a National Business/Accounting honor society. She is currently a member of the South Carolina Association of Certified Public Accountants.

Lindsey has almost two years of public accounting experience, primarily performing financial statement audits and reviews.

**PROPOSER GUARANTEES**

The Proposer certifies it can and will provide and make available, as a minimum, all services set forth in Section II, Nature of Services Required.

Signature of Official: *Ellen K Adkins*

Name (typed): Ellen K. Adkins, CPA

Title: Partner

Firm: WebsterRogers LLP

Date: January 30, 2009

**PROPOSER WARRANTIES**

- A. Proposer warrants that it is willing and able to comply with State of South Carolina laws with respect to foreign (non-state of South Carolina) corporations.
- B. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees, or agents thereof.
- C. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the City of Florence.
- D. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: *Ellen K. Adkins*

Name (typed): Ellen K. Adkins, CPA  
Title: Partner  
Firm: WebsterRogers LLP  
Date: January 30, 2009

We have several offices in eastern South Carolina to serve you.

100 South Main Street, Suite G / 29483  
PO Box 1588  
Summerville, SC 29484  
843-873-4400 (ph)  
843-873-7227 (fx)

1411 Second Loop Road / 29505  
PO Box 6289 / 29502  
Florence, SC  
843-665-5900 (ph)  
843-678-9523 (fx)

Carolina First Center, Suite 320  
40 Calhoun St. / 29401  
PO Box 20099 / 29413  
Charleston, SC  
843-577-5843 (ph) 843-723-3075 (fx)

The Tower at 1301 Gervais  
Suite 802  
Columbia, SC 29201  
803-312-0001 (ph) 803-255-8886 (fx)

380 West Wesmark Blvd  
Sumter, SC 29150  
803-905-4000 (ph)  
803-905-4001 (fx)

Parkway Center, Suite 201  
950 48th Avenue North  
Myrtle Beach, SC 29577  
843-448-1500 (ph)  
843-497-2588 (fx)

Litchfield Commons, Suite 2A  
14361 Ocean Highway 17  
PO Box 350 / 29585  
Pawleys Island, SC / 29585  
843-237-9004 (ph) 843-237-9160 (fx)

1759 North Fraser Street / 29440  
PO Drawer 1628 / 29442  
Georgetown, SC  
843-546-2426 (ph)  
843-546-0028 (fx)

Visit us on the Web at [www.websterrogers.com](http://www.websterrogers.com).



# COST PROPOSAL TO PROVIDE

## INDEPENDENT AUDITING SERVICES FOR



### City of Florence

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

**Request for Proposals 2009-13**

By

**WR WebsterRogers** LLP  
CERTIFIED PUBLIC ACCOUNTANTS • CONSULTANTS  
[www.websterrogers.com](http://www.websterrogers.com)

1411 2<sup>nd</sup> Loop Road  
Florence, SC 29505  
843-665-5900 (T) 843-665-5970(F)

**Contact Person for this Proposal:**

Ellen K. Adkins, CPA, Partner  
[eadkins@websterrogers.com](mailto:eadkins@websterrogers.com)  
800-551-6032

February 2, 2009

**Attachment D**

## City of Florence, SC

### SCHEDULE OF PROFESSIONAL FEES AND EXPENSES FOR THE AUDITS OF THE 2009-2013 FINANCIAL STATEMENTS

	<u>Standard Hourly Rates</u>	<u>Total Hours</u>	<u>Quoted Hourly Rates</u>	<u>Total</u>
Partner	\$ 195	40	\$ 150	\$ 6,000
Senior Manager	\$ 170	96	\$ 120	11,520
Seniors	\$ 120	152	\$ 110	16,720
Assistants	\$ 100	120	\$ 90	10,800
Paraprofessional	\$ 75	84	\$ 65	5,460
		<b>492</b>		
<b>Total Financial Statement Discount</b>				\$ 50,500 <b>(10,250)</b>
				<b>\$ 40,250</b>
All Inclusive Maximum Fee for Year Ending June 30, 2009				\$ 40,250
All Inclusive Maximum Fee for Year Ending June 30, 2010				\$ 41,500
All Inclusive Maximum Fee for Year Ending June 30, 2011				\$ 43,000
All Inclusive Maximum Fee for Year Ending June 30, 2012				\$ 44,500
All Inclusive Maximum Fee for Year Ending June 30, 2013				\$ 46,000
<b>All Inclusive Max. Fee for Contract Period</b>				<b>\$ 215,250</b>
All Inclusive Fee, per issue, to Review Bond Underwriter Comfort Letters				<b>\$ 3,500</b>

#### Billing Rates for Additional Services

Fees for "nonrecurring" services outside the scope of the annual services will be billed at our normal rates for such services. Prior to commencing any such project, an estimate of our fees will be prepared and agreed to in writing by City of Florence and WebsterRogers.

The current hourly rates for other services are quoted as follows:

Partners	\$150
Senior Managers	\$120
Managers	\$120
Seniors	\$110
Assistants	\$ 90
Paraprofessionals	\$ 65



---

---

# City of Florence, SC

## SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

---

---

### Certification and Authorization

Ellen K. Adkins, CPA is the WebsterRogers' engagement partner that is authorized to make representations regarding this proposal, empowered to submit the proposal, and authorized to enter into a contract with the City of Florence, SC (City) on behalf of WebsterRogers LLP (WebsterRogers). She is responsible for the quality of the report and all working papers related to this engagement. She may be contacted at:

**Ellen K. Adkins, CPA, Partner**  
**WebsterRogers LLP**  
800-551-6032 (T) 843-873-7227(F)  
Email: [eadkins@websterrogers.com](mailto:eadkins@websterrogers.com)

### Fee Structure Overview

WebsterRogers provides cost-effective high quality service to our clients and we understand the economic pressures facing organizations in today's economy and the significance of the professional fees you pay. We pledge to strive always to provide you with the greatest value for the professional fees you pay.

We believe our fee proposal represents an exceptional value in the local market. We have assembled the requisite resources and designed an audit approach for your engagement that is highly efficient and cost effective.

### Proposed Schedule of Fees

WebsterRogers' fees are based on our experience and knowledge of your operations and our best estimate of the tasks and hours to be incurred by individuals assigned to the engagement. We have made such estimates based on the assumption that the City's internal control system is functioning as intended and that personnel will provide timely support, when needed.

Based on our estimates, the summary of fees for the annual services outlined in this proposal are:

Year Ending June 30th	2009	2010	2011	2012	2013	Total
Audit	\$40,250	\$41,500	\$43,000	\$44,500	\$46,000	\$215,250

The fees for our services are **inclusive of all costs**, including personnel, supervision, travel, telephone, copying, mailing, transportation or any other costs, incidental or otherwise.

**City of Florence, SC**  
**RFP 2009-13**  
**Independent Audit and Financial Report Preparation Services**

The City of Florence, South Carolina is requesting proposals from certified public accounting firms for independent auditing of the City of Florence financial statements. Audit services will be rendered based on a five-year contract for fiscal years ending June 30 of 2009, 2010, 2011, 2012, and 2013. Firms that respond to this Request for Proposal (RFP) should have extensive experience in and knowledge of governmental accounting and reporting.

