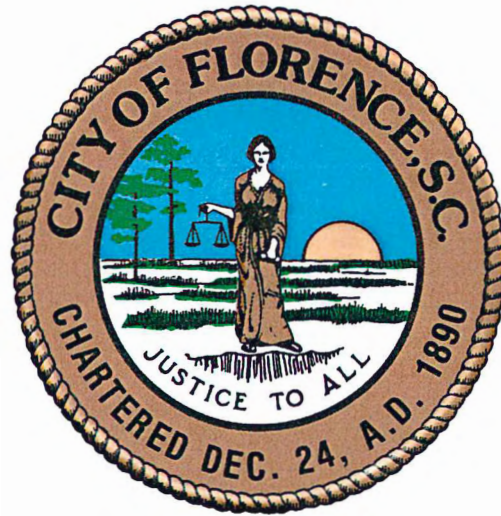


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA

MONDAY
JUNE 10, 2019
1:00 P.M.



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, JUNE 10, 2019 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

April 29, 2019 – Work Session
May 13, 2019 – Regular Meeting

IV. HONORS AND RECOGNITIONS

EDUCATIONAL RECOGNITIONS

Justin Galloway – Obtained his Associate’s Degree in Applied Science in Environmental Engineering Technology from Central Carolina Technical College.

SERVICE RECOGNITIONS

Charlie Jernigan – 45 years – Equipment Maintenance
Thomas Hatchell – 15 years – Beautification & Facilities
Debra Jackson – 10 years – Justice & Law
Justin Head – 10 years - Police

V. PUBLIC HEARING

- a. A public hearing will be held to receive input on a Proposed Development Agreement between the City of Florence and the developer of “Alligator West.”**

VI. APPEARANCE BEFORE COUNCIL

- a. South Florence Bruin Elite Dance Squad - Performance**

VII. ORDINANCES IN POSITION

- a. **Bill No. 2019-11 – Second Reading**
An Ordinance to amend the Unified Development Ordinance to provide land use regulations for short term rentals, Sections 1-2.7.2-a, 1-2.7.2-b, 1-2.8.2, and 7-25.2.
- b. **Bill No. 2019-12 – Second Reading**
An Ordinance to amend the Unified Development Ordinance to provide land use regulations for mobile food vendors, Sections 1-2.7.4, 1-2.8.4 and 7-25.2.
- c. **Bill No. 2019-15 – Second Reading**
An Ordinance to Raise Revenue and Adopt a Budget for the City of Florence, South Carolina, for the Fiscal Year Beginning July 1, 2019 and Ending June 30, 2020.
(Staff has requested that this item be deferred.)
- d. **Bill No. 2019-16 – Second Reading**
An Ordinance to amend Chapter 3, Section 3.3 of the Animal Care and Control Ordinance to prohibit the unlawful sale or transfer of animals, pets, or livestock.
- e. **Bill No. 2019-17 – Second Reading**
An Ordinance to annex and zone property owned by Meredith Bailey and located at 154 North Lakewood Drive, TMN 90009-04-009.
- f. **Bill No. 2019-18 – Second Reading**
An Ordinance to amend the Planned Development District for property located at 2670 David H. McLeod Boulevard, TMN 00099-01-077.
- g. **Bill No. 2019-19 – Second Reading**
An Ordinance to annex and zone property owned by Floyd Family Properties, LLC and located at Howe Springs Road and Canal Drive, TMN 00180-01-111.
(The applicant has requested that this item be deferred.)
- h. **Bill No. 2019-20 – Second Reading**
An Ordinance to rezone from PDD, Planned Development District to CA, Campus District the property located at 1840 Second Loop Road, TMN 90029-02-022.
- i. **Bill No. 2019-21 – Second Reading**
An Ordinance to amend Division 1-2.4, Downtown Design Districts, of the City of Florence Unified Development Ordinance and amend the City of Florence Design Guidelines to add the Irby Street Corridor Overlay District.

VIII. INTRODUCTION OF ORDINANCES

- a. **Bill No. 2019-22 – First Reading**
An Ordinance to annex and zone property owned by The Grove at Ebenezer, LLC, a portion of TMN 00075-01-221.

b. Bill No. 2019-23 – First Reading

An Ordinance to enter into a Development Agreement between the City of Florence and the developer of “Alligator West” and authorizing the City Manager to execute all documents associated therewith, properties being specifically designated in the Florence County tax records as Tax Map Parcels 00076-01-011; 00076-01-012; 00076-01-058; and a portion of 00077-01-215.

IX. INTRODUCTION OF RESOLUTIONS

a. Resolution 2019-14

A Resolution to adopt a revision to the Employee Handbook.

b. Resolution 2019-15

A Resolution expanding the geographic boundaries for Downtown Business Incentives previously adopted in Resolutions 2012-04, 2015-03, and 2017-20.

c. Resolution 2019-16

A Resolution to designate the City of Florence as a Bee City USA® affiliate.

X. ADJOURN



**SPECIAL MEETING OF FLORENCE CITY COUNCIL
MONDAY, APRIL 29, 2019 – 12:00 P.M.
CITY CENTER – 4TH FLOOR CONFERENCE ROOM
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the special City Council meeting to order at 12:22 p.m. with the following members present: Mayor Pro tem Buddy Brand; Councilwoman Teresa Myers Ervin; Councilman George Jebaily; Councilman Glynn Willis and Councilwoman Pat Gibson-Hye Moore.

MEMBERS ABSENT: Councilwoman Octavia Williams-Blake

ALSO PRESENT: Mr. Drew Griffin, City Manager; Mrs. Casey Moore, Assistant City Clerk; Mr. James W. Peterson, Jr., City Attorney; Chief Allen Heidler, Florence Police Department; Mr. Scotty Davis, Director of Community Services; Mr. Thomas Chandler, Director of Finance; Mr. Chuck Pope, Director of Public Works; Mr. Michael Hemingway, Director of Utilities; Chief Randy Osterman, Florence Fire Department; Mr. Clint Moore, Development Director, and Mr. Jerry Dudley, Planning Director.

A notice of the meeting was sent to the media and individuals requesting a copy of the agenda, informing them of the date, time and location of this special city council meeting.

MEDIA PRESENT: Matthew Christian of the Morning News was present for the meeting.

INVOCATION

Councilwoman Ervin provided the invocation for the meeting. The Pledge of Allegiance to the American Flag followed the invocation.

BUDGET WORKSESSION

The following agenda items will be discussed:

1. Overview of FY 2019-20 Budget
2. FlexNet Utility Radio Read System
3. Wastewater
4. Police Vehicles
5. Fire Department Facilities
6. Stormwater
7. Recreation & Sports Tourism
8. Growth & Development
9. Human Resources



OVERVIEW OF FY 2019-20 BUDGET

Mr. Drew Griffin, City Manager, began the presentation with the overview of FY 2019-20 budget. Total for all funds is \$92,848,000.00.

General Fund	\$38,489,000
General Fund Debt Service Fund	\$455,000
Hospitality Fund	\$5,165,000
W/S Utilities Enterprise Fund	\$35,660,000
Stormwater Utility Enterprise Fund	\$1,400,000
W/S Utilities Construction Fund	\$10,307,000
Stormwater Utility Construction Fund	\$240,000
W/S Utilities Equipment Replacement Fund	\$982,000
Stormwater Equipment Replacement Fund	\$156,000
Total	\$92,848,000

The General Fund budget is balanced at \$38,489,000. The original expenditure projections for the General Fund were \$41,251,000. An expenditure reduction of \$2,762,000 was needed for a balanced budget. This was accomplished by: reducing personnel related activities (number of employees, reduced cost of living and merit increases, etc.) by \$1,600,000; operating funding restrictions of \$231,000; capital reductions of \$408,000; and year-end purchasing of \$467,000.

FLEXNET UTILITY RADIO READ SYSTEM

Mr. Thomas Chandler, Finance Director, and Mr. Michael Hemingway, Utilities Director, reported FlexNet is an automated metering system that utilizes a radio frequency network to communicate with meters throughout the entire City of Florence water system for billing and other information reporting and is driven by antennas currently on 5 city water towers. The system will eventually eliminate manual reads while increasing billing accuracy. The scope of work includes installing or converting approximately 31,700 meters. This project will be completed in-house with staff and will take approximately 3 years.

The Principal cost for equipment (31,700 meters) is \$10,000,000 with an 8-year financing interest cost of \$1,500,000 to equal a total cost of \$11,500,000. Councilman Brand inquired on the recovery time for the cost of implementing the FlexNet system. Mr. Chandler explained the cost savings:

- **Cost Savings: 9-year savings @ \$11.5 million**

Total Truck Roll Savings	\$1,316,000
Total Adjustments & Credits	\$495,000
Total Meter Cost Shift	\$3,600,000
Total Reader Savings	\$3,057,000
Total Equipment Savings	\$1,242,000
Total Revenue Increase	\$1,800,000
Total 9-Year Savings	\$11,510,000

Note: It is estimated that in year 5 annual cost savings will exceed annual principal and interest costs: (\$11,510,000 savings - \$11,500,000 costs).



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Councilwoman Moore asked what the percentage of error is with the FlexNet system. Mr. Griffin answered it is less than 1%; the FlexNet system is more accurate and will generate a true water count.

WASTEWATER

Mr. Hemingway reported the Jeffries Creek Sewer Collection Interceptor, which provides the principal conveyance of wastewater to the city wastewater facility, is nearing capacity. The assumption of the Timmons ville utility system allows the city to reconsider its collection system and future wastewater treatment. Currently, the city conveys its wastewater through a system of pump stations and gravity sewer to the wastewater management facility. The city's engineering consultants recommend a pump-around solution for the Jeffries Creek interceptor to the city's existing wastewater management facility with an estimated cost of \$35 million. With continuing westward growth and the capacity limitations of the existing Jeffries Creek Interceptor, along with the assumption of the Timmons ville utility system, a plan for the future has become a necessity.

The concept is to maximize the existing Timmons ville wastewater management facility by directing new growth to the Timmons ville plant and, in the near future, construct a new wastewater management facility within the western portion of the urban area of Florence. Approximately 2.4 million gallons of existing flow will then be redirected to the new wastewater management facility, resulting in a cost savings of \$24 million. If the city redirects the \$35 million pump-around solution as well as the future \$24 million cost savings associated with the re-direction of sewer from the existing Florence plant to a new plant, it will be economically feasible to construct a new wastewater plant which will cost approximately \$55-60 million.

POLICE VEHICLES

Chief Allen Heidler, Florence Police Department, reported on police vehicle fleet. Pre-recession, the city implemented a vehicle program of 30 vehicles with a financing term of 3 years. During the recession, the number of vehicles purchased was reduced to 14 with a financing term of 4 years. Post-recession, 30 vehicles were purchased with a financing term of 4 years. Next budget year, the goal is to return to the pre-recession vehicle replacement schedule and to eliminate the impact of the Recession vehicle replacement schedule. In order to accomplish this, it is proposed to purchase 10 vehicles in FY 2018-19 and 20 vehicles in FY 2019-20.

Next, Chief Heidler reported on the new SUV versus the Sedan for policing activities. The SUV offers additional room for technology used in daily work, additional passenger cabin space, additional storage space for supplies/equipment, and gets better miles per gallon - constituting a cost savings. The SUV will be a Ford Explorer and will be specifically set up as a police interceptor.

FIRE DEPARTMENT FACILITIES

Chief Randy Osterman, Florence Fire Department, reported on Fire Department facilities. The main objective is to have efficient use of Fire Department Resources and have effective Fire Department response to maintain an ISO Class 1 rating. Due to annexation and growth, the city has reached westward growth capacity which requires necessary action. Proposed is the relocation of Ben Dozier Fire Station to the Hoffmeyer Road area and utilize existing equipment and manpower. The estimated relocation and construction cost is \$2.5 million and does not include land cost. Also proposed is an additional Fire Station to the West Palmetto/Ebenezer Road area; this would require additional equipment and manpower. The estimated cost for the additional Fire Station is: Construction cost of \$2.5 million and



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does not include land cost; Apparatus and Equipment cost of \$1.1 million; and Personnel cost for 12 additional employees will be \$654,570 annually.

Due to growth, it is necessary for the construction of a new station and the relocation of an existing station to be scheduled within the same timeframe. It is proposed to begin the design phase in January of 2020, Finance and begin construction in June 2020 and complete construction by October of 2021.

Mr. Griffin and Mr. Chandler presented the proposed funding for the projects. An installment purchase revenue bond for construction of \$5 million is proposed. The Fire Station Bonds will have interest only until 2026 at \$200,000/year. Cash on hand will be used to for interest payments and for equipment (\$1.1 Million).

BREAK: 1:20 – 1:27pm

STORMWATER

Mr. Hemingway reported on proposed funding for future stormwater projects. The 2006 Stormwater Revenue Bond (\$4 million) will be retired in 2021. The new Stormwater Revenue Bond for projects construction is \$6 million (\$2 million more than the prior bond issue). The additional \$2 million over the 2006 Stormwater Revenue Bond will necessitate an increase in the Stormwater fee of \$0.25 per month per ERU.

RECREATION & SPORTS TOURISM

Mr. Chuck Pope, Public Works Director, reported on Recreation and Sports tourism. In November, 2017, City Council authorized the issuance of Installment Purchase Revenue Bonds (\$15,000,000) to pay for costs associated with Parks and Facility construction and improvement projects. Since then, city staff has contracted with FBI Construction for the construction of two community centers (Dr. Iola Jones Park and Maple Park) and contracted with FitFields for master planning and design of a sports complex to include a Track and Field Facility and additional youth baseball fields. Additionally, city staff has developed project specifications for various capital improvement projects throughout the city’s park system to include such items as playgrounds, building renovations and improvements, fencing, surfacing for parking areas and sport court resurfacing.

Below are the \$15 million Bond line item expenditures:

Parks/Facilities Deferred Capital	\$ 2,510,000
Sports Complex (Track Facility & Ballfields)	\$ 5,890,000
Road Extension to Sports Complex	\$ 400,000
Community Centers (Dr. Iola Jones & Maple Park)	\$ 2,500,000
Freedom Florence	\$ 900,000
Land Purchase	\$ 1,400,000
Trail Connections	\$ 1,000,000
Contingency	\$ 400,000
Interest	\$ 400,000
Total Funding	\$ 15,400,000

Mr. Pope then detailed some highlights of the expenditures. The total funding for the Dr. Iola Jones Park is \$1,544,605; this includes the community center, new backstop installation and player benches, new



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wrought iron fencing, new playground equipment and surface, resurface basketball courts and parking area, trash receptacles and pet waste stations. This community center will also include a 400 square foot attachment building that will house the boxing program.

The total funding for Maple Park is \$1,191,555; this includes the community center and ballfield press box/restrooms.

I Play Florence, the City of Florence, and Shane's Inspiration have partnered to plan, design and construct an Inclusive Playground at Timrod Park. The city's contribution to this playground is \$200,000. This will be the city's second Inclusive Playground.

The former Florence Museum building has a total funding of \$850,000 to include the purchase, building assessment and stabilization, and renovations. The city plans to utilize this building as a venue for the community.

The Track Facility and Ballfields sports complex, along with the road extension to the complex, has a total funding of \$6,290,000. The design of the complex is still in the works and will allow for a collegiate level track and field facility and future growth of the tennis facility. Councilwoman Ervin asked if Florence School District One students will have access to the complex and Mr. Griffin replied it is expected students utilize the facility. Councilman Jebaily inquired on parking at Freedom Florence. Mr. Pope responded that there is no more land available to expand parking, however, the demand for baseball use will be shifted to the new facility and will alleviate parking.

GROWTH & DEVELOPMENT

Mr. Jerry Dudley, Planning Director, and Mr. Clint Moore, Development Director, reported on the city's growth and development and includes the 2020 Comprehensive Plan, Signage Code, Estimated Population Growth, and Community Health and Livability.

The 2020 Comprehensive Plan details the long-term future of the city. The Request for Proposals (RFP) is scheduled to go out in May 2019 with the hope for a final draft for adoption in the Fall of 2020. The update to the Sign Code will provide for reasonable sign development. The sign code update is scheduled to run concurrent with the 2020 Comprehensive Plan with the RFP to go out in May 2019 and adoption by Council in the Fall of 2020.

The official population of the City of Florence in 2010 by the U.S. Census is 37,056, with an estimated population in 2018 of 37,778. However, based on information pulled from GIS and address points, staff estimates the population to be 44,425.

Community health and livability are why we budget for the things we do. Factors that contribute to community health and livability in the city are:

1. *Health factors and behaviors and access to healthy food* – The Farmers Market, Save-a-lot, Pedestrian/Bicycle Plan, HopeHealth, FMU Health Sciences, reinvestment into parks, and change in culture/education represent health factors and behaviors and access to healthy food in the city.



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2. *Access to recreational opportunities and public amenities* – Reinvestment into city parks, Community Centers, Gymnasium, Track and Field Facility, Pocket Parks, Soccer Complex, Trail Connectivity, Bike Park, and Complete Streets Design (creating pedestrian friendly streets and connectivity within Urban Design) are contributing factors to access to recreational opportunities and public amenities. Councilman Willis inquired on connectivity between neighborhoods and if developers are reluctant on providing connectivity. Mr. Dudley responded that, while the Unified Development Ordinance encourages connectivity, it is important to educate developers and the community on why connectivity is important.
3. *Social and Economic factors and housing* – The city budgets for Neighborhood Revitalization, Incentives/Grants (for downtown and other developing areas), Partnerships, Unified Development Ordinance (allows for mixed use and mixed housing types), Rental Housing Ordinance (raise standards for rental homes), and Complete Streets Design.
4. *Public Safety* – The purchase of Police Fleet, future Fire Stations, Rental Housing Ordinance, demolition with neighborhood catalyst, and road improvements are all efforts made to provide for the public safety of the city's residents.
5. *Environmental Quality and transportation options* – The city's commitment to PDRTA, road improvements, trail connectivity, pedestrian/bicycle plan, corridor enhancements, stormwater regulations/compliance, low impact development options all play a role in transportation and environmental quality.

According to the AARP Livability Index, Florence scored a 52 with the state as a whole scoring 49. In general, Florence scored lower than its peers (Rock Hill, Charleston, and Greenville). Contributing factors to the score are Housing, Neighborhood, Transportation, Environment, Health, Engagement, and Opportunity.

HUMAN RESOURCES

Mr. Scotty Davis, General Services Director, reported on Cost of Living (COLA) and merit costs and trends. The current budget request for 2020 is a 1% COLA and 0-2% merit, totaling \$330,270. COLA and merit trends were gathered from the City of Anderson (1-2%), City of Conway (1-2%), City of Spartanburg (2-3%) and City of Sumter (3%) and compared to the City of Florence to ensure the city's salaries are keeping pace.

Mrs. Jennifer Krawiec, Human Resources Manager, reported on health insurance trends. Nationally, health insurance premiums are increasing. Health insurance is a significant cost for the City of Florence. Employee and employer premiums combined increased from \$2,108,485 in 2012 to \$3,984,463 in 2019. The state's legislature sets the increases every year, and this year there will not be an increase on the employer or the employee. However, the City of Florence is experience rated and several catastrophic claims have caused the rates to be raised 7%.



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ADJOURN

There being no further business on the agenda, the meeting was adjourned at 2:45 p.m.

Dated this 10th day of June, 2019.

Amanda P. Pope, Municipal Clerk

Stephen J. Wukela, Mayor



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, MAY 13, 2019 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT:

Mayor Stephen J. Wukela called the regular meeting to order at 1:00 p.m. with the following members present: Mayor Pro tem Frank J. “Buddy” Brand, Councilman George Jebaily, Councilwoman Teresa M. Ervin, Councilman Glynn F. Willis, Councilwoman Octavia Williams-Blake and Councilwoman Pat Gibson-Hye Moore.

ALSO PRESENT:

Mr. Drew Griffin, City Manager; Mr. James W. Peterson, Jr., City Attorney; Mrs. Casey Moore, Assistant City Clerk; Chief Allen Heidler, Florence Police Department; Mr. Scotty Davis, Director of Community Services; Mr. Thomas Chandler, Director of Finance; Mr. Chuck Pope, Director of Public Works; Mr. Michael Hemingway, Director of Utilities; Deputy Shannon Tanner, Florence Fire Department; Mr. Ray Reich, Downtown Development Manager; Mr. Jerry Dudley, Director of Planning and Mr. Clint Moore, Director of Development.

MEDIA PRESENT:

Mr. Matthew Christian of the Morning News.

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

INVOCATION:

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

APPROVAL OF MINUTES:

Mayor Pro tem Brand made a motion to adopt the minutes of the April 8, 2019 Regular City Council meeting. Councilwoman Ervin seconded the motion. The minutes were unanimously adopted.

HONORS AND RECOGNITIONS:

SERVICE RECOGNITIONS:

Sandra Hanner was presented a Certificate of Recognition by Mayor Wukela for completing 15 years of service with the City of Florence.



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RETIREMENT RECOGNITION:

Mayor Wukela presented Dianne Rowan a Retirement Plaque in recognition of her recent retirement from the City of Florence. Dianne served 23 years from November 10, 1995 until her retirement on March 15, 2019 in the City Manager's Office.

Mayor Wukela presented Lt. John Lochart a Retirement Plaque in recognition of his recent retirement from the City of Florence. John served 25 years in the Florence Police Department from March 21, 1994 until his retirement on March 22, 2019.

PUBLIC HEARING:

A PUBLIC HEARING WILL BE HELD TO RECEIVE INPUT ON THE CITY OF FLORENCE FISCAL YEAR BUDGET 2019-2020.

Mayor Wukela opened the public hearing at 1:10 p.m.

Mr. Thomas Chandler, Director of Finance gave an overview of the FY 2019-2020 budget for the City of Florence. A list of the proposed FY 2019-20 budgets by fund are as follows:

General Fund	\$38,489,000
General Fund Debt Service Fund	\$455,000
Hospitality Fund	\$5,165,000
W/S Utilities Enterprise Fund	\$35,660,000
Stormwater Utility Enterprise Fund	\$1,400,000
W/S Utilities Construction Fund	\$10,307,000
Stormwater Utility Construction Fund	\$240,000
W/S Utilities Equipment Replacement Fund	\$982,000
Stormwater Equipment Replacement Fund	\$150,000
Total	\$92,848,000

Growth in the General Fund revenues continues to show improvement from the past several years. However, this growth is offset by the sale of Carolinas Hospital System (a for-profit hospital) to the Medical University of South Carolina (a State agency). This has caused a loss of revenues of \$418,000 in property taxes and \$75,000 in business license fees.

The city's millage rate remains the same as last year at 60.9 mills (58.1 for operations and 2.8 for debt service). However, 2019 is a reassessment year for Florence County and the rate is subject to amendment.