Proposals must be received no later than 2:00 p.m., Monday February 2, 2009. Proposals received after this time will not be accepted or considered. A **mandatory** pre-proposal conference will be held at 2:00 p.m. on January 20, 2009 in the City Council Chambers, Room 604 of the City County Complex. Attendance at the pre-proposal conference is required as a condition of submitting a proposal. Proposals submitted by firms not in attendance at the mandatory pre-proposal conference will not be considered by the City. Request for Proposal packages may be obtained by contacting:

City of Florence  
Attn: Patrick D. Fletcher, Procurement Officer  
City County Complex BB  
180 North Irby Street  
Florence, South Carolina 29501  
Telephone: (843) 665-3165  
Fax: (843) 665-3111  
Email: [pfletcher@cityofflorence.com](mailto:pfletcher@cityofflorence.com)

The City of Florence welcomes submissions from minority and women owned businesses. Please indicate that you have a minority or woman owned business while attending the pre-proposal conference.

There is no expressed or implied obligation for the City to reimburse responding firms for any expenses incurred in preparing proposals in response to this request. The City of Florence reserves the right to reject any and all responses, to cancel this solicitation, and to make an award deemed in its own best interest.

To be advertised as follows:

**Morning News:** Sunday, January 11, 2009

**South Carolina Business Opportunities (SCBO) Newsletter:** Monday, January 12, 2009

**News Journal:** Wednesday, January 14, 2009

**Community Times:** Thursday, January 15, 2009

**Channel 11 Local Access Channel and City Web Page:** Friday, January 9 through  
Friday, January 16, 2009

**Attachment A**



City of Florence, South Carolina  
 Audit Services  
 Pre-Proposal Conference  
 Tuesday, January 20, 2009  
 Register of Attendees

	Name	Firm Name	Location
1	Malcolm Taylor	Cliffon Gunderson	Raleigh
2	Tracy Huggins	Burch Knox Seale	Florence
3	Timothy Graw	Elliott Davis LLC	Myrtle Beach
4	Bud Addison	Webster Rogers	Florence
5	Kevin Rawlinson	City of Florence	Florence
6	Patrick Zeltner	City of Florence	Florence
7	<del>Thomas W. Chandler</del>	<del>City of Florence</del>	<del>Florence</del>
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			

**BURCH, OXNER, SEALE CO.**  
**CERTIFIED PUBLIC ACCOUNTANTS**  
**A PROFESSIONAL CORPORATION**

MEMBERS OF  
AMERICAN INSTITUTE OF  
CERTIFIED PUBLIC ACCOUNTANTS  
S.C. ASSOCIATION OF  
CERTIFIED PUBLIC ACCOUNTANTS  
DIVISION FOR CPA FIRMS  
AMERICAN INSTITUTE OF CPAS

1341 W. ALICE DRIVE, 29505  
P. O. DRAWER 4707  
FLORENCE, SC 29502  
TELEPHONE (843)669-3142  
TELECOPIER (843)662-9255

February 2, 2009

Mr. Thomas W Chandler  
Finance Director  
City of Florence  
Drawer AA, City-County Complex  
Florence, South Carolina 29501

Dear Thomas,

Over the past several years we have attempted to segregate our audit department in order to ensure that we provide quality service to each of our audit clients. As a part of this segregation, we have begun relieving Roy of his auditing workload. While working on bid proposal for the City's audit, we determined that Burch Oxner Seale Company does not have the necessary staffing in place to audit the City of Florence's financials for the period under proposal and provide the quality service that we expect on each engagement.

Our firm has great appreciation for the time that we have served as your auditors and we thank you and your staff for all the assistance and kindness shown to us over these many years.

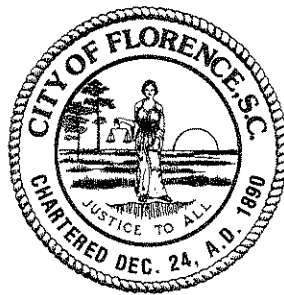
Very truly yours,



Tracy S. Huggins, CPA  
Member of the Firm

**Attachment C**

**CITY OF FLORENCE,  
SOUTH CAROLINA**



**REQUEST FOR PROPOSALS  
FOR  
PROFESSIONAL AUDITING SERVICES  
JANUARY 9, 2009**

**Attachment E**

**CITY OF FLORENCE, SOUTH CAROLINA**

**REQUEST FOR PROPOSALS**

**TABLE OF CONTENTS**

I. INTRODUCTION

- A. General Information
- B. Minority and Women Owned Businesses
- C. Term of Engagement
- D. Requirements of Successful Bidder
  - 1. Professional Insurance and Indemnification
  - 2. Occupational Business License

II. NATURE OF SERVICES REQUIRED

- A. General
- B. Scope of Work to be Performed
- C. Auditing Standards to be Followed
- D. Reports to be Issued
- E. Special Considerations
- F. Working Paper Retention and Access to Working Papers
- G. Consultation

III. DESCRIPTION OF THE GOVERNMENT

- A. Name and Telephone Number of Contact Persons/Organizational Chart/Location of Offices
- B. Background Information
- C. Fund Structure
- D. Budgetary Basis of Accounting
- E. Federal and State Financial Assistance
- F. Pension Plans
- G. Component Units
- H. Joint Ventures
- I. Magnitude of Financial Operations
- J. Computer Systems
- K. Internal Audit Function
- L. Availability of Prior Audit Reports and Working Papers

IV. TIME REQUIREMENTS

- A. Proposal Calendar
- B. Notification and Contract Dates
- C. Date Audit May Commence

- D. Schedule for the 2009, 2010, 2011, 2012, and 2013 Fiscal Year Audit
    - 1. Interim Work
    - 2. Detailed Audit Plan
    - 3. Fieldwork
    - 4. Draft Reports
  - E. Entrance Conferences, Progress Reporting, and Exit Conferences
  - F. Date Final Report is Due
- V. ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION
- A. Finance Department and Clerical Assistance
  - B. Electronic Data Processing (EDP) Assistance
  - C. Statements and Schedules to be Prepared by the Staff of the City of Florence
  - D. Work Area, Telephones, Photocopying, and Facsimile Machines
  - E. Report Preparation
- VI. PROPOSAL REQUIREMENTS
- A. General Requirements
    - 1. Preproposal Conference and On-site Inspections
    - 2. Inquires
    - 3. Submission of Sealed Proposals
  - B. Technical Proposal
    - 1. General Requirements
    - 2. Independence
    - 3. License to Practice in South Carolina
    - 4. Firm Qualifications and Experience
    - 5. Partner, Supervisory, and Staff Qualifications and Experience
    - 6. Similar Engagements with Other Government Entities
    - 7. Specific Audit Approach
  - C. Dollar Cost Bid
    - 1. Total All-Inclusive Maximum Price
    - 2. Rates for Additional Professional Services
    - 3. Manner of Payment
- VII. EVALUATION PROCEDURES
- A. Evaluation Criteria