All other budgeted funds for FY 2019-20 reflect growth in the city's economy. The city's Downtown Development and Neighborhood Redevelopment initiatives are continuing to improve the quality of life in the city. The city continues to actively improve the recreational opportunities in Florence by building two community centers, building a new sports complex, and performing capital maintenance on existing facilities.



**A PUBLIC HEARING WILL BE HELD TO RECEIVE INPUT ON THE CITY OF FLORENCE
COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2019-2020.**

Mr. Scotty Davis, Director of General Services, reported the City of Florence is an entitlement city in that they receive Community Block Grant funding each year. For FY 2019-20 the city will receive \$264,749; a decrease from FY 2018-19.

Activities that have been funded in the past with CDBG monies include: road repaving; demolition of abandoned units/lot clearing; acquisition of real property; subdivision development; down payment assistance; upgraded water/sewer lines; drainage projects; emergency rehabilitation and recreational projects.

Sub-recipients that have previously been funded with CDBG funds are ECHO; Lighthouse Ministries; Manna House; Pee Dee Community Action Agency; Salvation Army and Who So Ever.

A number of public meetings have taken place regarding the FY 2019-20 CDBG budget to allow participation from the community. These meetings took place during the month of March at various times and locations.

Requests received during the public meetings include: Housing Demolition; Emergency Rehabilitation; Sidewalks throughout North Florence; Affordable Housing; and Economic Development opportunities.

The 2019-2020 CDBG budget recommendation is as follows:

Planning and Admin	\$52,900
Emergency Rehabilitation	\$100,000
Down payment assistance	\$40,000
Demolition	\$32,849
Recreation	\$39,000
Total	\$264,749

Additionally, the city received \$261,443.38 of CDBG Program Income funds from the sale of approximately 14 acres of property to the National Cemetery (SWIM Project). These funds will be used for infrastructure improvements on Pine Street.

Being no public comment on the City of Florence FY 2019-20 budget or the CDBG budget for 2019-20, Mayor Wukela closed the public hearing at 1:20 p.m.

APPEARANCE BEFORE COUNCIL:

COUNCILMAN BRAND – COMMENTARY

Pro tem Brand presented “A Stroll through the Pee Dee” – a reflection on what is happening around the community and neighboring communities (Marion, Lake City, Johnsonville/Williamsburg, Darlington/Lamar, etc.); these towns/cities are trying to be progressive and they need guidance from Florence. Downtown Florence has been hugely successful, mainly due to the downtown investors and Drew Griffin along with city staff. That being said, Pro tem Brand made a motion to name the new park



being constructed downtown “Griffin Park” (Andrew H. Griffin Plaza). Councilwoman Ervin seconded the motion, which carried unanimously.

ORDINANCES IN POSITION:

BILL NO. 2019-08 – SECOND READING

AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 451 WEST LUCAS STREET AND SPECIFICALLY IDENTIFIED AS FLORENCE COUNTY TAX MAP NUMBER 90071-01-001, FROM IH-HEAVY INDUSTRIAL TO CG-COMMERCIAL GENERAL.

An Ordinance to rezone the property located at 451 West Lucas Street and specifically identified as Florence County Tax Map Number 90071-01-001 from IH-Heavy Industrial to CG-Commercial General was adopted on second reading.

Councilwoman Moore made a motion to adopt Bill No. 2019-08 and Councilman Willis seconded the motion.

Council voted unanimously to adopt Bill No. 2019-08.

BILL NO. 2019-09 – SECOND READING

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 (AS AMENDED FOR SECOND READING).

An Ordinance to amend the budget for the City of Florence, South Carolina, for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019 was adopted on second reading.

Councilman Willis made a motion to adopt Bill No. 2019-09 and Councilwoman Ervin seconded the motion.

Council voted unanimously to adopt Bill No. 2019-09.

BILL NO. 2019-10 – SECOND READING

AN ORDINANCE TO ZONE NC-10, PENDING ANNEXATION, THE PROPERTY LOCATED AT 2715 NOB HILL DRIVE AND SPECIFICALLY IDENTIFIED AS FLORENCE COUNTY TAX MAP NUMBER 900123-06-002.

An Ordinance to zone NC-10, pending annexation, the property located at 2715 Nob Hill Drive and specifically identified as Florence County Tax Map Number 900123-06-002 was adopted on second reading.

Councilwoman Moore made a motion to adopt Bill No. 2019-10 and Councilman Willis seconded the motion.

Council voted unanimously to adopt Bill No. 2019-10.



BILL NO. 2019-11 – SECOND READING

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO PROVIDE LAND USE REGULATIONS FOR SHORT TERM RENTALS, SECTIONS 1-2.7.2-a, 1-2.7.2-b, AND 7-25.2.

(THIS ITEM IS BEING DEFERRED AT STAFF'S REQUEST.)

An Ordinance to amend the Unified Development Ordinance to provide land use regulations for short Term Rentals, sections 1-2.7.2-a, 1-2.7.2-b, and 7-25.2 was deferred without objection.

BILL NO. 2019-12 – SECOND READING

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO PROVIDE LAND USE REGULATIONS FOR MOBILE FOOD VENDORS, SECTIONS 1-2.7.4, 1-2.8.4, AND 7-25.2.

(THIS ITEM HAS BEEN AMENDED TO REFLECT A CHANGE IN THE BUFFER REQUIREMENT TO ADD A 300 FOOT BUFFER SURROUNDING THE H-1 DISTRICT.)

An Ordinance to amend the Unified Development Ordinance to provide land use regulations for mobile food vendors, Sections 1-2.7.4, 1-2.8.4 and 7-25.2 was deferred.

Mayor Wukela noted the change in the buffer requirement to add a 300 foot buffer surrounding the H-1 District. Mr. Griffin said another option could be to extend the buffer to 500 feet.

Mr. Dudley, Planning Director, reported on the amendments made for second reading:

Amendments to Section 1-2.8.4

3. With the exception of food carts as defined by this ordinance and with the exception of its overlap with the W-1, Food, Artisan, and Warehouse District, *a mobile food vendor shall not operate within a 300 ft distance of the H-1, Historic Overlay District (measured from the perimeter of the district). The exception for the W-1, Food, Artisan and Warehouse District is only allowed to owner/operators that have a direct development or redevelopment interest in properties located within the W-1, Food, Artisan, and Warehouse District.*
4. *With the exception of the W-1, Food, Artisan, and Warehouse District, a mobile food vendor shall be positioned at least 200 feet from the primary customer entrance of an existing eating establishment during its hours of operation measured by pedestrian travel path, unless the mobile food vendor provides documentation that the restaurant owner supports a closer proximity. The exception for the W-1, Food, Artisan, and Warehouse District is only allowed to owner/operators that have a direct development or redevelopment interest in properties located within the W-1, Food, Artisan, and Warehouse District.*

Councilman Jebaily made a motion to amend the Ordinance as presented to add a 500 foot buffer around the H-1 Historic Overlay District, with the exception of the W-1, Food Artisan, and Warehouse District. Councilman Willis seconded the motion.

Councilwoman Moore expressed concern on the brick and mortar restaurants within the W-1 District and Mayor Wukela responded that those restaurants would be held to the 200 foot buffer standard that is



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throughout the city. Councilman Willis questioned if the 200 foot buffer is sufficient or if it should be increased.

Councilman Jebaily made a motion, amending his initial motion, to amend the Ordinance to add a 500 foot buffer around the H-1 Historic Overlay District as well as a 500 foot buffer radius around all other qualifying brick and mortar restaurants. Mayor Wukela suggested to adopt the amendment as recommended by Councilman Jebaily and defer second reading on the amended Ordinance to July's meeting. Councilman Willis seconded the motion, which carried unanimously.

Second reading of Bill No. 2019-12 was deferred without objection.

BILL NO. 2019-13 – SECOND READING

AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT DISTRICT FOR PROPERTY LOCATED ON SOUTH THOMAS ROAD, TMN'S 90019-01-023, 90019-01-035, 90019-01-036, 90019-01-037, 90019-01-038, 90019-01-039, 90019-01-040, and 90019-01-041.

An Ordinance to amend the Planned Development District for property located on South Thomas Road, TMN's 90019-01-023, 90019-01-035, 90019-01-036, 90019-01-037, 90019-01-038, 90019-01-039, 90019-01-040, and 90019-01-041 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2019-13 and Councilman Willis seconded the motion.

Council voted unanimously to adopt Bill No. 2019-13.

BILL NO. 2019-14 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY CAROLYN GRIFFIN, TMN 90006-02-007.

An Ordinance to annex and zone property owned by Carolyn Griffin, TMN 90006-02-007 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2019-14 and Councilman Willis seconded the motion.

Council voted unanimously to adopt Bill No. 2019-14.

INTRODUCTION OF ORDINANCES:

BILL NO. 2019-15 – FIRST READING

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2019.

An Ordinance to raise revenue and adopt a budget for the City of Florence, South Carolina, for the Fiscal Year beginning July 1, 2019 was passed on first reading.

Councilman Jebaily made a motion to pass Bill No. 2019-15 and Pro-tem Brand seconded the motion.



Council voted unanimously to pass Bill No. 2019-15.

BILL NO. 2019-16 – FIRST READING
AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3.3 OF THE ANIMAL CARE AND CONTROL ORDINANCE TO PROHIBIT THE UNLAWFUL SALE OR TRANSFER OF ANIMALS, PETS, OR LIVESTOCK.

An Ordinance to amend Chapter 3, Section 3.3 of the Animal Care and Control Ordinance to prohibit the unlawful sale or transfer of animals, pets, or livestock was passed on first reading.

Councilwoman Moore made a motion to pass Bill No. 2019-16 and Councilwoman Ervin seconded the motion.

Mr. Chuck Pope, Public Works Director, reported this Ordinance amendment has been requested and is supported by the Florence Area Humane Society. City staff has met with representatives of the Florence Area Humane Society to hear their ideas and suggestions regarding the revised ordinance. This ordinance amendment will restrict the sale of non-vetted animals in public spaces, flea markets, garage sales, and the like and will protect the animals and ensure they are being treated humanely and responsibly.

Council voted unanimously to pass Bill No. 2019-16.

BILL NO. 2019-17 – FIRST READING
AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY MEREDITH BAILEY AND LOCATED AT 154 NORTH LAKEWOOD DRIVE, TMN 90009-04-009.

An Ordinance to annex and zone property owned by Meredith Bailey and located at 154 North Lakewood Drive, TMN 90009-04-009 was passed on first reading.

Councilman Willis made a motion to pass Bill No. 2019-17 and Pro tem Brand seconded the motion.

Mr. Dudley reported the proposed zoning, pending annexation, is Neighborhood Conservation-15 (NC-15). City water and sewer services are currently available to the parcel and the property is currently vacant. City staff recommends the annexation and concurs with the Planning Commission's recommendation to zone the parcel NC-15 as requested. This recommendation is based on existing zoning within the subdivision and the character of the neighborhood.

Council voted unanimously to pass Bill No. 2019-17.

BILL NO. 2019-18 – FIRST READING
AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT DISTRICT FOR PROPERTY LOCATED AT 2670 DAVID H. MCLEOD BOULEVARD, TMN 00099-01-077.

An Ordinance to amend the Planned Development District for property located at 2670 David H. McLeod Boulevard, TMN 00099-01-077 was passed on first reading.

Pro tem Brand made a motion to pass Bill No. 2019-18 and Councilman Willis seconded the motion.



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Mr. Dudley reported the property is currently zoned Planned Development District (PDD). The applicant proposes the addition of a small restaurant to the rear of the Nail Artisans Tan and Spa side of the building, with an accompanying enclosed restaurant entrance. The proposal adds a unit to the original PDD as well as changes the footprint of the building, decreasing the rear and side setbacks of the southwest corner of the building by 6 feet. The rear setback will be 20 feet and the side setback will be 47 feet. The airlock addition is required to meet building codes for restaurants and adequate parking is already existing at this site.

On April 9, 2019, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the amendment to the PDD and city staff concurs with this recommendation.

Council voted unanimously to pass Bill No. 2019-18.

BILL NO. 2019-19 – FIRST READING
AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY FLOYD FAMILY
PROPERTIES, LLC AND LOCATED AT HOWE SPRINGS ROAD AND CANAL DRIVE, TMN
00180-01-111.

An Ordinance to annex and zone property owned by Floyd Family Properties, LLC and located at Howe Springs Road and Canal Drive, TMN 00180-01-111 passed on first reading.

Pro tem Brand made a motion to pass Bill No. 2019-19 and Councilman Willis seconded the motion.

Mr. Dudley reported the proposed zoning, pending annexation, is Neighborhood Conservation-6.3 (NC-6.3). The lot is currently vacant and city water and sewer services are currently available to the parcel. Adjacent properties are zoned Commercial General, Campus, and Planned Development.

On April 9, 2019, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the zoning request of Neighborhood Conservation-6.3 (NC-6.3), pending annexation approval. City staff recommends the annexation and concurs with the Planning Commission's recommendation to zone the parcel Neighborhood Conservation-6.3 (NC-6.3) as requested.

Council voted unanimously to pass Bill No. 2019-19.

BILL NO. 2019-20 – FIRST READING
AN ORDINANCE TO REZONE FROM PDD, PLANNED DEVELOPMENT DISTRICT TO CA,
CAMPUS DISTRICT THE PROPERTY LOCATED AT 1840 SECOND LOOP ROAD, TMN
90029-02-022.

An Ordinance to rezone from PDD, Planned Development District to CA, Campus District the property located at 1840 Second Loop Road, TMN 90029-02-022 was passed on first reading.

Pro tem Brand made a motion to pass Bill No. 2019-20 and Councilman Willis seconded the motion.

Mr. Dudley reported this parcel is along Second Loop and was previously part of the Hampton Park Development. The property is currently zoned PDD Planned Development District; it was zoned to PDD from B-2 Limited Business as the commercial component of the Hampton Park planned development.



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Since, residential components of this PDD have been rezoned to conventional residential zoning designations, leaving this remnant without clear development standards. City staff recommends that the rezoning request be approved to accommodate the proposed use such that the site can develop subject to the standards of the City of Florence Unified Development Ordinance.

Council voted unanimously to pass Bill No. 2019-20.

BILL NO. 2019-21 – FIRST READING

AN ORDINANCE TO AMEND DIVISION 1-2.4, DOWNTOWN DESIGN DISTRICTS, OF THE CITY OF FLORENCE UNIFIED DEVELOPMENT ORDINANCE TO AMEND THE CITY OF FLORENCE DESIGN GUIDELINES TO ADD THE IRBY STREET CORRIDOR OVERLAY DISTRICT.

An Ordinance to amend Division 1-2.4, Downtown Design Districts, of the City of Florence Unified Development Ordinance to amend the City of Florence Design Guidelines to add the Irby Street Corridor Overlay District was passed on first reading.

Councilwoman Moore made a motion to pass Bill No. 2019-21 and Councilman Jebaily seconded the motion.

On April 9, 2019, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the text amendments. On April 10, 2019, the City of Florence Design Review Board voted 7-0 to recommend the addition of the Irby Street Corridor Overlay District.

Mr. Dudley reported the Corridor District will essentially extend down Irby Street from Cherokee Road to Cheves Street to include all parcels that front Irby Street. The Corridor District will pick back up at Baroody Street and will continue to Lucas Street.

Portions of the Irby Street Corridor District are also incorporated into the D-1, Downtown Redevelopment District; D-2, Downtown Central District; and D-3, Arts and Cultural District. In the event that the provisions of the Irby Street Corridor Overlay District conflict with the underlying 3 overlay districts; or, if they address subject matter not addressed by this district, the more restrictive provision shall control.

Council voted unanimously to pass Bill No. 2019-21.

INTRODUCTION OF RESOLUTIONS:

RESOLUTION NO. 2019 – 11

A RESOLUTION DESIGNATING MAY, 2019 AS LUPUS AWARENESS MONTH.

A Resolution designating May, 2019 as Lupus Awareness Month was adopted by Council.

Councilwoman Moore made a motion to adopt Resolution No. 2019-11 and Councilwoman Ervin seconded the motion.

Mayor Wukela presented the Resolution to Stuart Cahoon, creator of Lighthouse for Lupus. Council voted unanimously to adopt Resolution No. 2019-11.



RESOLUTION NO. 2019-12

A RESOLUTION TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2019-2020.

Pro tem Brand made a motion to adopt Resolution No. 2019-12 and Councilwoman Moore seconded the motion.

Council voted unanimously to adopt Resolution No. 2019-12.

RESOLUTION NO. 2019-13

A RESOLUTION OF CITY COUNCIL APPROVING DOWNTOWN REDEVELOPMENT GRANTS IN THE DOWNTOWN H-1 OVERLAY DISTRICT. (TO BE DISCUSSED IN EXECUTIVE SESSION.)

EXECUTIVE SESSION:

Council entered into Executive Session for discussion of negotiations incident to matters relating to a proposed Economic Development [30-4-70(a)(5)] and a personnel matter [30-4-70(a)(1)].

Without objection, Council entered into Executive Session at 2:25 p.m.

Mayor Wukela reconvened the regular meeting at 2:53 p.m.

COUNCIL TOOK ACTION ON THE FOLLOWING MATTERS:

RESOLUTION NO. 2019-13

A RESOLUTION OF CITY COUNCIL APPROVING DOWNTOWN REDEVELOPMENT GRANTS IN THE DOWNTOWN H-1 OVERLAY DISTRICT.

A Resolution of the City Council approving Downtown Redevelopment Grants in the Downtown H-1 Overlay District required action by Council.

There are three grant requests that have been received and rated according to the program's guidelines. Councilman Willis made a motion to adopt Resolution 2019-13 and Pro tem Brand seconded the motion.

Council voted unanimously to adopt Resolution No. 2019-13.

PERSONNEL MATTER

Mayor Wukela stated while in Executive Session, Council discussed matters relating to the appointment and compensation of city judges that comprise the city court.

Councilman Willis made a motion to reappoint the judges for a term that is consistent with the terms they currently serve and for a salary increase commensurate with city staff at large in regard to merit and cost of living. Councilwoman Ervin seconded the motion.



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Voting in favor of the motion were Mayor Wukela, Mayor Pro tem Brand, Councilwoman Ervin, Councilwoman Williams-Blake, Councilwoman Moore, and Councilman Willis.

Councilman Jebaily recused himself from the vote due to a potential conflict of interest.

Mayor Wukela stated that also discussed in Executive Session were matters related to the compensation of the City Manager.

Councilwoman Ervin made a motion that the City Manager receive a salary increase commensurate with city staff at large in regard to merit and cost of living and Councilwoman Moore seconded the motion. Voting in favor of the motion was unanimous.

ADJOURN

Councilman Willis made a motion to adjourn the regular Council meeting and Pro tem Brand seconded the motion. Without objection, the meeting was adjourned at 2:55 p.m.

Dated this 10th day of June, 2019.

Amanda P. Pope, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2019

AGENDA ITEM: Ordinance to amend the *City of Florence Unified Development Ordinance* Tables 1-2.7.2 a and b, and Sections 1-2.8.2 and 7-25.2.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendment to the *City of Florence Unified Development Ordinance* Tables 1-2.7.2 a and b, and Sections 1-2.8.2 and 7-25.2 to provide land use regulations for short term rentals.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On December 11, 2018 the Planning Commission held a public hearing on this matter and voted unanimously, 6-0, to recommend the text amendment.

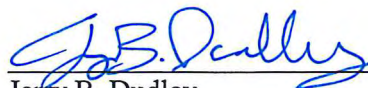
III. POINTS TO CONSIDER:

- (1) The text amendments have been prepared by the Planning, Research and Development Department in an effort to clarify the intent of the ordinance and reduce the potential for conflict between uses within the City.
- (2) The amendments to Tables 1-2.7.2 a and b and Sections 1-2.8.4 and 7-25.2 provide land use regulations for short term rentals within the City of Florence as well as define short term rentals for the purposes of the Ordinance.
- (3) City staff recommends that the proposed text amendments be approved to address the regulation of short term rentals in a manner consistent with the stated purpose of the Unified Development Ordinance.

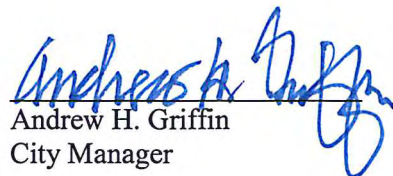
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A. Proposed amendments to the *City of Florence Unified Development Ordinance*
- B. Ordinance



Jerry B. Dudley
Planning Director



Andrew H. Griffin
City Manager

Attachment A: Proposed amendment to the City of Florence Unified Development Ordinance (additions are in red).

Table 1-2.7.2-a Residential and Commercial Uses of the Home															
Land Use	Zoning Districts														
	Residential					Business Commercial			Mixed-Use			Industrial		Agricultural & Open Space	
	RE	RS	RG	R	NC	CR	CA	CG	CB	AC	DS	IL	IH	OSR	AR
Residential Uses															
Single Family Detached	P	P	P	P	³	P	-	-	-	-	-	-	-	-	P
Lot Line Home	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-
Patio Home ²	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-
Townhome	-	PB	PB	P	³	-	-	PB	P	PB	-	-	-	-	-
Cottage	-	C	C	-	³	-	-	-	-	-	-	-	-	-	-
Duplex	-	-	PB	P	³	-	-	-	-	-	-	-	-	-	-
Manufactured Home ^{1,2}	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	PB	P B	³	PB	-	-	P B	-	PB	-	-	-	-
Multifamily ²	-	-	C	C	³	-	-	C	C	C	C	-	-	-	-
Live - Work Units	-	-	-	-	³	C	-	-	P	C	P	C	-	-	-
Residential Neighborhoods															
Single Family Cluster	P	P	P	-	³	-	-	-	-	-	-	-	-	-	P
Mixed Housing Cluster	-	P	P	P	³	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park or	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-
Commercial Use of the Home															
Bed and Breakfast Inn	C	C	-	-	³	C	-	-	C	C	C	-	-	-	C
Child Care Services	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-
Group Home	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-
Home Occupation	C	C	C	C	³	C	-	-	C	C	-	-	-	-	-
Short Term Rental	SE	SE	SE	SE	³	P	P	P	P	P	P	-	-	-	-
TABLE NOTES:															
¹ Permitted only in a manufactured home park or manufactured home subdivision.															
² Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required).															
RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)															
³ Refer to Table 1-2.7.2-b for Neighborhood Conservation Residential Uses of the Home															

**Table 1-2.7.2-b
Neighborhood Conservation Residential Uses of the Home**

Land Use	Zoning Districts					
	Residential					
	NC-15	NC-10	NC-6.1	NC-	NC-6.3	NC-4
Residential Uses						
Single Family Detached	P	P	P	P	P	P
Lot Line Home	-	-	-	C	C	-
Patio Home ²	-	-	-	C	C	-
Townhome	-	-	-	-	PB	-
Cottage	-	-	-	-	-	-
Duplex	-	-	-	PB	PB	PB
Manufactured Home ^{1,2}	-	-	-	-	-	-
Multiplex (triplex or quadriplex)	-	-	-	-	PB	-
Multifamily ²	-	-	-	-	C	-
Live - Work Units	-	-	-	-	-	-
Residential Neighborhoods						
Single Family Cluster	-	-	-	-	-	-
Mixed Housing Cluster	-	-	-	-	-	-
Manufactured Home Park or	-	-	-	-	-	-
Commercial Use of the Home						
Bed and Breakfast Inn	-	-	C	C	C	-
Child Care Services	C	C	C	C	C	C
Group Home	-	-	-	-	C	-
Home Occupation	C	C	C	C	C	C
Short Term Rental	SE	SE	SE	SE	SE	SE

TABLE NOTES:

¹Permitted only in a manufactured home park or manufactured home subdivision.

²Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required).

RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), – (Prohibited Use), B (subscript, Special site and Building Development Standards)

Sec. 1-2.8.2 Residential and Commercial Use of the Home Standards

The standards of this Section apply to residential and commercial uses of the home that are specified in Table 1-2.7.2, Residential and Commercial Uses of the Home as conditional (C) or permitted special exception (SE).

F. Short Term Rentals are permitted if it is demonstrated that:

1. Zoning districts: RE, RS, RG, RU, NC

- a. The short term rental shall be operated by the owner and full-time resident of the property. For the purposes of this ordinance, the “owner and full-time resident” shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver’s license, and the subject property must be assessed at the four percent homeowner’s assessment rate according to the records of the Florence County Assessor’s Office. The owner or his/her designee is not required to be present during the entire lease period; however, the owner or his/her designee must be present at check-in to ensure the accuracy of the guest registry.
- b. **The owner may rent out no more than two (2) bedrooms as short term rentals in the primary residence.** Rental bedrooms may not contain a separate kitchen or cooking area from the primary residence.
- c. The owner shall maintain a guest registry which includes at minimum the guest’s name and address; the number of people in each guest’s party; the make, model, and license plate number of any guest’s vehicle parked on the property; as well as the guest’s date and time of arrival and scheduled departure date. The guest registry shall be maintained such that the owner, upon request, can supply information regarding the number of rooms rented, the number of individuals occupying the home, and the dates of guest’s date and time of arrival and departure.
- d. **A motor vehicle may not park in the front yard or side yard of a residential property, except in a driveway or on an improved surface such as concrete, asphalt, pavers, brick, or other material as approved by the Planning Director. The total area designated for parking shall not exceed 25% of the front and/or side yard area. There shall be no parking of motor vehicles on grass or the street.**
- e. **No exterior signage is permitted.**
- f. **No activities other than lodging shall be allowed as part of a short term rental (e.g. weddings, parties, conferences).**
- g. **The Short Term Rental will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, as well as applicable Federal and State requirements.**

Division 7-25.2 Definitions

Short Term Rentals means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than 29 consecutive days and not to exceed 72 days in the aggregate during any calendar year.

ORDINANCE NO. 2019-_____

AN ORDINANCE TO AMEND THE CITY OF FLORENCE UNIFIED DEVELOPMENT ORDINANCE TABLES 1-2.7.2 A AND B AND SECTIONS 1-2.8.2 AND 7-25.2 TO ESTABLISH LAND USE REGULATIONS FOR SHORT TERM RENTALS

WHEREAS, a Public Hearing was held in City Council Chambers on December 11, 2018 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the amendments contained herein will set forth conditions for land uses associated with short term rentals;

THEREFORE, Table 1-2.7.2a of the City of Florence Unified Development Ordinance, shall read as follows:

Table 1-2.7.2-a Residential and Commercial Uses of the Home																
Land Use	Zoning Districts															
	Residential					Business Commercial			Mixed- Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC ³	CR	CA	CG	CB	AC	DS	IL	IH	OS	AR	
Residential Uses																
Single Family Detached	P	P	P	P	³	P	-	-	-	-	-	-	-	-	-	P
Lot Line Home	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	-
Patio Home ²	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	-
Townhome	-	PB	PB	PB	³	-	-	PB	PB	PB	-	-	-	-	-	-
Cottage	-	C	C	-	³	-	-	-	-	-	-	-	-	-	-	-
Duplex	-	-	PB	PB	³	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home ^{1,2}	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	PB	PB	³	PB	-	-	PB	-	PB	-	-	-	-	-
Multifamily ²	-	-	C	C	³	-	-	C	C	C	C	-	-	-	-	-
Live - Work Units	-	-	-	-	³	C	-	-	P	C	P	C	-	-	-	-
Residential Neighborhoods																
Single Family Cluster	P	P	P	-	³	-	-	-	-	-	-	-	-	-	-	P
Mixed Housing Cluster	-	P	P	P	³	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	-
Commercial Use of the Home																
Bed and Breakfast Inn	C	C	-	-	³	C	-	-	C	C	C	-	-	-	-	C
Child Care Services	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	-
Group Home	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	-
Home Occupation	C	C	C	C	³	C	-	-	C	C	-	-	-	-	-	-
Short Term Rental	SE	SE	SE	SE	³	P	P	P	P	P	P	-	-	-	-	-
TABLE NOTES:																
¹ Permitted only in a manufactured home park or manufactured home subdivision.																
² Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required).																
RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), – (Prohibited Use), B (subscript, Special site and Building Development Standards)																
³ Refer to Table 1-2.7.2-b for Neighborhood Conservation Residential Uses of the Home																

THEREFORE, Table 1-2.7.2b of the City of Florence Unified Development Ordinance, shall read as follows:

Table 1-2.7.2-b Neighborhood Conservation Residential Uses of the Home						
Land Use	Zoning Districts					
	Residential					
	NC-15	NC-10	NC-6.1	NC-6.2	NC-6.3	NC-4
Residential Uses						
Single Family Detached	P	P	P	P	P	P
Lot Line Home	-	-	-	C	C	-
Patio Home ²	-	-	-	C	C	-
Townhome	-	-	-	-	PB	-
Cottage	-	-	-	-	-	-
Duplex	-	-	-	PB	PB	PB
Manufactured Home ^{1,2}	-	-	-	-	-	-
Multiplex (triplex or quadriplex)	-	-	-	-	PB	-
Multifamily ²	-	-	-	-	C	-
Live - Work Units	-	-	-	-	-	-
Residential Neighborhoods						
Single Family Cluster	-	-	-	-	-	-
Mixed Housing Cluster	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	-	-
Commercial Use of the Home						
Bed and Breakfast Inn	-	-	C	C	C	-
Child Care Services	C	C	C	C	C	C
Group Home	-	-	-	-	C	-
Home Occupation	C	C	C	C	C	C
Short Term Rental	SE	SE	SE	SE	SE	SE
TABLE NOTES:						
¹ Permitted only in a manufactured home park or manufactured home subdivision.						
² Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required).						
RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), – (Prohibited Use), B (subscript, Special site and Building Development Standards)						

THEREFORE, Section 1-2.8.2 of the City of Florence Unified Development Ordinance, shall read as follows:

Sec. 1-2.8.2 Residential and Commercial Use of the Home Standards

The standards of this Section apply to residential and commercial uses of the home that are specified in Table 1-2.7.2, Residential and Commercial Uses of the Home as conditional (C) or permitted special exception (SE).

F. Short Term Rentals are permitted if it is demonstrated that:

1. Zoning districts: RE, RS, RG, RU, NC
 - a. The short term rental shall be operated by the owner and full-time resident of the property. For the purposes of this ordinance, the “owner and full-time resident” shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver’s license, and the subject property must be assessed at the four percent homeowner’s assessment rate according to the records of the Florence County Assessor’s Office. The owner or his/her designee is not required to be present during the entire lease period; however, the owner or his/her designee must be present at check-in to ensure the accuracy of the guest registry.
 - b. The owner may rent out no more than two (2) bedrooms as short term rentals in the primary residence. Rental bedrooms may not contain a separate kitchen or cooking area from the primary residence.
 - c. The owner shall maintain a guest registry which includes at minimum the guest’s name and address; the number of people in each guest’s party; the make, model, and license plate number of any guest’s vehicle parked on the property; as well as the guest’s date and time of arrival and scheduled departure date. The guest registry shall be maintained such that the owner, upon request, can supply information regarding the number of rooms rented, the number of individuals occupying the home, and the dates of guest’s date and time of arrival and departure.
 - d. A motor vehicle may not park in the front yard or side yard of a residential property, except in a driveway or on an improved surface such as concrete, asphalt, pavers, brick, or other material as approved by the Planning Director. The total area designated for parking shall not exceed 25% of the front and/or side yard area. There shall be no parking of motor vehicles on grass or the street.
 - e. No exterior signage is permitted.
 - f. No activities other than lodging shall be allowed as part of a short term rental (e.g. weddings, parties, conferences).
 - g. The Short Term Rental will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, as well as applicable Federal and State requirements.

THEREFORE, Section 7-25.2 of the City of Florence Unified Development Ordinance, shall read as follows:

Division 7-25.2 Definitions

Short Term Rentals means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than 29 consecutive days and not to exceed 72 days in the aggregate during any calendar year.

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

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

1. That an Ordinance is hereby adopted by amending the Unified Development Ordinance as shown above.
2. That this Ordinance shall become effective immediately.

ADOPTED THIS _____ DAY OF _____, 2019

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: April 8, 2019

AGENDA ITEM: Ordinance to amend the City of Florence Unified Development Ordinance Table 1-2.7.4 and Sections 1-2.8.4 and 7-25.2.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendment to the City of Florence Unified Development Ordinance Table 1-2.7.4 and Sections 1-2.8.4 and 7-25.2 to provide land use regulations for mobile food vendors.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) On December 11, 2018 the Planning Commission held a public hearing on this matter and voted unanimously, 7-0, to recommend the text amendment.

III. POINTS TO CONSIDER:

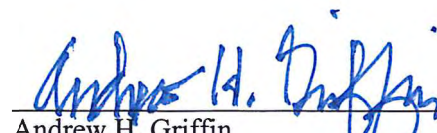
- (1) The text amendments have been prepared by the Planning, Research and Development Department in an effort to clarify the intent of the ordinance and reduce the potential for conflict between uses within the City.
- (2) The amendments to Table 1-2.7.4 and Sections 1-2.8.4 and 7-25.2 provide land use regulations for mobile food vendors within the City of Florence as well as define mobile food vendors for the purposes of the Ordinance.
- (3) City staff recommends that the proposed text amendments be approved to address the regulation of mobile food vendors in a manner consistent with the stated purpose of the Unified Development Ordinance.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A. Proposed text amendments to the *City of Florence Unified Development Ordinance*
- B. Map of Downtown
- C. Ordinance


Jerry B. Dudley
Planning Director


Andrew H. Griffin
City Manager

Attachment A: Proposed text amendments to the *City of Florence Unified Development Ordinance* (additions in red; additions addressing City Council concerns in blue).

Table 1-2.7.4 Commercial Uses																
Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Commercial Uses																
Alcoholic Beverage Sales (Offsite Consumption)	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	
Alcoholic Beverage Sales (Onsite Consumption)	-	-	-	-	-	-	-	C	C	C	P	-	-	-	-	
Animal Boarding Facilities, Small Animal	-	-	-	-	-	-	-	C	SE	SE	-	P	-	-	P	
Animal Grooming Facilities	P	-	-	-	-	C	-	P	C	C	-	P	-	-	-	
Animal Veterinary, Small Animal	-	-	-	-	-	-	-	P	C	-	C	P	-	-	P	
Animal Veterinary, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Automobile Sales, Rental and Service Establishments	-	-	-	-	-	-	-	P	-	SE	-	-	-	-	-	
Automobile Repairs, Heavy	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	
Automobile Repairs, Light	-	-	-	-	-	-	-	P	-	P	-	P	P	-	-	
Nursery, Retail	-	-	-	-	-	-	-	P	-	-	-	P	-	-	-	
Overnight Accommodations(hotels, motels, commercial inns) ¹	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	
Commercial Retail (Business Services; Personal Services; Shopping Centers)	-	-	-	-	-	C	C	P	P	P	P	C	C	-	-	
Fueling Station / Car Wash	-	-	-	-	-	-	-	CB	-	CB	-	PB	PB	-	-	
Truck Stops and Truck Washes	-	-	-	-	-	-	-	-	-	-	-	-	PB	-	-	
General Professional/ Medical Office	-	-	-	-	-	C	P	P	P	P	P	P	-	-	-	
Restaurant; No Drive-In or Drive-Through	-	-	-	-	-	C	P	P	P	P	P	C	C	-	-	
Restaurant; Drive-In or Drive Through	-	-	-	-	-	-	-	PB	-	SEB	-	PB	-	-	-	
Specialty Use	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	
Mobile Food Vendor	-	-	-	-	-	-	C	SE C	SE C	SE C	C	SE C	SE C	C	-	
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	-	-	-	-	C	P	C	C	-	-	-	-	
Tattoo Facilities	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	
Heavy Retail/Home Center	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	
Wholesale	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	

RE (Estate Residential), RS (Suburban Residential), RG(General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional), SE (Permitted Special Exception Use), – (Prohibited Use), B (subscript, Special site and Building Development Standards)

Section 1-2.8.4 Conditional and Permitted Special Exception Use Standards – Commercial Use Standards

L. Mobile food vendors are permitted to operate within the CG, CBD, AC, CA, DS, OSR, IL, and IH zoning districts if it is demonstrated that:

1. The mobile food vendor shall have the written approval of the property owner or authorized lease holder of the property upon which the food truck/cart is located. The vendor must maintain within the food truck/cart proof of written permission to occupy each vending location.
2. The mobile food vendor shall not locate on a property with a residential use.
3. A mobile food vendor shall not operate within a 500 ft distance of the H-1, Historic Overlay District (measured from the perimeter of the district). Exceptions to this include:
 - a. Food carts as defined by this ordinance
 - b. Operating within the W-1, Food, Artisan, and Warehouse District if the vendor maintains a permanent eating establishment, commissary, certified kitchen or other physical location or base of operation within the W-1 District. This exception does not apply to a lease agreement solely for the purpose of parking and/or vending from a mobile food truck, cart, etc.
4. The food truck/cart shall be positioned at least 500 feet from the primary customer entrance of an eating establishment during its hours of operation measured by pedestrian travel path, unless the mobile food vendor provides documentation that the restaurant owner supports a closer proximity.
5. No mobile food vendor shall operate between the hours of 9:00 p.m. and 9:00 a.m. if the parcel upon which the vendor is located is within 400 feet of any residential district or use (measured from the shortest distance between parcel lines).
6. No mobile food vendor shall operate within 200 feet of a private or public school during school hours (measured from the shortest distance between parcel lines) with the exception of a recognized special event with written permission from the school district. A mobile food vendor may operate on school grounds during non-instructional hours with the written permission of the school district.
7. The mobile food vendor shall be positioned within developed and designated parking spaces or driveways only and shall accommodate necessary customer parking per Article 9 of this ordinance. The vending location shall not interfere with the movement of motor vehicles. Alternative parking may be approved by the Planning Director for special events or a non-reoccurring vending location.
8. Mobile food vendors are prohibited from operating on any public right-of-way to include but not limited to streets, sidewalks, allies, or trails.
9. In certain cases to include but not limited to publicly sanctioned events and festivals, mobile food vendors may be allowed, with written permission, to operate within the prohibited areas.
10. A mobile food vendor shall only operate as a walk-up vendor. It is expressly prohibited to operate as a drive-in window. The vendor is not required to provide tables and/or seating for customers.
11. If the mobile food vendor operates after dark, the vendor shall provide appropriate lighting limited to the parcel on which the vendor is located.
12. No signage shall be allowed other than signs permanently attached to the motor vehicle or cart and a portable menu sign no more than six (6) square feet in a display area on the ground in the customer waiting area. Illuminated and animated signs shall be subject to the following provisions:
 - a. Illuminated and animated signs shall not directly shine on abutting properties.
 - b. No illumination or animation simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.
 - c. No flood lights shall be utilized nor shall any sign otherwise reflect or emit a glaring light so as

to impair driver vision.

- d. In no case shall an illuminated sign be located closer than 60 feet from the property line of an adjacent residential property.
13. The vendor may operate in any zoning district or land use when operating in a catering capacity for the property owner and not selling to the general public.
14. Upon leaving the site, all materials associated with the business must be removed from the parcel to include but not limited to signage, trash, trash receptacles, equipment, etc.
15. The vendor must comply with all applicable municipal utility requirements per Chapter 12 of the City of Florence Code of Ordinances
16. The Noise and Vibration provisions of this Ordinance, Section 4.11.2.1, as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11 shall apply to all permitted mobile food vendors. No mobile food vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.
17. The Mobile Food Vendor will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, the City's Fire Codes and Policies as well as applicable Federal and State requirements.

Division 7-25.2 Definitions

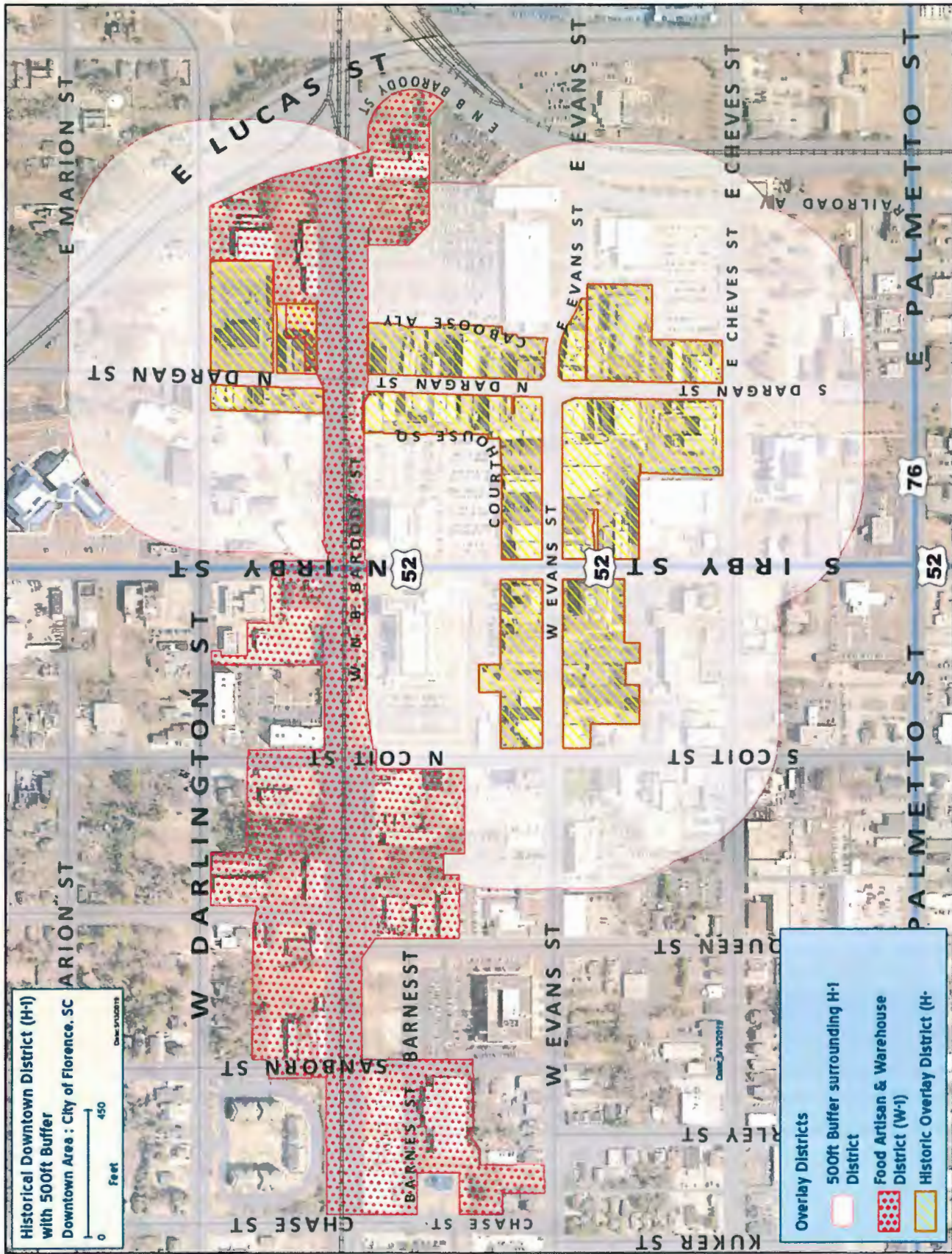
Cart means any portable vending device, pushcart, or any other wheeled vehicle or device which is moved without assistance of a motor and which is not required to be licensed and registered by the South Carolina Department of Motor Vehicles, used for the displaying, storing, or transporting of articles offered for sale by a vendor and which does not exceed four (4) feet in width, six (6) feet in length, and five (5) feet in height, excluding canopy or cover. A Cart shall be appropriately licensed by S.C. Department of Health and Environmental Control.

Commissary means a sanitary food prep business appropriately licensed by S.C. Department of Health and Environmental Control which leases space to multiple mobile businesses. Once the food is prepared at the commissary, it can be cooked in the mobile truck or cart.

Food Truck means a motorized wheeled vehicle, distinct from push carts, trailers (towed carts), and other retail vendors, currently registered with the S.C. Department of Motor Vehicles, which may or may not have on board power, refrigeration, and food prep facilities, which is designed and equipped to serve food or beverages and is appropriately licensed by S.C. Department of Health and Environmental Control.

Mobile Food Vendor means a person who sells food and/or beverages from a non-permanent venue such as a truck, cart, or trailer.