1. Mandatory Elements
  2. Technical Qualifications
  3. Price
- 
- B. Oral Presentations
  - C. Final Selection
  - D. Right to Reject Proposals
  - E. Right to Waive Technicalities
  - F. Proposal Disclosures and Public Inspection

## **APPENDICES**

- A. Organizational Chart
- B. List of Key Officials, Office Locations, and Telephone Numbers
- C. Proposer Guarantees
- D. Proposer Warranties
- E. Format for Schedule of Professional Fees and Expenses
- F. Format for Schedule of Additional Professional Fees

CITY OF FLORENCE, SOUTH CAROLINA  
REQUEST FOR PROPOSALS

I. INTRODUCTION

A. General Information

The City of Florence, South Carolina, is requesting proposals from qualified, certified public accounting firms for independent audits of the financial statements of the City of Florence and preparation of the annual financial reports for the fiscal years ending June 30, 2009, 2010, 2011, 2012, and 2013. These audits are to be performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the U.S Government Accountability Office's (GAO) *Government Auditing Standards* (1994), the provisions of the federal Single Audit Act of 1984 (as amended in 1996) and U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

There is no expressed or implied obligation for the City to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

Five copies of the proposal must be submitted to the City of Florence Procurement Office no later than 2:00 p.m., February 2, 2009 in accordance with conditions specified in part VI-A-3, Submission of Sealed Proposals, of this package. Proposals that are not submitted according to the instructions will not be accepted or considered.

The City of Florence reserves the right to reject any or all proposals and to waive formalities or technicalities insofar as it is legally authorized to do so in the best interests of the City.

Contracts for work under this proposal will obligate the firm not to discriminate on the grounds of race, color, creed, religion, or national origin in their employment practices.

Proposals submitted must be in a form suitable for incorporation verbatim, into the contract.

No contract may be assigned, sublet, or transferred without the express written consent of the City Manager.

A mandatory preproposal conference for all the firms interested in submitting a proposal will be held at 2:00 p.m. on January 20, 2009 in the City Council Chambers, Room 604 of the City-County Complex, 180 North Irby Street, Florence, South Carolina to answer questions about the engagement. Proposals submitted by firms not in attendance at the mandatory preproposal conference

will not be considered by the City. After this preproposal conference, any inquires concerning the request for proposals should be addressed to Thomas W. Chandler, Finance Director.

Proposals submitted will be evaluated by an evaluation panel. The evaluation panel will make its recommendation to City Council of the firm which best meets all of the evaluation criteria set forth in the request for proposals and the selection of which, in its collective opinion, would best serve the interests of the City of Florence. The award of contract for independent audit services will be made by the City Council of the City of Florence.

During the evaluation process, the members of this group reserve the right, where it may serve the City's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. Firms submitting proposals may be requested to make oral presentations as part of the evaluation process at the discretion of the City, members of the evaluation committee, or members of City Council.

The City reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City and the firm selected.

It is anticipated the selection of a firm will be completed by March 9, 2009. Following the notification of the selected firm, it is expected a contract will be executed between both parties by March 31, 2009.

B. Minority and Women Owned Businesses

Minority and Women Owned Businesses will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, creed, sex or national origin in consideration for an award. It is the policy of the City that minority business and women owned business enterprises (MBE/WBE) have an opportunity to participate at all levels of contracting in the performance of City contracts to the extent practical and consistent with the efficient performance of the agreement. Please indicate that you are a minority or women owned business with your proposal submission.

C. Term of Engagement

The contract will be a five-year contract with a stipulation that, at the option of the City of Florence, the contract may be cancelled prior to the third year or subsequent years should it be found desirable to do so.

D. Requirements of Successful Bidder



1. Professional Insurance and Indemnification

The firm awarded a contract with the City of Florence shall procure and maintain insurance for protection from claims under workers' compensations acts; claims for damages because of bodily injury including personal injury, sickness or disease, or death of any and all employees or of any person other than such employees; claims for damages because of injury to or destruction of property, including loss of use resulting therefrom; claims caused by professional errors, acts, or omission; and any other insurance prescribed by law. The successful firm shall name the City of Florence, South Carolina, its elected and appointed officials, officers, and employees "Additional Insureds" as their interests may appear but only with respect to services performed or provided by successful firm on behalf of the City under Consultant's commercial general liability insurance policy. The successful firm shall, within 10 days of the full execution of any agreement resulting from this RFP, provide the City's Procurement Officer with a certificate(s) of insurance evidencing the coverage required above and containing an endorsement to the effect that any cancellation or non-renewal shall not be until 10 days after the insurer or the selected firm gives written notice to the City.

The selected firm shall take out and maintain, during the life of the agreement, workers' compensation and employer's liability insurance for all employees to be engaged in services on this project under this agreement in an amount not less than \$1,000,000.00, and in case any such services are sublet, the firm shall require all subcontractor(s) also to provide workers' compensation and employer's liability insurance in an amount not less than \$1,000,000.00 for all of the subcontractor's employees to be engaged in such.

Employer's Liability Insurance - \$1,000,000 each accident, \$1,000,000 disease policy limit, \$1,000,000 disease each employee

Commercial General Liability Insurance - \$1,000,000 per occurrence (bodily injury and property damage) / \$1,000,000 general aggregate

Automobile Liability Insurance - \$1,000,000 combined single limit (bodily injury and property damage), each accident

Professional Liability Insurance - \$1,000,000 per claim / \$1,000,000 general aggregate

*Professional Services:* The selected firm shall indemnify and hold the City of Florence, South Carolina, its elected and appointed officials, officers, and employees, harmless from and against judgments, liabilities, damages, losses, costs, and expenses (including, but not limited to, reasonable

attorneys' fees and costs but only to the extent otherwise authorized by law) to the extent caused by any negligent act, error, or omission in the performance and furnishing of the selected firm's professional services under any agreement resulting from this RFP, including any negligent act, error or omission of any individual or entity directly or indirectly employed by the selected firm to perform any of the work or anyone for whose acts, errors, or omissions the selected firm may be liable, regardless of whether or not caused in part by a party indemnified hereunder.

*Other Than Professional Services:* With respect to all acts or omissions of the selected firm, or any individual or entity directly or indirectly employed by the selected firm to perform any of the work or anyone for whose acts, errors, or omissions the selected firm may be liable, which do not arise out of or result from the performance of professional services, and which may be covered by employer's liability insurance, commercial general liability insurance, automobile liability insurance, or other general liability insurance, the selected firm shall indemnify and hold the City of Florence, South Carolina, its elected and appointed officials, officers, and employees, harmless from and against judgments, liabilities, damages, losses, costs, and expenses (including, but not limited to, reasonable attorneys' fees and costs but only to the extent otherwise authorized by law) to the extent caused by or arising out of the selected firm's negligent acts of commission or omission (or those of or any individual or entity directly or indirectly employed by the selected firm to perform any of the work or anyone for whose actions or failure to act the selected firm may be liable) during the performance of this Agreement.