Attachment B. Map of Downtown Florence (including H-1, W-1, and 500 ft buffer area)



ORDINANCE NO. 2019-_____

AN ORDINANCE TO AMEND THE CITY OF FLORENCE UNIFIED DEVELOPMENT ORDINANCE TABLE 1-2.7.4 AND SECTIONS 1-2.8.4 AND 7-25.2:

WHEREAS, a Public Hearing was held in City Council Chambers on December 11, 2018 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the amendments contained herein will set forth conditions for land uses associated with mobile food vendors;

THEREFORE, Table 1-2.7.4 of the City of Florence Unified Development Ordinance, shall read as follows:

Table 1-2.7.4 Commercial Uses																
Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Commercial Uses																
Alcoholic Beverage Sales (Offsite Consumption)	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	
Alcoholic Beverage Sales (Onsite Consumption)	-	-	-	-	-	-	-	C	C	C	P	-	-	-	-	
Animal Boarding Facilities, Small Animal	-	-	-	-	-	-	-	C	SE	SE	-	P	-	-	P	
Animal Grooming Facilities	P	-	-	-	-	C	-	P	C	C	-	P	-	-	-	
Animal Veterinary, Small Animal	-	-	-	-	-	-	-	P	C	-	C	P	-	-	P	
Animal Veterinary, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Automobile Sales, Rental and Service Establishments	-	-	-	-	-	-	-	P	-	SE	-	-	-	-	-	
Automobile Repairs, Heavy	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	
Automobile Repairs, Light	-	-	-	-	-	-	-	P	-	P	-	P	P	-	-	
Nursery, Retail	-	-	-	-	-	-	-	P	-	-	-	P	-	-	-	
Overnight Accommodations(hotels, motels, commercial inns) ¹	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	
Commercial Retail (Business Services; Personal Services; Shopping Centers)	-	-	-	-	-	C	C	P	P	P	P	C	C	-	-	
Fueling Station / Car Wash	-	-	-	-	-	-	-	CB	-	CB	-	PB	PB	-	-	
Truck Stops and Truck Washes	-	-	-	-	-	-	-	-	-	-	-	-	PB	-	-	
General Professional/ Medical Office	-	-	-	-	-	C	P	P	P	P	P	P	-	-	-	
Restaurant; No Drive-In or Drive-Through	-	-	-	-	-	C	P	P	P	P	P	C	C	-	-	
Restaurant; Drive-In or Drive Through	-	-	-	-	-	-	-	PB	-	SEB	-	PB	-	-	-	
Specialty Use	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	
Mobile Food Vendor	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	-	-	-	-	C	P	C	C	-	-	-	-	
Tattoo Facilities	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	
Heavy Retail/Home Center	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-	
Wholesale	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	

RE (Estate Residential), RS (Suburban Residential), RG(General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)

THEREFORE, Section 1-2.8.4 of the City of Florence Unified Development Ordinance, shall read as follows:

L. Mobile food vendors are permitted to operate within the CG, CBD, AC, CA, DS, OSR, IL, and IH zoning districts if it is demonstrated that:

1. The mobile food vendor shall have the written approval of the property owner or authorized lease holder of the property upon which the food truck/cart is located. The vendor must maintain within the food truck/cart proof of written permission to occupy each vending location.
2. The mobile food vendor shall not locate on a property with a residential use.
3. A mobile food vendor shall not operate within a 500 ft distance of the H-1, Historic Overlay District (measured from the perimeter of the district). Exceptions to this include:
 - a. Food carts as defined by this ordinance
 - b. Operating within the W-1, Food, Artisan, and Warehouse District if the vendor maintains a permanent eating establishment, commissary, certified kitchen or other physical location or base of operation within the W-1 District. This exception does not apply to a lease agreement solely for the purpose of parking and/or vending from a mobile food truck, cart, etc.
4. The food truck/cart shall be positioned at least 500 feet from the primary customer entrance of an eating establishment during its hours of operation measured by pedestrian travel path, unless the mobile food vendor provides documentation that the restaurant owner supports a closer proximity.
5. No mobile food vendor shall operate between the hours of 9:00 p.m. and 9:00 a.m. if the parcel upon which the vendor is located is within 400 feet of any residential district or use (measured from the shortest distance between parcel lines).
6. No mobile food vendor shall operate within 200 feet of a private or public school during school hours (measured from the shortest distance between parcel lines) with the exception of a recognized special event with written permission from the school district. A mobile food vendor may operate on school grounds during non-instructional hours with the written permission of the school district.
7. The mobile food vendor shall be positioned within developed and designated parking spaces or driveways only and shall accommodate necessary customer parking per Article 9 of this ordinance. The vending location shall not interfere with the movement of motor vehicles. Alternative parking may be approved by the Planning Director for special events or a non-reoccurring vending location.
8. Mobile food vendors are prohibited from operating on any public right-of-way to include but not limited to streets, sidewalks, allies, or trails.
9. In certain cases to include but not limited to publicly sanctioned events and festivals, mobile food vendors may be allowed, with written permission, to operate within the prohibited areas.
10. A mobile food vendor shall only operate as a walk-up vendor. It is expressly prohibited to operate as a drive-in window. The vendor is not required to provide tables and/or seating for customers.
11. If the mobile food vendor operates after dark, the vendor shall provide appropriate lighting limited to the parcel on which the vendor is located.
12. No signage shall be allowed other than signs permanently attached to the motor vehicle or cart and a portable menu sign no more than six (6) square feet in a display area on the ground in the customer waiting area. Illuminated and animated signs shall be subject to the following provisions:
 - a. Illuminated and animated signs shall not directly shine on abutting properties.
 - b. No illumination or animation simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or

- color, or otherwise displayed to create the illusion of flashing or movement be permitted.
 - c. No flood lights shall be utilized nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.
 - d. In no case shall an illuminated sign be located closer than 60 feet from the property line of an adjacent residential property.
13. The vendor may operate in any zoning district or land use when operating in a catering capacity for the property owner and not selling to the general public.
 14. Upon leaving the site, all materials associated with the business must be removed from the parcel to include but not limited to signage, trash, trash receptacles, equipment, etc.
 15. The vendor must comply with all applicable municipal utility requirements per Chapter 12 of the City of Florence Code of Ordinances
 16. The Noise and Vibration provisions of this Ordinance, Section 4.11.2.1, as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11 shall apply to all permitted mobile food vendors. No mobile food vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.
 17. The Mobile Food Vendor will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, the City's Fire Codes and Policies as well as applicable Federal and State requirements.

THEREFORE, Section 7-25.2 of the City of Florence Unified Development Ordinance, shall read as follows:

Division 7-25.2 Definitions

Cart means any portable vending device, pushcart, or any other wheeled vehicle or device which is moved without assistance of a motor and which is not required to be licensed and registered by the South Carolina Department of Motor Vehicles, used for the displaying, storing, or transporting of articles offered for sale by a vendor and which does not exceed four (4) feet in width, six (6) feet in length, and five (5) feet in height, excluding canopy or cover. A Cart shall be appropriately licensed by S.C. Department of Health and Environmental Control.

Commissary means a sanitary food prep business appropriately licensed by S.C. Department of Health and Environmental Control which leases space to multiple mobile businesses. Once the food is prepared at the commissary, it can be cooked in the mobile truck or cart.

Food Truck means a motorized wheeled vehicle, distinct from push carts, trailers (towed carts), and other retail vendors, currently registered with the S.C. Department of Motor Vehicles, which may or may not have on board power, refrigeration, and food prep facilities, which is designed and equipped to serve food or beverages and is appropriately licensed by S.C. Department of Health and Environmental Control.

Mobile Food Vendor means a person who sells food and/or beverages from a non-permanent venue such as a truck, cart, or trailer.

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

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

1. That an Ordinance is hereby adopted by amending the Unified Development Ordinance as shown above.
2. That this Ordinance shall become effective immediately.

ADOPTED THIS _____ DAY OF _____, 2019

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

VII. c.
Bill No. 2019-15
Second Reading

DATE: May 13, 2019
AGENDA ITEM: FY 2019-20 Budget Ordinance
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

For consideration is the adoption of Fiscal Year 2019-20 Budgets for the City of Florence.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

FY 2019-20 budget development began in January and continued through March and April with the preparation of revenue estimates, wages and benefits data development, the submission of departmental budget requests, and departmental budget meetings with the City Manager. Council work sessions were held to review budget related issues.

III. POINTS TO CONSIDER

The General Fund, General Fund Debt Service Fund, Water & Sewer Enterprise Fund, Stormwater Enterprise Fund, Water and Sewer Utilities Construction Fund, Stormwater Utility Construction Fund, Water and Sewer Utilities Equipment Replacement Fund, Stormwater Utility Equipment Replacement Fund, and the Hospitality Fund budgets for the fiscal year ending June 30, 2020, recommended for adoption by the City Council are enclosed for your review.

IV. OPTIONS

Adopt the budgets.


Modification of the budgets as presented.

III. STAFF RECOMMENDATION


Adopt the FY 2019-20 recommended budgets as amended.

IV. ATTACHMENTS

The FY 2019-20 budget ordinance is attached as amended.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

ORDINANCE NO. 2019- _____

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2019, AND ENDING JUNE 30, 2020.

WHEREAS, § 5-7-260 of the South Carolina Code of Laws (as amended) requires that a Municipal Council shall act by ordinance to adopt budgets and levy taxes pursuant to public notice.

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

Section 1

- (a) There is hereby adopted a General Fund budget for the City of Florence for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein, providing for revenues and appropriations in a total amount of \$38,489,000.
- (b) Further, there is hereby adopted a General Fund Debt Service Fund budget for the City of Florence for fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein, providing for revenues and appropriations in the total amount of \$455,000.
- (c) Further, there is hereby adopted a Water and Sewer Utilities Enterprise Fund budget for the City of Florence for fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein, providing for revenues and appropriations in a total amount of \$35,660,000.
- (d) Further, there is hereby adopted a Stormwater Utility Enterprise Fund budget for the City of Florence for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein providing for revenues and appropriations in the total amount of \$1,400,000.
- (e) Further, there is hereby adopted a Water and Sewer Utilities Construction Fund budget for the City of Florence for fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein, providing for revenues and appropriations in a total amount of \$10,307,000.
- (f) Further, there is hereby adopted a Stormwater Utility Construction budget for the City of Florence for fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein, providing for revenues and appropriations in a total amount of \$240,000.

Fiscal Year 2019-20 Budget Ordinance (continued)

- (g) Further, there is hereby adopted a Water and Sewer Utilities Equipment Replacement Fund budget for the City of Florence for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein providing for revenues and appropriations in the total amount of \$982,000.
- (h) Further, there is hereby adopted a Stormwater Utility Equipment Replacement Fund budget for the City of Florence for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein providing for revenues and appropriations in the total amount of \$150,000.
- (i) Further, there is hereby adopted a Hospitality Fund budget for the City of Florence for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as filed in the office of the City Clerk which is hereby incorporated by reference as if set forth fully herein providing for revenues and appropriations in the total amount of \$5,165,000. Authorized as part of this ordinance and incorporated into the Hospitality Fund budget is a commitment by the City of Florence to contribute to the operations and maintenance costs of the Florence County Museum for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and for future fiscal years through June 30, 2025 pursuant to the Memorandum of Understanding Between Florence County and the City of Florence dated April 25, 2013.

Section 2

In accordance with § 6-1-320 of the South Carolina Code of Laws (as amended), a tax for general operating purposes for the period from July 1, 2019, and ending June 30, 2020, for the sums and in the amount hereinafter mentioned, is and shall be levied, collected and paid into the treasury of the City of Florence for the operational use and service thereof. A tax of fifty eight and one-tenth (58.1) mills upon each one dollar (\$1.00) in value of real estate and personal property of every description owned and used in the City of Florence, South Carolina, is and shall be levied and paid into the City treasury for the credit to the City of Florence for the corporate purposes, improvements, and for the purpose of paying current operating expenses of said municipality. Such tax, set at the same operating millage rate as the previous fiscal year, is levied on property assessed for taxation for County and State purposes.

Section 3

In accordance with of § 6-1-320 of the South Carolina Code of Laws (as amended), a tax for general obligation bond indebtedness for the period from July 1, 2019, and ending June 30, 2020, for the sums and in the amount hereinafter mentioned, is and shall be levied, collected and paid into the treasury of the City of Florence for the purpose of meeting general obligation bond debt service requirements. A tax of up to, but not exceeding, four (4.0) mills upon each one dollar (\$1.00) in value of real estate and personal property of every description owned and used in the City of Florence, South Carolina, is and shall be levied and paid into the City treasury for the credit to the City of Florence for the purpose of

Fiscal Year 2019-20 Budget Ordinance (continued)

providing and paying for general obligation bond debt of the municipality. Such tax is levied on property that is assessed for taxation for County and State purposes.

Section 4

In accordance with § 23-47-10 through § 23-47-80 of the South Carolina Code of Laws (as amended), and § 14-93 through § 14-98 of the City of Florence, SC Code of ordinances (as amended), funding is and shall be provided to allow for the operation, maintenance, and enhancements of the E-911 system through a monthly charge of seventy-seven cents (\$0.77) upon each local exchange access line in the area served by or which would be served by the E-911 service and/or system of the City. Such charges are specifically enforceable under § 23-47-50 (B) of the SC Code of Laws. E-911 fees collected by the City of Florence shall be used to fund the acquisition of Police and Fire communications equipment in compliance with § 23-47-40 (B) of the South Carolina Code of Laws, as amended. Funding in the total amount of \$560,000 is hereby appropriated and allocated in increments of approximately \$80,000 per year over a seven-year period, from fiscal year beginning July 1, 2015 through fiscal year ending June 30, 2022 as part of a multi-year communications equipment budget provided pursuant to the Florence City Council adoption of Resolution No. 2015-13.

Section 5

The City Manager shall administer the budget and may authorize the transfer of appropriate funds within and between departments as necessary to achieve the goals of the budget. The City Manager is authorized to assign fund balance intended to be used for specific purposes.

Section 6

The City Manager or his designee is authorized to execute all necessary documents relating to the lease-purchase financing of equipment specifically authorized in the budget as presented or amended by City Council for fiscal year beginning July 1, 2019, and ending June 30, 2020. This action further constitutes a resolution of City Council authorizing and approving such equipment for lease-purchase acquisition, and this ordinance shall serve as representation of this resolution.

Section 7

If for any reason, any sentence, clause or provision of this Ordinance shall be declared invalid, such shall not affect the remaining provisions thereof.

Section 8

That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as the same affect this Ordinance.

Fiscal Year 2019-20 Budget Ordinance (continued)

Section 9

That this Ordinance shall become effective on July 1, 2019.

ADOPTED THIS _____ DAY OF _____, 2019.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

**VII. d.
Bill No. 2019-16
Second Reading**

DATE: May 13, 2019

AGENDA ITEM: Animal Care and Control Ordinance Amendment

DEPARTMENT / DIVISION: Public Works Department

I. ISSUE UNDER CONSIDERATION:

An Ordinance to amend Chapter 3, Section 3.3 of the Animal Care and Control Ordinance to prohibit the unlawful sale or transfer of animals, pets, or livestock.

II. PREVIOUS ACTION:

The current Animal Care and Control Ordinance 2015-35 was updated and adopted on December 14, 2015.

III. POINTS TO CONSIDER:

1. This amendment will add Section 3-3.1 (Prohibiting the unlawful sale of Animals, Pets, or Livestock) and Section 3-3.2 (Prohibiting the Give Away of Animals as Prizes or Inducements) to the current Ordinance Section 3-3 (Animal Care).
2. This ordinance amendment has been requested and is supported by the Florence Area Humane Society. City staff has met with representatives of the Florence Area Humane Society to hear their ideas and suggestions regarding the revised ordinance.
3. The United States Humane Society states that a number of puppies, kittens, and other type pets come from inhumane breeding facilities where the health and welfare of the animals are not adequately provided for. This often leads to no recourse for the residents who may find the animal sick or with other conditions due to poor breeding practices.
4. This ordinance amendment will restrict the sale of non-vetted animals in public spaces, flea markets, garage sales, and the like. This ordinance amendment will protect the animals and ensure they are being treated humanely and responsibly.

IV. OPTIONS:

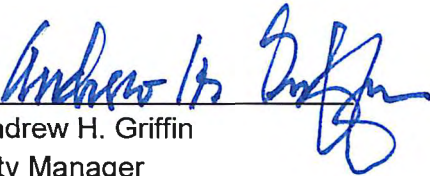
1. Approve the revised and amended ordinance.

V. STAFF RECOMMENDATION:


1. Staff recommends approval of Ordinance 2019 – 16.

VI. ATTACHMENTS:

1. A copy of Ordinance 2019 – 16.



Andrew H. Griffin
City Manager



Charles E. Pope
Public Works Director

ORDINANCE NO. 2019 - 16

AN ORDINANCE TO AMEND THE CITY OF FLORENCE CODE OF ORDINANCES, CHAPTER 3, ANIMAL CARE AND CONTROL; SECTION 3-3.

WHEREAS, the City of Florence provides a variety of animal care and control services in the municipal limits, many of which are mandated by state law; and

WHEREAS, pursuant to South Carolina State Code, Section 47-3-20; the governing body of each county or municipality in this state may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations; and

WHEREAS, the City of Florence Code of Ordinances currently allows the sale of animals, pets, and/or livestock on public and private property in Chapter 3 – Animal Care and Control; and

WHEREAS, in an attempt to restrict the sale of non-vetted animals in public spaces in order to reduce the risk of public safety; and

WHEREAS, the City of Florence deems it necessary for cats and dogs to be weaned at the appropriate time, no less than seven weeks, to ensure the animal is accustomed to taking food or nourishment other than by nursing; and,

WHEREAS, it is the intent of the City of Florence to ensure that animals are treated humanely and responsibly through public education and through exercise of the powers vested to municipalities through the State of South Carolina; and

WHEREAS, the amendments contained herein will conditionally restrict the sale of animals, pets, and/or livestock on public and private property; and

WHEREAS, the City Council of the City of Florence, South Carolina is authorized and empowered to adopt such resolutions;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Florence, South Carolina, hereby amends Chapter 3, Section 3-3, Animal Care, of the City of Florence Code of Ordinance.

ADOPTED THIS _____ day of June 2019

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
CITY ATTORNEY

STEPHEN J. WUKELA
MAYOR

ATTEST:

AMANDA P. POPE
MUNICIPAL CLERK

Chapter 3 Animal Care and Control

Sec. 3-3.1 Sale of animals, pets, or livestock.

Prohibiting selling animals on roadside, garage sales, flea markets and festivals.

- (a) It shall be unlawful for any person to sell, trade, barter, exchange, auction, lease, rent, give away, or display for commercial purpose, any live animal or pet on a roadside, public right-of-way, or public property.
- (b) It shall also be unlawful for any person not properly licensed to sell, trade, barter, exchange, auction, lease, rent, give away, or display for commercial purpose, any live animal or pet on a commercial parking lot (inclusive of means of ingress/egress), or at any flea market, fair, carnival, or similar event.
 1. In order to become a licensed breeder, one must follow the necessary process to obtain said license. This does not apply to “hobby breeders” who happen to own two or less animals and breed a litter or two every few years. The standard practice for the litter of animals of the “hobby breeder” is to give away or raise the litter at home but the litter is not being used for profit.
 2. Breeding License Applications are obtained from the municipal Animal Shelter (Jayne H. Boswell Animal Shelter at 1434 McCurdy Road).
 3. A complete license application includes:
 - Breeding License Application Form,
 - A \$10.00 Application Fee,
 - License Renewal Fee is due each year by June 30th,
 - Applicants are required to provide documentation and records for a Program of Veterinary Care which is a written plan that has been signed by your Attending Veterinarian. This plan should include and meet the basic standards of care as defined by the (AWA) Animal Welfare Act of 1966 which is enforced by the United States Department of Agriculture.
 - Applicants are also required to provide a Certificate of Health signed by your Attending Veterinarian to include age and records of shots and vaccines to date.
 - A Pre-Inspection by a City of Florence Animal Control Officer (or Designee). The inspector that is assigned to your application will review all the documents. The Animal Control Officer will contact you within 10 days from the date they received the application to schedule the pre-license inspection. You are always free to contact the inspector during this waiting period if you have any questions. The pre-license inspection is the only one that will be scheduled with an inspector. The best way to prepare for the inspection is by being aware and understanding the regulatory standards as well as ensuring your facility complies with official Animal Welfare Act (AWA) requirements. The inspector will inspect the facility in order to determine if it meets the AWA requirements.

- The AWA requires that basic standards of care and treatment be provided for animals bred and sold for use as pets, used in biomedical research, transported commercially, or exhibited to the public. Individuals who operate facilities in these categories must provide their animals with adequate care and treatment in the areas of housing, handling, sanitation, nutrition, water, veterinary care, and protection from extreme weather and temperatures.
 - After you are licensed, all of the other inspections will be unannounced. Therefore, it is important that you carefully prepare and maintain all your records as well as your facility according to the Animal Welfare Act and Animal Welfare Regulations.
- (c) No person shall sell, offer for sale, or give away any pet under seven (7) weeks of age, except as surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.
- (d) Pet shops and Veterinarian Facilities properly licensed by the City of Florence (City of Florence Business License), municipal and/or county animal care facilities, and licensed pet rescue organizations are exempt from the requirements of this section.
- (e) It shall be unlawful for any person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the City of Florence.
- (f) In circumstances where the sell, trade, barter, exchange, auction, lease, rent, give away, or display for commercial purpose of any live animal is allowed, the seller/owner shall provide the “necessities of life” at the site in which these actions are taking place for the animal(s) as described in the City of Florence Code of Ordinances, Section 3-3. Animal Care.

Sec. 3-3.2 Prohibiting the transfer (giving away) animals as prizes or inducements

- (a) It shall be unlawful for any person to give a way, or to offer to give away, any animal as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (b) It shall be unlawful for any person to offer a pet as an inducement to purchase a product, commodity, or service.

Upon receipt of a complaint, the animal control officer or other law enforcement officers shall investigate the complaint to determine whether there is a violation of these sections of the ordinance.

If a violation of Section 3-3.1 and/or 3-3.2 has occurred, the owner violating any provision of this section shall be subject to a notice of violation of this ordinance and/or the animal(s) shall be subject to seizure and impoundment at the discretion of the investigating animal control officer(s) or other law enforcement officer(s). Upon impoundment, a notice of violation will be provided to the animal owner. Animals impounded under this section may be reclaimed by the owner as described in the City of Florence Code of Ordinances Section 3-8, Impoundment or Seizure and Section 3-9, Redemption.

FLORENCE CITY COUNCIL MEETING

DATE: May 13, 2019

AGENDA ITEM: Ordinance to Annex and Zone Property Owned by Meredith Bailey, located at 154 North Lakewood Drive, TMN 90009-04-009.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at 154 North Lakewood Drive, Tax Map Number 90009-04-009, into the City of Florence and zone Neighborhood Conservation-15 (NC-15).

II. CURRENT STATUS AND PREVIOUS ACTION TAKEN:

- (1) On April 9, 2019, the City of Florence Planning Commission held a public hearing on this matter.
- (2) The Planning Commission voted 6-0 to recommend the zoning request of Neighborhood Conservation-15 (NC-15), pending annexation approval.

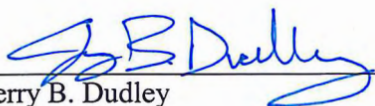
III. POINTS TO CONSIDER:

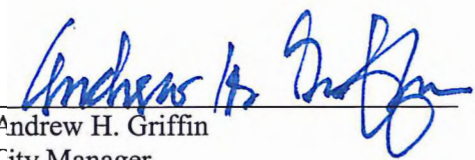
- (1) This request is being considered for first reading.
- (2) The property seeking annexation is unzoned in Florence County.
- (3) The property is currently vacant.
- (4) The proposed zoning, pending annexation, is Neighborhood Conservation-15 (NC-15).
- (5) City water and sewer services are currently available to the parcel.
- (6) City staff recommends the annexation and concurs with the Planning Commission's recommendation to zone the parcel Neighborhood Conservation-15 (NC-15) as requested. This recommendation is based on existing zoning within the subdivision and the character of the neighborhood.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Vicinity Map of Proposed Annexation
- C) Location Map of Proposed Annexation
- D) Petition for Annexation


Jerry B. Dudley
Planning Director


Andrew H. Griffin
City Manager

ORDINANCE NO. 2019 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY MEREDITH BAILEY; TMN 90009-04-009.

WHEREAS, a Public Hearing was held in the Council Chambers on April 9, 2019 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Meredith Bailey, owner of TMN 90009-04-009, to be zoned NC-15 was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and add the zoning district classification of Neighborhood Conservation-15 (NC-15);

The property requesting annexation is shown more specifically on Florence County Tax Map 90009, block 04, parcel 009 (0.561248 acres),

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

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

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

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

EXECUTED ON ONE (1) ADDITIONAL PAGE

ADOPTED THIS _____ DAY OF _____, 2019

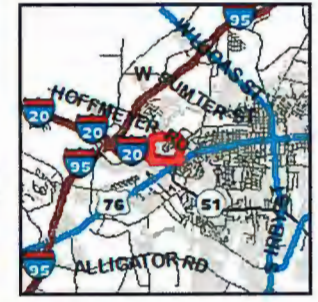
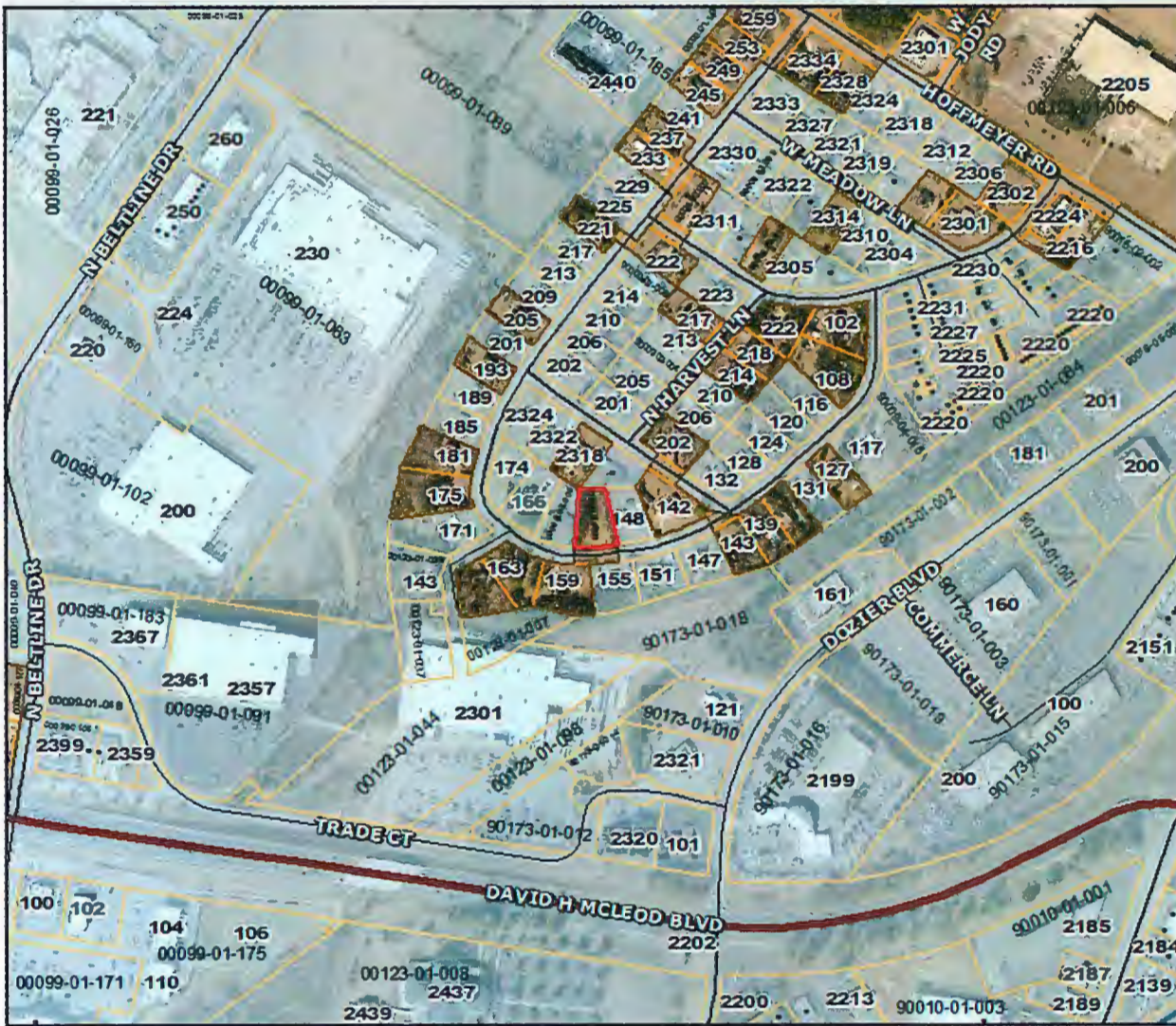
Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk



Legend

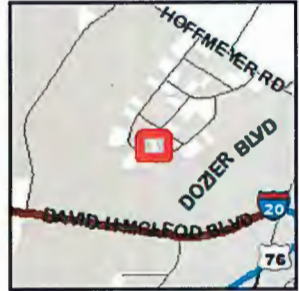
- City Limits
- Parcels



DISCLAIMER:
 The City of Florence Department of Planning, Research, and Development data represented on this map is the product of completion, 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.



Date: 3/28/2011



Legend

-  City Limits
-  Parcels



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60 30 0 60 Feet



Date: 3/28/2011

Attachment D: Annexation Petition

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

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

Florence County Tax Map 90009-04-009

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

city services

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

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

Total Residents	<u>0</u>
Race	<u> </u>
Total 18 and Over	<u> </u>
Total Registered to Vote	<u>0</u>

Date 3-6-19

[Signature]
Petitioner

Date 5-6-19

[Signature]
Petitioner

Certification as to ownership on the date of petition:	FOR OFFICAL USE ONLY
Date 3-6-19	13

FLORENCE CITY COUNCIL MEETING

DATE: May 13, 2019

AGENDA ITEM: An ordinance to amend the Planned Development District for property located at 2670 David H. McLeod Boulevard, TMN 00099-01-077.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An Ordinance to amend the Crossroads Shopping Center PDD, for an outparcel located at 2670 David H. McLeod Boulevard, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 00099-01-077.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On April 9, 2019, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the amendment to the PDD.

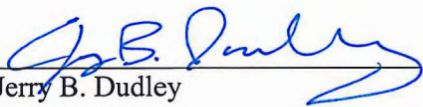
III. POINTS TO CONSIDER:

- (1) The property is currently zoned Planned Development District (PDD). It is an outparcel of the Crossroads Shopping Center.
- (2) The applicant proposes the addition of a small restaurant to the rear of the Nail Artisans Tan and Spa side of the building, with an accompanying enclosed restaurant entrance.
- (3) The proposal adds a unit to the original PDD as well as changes the footprint of the building, decreasing the rear and side setbacks of the southwest corner of the building by six feet. The rear setback will be 20 feet; the side setback will be 47 feet.
- (4) The airlock/foyer addition is required to meet building codes for restaurants.
- (5) Signage and parking requirements within the PDD follows the B-3 requirements as set forth in the *Zoning Ordinance of the City of Florence*, adopted July 2008.
- (6) City staff recommends that the amendment to the PDD be approved. The proposed use is in character with the existing Planned Development District and does not substantially affect the footprint of the building.

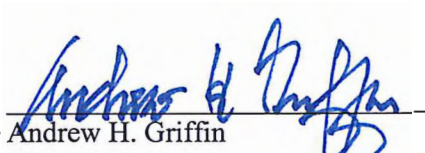
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Vicinity Map
- C) Location Map
- D) PDD Site Plan



Jerry B. Dudley
Planning Director



Andrew H. Griffin
City Manager

ORDINANCE NO. 2019-_____

AN ORDINANCE TO AMEND THE PLANNED DEVELOPMENT DISTRICT FOR PROPERTY LOCATED AT 2670 DAVID H. MCLEOD BOULEVARD, TMN 00099-01-077 TO ALLOW FOR DEVELOPMENT PLAN REVISIONS:

WHEREAS, a Public Hearing was held in City Council Chambers on April 9, 2019 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Hoang N. Pham made application to amend the Planned Development District to allow the addition of a restaurant to an existing building;

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

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

1. That an Ordinance is hereby adopted by amending the Planned Development District Ordinance to update the development plan to allow the addition of a restaurant;
2. That this Ordinance shall become effective seven days upon its approval adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

EXECUTED ON ONE (1) ADDITIONAL PAGE

Ordinance No. 2019-_____
Page 2

ADOPTED THIS _____ DAY OF _____, 2019

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

Attachment B: Vicinity Map



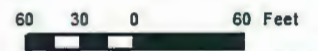


Legend

 Parcels

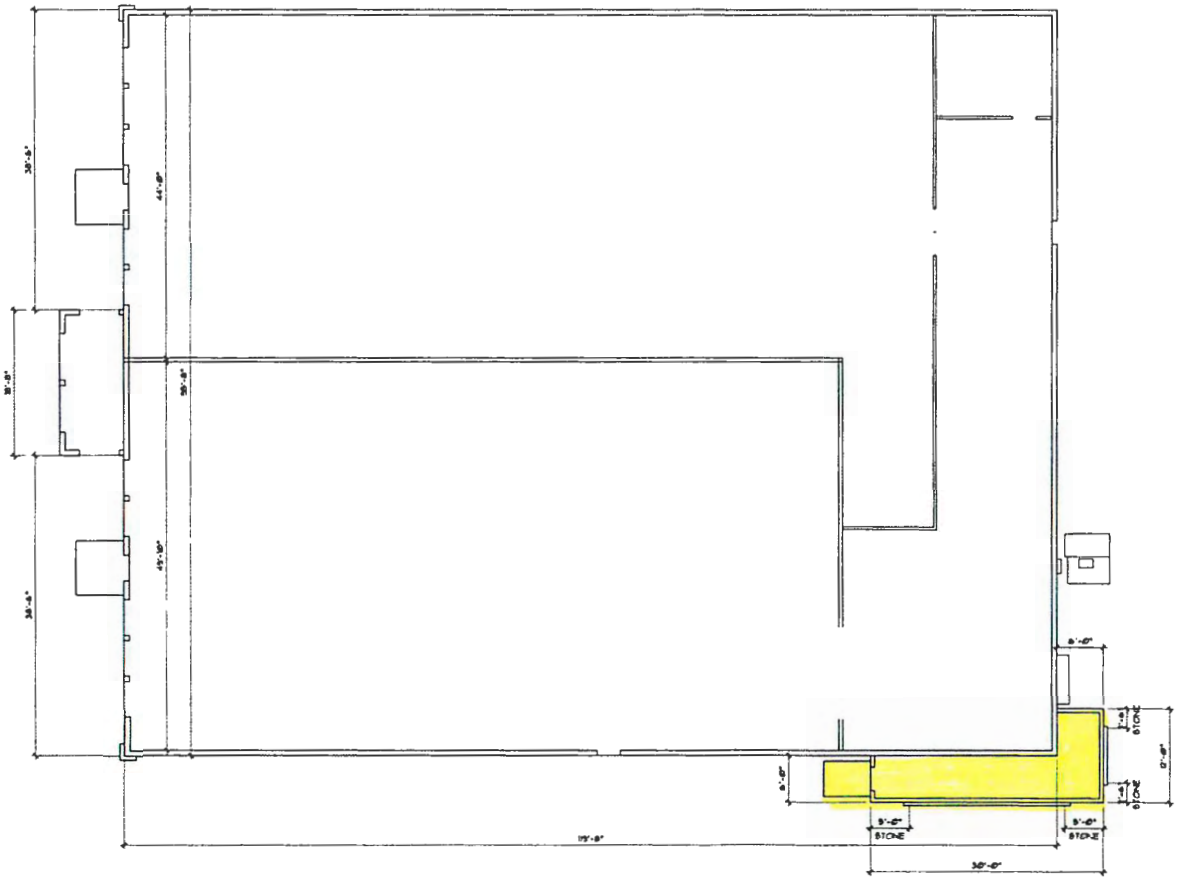


DISCLAIMER:
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Date: 3/28/2015

Attachment D: PDD Site Plan



1 SCHEMATIC FLOOR PLAN
SCALE: 1/8" = 1' - 0"

enti
11

FLORENCE CITY COUNCIL MEETING

DATE: May 13, 2019

AGENDA ITEM: An ordinance to annex and zone property owned by Floyd Family Properties, LLC and located at Howe Springs Road and Canal Drive, TMN 00180-01-111.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property located at the southwest corner of the intersection of Howe Springs Road and Canal Drive, Tax Map Number 00180-01-111, into the City of Florence and zone to Neighborhood Conservation-6.3 (NC-6.3).

II. CURRENT STATUS AND PREVIOUS ACTION TAKEN:

- (1) On April 9, 2019, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the zoning request of Neighborhood Conservation-6.3 (NC-6.3), pending annexation approval.

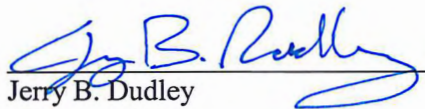
III. POINTS TO CONSIDER:

- (1) This request is being considered for first reading.
- (2) The property seeking annexation is unzoned in Florence County.
- (3) The 2.56 acre parcel is currently vacant.
- (4) The proposed zoning, pending annexation, is Neighborhood Conservation-6.3 (NC-6.3).
- (5) City water and sewer services are currently available to the parcel.
- (6) Adjacent properties are zoned Commercial General, Campus, and Planned Development.
- (7) City staff recommends the annexation and concurs with the Planning Commission's recommendation to zone the parcel Neighborhood Conservation-6.3 (NC-6.3) as requested. This recommendation is based on the future land use designation as well as the lot's dimensions, the proposed use, and the character of the adjacent parcels.

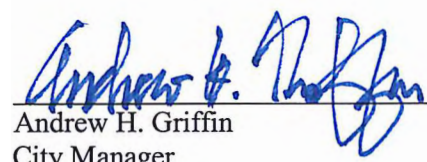
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Vicinity Map of Proposed Annexation
- C) Location Map of Proposed Annexation
- D) Petition for Annexation



Jerry B. Dudley
Planning Director



Andrew H. Griffin
City Manager

ORDINANCE NO. 2019 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY FLOYD FAMILY PROPERTIES LLC; TMN 00180-01-111.

WHEREAS, a Public Hearing was held in the Council Chambers on April 9, 2019 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by Tanner Garrett on behalf of Floyd Family Properties, owner of TMN 00180-01-111, to be zoned NC-6.3 was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and add the zoning district classification of Neighborhood Conservation-6.3 (NC-6.3);

The property requesting annexation is shown more specifically on Florence County Tax Map 00180, block 01, parcel 111 (2.560044 acres),

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

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

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

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

EXECUTED ON ONE (1) ADDITIONAL PAGE

Ordinance No. 2019 - _____
Page 2

ADOPTED THIS _____ DAY OF _____, 2019

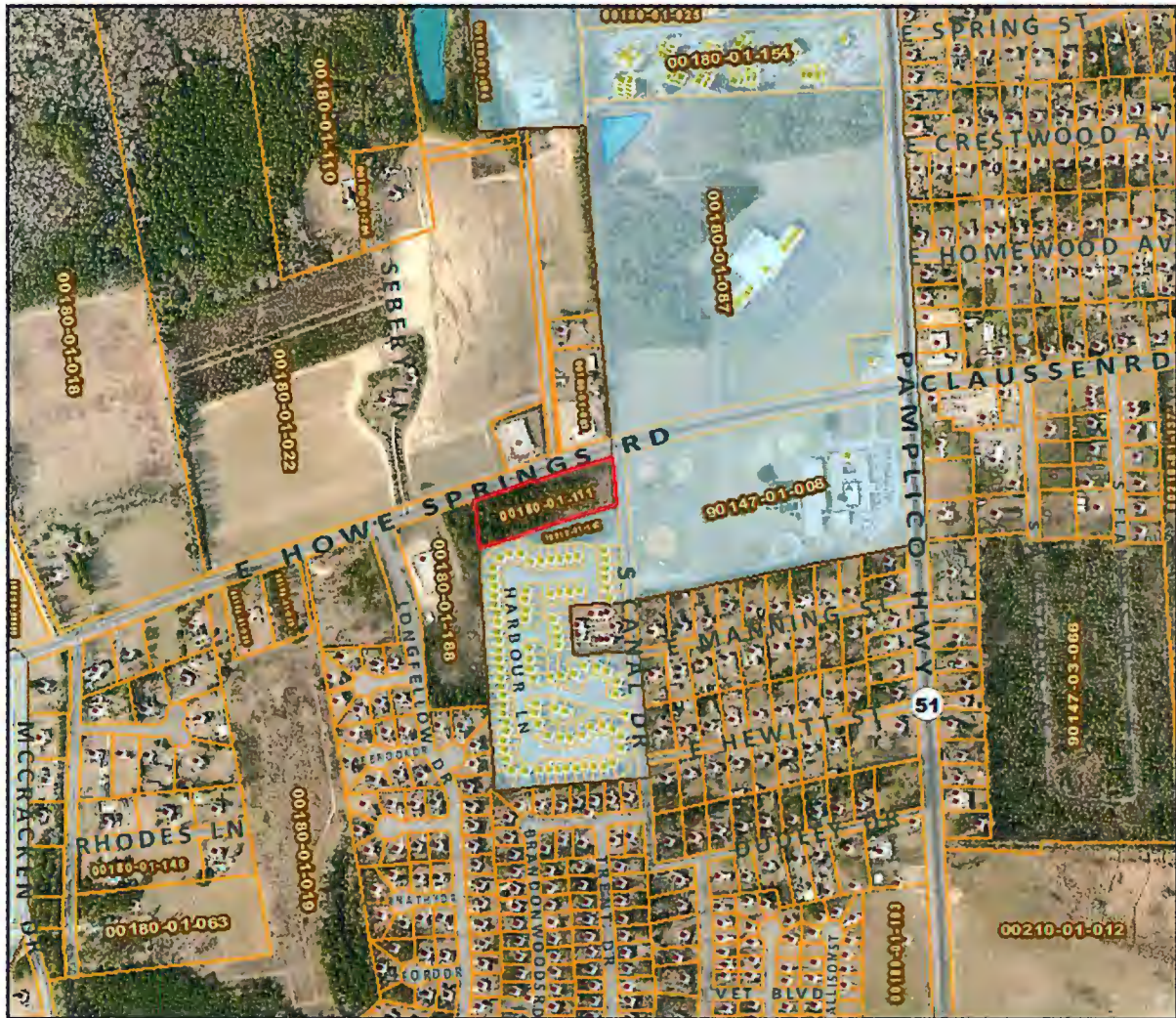
Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

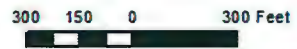
Amanda P. Pope
Municipal Clerk



- Legend**
- City Limits
 - Parcels



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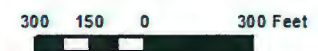
Date: 3/29/2011



- Legend**
- City Limits
 - Parcels

FULL LIFE. FULL FORWARD. **FLORENCE**
SOUTH CAROLINA

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Date: 3/23/2011

Attachment C: Location Map

Attachment D: Annexation Petition

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

PETITION FOR ANNEXATION

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

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

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

Florence County Tax Map

00180-01-111

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

City services

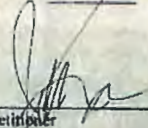
- 4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

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

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

Date April 8 2019

Date _____



Petitioner

Edward B. Floyd
Petitioner

Certification as to ownership on the date of petition:	FOR OFFICAL USE ONLY
Date <u>4-8-19</u>	<u>13</u>

FLORENCE CITY COUNCIL MEETING

DATE: May 13, 2019

AGENDA ITEM: An Ordinance to rezone from PD to CA property located at 1840 Second Loop Road, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 90029-02-022.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

IV. ISSUE UNDER CONSIDERATION:

A request to rezone from PD to CA property located at 1840 Second Loop Road, said property being specifically designated in the Florence County Tax Records as Tax Map Parcel 90029-02-022. The request is being made by the property owner, Bryan Patterson.

I. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On April 9, 2019, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the parcel be rezoned from PDD to CA.

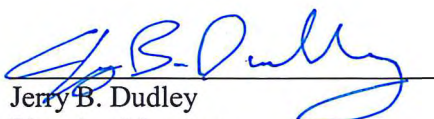
II. POINTS TO CONSIDER:


- (1) This request is being considered for first reading.
- (2) The property is currently zoned PDD Planned Development District; it was zoned to PDD from B-2 Limited Business on October 17, 2005 as the commercial component of the Hampton Park planned development. Since this time, residential components of this PDD have been rezoned to conventional residential zoning designations, leaving this remnant without clear development standards.
- (3) City staff recommends that the rezoning request be approved to accommodate the proposed use such that the site can develop subject to the standards of the *City of Florence Unified Development Ordinance*.

V. PERSONAL NOTES:

VI. ATTACHMENTS:

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


Jerry B. Dudley
Planning Manager


Andrew H. Griffin
City Manager

ORDINANCE NO. 2019-_____

AN ORDINANCE TO REZONE PROPERTY IDENTIFIED AS TAX MAP NUMBER 90029-02-022 LOCATED AT 1840 SECOND LOOP ROAD FROM PDD PLANNED DEVELOPMENT DISTRICT TO CA CAMPUS DISTRICT:

WHEREAS, a Public Hearing was held in City Council Chambers on April 9, 2019 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Bryan Patterson made application to rezone from PDD, Planned Development District to CA, Campus District;

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence for the aforesaid property to CA Campus District;
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence and posting of this amendment in the official Zoning Atlas.