The selected firm shall require any sub-consultants and subcontractors to purchase and maintain insurance with limits not less than those required above to be purchased and maintained by the selected firm. In addition, the selected firm shall require any sub-consultants and subcontractors to assume the selected firm's indemnification obligations under any contract resulting from this RFP to the extent they relate to the sub-consultant's or subcontractor's obligations under any contract with the selected firm.

## 2. Occupational Business License

It is required that the firm awarded a contract agreement with the City of Florence secure an occupational business license. The successful firm is required to contact the Business License Coordinator, Room 602, sixth floor of the City-County Complex, 180 N. Irby St., Florence, S.C. prior to commencement of work. Contact telephone number: (843) 665-3173; Fax number: (843) 665-3111.

## II. NATURE OF SERVICES REQUIRED

A. General

The City of Florence (the "City") is soliciting the services of qualified firms of certified public accountants to provide audit services for the five fiscal years, beginning with the year ending June 30, 2009, and ending with the year ending June 30, 2013 with the stipulation that, at the option of the City of Florence, the contract may be cancelled prior to the third year or subsequent years should it be found desirable to do so. These audits are to be performed in accordance with the provisions contained in this request for proposals.

B. Scope of Work to be Performed

The City desires the auditor to express an opinion on the fair presentation of its governmental activities, its business-type activities, each of its major funds, and its aggregate remaining fund information in conformity with generally accepted accounting principles.

The City of Florence also desires the auditor to express an opinion on the fair presentation of its combining and individual fund financial statements and schedules in conformity with generally accepted accounting principles. The auditor is not required to audit the supporting schedules contained in the comprehensive annual financial report. However, the auditor is to provide an "in-relation-to" opinion on the supporting schedules based on the auditing procedures applied during the audit of the basic financial statements and the combining and individual fund financial statements and schedules. The auditor is not required to audit the introductory section of the report or the statistical section of the report.

The auditor is not required to audit the schedule of expenditures of federal awards. However, the auditor is to provide an "in-relation-to" report on that schedule based on the auditing procedures applied during the audit of the financial statements.

C. Auditing Standards to be Followed

To meet the requirements of this request for proposals, the audit shall be performed in accordance with generally accepting auditing standards as set forth by the American Institute of Certified Public Accountants, the standards for financial audits set forth in the U.S. Government Accountability Office's *Government Auditing Standards* (1994), the provisions of the Single Audit Act of 1984 (as amended in 1996) and the provisions of U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations, Audits of State and Local Governments*.

D. Reports to be Issued

Following the completion of the audit of the fiscal year's financial statements, the auditor shall issue:

1. A report on the fair presentation of the financial statements in conformity with generally accepted accounting principles, including an opinion on the fair presentation of the supplementary schedule of expenditures of federal awards in relation to the audited financial statements.
2. A report on compliance and internal control over financial reporting based on an audit of the financial statements.
3. A report on compliance and internal control over compliance applicable to each major federal program.

In the required report[s] on compliance and internal controls, the auditor shall communicate any significant deficiency or material weakness found during the audit. A *significant deficiency* shall be defined as a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected. A *material weakness* shall be defined as a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected. Significant deficiencies that are also material weaknesses shall be identified as such in the report.

Control deficiencies discovered by the auditors that are neither significant deficiencies nor material weaknesses shall be reported in a separate letter to management, which shall be referred to in the report[s] on compliance and internal controls. A *control deficiency* shall be deemed to have occurred whenever the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis.

The report on compliance and internal controls shall include all material instances of noncompliance. All nonmaterial instances of noncompliance shall be reported in a separate management letter, which shall be referred to in the report on compliance and internal controls.

Irregularities and illegal acts. Auditors shall be required to make an immediate, written report of all fraud and illegal acts or indications of illegal acts of which they become aware to the Mayor, City Manager, and Finance Director of the City.

Reporting to the City Council. The audit report will be addressed to the Honorable Mayor, Members of City Council, and the City Manager and auditors shall assure themselves that the City's Mayor, City Council, and City Manager are informed of each of the following:

1. The auditor's responsibility under generally accepted auditing standards
2. Significant accounting policies
3. Management judgments and accounting estimates
4. Significant audit adjustments
5. Other information in documents containing audited financial statements
6. Disagreements with management
7. Management consultation with other accountants
8. Major issues discussed with management prior to retention
9. Difficulties encountered in performing the audit

E. Special Considerations

1. The City will send its comprehensive annual financial report to the Government Finance Officers Association of the United States and Canada for review in their Certificate of Achievement for Excellence in Financial Reporting program. The auditor will be required to provide special assistance to the City to meet the requirements of that program.
2. In the event that the City prepares one or more official statements in connection with the sale of debt securities, the official statements will contain the general purpose financial statements and the auditor's report thereon. The auditor shall be required, if requested by the City, its financial advisor, bond attorney, and/or underwriter, to issue a "consent and citation of expertise" as the auditor and any necessary "comfort letters."
3. In addition to the normal performance of providing a complete financial and compliance audit, the auditor shall provide the adjusting entries for each fiscal year after completion of the audit, shall work with the City Manager, Finance Director, and staff to provide proper assistance as needed to correct any audit findings or to satisfy auditor's recommendations, and shall be available to provide ongoing assistance

needed by the City's finance staff to assure proper accounting methods are being followed.

4. The Schedule of Expenditures of Federal Awards and related auditor's report, as well as the reports on the internal controls and compliance are to be issued as part of the comprehensive annual financial report. Additionally, Form SF-SAC Data Collection Form for Reporting on Audits of States, Local Government, and Non-Profit Organizations, as required by the Single Audit Clearinghouse shall be completed by the auditor.
5. In addition to a summarized Statement of Revenues, Expenditures and Changes in Fund Balances—Budget and Actual for the General Fund and in addition to a summarized Statement of Revenues, Expenses and Changes in Fund Net Assets—Budget and Actual for the Water & Sewer Fund and the Stormwater Fund, the auditor shall provide as supplementary schedules to the financial statements these statements detailed by budget line item components. These statements shall be formatted in the same manner as the summarized statements, but presented in detail by budget line item.

F. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of three (3) years, unless the firm is notified in writing by the City of the need to extend the retention period. The auditor will be required to make working papers available, upon request, to the following parties or their designees:

City of Florence

U.S. Department of Housing and Urban Development

U.S. General Accounting Office (GAO)

Parties designated by the federal or state governments or by the City as part of an audit quality review process

Auditors of entities of which the City is a subrecipient of grant funds (the State of South Carolina)

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

G. Consultation

The audit manager or his designee must be available on an as-needed basis throughout the contract period for advice and consultation regarding accounting and financial reporting matters, and for review of work papers where applicable.