EXECUTED ON ONE (1) ADDITIONAL PAGE

Ordinance No. 2019-_____

Page 2

ADOPTED THIS _____ DAY OF _____, 2019

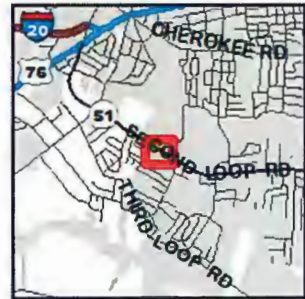
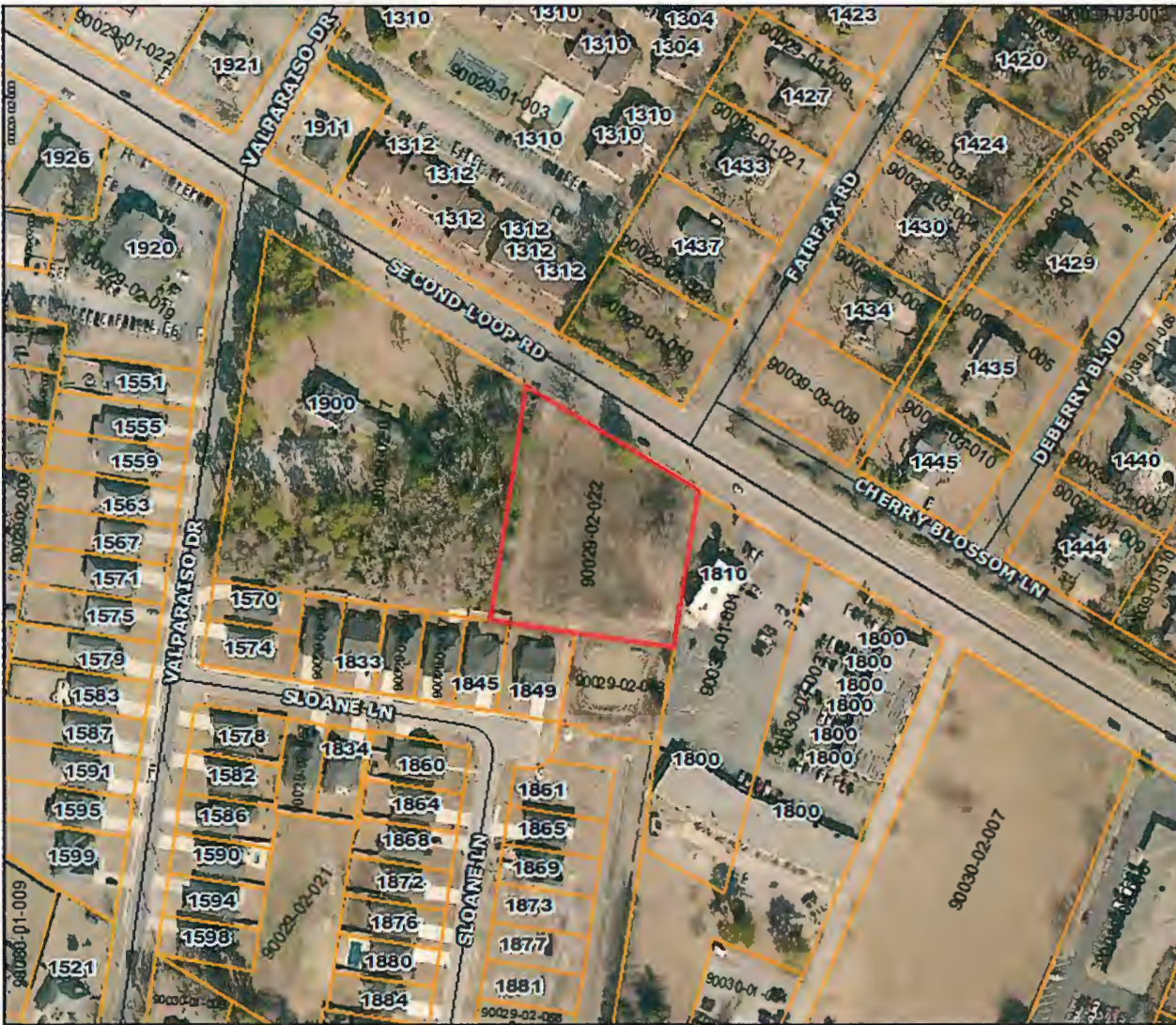
Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk



Legend

 Parcels

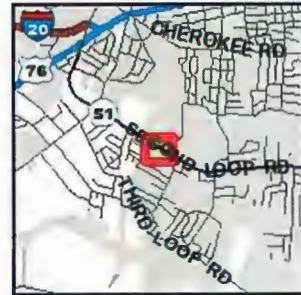
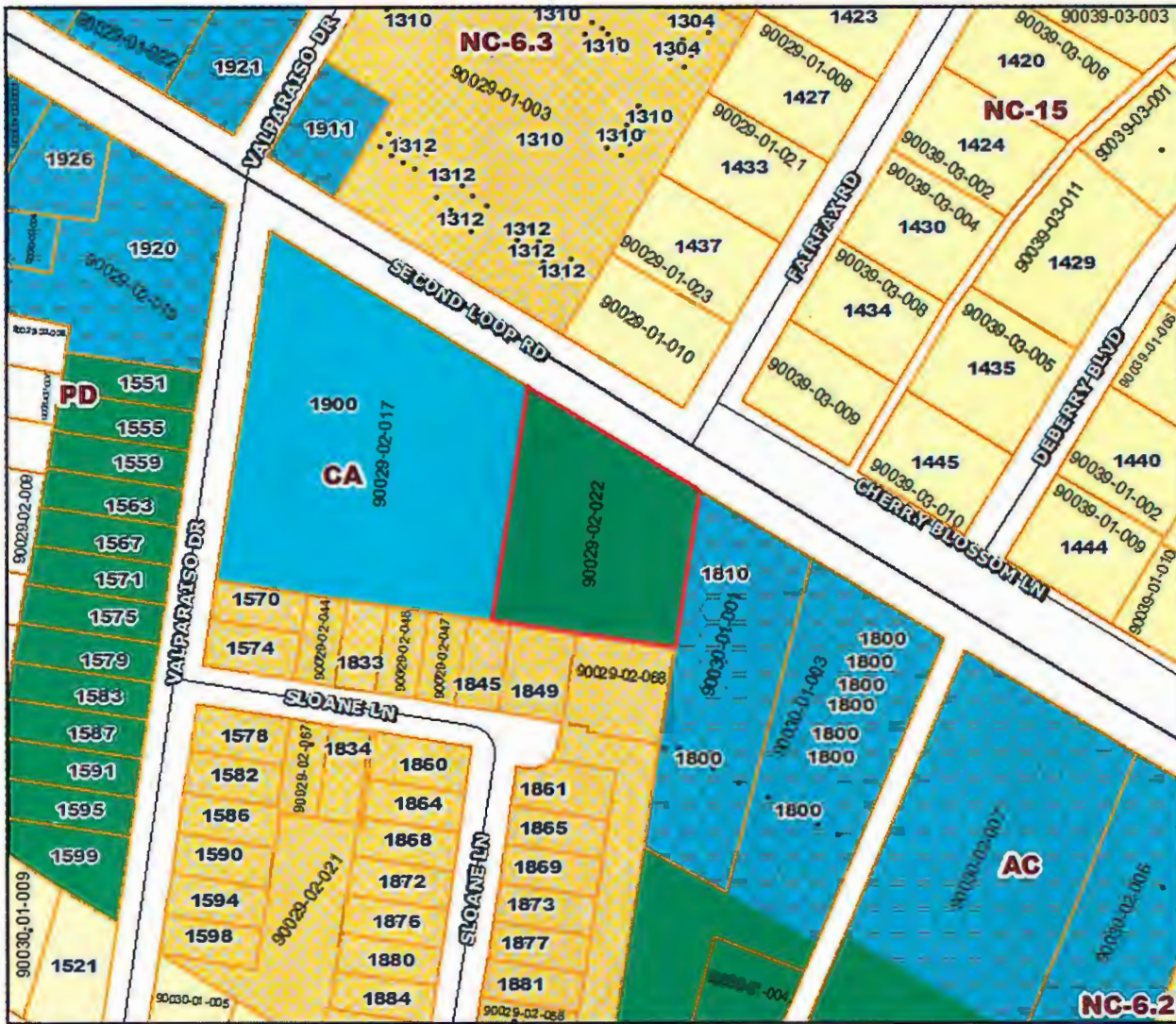


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200 100 0 200 Feet



Date: 3/28/2011



- Legend**
- NC-15
 - NC-6.3
 - CA
 - AC
 - PD
 - R-1
 - R-2
 - R-3
 - R-4
 - R-5
 - R-6
 - R-7
 - R-8
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FULL LIFE. FULL FORWARD.
FLORENCE
 SOUTH CAROLINA

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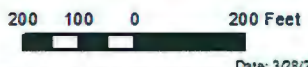
Date: 3/28/2011



- Legend**
- Parcels
 - Future Land Use 2010
 - Future Land Use
 - Auto-Urban Commercial
 - Business Parks
 - Central Business District
 - Industrial
 - Neighborhood Conservation
 - Parks and Open Space
 - Public and Institutional
 - Residential Auto-Urban
 - Residential Estate
 - Residential Sub-Urban
 - Residential Transition
 - Residential Urban
 - Rural
 - Sub-Urban Commercial



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Date: 3/28/2015

CITY OF FLORENCE CITY COUNCIL MEETING

DATE: May 13, 2019

AGENDA ITEM: An ordinance to amend Section 1-2.4.2, Establishment of Downtown Overlay Districts, of the City of Florence Unified Development Ordinance and proposed amendment to the City of Florence Design Guidelines to establish the Irby Street Corridor Overlay District.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Proposed text amendment to Section 1-2.4.2 Establishment of Downtown Overlay Districts of the City of Florence Unified Development Ordinance and proposed amendment to the City of Florence Design Guidelines to establish the Irby Street Corridor Overlay District.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- 1) On April 9, 2019, the City of Florence Planning Commission held a public hearing on this matter and voted 6-0 to recommend the text amendments.
- 2) On April 10, 2019, the City of Florence Design Review Board voted 7-0 to recommend the additional of the Irby Street Corridor Overlay District with further amendments to include the prohibition of additional billboards within the district and the application of Section 1-2.7.8 of the *City of Florence Unified Development Ordinance* as related to functionally similar uses and the list of prohibited land uses within the district.

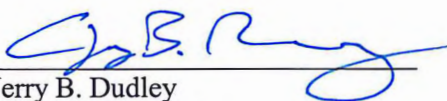
III. POINTS TO CONSIDER:

- 1) Text amendment is being considered for first reading.
- 2) Current zoning of the properties include CG, General Commercial; AC, Activity Center; CBD, Central Business; CR, Commercial Reuse; and CA, Campus zoning districts.
- 3) Future Land Use of the properties include Commercial Autourban, Business Parks, Industrial, and Downtown districts
- 4) The text amendment was prepared by the Planning, Research & Development Department for the purpose of creating and maintaining a safe, efficient, functional and attractive corridor through the City of Florence Downtown.
- 5) Strategically located to assist in the redevelopment of properties along the U.S. Hwy 52/Irby Street Corridor.
- 6) This overlay district is inclusive of and builds upon downtown overlay districts as adopted in 2005 as part of the revitalization of Downtown Florence.
- 7) City staff recommends approval

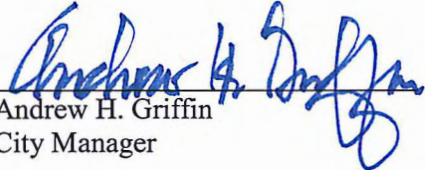
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- 1) Proposed Amendment
- 2) Location Map
- 3) Ordinance



Jerry B. Dudley
Planning Director



Andrew H. Griffin
City Manager

Attachment 1: Proposed additions to the City of Florence Unified Development Ordinance and the Design Guidelines

Amendments to the *City of Florence Unified Development Ordinance*:

Sec. 1-2.4.2 Establishment of Downtown Overlay Districts

8. IS-COD - Irby Street Corridor Overlay District

- a. The intent of the Irby Street Corridor Overlay District is to foster redevelopment of properties adjacent to the US Highway 52/ Irby Street Corridor for the purpose of creating and maintaining a safe, efficient, functional and attractive corridor through the City of Florence Downtown. This overlay district is inclusive of and builds upon downtown overlay districts as adopted in 2005 as part of the revitalization of Downtown Florence. Furthermore, the overlay will encourage redevelopment of existing structures in a manner which enhances the character of the corridor, reduces conflict between pedestrian and vehicular traffic, and promotes economic development of the community.
- b. Development and redevelopment projects in the Irby Street Corridor Overlay District will be subject to the design standards of guidelines of Division 4-16.3, *Downtown Design District Site Development Guidelines*.

Text amendments to the *Design Guidelines for Downtown Florence*:

Purpose and intent

The intent of the Irby Street Corridor Overlay District is to foster redevelopment of properties adjacent to the US Highway 52/ Irby Street Corridor for the purpose of creating and maintaining a safe, efficient, functional and attractive corridor through the City of Florence Downtown. This overlay district is inclusive of and builds upon downtown overlay districts as adopted in 2005 as part of the revitalization of Downtown Florence. Furthermore, this overlay district will encourage redevelopment of existing structures in a manner which enhances the character of the corridor, reduces conflict between pedestrian and vehicular traffic, and promotes a viable commercial corridor through Downtown Florence.

Irby Street Corridor Overlay District – Underlying Overlay Districts

Portions of the Irby Street Corridor District are also incorporated into the D-1, Downtown Redevelopment District; D-2, Downtown Central District; and D-3, Arts and Cultural District. In the event that the provisions of the Irby Street Corridor Overlay District conflict with the underlying

overlay district; or, if they address subject matter not addressed by this district, the more restrictive provision shall control.

Irby Street Corridor Overlay District - Area

The boundary of the Irby Street Corridor Overlay District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 6 of the Design Guidelines.

Irby Street Corridor Overlay District - Land Uses

The district shall allow all uses permitted in the underlying zoning district with the exception of heavy automobile repair, outdoor vehicular or building supply display areas, and self-storage/moving vehicle rental. Land use decisions shall take into account functionally similar per Section 1-2.7.8 of the *City of Florence Unified Development Ordinance*.

Irby Street Corridor Overlay District - Materials

- a. The following materials are to be used on the exterior of the building:
- Brick
 - Stone
 - Stucco
 - Glass
 - Cementitious siding
 - Split shakes (as a complementary feature)
 - Board and Batten wood (exterior)
 - Architectural Block
 - Combination of these materials

Exterior building materials shall not include the following:

- Rough sawn wood
- Heavily textured stucco
- Field painted or pre-finished corrugated metal siding
- “Mirrored” or opaque glass

- Standard single or double tee concrete system
 - Exposed unfinished cinder block or similar materials
 - Vinyl, as an accent material, may be approved by the Design Review Board
- b. Awnings: Awnings are an excellent way to introduce color and texture into the commercial street/building environment. Within this district, only fabric awnings are recommended. Awning colors should be compatible with the proposed color scheme of the project and complement the intent of the district. Backlit or plastic awnings are not permitted.
- c. Color: The color of buildings in the Irby Street Corridor Overlay District should complement the colors of adjacent buildings. Buildings should use primarily earth tones, with light and bright colors used only as minor accents.

Irby Street Corridor Overlay District - Landscape

Landscape requirements will help define commercial spaces and soften the visual impact of site improvements. These requirements shall comply with the underlying zoning district per the city's *Unified Development Ordinance*, the purpose of which is to reduce visibility of paved areas from the public right-of-way and adjacent properties as well as enhance public safety by creating a division between pedestrian and vehicular traffic.

It is recommended that additional landscaping be provided along and against all buildings. The site should incorporate canopy trees that coordinate with the placement of signage and storefront windows. At the time of development or redevelopment a landscape plan is required for all projects. Landscape areas may include trees, shrubs, flowering perennials, ornamental tall grass, vegetative groundcovers, fountains, water features, decorative stonework, planters, sculpture, and decorative paving.

Irby Street Corridor Overlay District – Fencing and Screening

Fencing and screening devices are to be utilized to protect the privacy of adjacent permitted uses and reduce visual clutter according to the following standards:

- a. Dumpsters and mechanical or utility equipment shall be screened from view from any public right-of-way and shall not be located in the front or street-side yards.
- i. Dumpster screening shall comply with the following standards:
1. Dumpsters shall be located no more than 200 feet (walking distance) from the individual uses that they are intended to serve;
 2. Dumpsters shall be fully enclosed by an opaque wall constructed of brick, stone, or stucco-finished concrete block, to a height of one foot above the top of the dumpster.

3. The enclosures shall provide the following types of access:
 - a) Service gates which remain closed at all times except when the dumpster or garbage bins are being serviced; and
 - b) Separate pedestrian access gates or a pedestrian access opening that screens the dumpster from view.
 4. Mechanical or utility equipment shall be screened from view from any public right-of-way by an opaque wall constructed of brick, stone, or stucco-finished concrete block; a vegetative screen of sufficient height and opacity to screen the equipment within three years of installation; or a combination of the aforementioned methods.
- b. Fences and walls shall comply with the following standards:
- i. Fence and wall height, setback, and transparency requirements shall follow Division 3-8.2.2 of the *Unified Development Ordinance*.
 - ii. Materials for fences and walls shall include wood, ornamental wrought iron or powder-coated aluminum; cement fiberboard; composite materials; masonry; or a combination of these materials.
 - iii. Stockade, unfinished concrete block, sheet metal, vinyl or plastic, and chain link fences are prohibited.

Irby Street Corridor Overlay District - Signs

It is the intent of this section to provide for appropriate and adequate signage in an effort to promote creative signage design while limiting the number, size, and height of signage. Signs shall be an integral part of the building elevation and site plan. Attached wall signs and freestanding monument signs be harmonious with one another as well as the architecture of the building and surrounding buildings.

- a. Signage shall comply with the following standards:
- i. Sign material shall be:
 1. wood (carved, sandblasted, etched, and properly sealed, primed, and painted or stained);
 2. metal (formed, etched, cast, engraved, and properly primed and painted or factory coated to protect against corrosion);
 3. high density pre-formed foam, channel lettering, or routed vinyl lettering may be appropriate if properly designed in a manner consistent with these guidelines and painted or otherwise finished to complement the architecture;
 4. Custom neon tubing, in the form of graphics or lettering, may be incorporated into several of the above permitted sign types;
 5. Sign material should be compatible with the design of the face of the façade where it is to be placed.
 - ii. Flashing signs are not permitted. Back-lit and internally lit signs may be used if approved by the Design Review Board and will be allowed only when they

complement the existing façade and surrounding structures, and are consistent with the objectives of the Design Guidelines

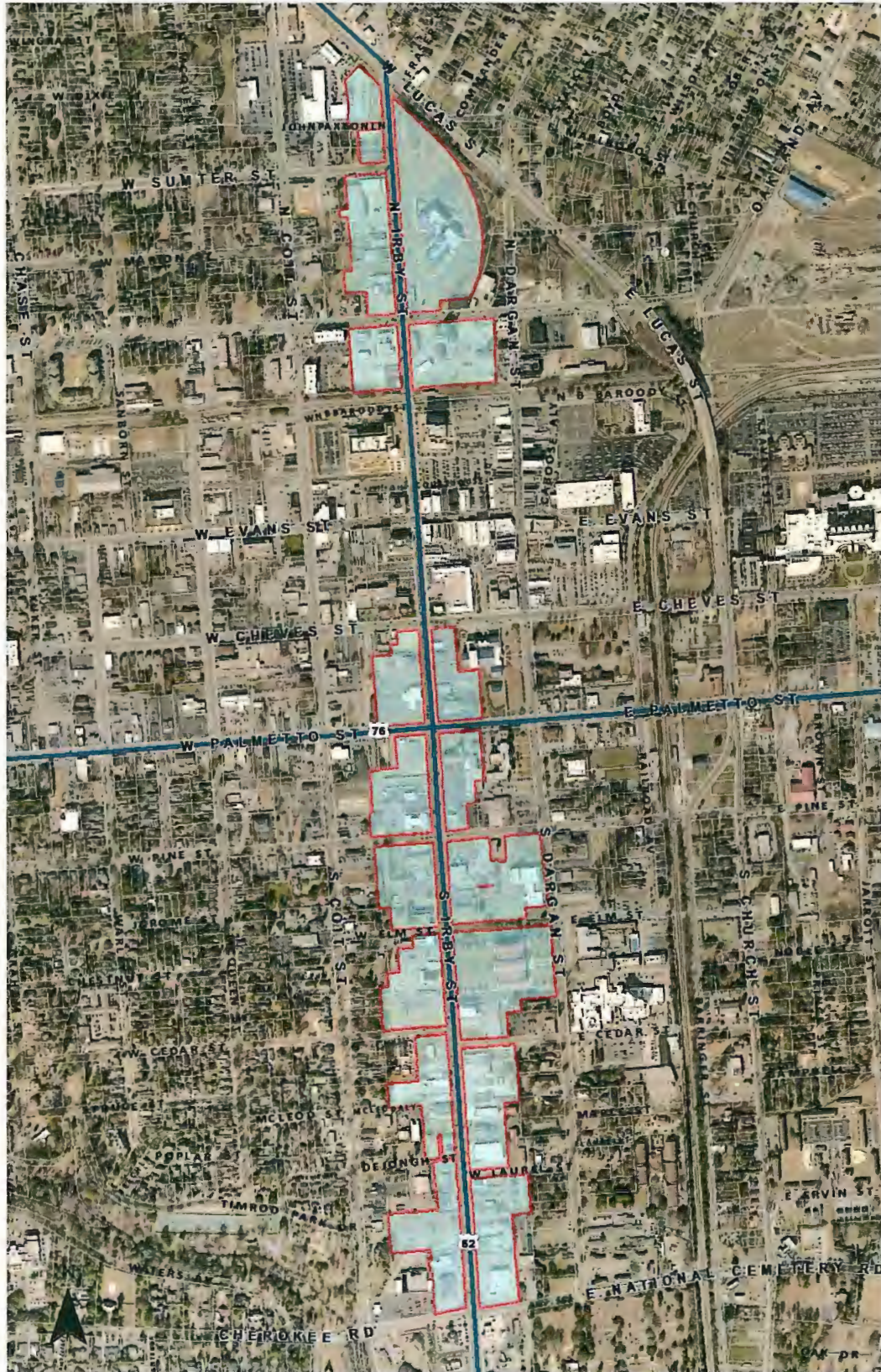
iii. Attached (building) signs:

1. Each tenant shall be allowed a maximum of two attached signs. Attached signs shall be above a building entrance or at other locations that are consistent with the architectural features of a building.
2. Building signs may consist of wall signs, awning signs, canopy signs, or projecting signs covering a maximum of 10 percent of the surface area of the façade to which it is attached (per tenant wall).
3. Any projecting sign mounted perpendicular to a building wall shall not exceed 12 square feet in area. Projecting signs shall not project more than 4 feet from the building face, with a minimum clearance of 8 feet.

iv. Freestanding signs:

1. Freestanding signs on properties within the district, which also intersect with the D-2 or D-3 overlay districts, shall be of monument style and shall comply with the following standards:
 - a) Monument signs shall have a minimum setback of 5 feet from all property lines and not exceed 80 square feet in area with maximum dimensions (to include base and surrounds or supports) of 12 feet in width, and 8 feet in height.
 - b) Monument signs shall be primarily constructed of materials matching the principle building.
 - c) The area surrounding the base of the monument sign shall be landscaped with perennials, ornamental grasses and or shrubs to a minimum of two feet in depth and 80 percent of the width of the sign on the facing sides.
 - d) Electronic or digital components as a design element of a sign may be allowed if it comprises less than 20 percent of the sign face. Fully electronic, digital, flashing, motorized signs, or changeable copy panels are not allowed.
2. Freestanding signs on properties within the district, which only intersect with the D-1 overlay district, shall comply with the freestanding sign standards for the CBD zoning district per Part 5 "Sign Regulations" of the *City of Florence Unified Development Ordinance*.
3. Billboards shall not be allowed within the district.

Attachment 2: Irby Street Corridor Overlay District (ISCOD)



ORDINANCE NO. 2019-_____

AN ORDINANCE TO AMEND SECTION 1-2.4.2, ESTABLISHMENT OF DOWNTOWN OVERLAY DISTRICTS OF THE CITY OF FLORENCE UNIFIED DEVELOPMENT ORDINANCE AND AMEND THE CITY OF FLORENCE DESIGN GUIDELINES TO ADD THE OVERLAY DISTRICT TO BE REFERRED TO AS THE “IRBY STREET CORRIDOR OVERLAY DISTRICT”:

WHEREAS, a Public Hearing was held in the City Center Council Chambers on April 9, 2019 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, The City of Florence wishes to create and maintain a safe, efficient, functional and attractive corridor through the Downtown Florence and build upon downtown overlay districts as adopted in 2005 as part of the revitalization of Downtown Florence;

WHEREAS, The City of Florence is focused on assisting in the redevelopment of properties along the U.S. Hwy 52/Irby Street Corridor;

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

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

1. That the provisions of the Zoning Ordinance applicable to the City of Florence be, and the same are hereby amending Section 1-2.4.2, et seq., which will read in whole as follows:
2. That the provisions of the Zoning Ordinance applicable to the City of Florence be, and the same are hereby amending the Design Guidelines, et seq., which will read in whole as follows:

Amendments to the City of Florence Unified Development Ordinance:

Sec. 1-2.4.2 Establishment of Downtown Overlay Districts

8. IS-COD - Irby Street Corridor Overlay District

- a. The intent of the Irby Street Corridor Overlay District is to foster redevelopment of properties adjacent to the US Highway 52/ Irby Street Corridor for the purpose of creating and maintaining a safe, efficient, functional and attractive corridor through the City of Florence Downtown. This overlay district is inclusive of and builds upon

downtown overlay districts as adopted in 2005 as part of the revitalization of Downtown Florence. Furthermore, the overlay will encourage redevelopment of existing structures in a manner which enhances the character of the corridor, reduces conflict between pedestrian and vehicular traffic, and promotes economic development of the community.

- b. Development and redevelopment projects in the Irby Street Corridor Overlay District will be subject to the design standards of guidelines of Division 4-16.3, *Downtown Design District Site Development Guidelines*.

Text amendments to the *Design Guidelines for Downtown Florence*:

Purpose and intent

The intent of the Irby Street Corridor Overlay District is to foster redevelopment of properties adjacent to the US Highway 52/ Irby Street Corridor for the purpose of creating and maintaining a safe, efficient, functional and attractive corridor through the City of Florence Downtown. This overlay district is inclusive of and builds upon downtown overlay districts as adopted in 2005 as part of the revitalization of Downtown Florence. Furthermore, this overlay district will encourage redevelopment of existing structures in a manner which enhances the character of the corridor, reduces conflict between pedestrian and vehicular traffic, and promotes a viable commercial corridor through Downtown Florence.

Irby Street Corridor Overlay District – Underlying Overlay Districts

Portions of the Irby Street Corridor District are also incorporated into the D-1, Downtown Redevelopment District; D-2, Downtown Central District; and D-3, Arts and Cultural District. In the event that the provisions of the Irby Street Corridor Overlay District conflict with the underlying overlay district; or, if they address subject matter not addressed by this district, the more restrictive provision shall control.

Irby Street Corridor Overlay District - Area

The boundary of the Irby Street Corridor Overlay District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 6 of the Design Guidelines.

Irby Street Corridor Overlay District - Land Uses

The district shall allow all uses permitted in the underlying zoning district with the exception of heavy automobile repair, outdoor vehicular or building supply display areas, and self-storage/moving vehicle rental. Land use decisions shall take into account functionally similar per Section 1-2.7.8 of the *City of Florence Unified Development Ordinance*.

Irby Street Corridor Overlay District - Materials

a. The following materials are to be used on the exterior of the building:

- Brick
- Stone
- Stucco
- Glass
- Cementitious siding
- Split shakes (as a complementary feature)
- Board and Batten wood (exterior)
- Architectural Block
- Combination of these materials

Exterior building materials shall not include the following:

- Rough sawn wood
- Heavily textured stucco
- Field painted or pre-finished corrugated metal siding
- “Mirrored” or opaque glass
- Standard single or double tee concrete system
- Exposed unfinished cinder block or similar materials
- Vinyl, as an accent material, may be approved by the Design Review Board

b. Awnings: Awnings are an excellent way to introduce color and texture into the commercial street/building environment. Within this district, only fabric awnings are recommended. Awning colors should be compatible with the proposed color scheme of the project and complement the intent of the district. Backlit or plastic awnings are not permitted.

- c. Color: The color of buildings in the Irby Street Corridor Overlay District should complement the colors of adjacent buildings. Buildings should use primarily earth tones, with light and bright colors used only as minor accents.

Irby Street Corridor Overlay District - Landscape

Landscape requirements will help define commercial spaces and soften the visual impact of site improvements. These requirements shall comply with the underlying zoning district per the city's *Unified Development Ordinance*, the purpose of which is to reduce visibility of paved areas from the public right-of-way and adjacent properties as well as enhance public safety by creating a division between pedestrian and vehicular traffic.

It is recommended that additional landscaping be provided along and against all buildings. The site should incorporate canopy trees that coordinate with the placement of signage and storefront windows. At the time of development or redevelopment a landscape plan is required for all projects. Landscape areas may include trees, shrubs, flowering perennials, ornamental tall grass, vegetative groundcovers, fountains, water features, decorative stonework, planters, sculpture, and decorative paving.

Irby Street Corridor Overlay District – Fencing and Screening

Fencing and screening devices are to be utilized to protect the privacy of adjacent permitted uses and reduce visual clutter according to the following standards:

- a. Dumpsters and mechanical or utility equipment shall be screened from view from any public right-of-way and shall not be located in the front or street-side yards.
 - i. Dumpster screening shall comply with the following standards:
 1. Dumpsters shall be located no more than 200 feet (walking distance) from the individual uses that they are intended to serve;
 2. Dumpsters shall be fully enclosed by an opaque wall constructed of brick, stone, or stucco-finished concrete block, to a height of one foot above the top of the dumpster.
 3. The enclosures shall provide the following types of access:
 - a) Service gates which remain closed at all times except when the dumpster or garbage bins are being serviced; and
 - b) Separate pedestrian access gates or a pedestrian access opening that screens the dumpster from view.
 4. Mechanical or utility equipment shall be screened from view from any public right-of-way by an opaque wall constructed of brick, stone, or stucco-finished concrete block; a vegetative screen of sufficient height and opacity to screen the equipment within three years of installation; or a combination of the aforementioned methods.

- b. Fences and walls shall comply with the following standards:
 - i. Fence and wall height, setback, and transparency requirements shall follow Division 3-8.2.2 of the *Unified Development Ordinance*.
 - ii. Materials for fences and walls shall include wood, ornamental wrought iron or powder-coated aluminum; cement fiberboard; composite materials; masonry; or a combination of these materials.
 - iii. Stockade, unfinished concrete block, sheet metal, vinyl or plastic, and chain link fences are prohibited.

Irby Street Corridor Overlay District - Signs

It is the intent of this section to provide for appropriate and adequate signage in an effort to promote creative signage design while limiting the number, size, and height of signage. Signs shall be an integral part of the building elevation and site plan. Attached wall signs and freestanding monument signs be harmonious with one another as well as the architecture of the building and surrounding buildings.

- a. Signage shall comply with the following standards:
 - i. Sign material shall be:
 1. wood (carved, sandblasted, etched, and properly sealed, primed, and painted or stained);
 2. metal (formed, etched, cast, engraved, and properly primed and painted or factory coated to protect against corrosion);
 3. high density pre-formed foam, channel lettering, or routed vinyl lettering may be appropriate if properly designed in a manner consistent with these guidelines and painted or otherwise finished to complement the architecture;
 4. Custom neon tubing, in the form of graphics or lettering, may be incorporated into several of the above permitted sign types;
 5. Sign material should be compatible with the design of the face of the façade where it is to be placed.
 - ii. Flashing signs are not permitted. Back-lit and internally lit signs may be used if approved by the Design Review Board and will be allowed only when they complement the existing façade and surrounding structures, and are consistent with the objectives of the Design Guidelines
 - iii. Attached (building) signs:
 1. Each tenant shall be allowed a maximum of two attached signs. Attached signs shall be above a building entrance or at other locations that are consistent with the architectural features of a building.
 2. Building signs may consist of wall signs, awning signs, canopy signs, or projecting signs covering a maximum of 10 percent of the surface area of the façade to which it is attached (per tenant wall).

3. Any projecting sign mounted perpendicular to a building wall shall not exceed 12 square feet in area. Projecting signs shall not project more than 4 feet from the building face, with a minimum clearance of 8 feet.

iv. Freestanding signs:

1. Freestanding signs on properties within the district, which also intersect with the D-2 or D-3 overlay districts, shall be of monument style and shall comply with the following standards:

- a) Monument signs shall have a minimum setback of 5 feet from all property lines and not exceed 80 square feet in area with maximum dimensions (to include base and surrounds or supports) of 12 feet in width, and 8 feet in height.
- b) Monument signs shall be primarily constructed of materials matching the principle building.
- c) The area surrounding the base of the monument sign shall be landscaped with perennials, ornamental grasses and or shrubs to a minimum of two feet in depth and 80 percent of the width of the sign on the facing sides.
- d) Electronic or digital components as a design element of a sign may be allowed if it comprises less than 20 percent of the sign face. Fully electronic, digital, flashing, motorized signs, or changeable copy panels are not allowed.

2. Freestanding signs on properties within the district, which only intersect with the D-1 overlay district, shall comply with the freestanding sign standards for the CBD zoning district per Part 5 "Sign Regulations" of the *City of Florence Unified Development Ordinance*.

3. Billboards shall not be allowed within the district.

EXECUTED ON ONE (1) ADDITIONAL PAGE

Ordinance No. 2019 - _____
Page 2 – June 2019

ADOPTED THIS _____ DAY OF _____, 2017

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela, **Mayor**

Attest:

Amanda Pope
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: June 10, 2019

AGENDA ITEM: An Ordinance to Annex and Zone property owned by The Grove at Ebenezer, LLC and located on South Ebenezer Road and Grove Boulevard, being a portion of TMN 00075-01-221.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex property on South Ebenezer Road and Grove Boulevard, a 6.8 acre portion of Tax Map Number 00075-01-221, into the City of Florence and zone to (PDD) Planned Development District. The request is being made by the property owner, The Grove at Ebenezer, LLC.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On May 14, 2019, the City of Florence Planning Commission held a public hearing on this matter.
- (2) The Planning Commission voted 6-0 to recommend the zoning request of (PDD) Planned Development District, pending annexation approval.


III. POINTS TO CONSIDER:

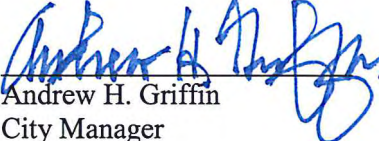
- (1) This request is being considered for first reading.
- (2) The lot is currently vacant.
- (3) The intended development is single family houses with property in common.
- (4) City water and sewer services are currently available; the developer will extend water and sewer services internal to the development.
- (5) City Staff recommends annexation and concurs with Planning Commission's recommendation to zone the property (PDD) Planned Development District.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A. Ordinance
- B. Location Map of Proposed Annexation
- C. Plat of Parcel
- D. Petition for Annexation


Jerry Dudley
Planning Director


Andrew H. Griffin
City Manager

ORDINANCE NO. 2019_____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY THE GROVE AT EBENEZER, LLC AND LOCATED ON SOUTH EBENEZER ROAD AND GROVE BOULEVARD, A PORTION OF TMN 00075-01-221.

WHEREAS, a Public Hearing was held in the Council Chambers on May 14, 2019 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, application by The Grove at Ebenezer, LLC, owner of TMN 00075-01-221, 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 (PDD) Planned Development District:

The property requesting annexation is shown more specifically on Florence County Tax Map 00075, block 01, parcel 221 (portion) (6.80 acres).

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

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

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

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

EXECUTED ON ONE (1) ADDITIONAL PAGE

ADOPTED THIS _____ DAY OF _____, 2019

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

PC 2019-15

Location Map - Easy Living at the Grove



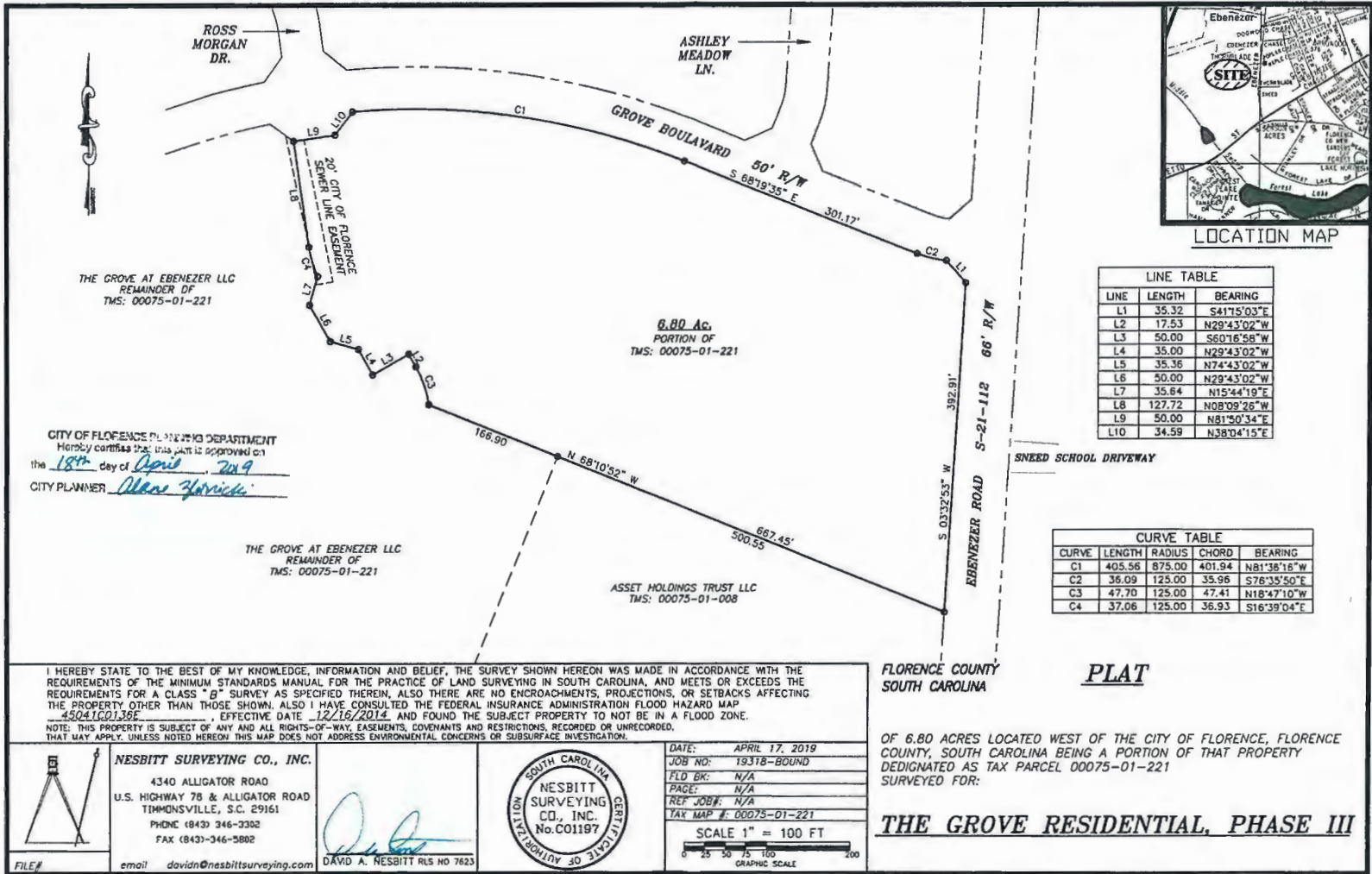
- Legend**
- City Limits
 - Parcels



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



Date: 04/2019



5

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

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

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

Annex 6.8 acres (Tract 4 as show on a plat dated April 7, 2016 by Nesbitt Surveying Co.), recorded April 15, 2016 in Plat Book 104 - page 431. The proposed tract is part of The Grove at Ebenezer - PDD 2016-1.

3. Annexation is being sought for the following purposes:

Phase III of the Grove Development to include +/- 30 single family homes.

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

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

Total Residents	<u>60 residents - Phase III</u>
Race	<u>Mixed</u>
Total 18 and Over	<u>Future</u>
Total Registered to Vote	<u>Future</u>

Date 04/10/19

Petitioner - The Grove at Ebenezer, LLC
by Phillip Lowe
507 W. Cheves St., | Florence SC 29501
Petitioner

Date _____

Certification as to ownership on the date of petition:	FOR OFFICIAL USE ONLY
Date <u>4/18/19</u>	<u>az</u>

FLORENCE CITY COUNCIL MEETING

DATE: June 10, 2019

AGENDA ITEM: Development Agreement

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An ordinance to enter into a Development Agreement between the City of Florence and the developer of “Alligator West”, and authorizing the City Manager to execute all documents associated therewith, properties being specifically designated in the Florence County Tax Records as Tax Map Parcel parcels 00076-01-011; 00076-01-012; 00076-01-058; and a portion of 00077-01-215.

II. CURRENT STATUS AND PREVIOUS ACTION TAKEN:

- (1) On May 14, 2019, the City of Florence Planning Commission held a public hearing on this matter.
- (2) No action was required of Planning Commission.

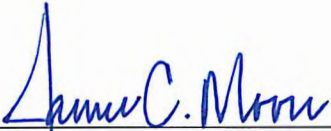
III. POINTS TO CONSIDER:

- (1) The State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a potentially valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development.
- (2) The owner of the above referenced properties, annexed 00076-01-011 (43.36 Acres), 00076-01-012 (21.97 Acres), and 00076-01-058 (4.53 Acres) into the City of Florence and zoned them General Residential-3 (RG-3), Commercial General (CG), and Open Space Recreation (OSR), on February 11, 2019 (Ordinance 2019-06). A preliminary plan showing the property boundary has been submitted (Attachment 3 and 4).
- (3) The portion of TMN 00077-01-215 (13.34 acres) will be required to annex upon development. A preliminary plan showing this portion to the south of Alligator Road has been submitted (Attachment 4).
- (4) The South Carolina Local Government Development Agreement Act allows a developer of a large tract of highland property to vest their property rights by protecting such rights from the effect of subsequently enacted local legislations or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project.
- (5) Attached is the finalized Development Agreement between the City of Florence and the developer, to be executed upon approval.

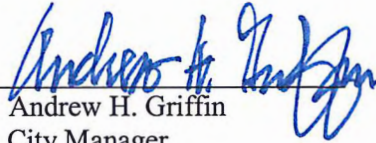
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- 1) Ordinance
- 2) Development Agreement
- 3) Preliminary layout for TMN 00076-01-011
- 4) Preliminary layout for TMN's 00076-01-012; 00076-01-058; and a portion of 00077-01-215
- 5) Location Map



Clint Moore
Development Director



Andrew H. Griffin
City Manager

ORDINANCE NO. 2019-_____

AN ORDINANCE TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FLORENCE AND THE DEVELOPER OF “ALLIGATOR WEST” AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS ASSOCIATED THEREWITH, PROPERTIES BEING SPECIFICALLY DESIGNATED IN THE FLORENCE COUNTY TAX RECORDS AS TAX MAP PARCEL PARCELS 00076-01-011; 00076-01-012; 00076-01-058; AND A PORTION OF 00077-01-215:

WHEREAS, the first of two Public Hearings was held in the City Center Council Chambers on May 14th, 2019 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, the second of two Public Hearings was held in the City Center Council Chambers on June 10th, 2019 at 1:00 P.M. before the City of Florence City Council and notice of said hearing was duly given;

WHEREAS, the Developer of the “Alligator West” properties, requests to zone, pending annexation, the above referenced properties in accordance with the Unified Development Ordinance;

WHEREAS, the State of South Carolina established the South Carolina Local Government Development Agreement Act in 1993 authorizing local governmental entities to enter into development agreements which the state recognized as a potentially valuable tool to be utilized to encourage healthy and appropriate growth through facilitation of private development.

WHEREAS, Florence City Council concurs in the aforesaid Development Agreement, 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 to enter into a Development Agreement between the City of Florence and the developer of “Alligator West”(Attachment 2) and authorizing the City Manager to execute all documents associated therewith, properties being specifically designated in the Florence County Tax Records as Tax Map Parcels 00076-01-011; 00076-01-012; 00076-01-058; and a portion of 00077-01-215;
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 _____, 2019

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

STATE OF SOUTH CAROLINA)
)
CITY OF FLORENCE)

DEVELOPMENT AGREEMENT
ALLIGATOR WEST (83.20 Acres)

This Development Agreement (“Agreement”) is made and entered this _____ day of _____, 2019, by and between _____ (“Owner”) and the governmental authority of City of Florence, South Carolina (“City of Florence”).