III. DESCRIPTION OF THE GOVERNMENT

A. Name and Telephone Number of Contact Person/Organizational Chart/Location and Offices

The auditor's principal contact with the City will be Thomas W. Chandler, Finance Director, or a designated representative, who will coordinate the assistance to be provided by the City to the auditor.

An organizational chart (Appendix A) and a list of key personnel with the location of their principal offices (Appendix B) is attached.

B. Background Information

The City of Florence is organized under a Council-Manager form of government and provides to a population of approximately 30,000 citizens such services as public safety, public works, culture and recreation, planning and zoning, water and sewer, stormwater management, and general administrative services. In addition, water and sewer services are provided to a large portion of the surrounding metropolitan area, with an outside City limits combined customer base of approximately 21,500.

The City is governed by a seven-member Council, including the Mayor, who are responsible for setting City operating policies, creating ordinances, and adopting the City's annual budget. The chief administrative officer of the City is the City Manager who has the responsibility for the day-to-day operations of City government and the supervision of the City's workforce which is comprised of approximately four hundred eighty-five full-time employees with a payroll, including benefits, of approximately \$25 million.

More detailed information on the government and its finances can be found in annual budgets, comprehensive annual financial reports, official statements, and accounting documentation available from Thomas W. Chandler, Finance Director.

C. Fund Structure

The City uses the following fund types and account groups in its financial reporting:

<u>Fund Type/Account Group</u>	<u>Number of Individual Funds</u>	<u>Number With Legally Adopted Annual Budgets</u>
General Fund	1	1
Special revenue funds	27	1
Enterprise funds	2	2
Agency funds	6	

D. Basis of Budgeting

The City of Florence prepares its budgets on a basis consistent with generally accepted accounting principles.

E. Federal and State Financial Assistance

During the fiscal years to be audited, the City will receive federal financial assistance from a variety of agencies (some of which passes through various State agencies). It is likely that one or more grant programs will qualify as Major Federal Financial Assistance Programs.

F. Pension Plans

The City is a member of the South Carolina Retirement System (SCRS) and the South Carolina Police Officers' Retirement System (SCPORS). Both systems are multiple-employer public employee retirement systems and are administered by the South Carolina Retirement Systems which covers substantially all full-time employees. Employee and employer contributions are made each year.

G. Component Units

The City of Florence recognizes no Component Units for inclusion in its financial statements.

H. Joint Ventures

The City is a participant with Florence County in a joint venture to operate the Florence City-County Civic Center. Both the City and County contribute approximately \$404,000 annually as their share of the debt service cost of the Civic Center. Any additional operational funding shortfall is to be paid equally by the City and County. The Civic Center Commission is comprised of nine members, four appointed by the City, four appointed by the County, and one by the members of the Commission. Neither of the participating governments have any equity interest in the joint venture, therefore, no equity interest is reflected in the financial statements. Complete financial statements for the Florence City-



County Civic Center can be obtained from the Director at 1 Civic Center Plaza, Florence, South Carolina.

I. Magnitude of Finance Operations

The Finance Department is headed by Thomas W. Chandler, Finance Director, and consists of twelve employees. Additionally, the City collects revenues for water and wastewater utility service in the Utility Finance Department. The Utility Finance Department is also headed by the Finance Director and consists of eleven employees.

J. Computer Systems

The City of Florence has a fully computerized general ledger system, which consists of the following: general ledger, payroll, human resources, accounts payable, purchasing, cash receipts, business license, hospitality fee, fixed assets, grant accounting, fleet inventory, and Utility Operations inventory. These modules run on an IBM AS/400 Advanced System 36, which has 44 peripherals.

In addition to this computer system, the City of Florence has a wide area network, which connects the following servers and numerous client PCs:

<u>Server</u>	<u>Application(s)</u>
1. IBM System i5	Utility Billing (56 peripherals)
2. Dell Poweredge 2850	File Server, Court LawTrak, Fire House
3. Dell Poweredge 2850	Email
4. Compaq ProLiant ML350	Police LawTrak
5. Compaq ProLiant ML350	Public Works FTP server
6. Cisco MCS 7800 Series (4)	Telephony
7. Dell Poweredge 2850	GIS, Public Works file server
8. Dell Poweredge 2850	Energov Planning software, GIS data
9. Iron Port 150 (2)	Spam Filter
10. Dell Poweredge 180AS	Automated computer system monitoring

Note: Number 6 and number 9 have multiple servers as noted in parentheses.

K. Internal Audit Function

The City does not, at present, maintain a formal internal audit function.

L. Availability of Prior Audit Reports and Working Papers

Interested proposers who wish to review prior years' audit reports should contact Kevin D. Rawlinson, Controller. The City will use its best efforts to make prior

audit reports and supporting working papers available to proposers to aid their response to this request for proposals.

#### IV. TIME REQUIREMENTS

##### A. Proposal Calendar

The following is a list of key dates up to and including the date proposals are due to be submitted:

Request for proposal issued	01/09/2009
Preproposal conference	01/20/2009
On-site inspection	01/20/2009
Due date for proposals	02/02/2009

##### B. Notification and Contract Dates

Selected firm notified	03/10/2009
Contract date	03/31/2004

##### C. Date Audit May Commence

The City will have all records ready for audit approximately forty-five (45) days following close of the fiscal year. On-site audit work should commence by August 15.

##### D. Schedule for the 2009 Fiscal Year Audit (Similar time schedules will apply for audits of future fiscal years).

Each of the following should be completed by the auditor no later than the dates indicated.

###### 1. Interim Work

Interim work should be performed in May or June to be completed by June 30.

###### 2. Detailed Audit Plan

The auditor shall provide the City by June 30 both a detailed audit plan and a list of all schedules to be prepared by the City's staff.

3. Fieldwork

The auditor shall complete all fieldwork by September 30.

4. Draft Reports

The auditor shall have drafts of the audit reports and recommendations to management available for review by the City Manager and Finance Director by the last week of October.

E. Entrance Conferences, Progress Reporting, and Exit Conferences

These conferences should be held periodically, but not less than monthly to apprise the Finance Director and City Manager with the progress of the work, the nature of any problems encountered, and the projected completion date of the audit. Entrance and exit conferences should be scheduled annually.

F. Date Final Report is Due

As indicated in Section IV-D-4 above, draft reports are due by the last week of October. The Finance Director and City Manager will complete their review of the draft report as expeditiously as possible. It is not expected that this process should exceed three days. During that period, the auditor should be available for any meetings that may be necessary to discuss the audit reports. Once all issues for discussion are resolved, the final signed report shall be delivered to the City before the second Monday in November.

Fifteen (15) printed copies of the report will be delivered to the Finance Director before the second Monday in November following the close of the audit period in each year of the contract. The auditor shall be required to appear before the Council to review the report. A total of sixty (60) additional printed copies of the final report and one (1) copy of the final report formatted in current electronic external storage media will be delivered within fifteen days of final submission.

V. ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION

A. Finance Department and Clerical Assistance

The Finance Department staff and responsible management personnel will be available during the audit to assist the firm by providing information, documentation, and explanations. The preparation of confirmations will be the responsibility of the auditor.

B. Electronic Data Processing (EDP) Assistance

EDP personnel will be available to provide systems documentation and explanations.

C. Statements and Schedules to be Prepared by the Staff of the City of Florence

The staff of the City will prepare certain statements and schedules for the auditor. These reports include a schedule of property taxes receivable; schedules of fixed assets including additions, deletions, and depreciation for the year; schedules of projects to be capitalized; construction in process schedules; supplies inventory; bond costs and accumulated amortization schedule; compensated absences; accounts payable; accounts receivable; bank reconciliations; revenue and expenditure budget versus actual reports; trial balances; detailed general ledger for all funds; and investment schedules. Additionally, the City will provide assistance in retrieving and re-filing check vouchers needed by the auditor for testing.

D. Work Area, Telephones, Photocopying, and Facsimile Machines

The City will provide the auditor with reasonable work space, desks, and chairs. The auditor will also be provided with access to a telephone, photocopying equipment, and an electronic facsimile machine.

E. Report Preparation

Report preparation, routine editing, and printing shall be the responsibility of the auditor.

VI. PROPOSAL REQUIREMENTS

A. General Requirements

1. Preproposal Conference and On-site Inspections

A mandatory pre-proposal conference for firms interested in submitting proposals will be held at 2:00 p.m., January 20, 2009 in the City Council Chambers, Room 604 of the City-County Complex, 180 North Irby Street, Florence, South Carolina. Attendance at the conference is required as a condition of submitting a proposal. Both verbal and written questions will be accepted during the conference.

Immediately following the pre-proposal conference, representatives of the Finance Department will be available to conduct on-site inspections for interested proposers.

2. Inquires

Inquires concerning the request for proposals and the subject of the request for proposals should be made to:

Thomas W. Chandler, Finance Director  
(843) 665-3162

City of Florence  
City-County Complex BB, Room 602  
180 North Irby Street  
Florence, SC 29501

3. Submission of Sealed Proposals

In order to simplify the review process and enable the City to make an equitable and objective comparison of the proposals, proposals must be organized according to the following format and five (5) copies each must be submitted. **The following material is required to be received by the City by 2:00 p.m. on February 2, 2009 for a proposing firm to be considered:**

- a) A Technical Proposal to include the following:
  - 1) Title Page: Include the Proposal Name, "Independent Auditing Services--Request for Proposals 2009-13", and the name of the proposing firm along with the address, telephone number, and name of contact person, and the date of the proposal.
  - 2) Table of Contents: Include a clear identification of the material by section and page number.
  - 3) Transmittal Letter: A signed letter of transmittal briefly stating the proposer's understanding of the work to be done, the commitment to perform the work within the time period, a statement why the firm believes itself to be best qualified to perform the engagement, and a statement that the proposal is a firm and irrevocable offer for 90 days.
  - 4) Detailed Proposal: The detailed proposal should follow the order set forth in Section VI-B of this request for proposals.
  - 5) Executed copies of Proposer Guarantees and Proposer Warranties, attached to this request for proposal (Appendix C and Appendix D).

- b) Technical Proposals (5 copies each) must be in a sealed envelope and clearly marked as follows: “TECHNICAL PROPOSAL FOR CITY OF FLORENCE, SC INDEPENDENT AUDITING SERVICES 2009-13.” Technical Proposals submitted by mail must meet the same requirements.
- c) A Dollar Cost Bid Proposals (5 copies each) must be submitted in a **SEPARATE** sealed envelope and marked as followed: “DOLLAR COST BID PROPOSAL FOR CITY OF FLORENCE, SC INDEPENDENT AUDITING SERVICES 2009-13.” Dollar Cost Bid Proposals submitted by mail must meet the same requirements.
- d) The sealed Technical Proposals and sealed Dollar Cost Bid Proposals must be submitted in two (2) separate sealed envelopes, and clearly marked as required in subsections b and c above. The proposals should be addressed as follows:

City of Florence  
Patrick D. Fletcher, Procurement Officer  
City-County Complex BB, Room 602  
180 North Irby Street  
Florence, SC 29501

If proposals are mailed, it is the sole responsibility of the proposer to have the proposals delivered to the City by the date and time specified in the RFP. Any proposals received later than the specified date and time will not be accepted or considered. Facsimile (FAX) transmissions will **not** be accepted. The City will not be responsible for late submission caused by the postal service, other carriers, or any other delivery problems regardless of the reason.

B. Technical Proposal

1. General Requirements

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the firms seeking to undertake an independent audit of the City in conformity with the requirements of this request for proposals. As such, the substance of proposals will carry more weight than their form or manner of presentation. The Technical Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an audit approach that will meet the request for proposals requirements.

**There should be no dollar units or total costs included in the Technical Proposal Document.**

The Technical Proposal should address all points outlined in the request for proposals. The Proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request for proposal. While additional data may be presented, the following subjects, items 2 through 7, must be included. They represent the criteria against which the proposal will be evaluated.

2. Independence

The firm should provide an affirmative statement that is independent of the City as defined by generally accepted auditing standards, the U.S. General Accounting Office's *Government Auditing Standards* and/or any later pronouncements, and the independence standards of the South Carolina Board of Accountancy.

3. License to Practice in South Carolina

An affirmative statement should be included that the firm and all assigned key professional staff are properly registered or licensed to practice in South Carolina.

4. Firm Qualifications and Experience

- a. The proposer should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed, and the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis.
- b. If the proposer is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified, and the firm that is to serve as the principal auditor should be noted, if applicable.
- c. The firm is also required to submit a copy of the report on its most recent external quality control review, with a statement whether that quality control review included a review of specific **government** engagements.
- d. The firm shall also provide information on the results of any federal or state desk reviews or field reviews of audits performed

by its office during the past three (3) years. In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or pending against its office during the past three (3) years with state regulatory bodies or professional organizations.

5. Partner, Supervisory, and Staff Qualifications and Experience

- a. Identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who would be assigned to the engagement. Indicate whether each such person is registered or licensed to practice as a certified public accountant in South Carolina. Provide information on the government auditing experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit.
- b. Provide as much information as possible regarding the number, qualifications, experience and training, including relevant continuing professional education, of the specific staff to be assigned to this engagement. Indicate how the quality of staff over the term of the agreement will be assured.
- c. The proposer should identify the extent to which staff to be assigned to the audit reflect the City's commitment to Affirmative Action.
- d. Engagement partners, managers, other supervisory staff and specialists may be changed if those personnel leave the firm, are promoted, or are assigned to another office. However, in any case, the City retains the right to approve or reject replacements.
- e. Consultants and firm specialists mentioned in response to this request for proposal can only be changed with the express prior written permission of the City, which retains the right to approve or reject replacements.
- f. Other audit personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications or experience.

6. Similar Engagements With Other Government Entities

For the firm's office that will be assigned responsibility for the audit, list the most significant engagements (a maximum of 5) performed in the last



five years that are similar to the engagement described in this request for proposal. Note any experience with utility accounting and auditing, particularly in the water treatment and distribution, and wastewater treatment sectors. **These engagements should be ranked on the basis of total staff hours.** Indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact.

7. Specific Audit Approach

The proposal should briefly set forth a work plan, including and explanation of the audit methodology to be followed, to perform the services required in Section II of this request for proposal including the level of staff and number of hours to be assigned to the major segments of the engagement.

Proposers will be required to provide the following information on their audit approach:

- a. Proposed segmentation of the engagement
- b. Level of staff and number of hours to be assigned to each proposed segment of the engagement

**No dollar costs should be included in the Technical Proposal**

- c. Sample size and the extent to which statistical sampling is to be used in the engagement
- d. Type and extent of analytical procedures to be used in the engagement
- e. Approach to be taken to gain and document an understanding of the City's internal control structure
- f. Approach to be taken in determining laws and regulations that will be subject to audit test work
- g. Approach to be taken in drawing audit samples for purposes of tests of compliance

C. Dollar Cost Bid

- 1. Total All-Inclusive Maximum Price

The dollar cost bid should contain all pricing information relative to performing the audit engagement as described in this request for proposal for each of the next five years. This fee must include the financial reports and all required schedules, the management letter, and all other required services and related expenses as well as any reasonable additional services which may be included. The total all-inclusive maximum price to be bid is to contain all direct and indirect costs including out-of-pocket expenses.

The dollar cost bid should include the following information:

- a. Name of Firm
  - b. Certification that the person signing the proposal is entitled to represent the firm, empowered to submit the bid, and authorized to sign a contract with the City.
  - c. A Total All-Inclusive Maximum Price for the 2009-2013 engagements.
2. Rates for Additional Professional Services

If it should become necessary for the City to request the auditor to render any additional services to either supplement the services requested in this RFP or to perform additional work as a result of the specific recommendations included in any report issued on this engagement, then such additional work shall be performed only if set forth in an addendum to the contract between the City and the firm. The auditor should state the hourly rates that would be charged for such services.

3. Manner of Payment

Progress payments will be made on the basis of hours of work completed during the course of the engagement and out-of-pocket expenses incurred in accordance with the firm's dollar cost bid proposal. Interim billing may be submitted no more than twice monthly. Final payment of the annual fee will be made only after delivery of all final reports.

## VII. EVALUATION PROCEDURES

### A. Evaluation Criteria

Proposals will be evaluated using three sets of criteria. Firms meeting the mandatory criteria will have their proposals evaluated for technical qualifications and price. The following represent the principal selection criteria which will be considered during the evaluation process.

1. Mandatory Elements
  - a. The audit firm is independent, has an office or offices located in South Carolina, and is licensed to practice in South Carolina.
  - b. The firm has no conflict of interest with regard to any other work performed by the firm for the City.
  - c. The firm adheres to the instructions in this request for proposal on preparing and submitting the proposal.
  - d. The firm submits a copy of its last external quality control review report and the firm has a record of quality audit work.
  
2. Technical Qualifications
  - a. Expertise and Experience
    - 1) The firm's past experience and performance on comparable government engagements.
    - 2) The firm's experience with utility accounting and auditing, particularly in the water treatment and distribution, and wastewater treatment sectors.
    - 3) The firm's past experience and performance on comparable governments that have been awarded the Government Finance Officers Association Certificate of Excellence in Financial Reporting.
    - 4) The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.
  
  - b. Audit Approach
    - 1) Adequacy of proposed staffing plan for various segments of the engagement.
    - 2) Adequacy of hours assigned to various levels of audit personnel – partner hours; manager hours; staff hours, etc.
    - 3) Adequacy of sampling techniques.
    - 4) Adequacy of analytical procedures.

3. Price

Price will not be the primary factor in the selection of an audit firm.

B. Oral Presentations

During the evaluation process, the Mayor and City Council, City Manager, or Finance Director may, at their discretion, request any one or all firms to make oral presentations. Such presentations will provide firms with an opportunity to answer any questions City Council and management may have on a firm's proposal. Not all firms may be asked to make such oral presentations.

C. Final Selection

The evaluation panel will make its recommendation to City Council of the firm which best meets all of the evaluation criteria set forth in the request for proposals and the selection of which, in its collective opinion, would best serve the interests of the City of Florence. The City Council will select a firm based upon the recommendation of the evaluation committee.

It is anticipated that a firm will be selected by March 9, 2009. Following notification of the firm selected, it is expected a contract will be executed between both parties by March 31, 2009.

D. Right to Reject Proposals

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City and the firm selected.

The City reserves the right without prejudice to reject any or all proposals.

E. Right to Waive Technicalities

The City reserves the right to waive technicalities in its evaluation of all proposals.

F. Proposal Disclosures and Public Inspection

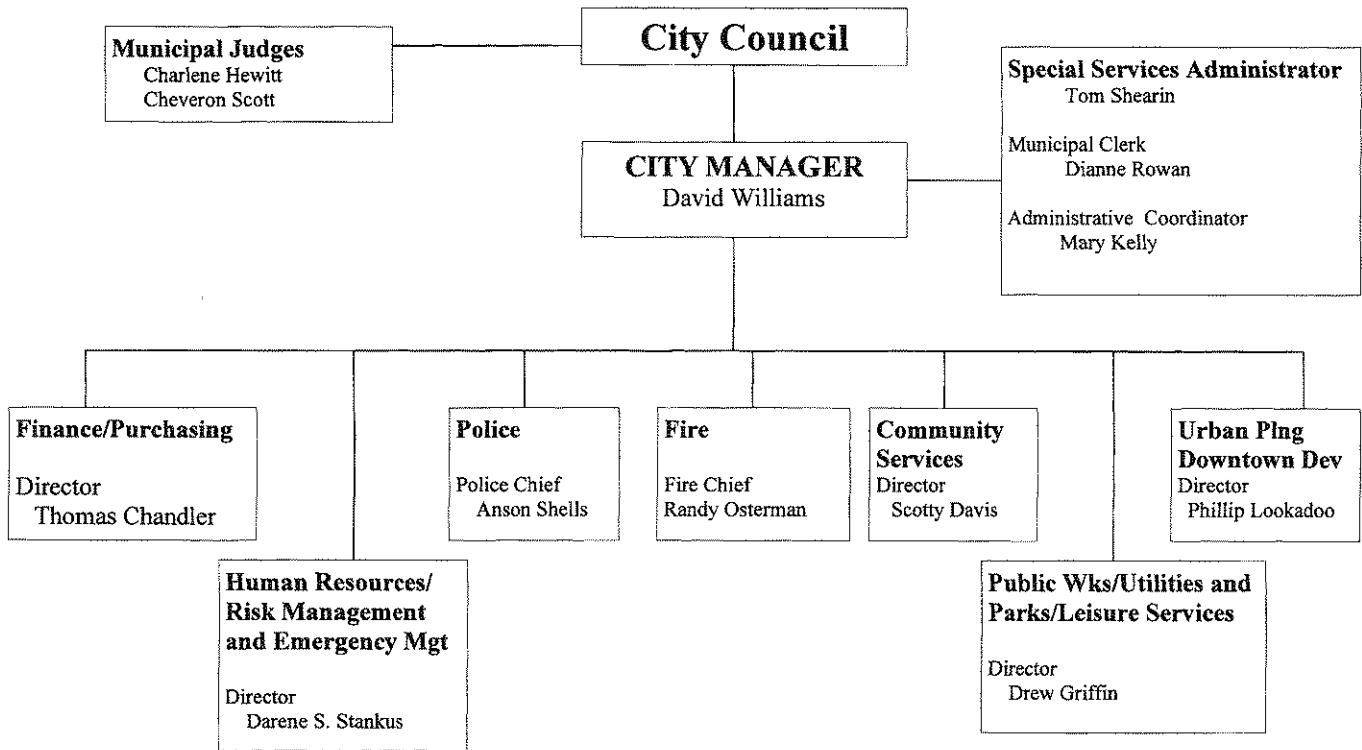
The proposals shall be publicly opened, and only the names of the proposers will be disclosed at the proposal opening. Contents of the competing proposals shall not be disclosed during the evaluation or negotiation phases. Proposals shall be available for public inspection after award of the contract. Proprietary or confidential information (i.e., customer lists, financial reports, etc.), if marked as

such, shall not be disclosed without the written consent of the proposer. Proposer shall identify such information by writing "CONFIDENTIAL" on such items.

## APPENDICES

- A. Organizational Chart
- B. List of Key Officials, Office Locations, and Telephone Numbers
- C. Proposer Guarantees
- D. Proposer Warranties
- E. Format for Schedule of Professional Fees and Expenses
- F. Format for Schedule of Additional Professional Fees

CITY OF FLORENCE  
ORGANIZATIONAL CHART 2008-09



**APPENDIX B**

**LIST OF KEY PERSONNEL, OFFICE LOCATIONS, AND  
TELEPHONE NUMBERS**

<u>Name and Title</u>	<u>Location of Office</u>	<u>Telephone</u>
Stephen J. Wukela, Mayor	City-County Complex	665-3151
David N. Williams, City Manager	City-County Complex	665-3113
Thomas W. Chandler, Finance Director	City-County Complex	665-3162
Jim Peterson, City Attorney (Clark, Johnson Peterson, and McLean)		669-2401



**PROPOSER GUARANTEES**

The Proposer certifies it can and will provide and make available, as a minimum, all services set forth in Section II, Nature of Services Required.

Signature of Official: \_\_\_\_\_

Name (typed): \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Date: \_\_\_\_\_

**PROPOSER WARRANTIES**

- A. Proposer warrants that it is willing and able to comply with State of South Carolina laws with respect to foreign (non-state of South Carolina) corporations.
- B. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees, or agents thereof.
- C. Proposers warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the City of Florence.
- D. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: \_\_\_\_\_  
Name (typed): \_\_\_\_\_  
Title: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Date: \_\_\_\_\_

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDITS OF THE 2009-2013 FINANCIAL STATEMENTS

**Note: Proposer may use any word processor or formatting tool to provide this information rather than typing amounts into this schedule as long as all requested information is provided.**

	Standard Hourly <u>Rates</u>	<u>Hours</u>	Quoted Hourly <u>Rates</u>	<u>Total</u>
Partners				
Managers				
Supervisory staff				
Staff				
Other (specify):				
Subtotal				
Out-of-pocket expenses, meals and lodging, transportation and any other (specify):				
Total all-inclusive maximum price for 2009 audit				
Total all-inclusive maximum price for 2010 audit				
Total all-inclusive maximum price for 2011 audit				
Total all-inclusive maximum price for 2012 audit				
Total all-inclusive maximum price for 2013 audit				

Note: The rate quoted should not be presented as a general percentage of the standard hourly rate or as a gross deduction from the total all-inclusive price.

SCHEDULE OF PROFESSIONAL FEES

FOR ADDITIONAL SERVICES DESCRIBED IN VI-C-2

**Note:** Proposer may use any word processor or formatting tool to provide this information rather than typing amounts into this schedule as long as all requested information is provided.

Standard Hourly <u>Rates</u>	Quoted Hourly <u>Rates</u>
------------------------------------	----------------------------------

Partners

Managers

Supervisory staff

Staff

Other (specify)

**IX. c.**  
**Purchase of property**

**FLORENCE CITY COUNCIL MEETING**

**DATE:** March 9, 2009  
**AGENDA ITEM:** Report to City Council  
**DEPARTMENT/DIVISION:** Community Services

**I. ISSUE UNDER CONSIDERATION**

To authorize the City Manager or his designee to negotiate the purchase of parcels 90085-11-002 and 90085-11-003.

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

The property has been reviewed by Andrew H. Fowler, MAI.

**III. POINTS TO CONSIDER**

- A. The tax value of the land is \$9,528.
- B. The property consists of two parcels that collectively contain approximately 6,800 feet.
- C. One of the parcels contains a burned building that must be demolished.
- D. The property is immediately adjacent to the 5.4 acre brown field site that is owned by the City of Florence.

**IV. OPTIONS:**

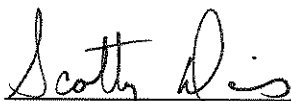
City Council may:

- 1. Approve.
- 2. Defer.
- 3. Suggest an alternative.

V. **PERSONAL NOTES:**

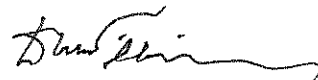
VI. **ATTACHMENTS:**

Letter from Andrew Fowler  
Map of area



---

Scotty Davis  
Director of Community Services



---

David N. Williams  
City Manager



February 25, 2009

Mr. Phillip Lookadoo  
Urban Planning and Development Manager  
City of Florence  
Post Office Box 3467  
Florence, South Carolina 29503-3467

Dear Mr. Lookadoo:

At your request I have made an inspection of the property in the name of Abdallah Celeste Beck and located on the west side of North Dargan Street in the city limits of Florence. The property consists of two tax parcels that collectively contain approximately 6,800 feet. One of the parcels contains an old commercial building that has recently burned and that has a negative impact on the property value.

The purpose of the inspection was to assist you in estimating the market value of the property. You have indicated that the property owner is willing to sell the property to the City of Florence at a price of \$11,000 with the city being responsible for removing the burned building. Based on analysis of land sales in the downtown neighborhood and a consideration for the cost of razing the building it is concluded that the proposed sales price is reasonably representative of the market value.

I certify that, to the best of my knowledge and belief, the statements and conclusions in this letter are thorough and correct. I certify that I have no interest in the property and that neither the employment to make this appraisal nor the compensation received is contingent upon the value reported.

I appreciate the opportunity to work with you and if further information is needed regarding this property please let me know.

Respectfully submitted,



Andrew H. Fowler, MAI  
South Carolina Real Estate Appraisers Board  
State Certified General Real Estate Appraiser