WHEREAS, the legislature of the State of South Carolina has enacted the “South Carolina Local Government Development Agreement Act, (the “Act”) as set forth in Sections 6-31610 through 6-31-160 of the South Carolina Code of Laws (1976), as amended; and

WHEREAS, the Act recognizes that “The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning. “[Section 6-31.10 (B)(1); and,

WHEREAS, the Act also states: “Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the Development Agreement or in any way hinder, restrict, or prevent the development of the project. Development Agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our state. “[Section 6-31.10 (B)(1); and,

WHEREAS, the Act further authorizes local governments, including City governments, to enter Development Agreements with owners to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and,

WHEREAS, Owner has acquired, or is in the process of acquiring approximately **83.20** acres, located along the Alligator Road corridor, hereinafter **Alligator West**, and proposes to develop, or cause to be developed, therein a mixture of residential, commercial and conservation uses; and,

WHEREAS, the City of Florence seeks to protect and preserve the natural environment and to secure for its citizens quality, well planned and designed development and a stable and viable tax base; and,

WHEREAS, the City of Florence finds that the program of development proposed by Owner for this Property is consistent with City of Florence’s comprehensive land use plan; and will further the health, safety, welfare and economic well being of City of Florence and its residents; and,

WHEREAS, the program for development of the Property presents an unprecedented opportunity for City of Florence to secure quality planning and growth, protection of the environment and a strengthened and revitalized tax base; and,

WHEREAS, this Development Agreement is being made and entered between Owner and City of Florence, under the terms of the Act, for the purpose of providing assurances to Owner that it may proceed with its development plan under the terms hereof, as hereinafter defined, without encountering future changes in law which would materially affect the ability to develop under the plan, and for the purpose of providing important protection to the natural environment and long term financial stability and a viable tax base to City of Florence.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to both City of Florence and Owner by entering this Agreement, and to encourage well planned development by Owner, the receipt and sufficiency of such consideration being hereby acknowledged, City of Florence and Owner hereby agree as follows:

I. INCORPORATION

The above recitals are hereby incorporated into this Agreement, together with the South Carolina General Assembly findings as set forth under Section 6-31-10(B) of the act.

II. DEFINITIONS

As used herein, the following terms mean:

“Act” means the South Carolina Local Government Development Agreement Act, as Codified in Sections 6-31-10 through 6-31-160 of the Code of Laws of South Carolina (1976), as amended; attached hereto as **EXHIBIT A**.

“Alligator West” means that certain tract of land described on **EXHIBIT B**.

“Developer” means Owner and all successors in title or lessees of the Owner who undertake Development of the Property or who are transferred Development Rights.

“Development” means the definition of development as set forth in the City of Florence Unified Development Ordinance at the time of this adopted ordinance.

“Development Rights” means Development undertaken by the Owner or Developers in accordance with the Unified Development Ordinance and this Development Agreement.

“Duplex” means a single-family attached unit type that includes two units that are attached along a common wall or separated by a floor that is not penetrated for the purpose of interior access between the two units. The standard duplex has side-by-side units with a common wall (the units may be divided into separate lots along the common lot line for individual fee-simple ownership). The units in the over-under duplex are located on different floors (the units may be accessed via separate outside entrances or through a common foyer area). Vehicular access to duplex homes in either style is from the street or from an alley.

“Mixed Use” means development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

“Multi-family Residential” means a building that includes three or more dwelling units, which is not designed as townhomes or multiplex buildings. Multifamily also means two or more residential units that are located on the upper floors of a mixed-use building.

“Multiplex also Quadraplex” means a residential building that is constructed to look like a large single-family detached residence.

“Owner” means _____, his heirs and assigns.

“Property” means that tract of land described on **EXHIBIT B**.

“Term” means the duration of this agreement as set for in Section III hereof.

“Townhome” means three or more attached dwelling units that are arranged in rows with common side walls.

“Zoning Regulations” means the approval by the City Council of the City of Florence, herein after referred to as “City of Florence” on _____, 2019 establishing the zoning designation for the Property upon annexation, as defined in the Unified Development Ordinance, and this Development Agreement.

III. TERM.

The term of this Agreement shall commence on the date this Agreement is executed by City of Florence and Owner and the terminate five (5) years thereafter; provided however, that if at the expiration of the term Owner or its successors or assign have commenced development under the provisions hereof, the provisions of the Unified Development Ordinance shall be deemed vested against any future changes to City of Florence law which would materially affect the ability of the Owner or Developers to carry out the development plan as approved under the Unified Development Ordinance upon annexation.

IV. AGREEMENT TO ANNEX

The developer/assigns hereby agree to annex the property as described in this ordinance, at the time of development of each phase of Alligator West. In consideration of the agreement to annex, the City of Florence hereby agrees to provide certain water and sewer infrastructure, established elsewhere in this Development Agreement, immediately following annexation and in conjunction with the development.

V. DEVELOPMENT OF THE PROPERTY.

The Property shall be developed in accordance with the Zoning Regulations and this Development Agreement. City of Florence shall, throughout the Term, maintain or cause to be maintained, a procedure for the processing of reviews as contemplated by the Zoning Regulations.

VI. CHANGES TO ZONING REGULATIONS.

The Zoning Regulations relating to the Property subject to this Development Agreement shall not be amended or modified during the Term, without the express written consent of the Owner. Owner does, for itself and its successors and assigns, including Developers and notwithstanding the Zoning Regulations, agrees to be bound by the following:

1. The Owner shall be required to notify City of Florence, in writing, as and when Development rights are transferred to any other party. Such information shall include the identity and address of the acquiring party, a proper contact person, the location and number of acres of the Property transferred, and the number of residential units and/or commercial acreage, as applicable, subject to the transfer. Developers transferring Development Rights to any other party shall be subject to this requirement of notification, and any entity acquiring Development Rights hereunder shall be required to file with City of Florence an acknowledgment of this Development Agreement and a commitment to be bound by it.

2. The Owners and Developers, and their respective heirs, successors and assigns agree that all development, with the exception of irrigation, incidental maintenance facilities and facilities existing at the date of this Development Agreement will be served by potable water and sewer through the City of Florence, upon annexation, prior to occupancy, except as otherwise provided herein for temporary use of wells, and/or septic tanks (or similar devices).

VII. DEVELOPMENT SCHEDULE
The Development Schedule

Years 0-5 include: The zoning of properties 00076-01-011, 00076-01-012, and a portion of 00076-01-058, pending annexation to RG-3; and a portion of 00076-01-058, pending annexation to CG.

Tract 00076-01-12 and -058
Phase I – 43 lots 2019
Phase II – 47 lots 2020/21

Tract 00076-01-11
Phase III – 50 Lots 2021/22

Years 5-10 include: The zoning of property 00077-01-215, pending annexation to a zoning designation within the Unified Development Ordinance.

Tract 00076-01-11
Phase IV – 65 lots 2024
Phase V – 62 lots 2026

Tract 00077-01-215
Phase VI – 32 lots 2028
Phase VII – 31 lots 2029

Pursuant to the Act, the failure of the Owner and any subsequent Owner to meet an implied development schedule shall not, in and of itself, constitute a material breach of this agreement. In such an event, the failure to meet the development expectation or sequence of development shall be judged by the totality of circumstances, including but not limited to the Owners and Developer(s) good faith efforts to attain compliance with the development. Any implied phases or schedules are planning and forecasting tools only. The fact that actual development may take place at a difference pace or sequence, based on future market forces, is expected and shall not be considered a default hereunder. Furthermore, periodic adjustments which may be submitted by Owner / Developers in the future shall not be considered a material amendment or breach of the Agreement.

VIII. DEVELOPMENT STANDARDS

A. Density and Use

The Developer shall develop Alligator West to the densities, uses, and development standards applicable to the Unified Development Ordinance, which shall be petitioned by the Developer at the time of annexation.

The success of Alligator West is directly related to its ability to meet the changing demands of the development market. Due to the inherent uncertainty of projections such as these it is likely market conditions will dictate a different mix of land uses as those represented on the General Development Plan. The developer shall submit specific plans with each phase as he requests zoning and annexation and must follow the Development Review Procedures as outlined within the city's Unified Development Ordinance.

IX. RESTRICTED ACCESS

Owner and/or Developer shall have the right to develop restricted access communities within the Property in accordance with the Unified Development Ordinance, but shall not be required to do so in the future. In the event a restricted access community is developed, access to publicly owned infrastructure and facilities shall be afforded at all times and under any circumstances. Access shall also be afforded to emergency service providers such as police, fire, EMS, etc.

X. EFFECT OF FUTURE LAWS

Owner and Developers shall have vested rights to undertake Development of any or all of the Property in accordance with the Zoning Regulations, as defined herein and modified hereby, and as may be modified in the future pursuant to the terms hereof, and this Development Agreement for the entirety of the Term. Future enactments of, or changes or amendments to City of Florence ordinances, including zoning or development standards ordinances, which conflict with the Zoning Regulations in effect at the time of adoption of this Agreement shall not apply to the Property unless the Owner and/or Developer(s) consent to such modification.

The parties specifically acknowledge that this Agreement shall not prohibit the application of any future building, housing, electrical, plumbing, gas or other standard codes, or any tax or fee of general application throughout the City of Florence. Owner(s) shall pay all applicable service

fees, connection fees, assessments and taxes that are approved and adopted by City Council which are applied to all other properties within the jurisdiction of the City of Florence. Special assessments or impact fees not levied against other properties, however, shall not be applied to the property without the consent of the Owner(s).

XI. INFRASTRUCTURE AND SERVICES

City of Florence and Owner recognize that the majority of the direct costs associated with the Development of the property will be borne by the Owner and Developer, and many other necessary services will be provided by other governmental or quasi-governmental entities, and not by City of Florence. For clarification, the parties make specific note of and acknowledge the following:

A. PRIVATE ROADS. All roads within the Property shall be constructed by the Owner and to the specifications and standards of the Unified Development Ordinance, and maintained by it and/or an Owner's Association or dedicated for maintenance to other appropriate entities. City of Florence will not be responsible for the construction of any roads within the Property unless City of Florence specifically agrees to such in the future. Any private roads built or constructed within this development shall adhere to the provisions of the City of Florence Unified Development Ordinance, in effect at the time of adoption of this agreement.

B. PUBLIC ROADS. The Property shall be served by direct access to Alligator Road and Twin Church Road as shown on the General Development Plan.

C. POTABLE WATER. Upon annexation, potable water will be supplied to the Property by the City of Florence at a location mutually agreeable between the City of Florence and the Developer. City of Florence will not be responsible for the construction of any water distribution lines within the Property. Any water distribution lines built or constructed within this development shall adhere to the provisions of the City of Florence Code of Ordinances and the Unified Development Ordinance, in effect at the time of adoption of this agreement. Upon completion water distribution lines, at the discretion of the Developer, the water distribution lines maybe maintained as private or offered to the City of Florence as part of the public system. Upon acceptance by the City of Florence, the City of Florence shall maintain the water distribution system in the same manner as other developments within the City. If water distribution lines are maintained as private, the City of Florence will have no responsibility to maintain such private water systems. All fees and charges associated with the treatment and provision of potable water shall be levied and paid by the Developer or residents of the Property. Nothing contained in this Agreement shall be interpreted to allow the Developer to resell water as prohibited within the City of Florence Code of Ordinances.

D. SEWAGE TREATMENT AND DISPOSAL. Upon annexation, sewage collection and disposal will be supplied to the Property by the City of Florence at a location mutually agreeable between the City of Florence and the Developer. City of Florence will not be responsible for the construction of any sewer collection lines within the Property. Any sewer collection lines built or constructed within this development shall adhere to the provisions of the City of Florence Code of Ordinances and the Unified Development Ordinance, in effect at the time of adoption of this agreement. Upon completion of sewer collection lines, at the discretion of the Developer, the

sewer collection lines maybe maintained as private or offered to the City of Florence as part of the public system. Upon acceptance by the City of Florence, the City of Florence shall maintain the sewer collection system in the same manner as other developments within the City. If sewer collection lines are maintained as private, the City of Florence will have no responsibility to maintain such private sewage systems. All fees and charges associated with the treatment and provision of sewage service shall be levied and paid by the Developer or residents of the Property. Nothing contained in this Agreement shall be interpreted to allow the Developer to resell sewer services as prohibited within the City of Florence Code of Ordinances.

E. USE OF EFFLUENT. Owner agrees that treated effluent will be disposed of only in such manner as may be approved by DHEC and the City of Florence.

F. OTHER SERVICES / FUTURE AGREEMENTS. The development activity which is authorized and vested under this Development Agreement is allowable, in general terms, under existing City of Florence law. Normal City of Florence services, such as fire protection, police protection will be made available to this Property, on the same basis as would occur for the development if a Development Agreement had not been requested or approved. The parties recognize that as future development unfolds on the Property, the Owner or Developers may request enhanced services, beyond the normal services which would otherwise be provided. The parties agree that they will work together in the future, in good faith, to modify this Agreement in the future to provide enhanced City services, if requested, if the Owner, or its successors or assigns, request negotiations for such enhanced services in the future. For instance, if the Alligator West development recognizes a future need for additional police services, beyond those services normally provided to the area as a part of the City of Florence, or additional fire or emergency service, then the parties may negotiate to provide additional fees to be paid by development on the Property to cover the cost of such enhancement services. Neither party is required hereby to reach such a future agreement for additional fees for enhanced services, but both parties agree to discuss such issues in the future should the need arise. In the meantime, development within the Property shall be entitled to all normal services provided to other property within the City of Florence with the understanding that all development within the Property will be subject to all City of Florence taxes of universal application within City of Florence as well as any special service district taxes which may apply to all other new and existing properties and development within the area, such as Fire District millage rates. City of Florence will not be required to provide enhanced services in the future at the expense of other City of Florence residents unless future arrangements are made by amendment to this Agreement to provide payment for such enhanced services. Normal service will be considered a matter of right within this Property on the same basis as all other City of Florence property.

XII. COMPLIANCE REVIEWS

As long as Owner owns any of the Property; Owner, or its designee, shall meet with the City of Florence, or its designee, at least once per year as required by South Carolina state law during the Term to review Development completed in the prior year and the Development anticipated to be commenced or completed in the ensuing year. The Owner, or its designee, shall be required to provide such information as may reasonably be requested to include but not be limited to acreage of the Property sold in the prior year, acreage of the Property under contract,

the number of certificates of occupancy issued in the prior year, and the number anticipated to be issued in the ensuing year, Development Rights transferred in the prior year, and anticipated to be transferred in the ensuing year, the Owner, or its designee, shall be required to compile this information.

XIII. DEFAULTS

The failure of the Owner, developer or City of Florence to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as deemed appropriate, including specific performance and the termination of this Development Agreement in accordance with the Act; provided however no termination of this Development Agreement may be declared by the City of Florence absent its according the Owner and any relevant Developer the notice, hearing and opportunity to cure in accordance with the Act; and provided further that nothing herein shall be deemed or construed to preclude the City of Florence or its designee from issuing stop work orders or voiding permits issued for Development when such Development contravenes the provisions of the Zoning Regulations of this Development Agreement. A default of the Owner shall not constitute a default by Developer, default by a developer shall not constitute a default by the Owner.

XIV. MODIFICATION OF AGREEMENT

This Development Agreement may be modified or amended only by the written agreement of the City of Florence and the Owner. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced.

XV. NOTICES

Any notice, demand, request, consent, approval or communication which a signatory party is required to and may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, consents, approvals or communications to City of Florence shall be addressed to

The City at: _____

And to the Owner at: _____

With Copy to: _____

XVI. ENFORCEMENT

Any party hereto shall have the right to enforce the terms, provisions and conditions of the Agreement by any remedies available at law or in equity, including specific performance, and the right to recover attorney's fees and costs associated with said enforcement.

XVII. GENERAL

SUBSEQUENT LAWS. In the event state or federal laws or regulations are enacted after the execution of this Development Agreement or decisions are issued by a court of competent jurisdiction which prevent or preclude compliance with the Act or one or more provisions of this Agreement ("New Laws"), the provisions of this Agreement shall be modified or suspended as may be necessary to comply with such New Laws. Immediately after enactment of any such New Law, or court decision, a party designated by the Owners, and Owners and City of Florence shall meet and confer in good faith in order to agree upon such modification or suspension based on the effect such New Law would have on the purposes and intent on this Agreement. During the time that these parties are conferring on such modification or suspension or challenging the new Laws, City of Florence may take reasonable action to comply with such New Laws. Should these parties be unable to agree to a modification or suspension, either may petition a court of competent jurisdiction for an appropriate modification or suspension of this Agreement. In addition, the Owner, developers and City of Florence each shall have the right to challenge the New Law preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect.

ESTOPPEL CERTIFICATE. City of Florence, the Owner or any Developer may, at any time, and from time to time, deliver written notice to the other applicable party requesting such party to certify in writing:

- (1) that this Agreement is in full force and effect
- (2) that this Agreement has not been amended or modified, or if so amended, identifying the amendments
- (3) whether, to the knowledge of such party, the requesting party is in default or claimed default in the performance of its obligations under this Agreement, and, if so, describing the nature and amount, if any, of such default or claimed default, and
- (4) whether, to the knowledge of such party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both would constitute a default and if so, specifying each such event.

ENTIRE AGREEMENT. This agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings among City of Florence and the Owner relative to the Property and its Development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

NO PARTNERSHIP OR JOINT VENTURE. Nothing in this Agreement shall be deemed to create a partnership or joint venture between The City of Florence, the Owner or any Developer or to render such party liable in any manner for the debts or obligations of another party.

EXHIBITS. All exhibits attached hereto and/or referred to in this Agreement are incorporated herein as though set forth in full.

CONSTRUCTION. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this agreement or any amendments or exhibits hereto.

ASSIGNMENTS. Subject to the notification provisions hereof, Owner may assign its rights and responsibilities hereunder to subsequent land owners and Developers.

GOVERNING LAW. This Agreement shall be governed by the laws of the State of South Carolina.

COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall be deemed original, and such counterparts shall constitute but one and the same instrument.

AGREEMENT TO COOPERATE. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

EMINENT DOMAIN. Nothing contained in this Agreement shall limit, impair or restrict the City of Florence's right and power of eminent domain under the laws of the State of South Carolina.

NO THIRD PARTY BENEFICIARIES. The provisions of this Agreement may be enforced only by the City of Florence, the Owner and Developers. No other persons shall have any rights hereunder.

XVIII. STATEMENT OF REQUIRED PROVISIONS

- A. Specific Statements.** The Act requires that a development agreement must include certain mandatory provisions, pursuant to Section 6-31-60 (A). Although certain of these items are addressed elsewhere in this Agreement, the following listing of the required provisions is set forth for convenient reference. The numbering below corresponds to the numbering utilized under Section 6-31-60 (A) for the required items:

1. **LEGAL DESCRIPTION OF PROPERTY AND LEGAL AND EQUITABLE OWNERS.** The legal description of the property is set forth in **EXHIBIT B** attached hereto. The present legal Owner of the Property is _____, or its affiliated entity, and the equitable owner is _____, who will take title prior to the recording hereof.
2. **DURATION OF AGREEMENT.** The duration of this Agreement is five (5) years.
3. **PERMITTED USES, DENSITIES, BUILDING HEIGHTS AND INTENSITIES.** A complete listing and description of permitted uses, population densities, building intensities and heights, as well as other development – related standards, are contained in the Unified Development Ordinance of the City of Florence and will be determined for each phase at the time of request for zoning and annexation.
4. **REQUIRED PUBLIC FACILITIES.** The utility services available to the Property are described generally above regarding electrical services, telephone service and solid waste disposal. The mandatory procedures of the Zoning Regulations and Land Development and Subdivision Regulations will ensure availability of roads and utilities to serve the residents on a timely basis.
5. **DEDICATION OF LAND AND PROVISIONS TO PROTECT ENVIRONMENTALLY SENSITIVE AREAS.** No dedications of land to the public are required hereunder. The Zoning Regulations described above, and incorporated herein; contain numerous provisions for the protection of environmentally sensitive areas. All relevant State and Federal laws will be fully complied with, in addition to the important provisions set forth in this Agreement.
6. **LOCAL DEVELOPMENT PERMITS.** The Development standards for the Property shall be as set forth in the Zoning Regulations. Specific permits must be obtained prior to commencing Development, consistent with the standards set forth in the Unified Development Ordinance. Building Permits must be obtained under applicable law for any vertical construction, and appropriate permits must be obtained from the State of South Carolina and Army Corps of Engineers, when applicable, prior to any impact upon freshwater wetlands. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Owner, its successors and assigns, of the necessity of complying with the law governing the permitting requirements, conditions, terms of restrictions, unless otherwise provided hereunder.
7. **COMPREHENSIVE PLAN AND DEVELOPMENT AGREEMENT.** The Development permitted and proposed under the Zoning Regulations, is consistent with the Comprehensive Plan and with current land use regulations of the City of Florence, South Carolina.

- 8. **TERMS FOR PUBLIC HEALTH, SAFETY AND WELFARE.** The City Council finds that all issues relating to public health, safety and welfare have been adequately considered and appropriately dealt with under the terms of this Agreement, the Zoning Regulations and existing laws.
- 9. **HISTORICAL STRUCTURES.** No specific terms relating to historical structures are pertinent to this Development Agreement. Any historical structure or sites will be addressed through the permitting process at the time of development, as required by the Zoning Regulations, and no exception from any standard is hereby granted.

IN WITNESS WHEREOF, the undersigned parties have executed this **Development Agreement** on the date set forth beneath their respective signatures.

WITNESSES:

ASSIGNEE:

_____ **City of Florence**

(Name)

By: _____

Date: _____

ASSIGNOR:

_____ (Name)

By: _____

Date: _____

STATE OF SOUTH CAROLINA

)

)

CITY OF FLORENCE

)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that _____ as authorized _____, on behalf of the limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official Seal this _____ day of _____, 2019.

Notary Public for South Carolina
My Commission Expires:

STATE OF SOUTH CAROLINA)
)
CITY OF FLORENCE) **ACKNOWLEDGMENT**

I, the undersigned Notary Public, do hereby certify that _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____ 2019.

Notary Public for South Carolina
My Commission Expires:

EXHIBIT A

**SOUTH CAROLINA LOCAL GOVERNMENT
DEVELOPMENT AGREEMENT ACT**

CHAPTER 31:

SECTION 6-31-10

SECTION 6-31-160

Title 6 - Local Government - Provisions Applicable to Special Purpose Districts and Other Political Subdivisions

CHAPTER 31

South Carolina Local Government Development Agreement Act

SECTION 6-31-10. Short title; legislative findings and intent; authorization for development agreements; provisions are supplemental to those extant.

(A) This chapter may be cited as the "South Carolina Local Government Development Agreement Act".

(B)(1) The General Assembly finds: The lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning.

(2) Assurance to a developer that upon receipt of its development permits it may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, reduces the economic costs of development, allows for the orderly planning of public facilities and services, and allows for the equitable allocation of the cost of public services.

(3) Because the development approval process involves the expenditure of considerable sums of money, predictability encourages the maximum efficient utilization of resources at the least economic cost to the public.

(4) Public benefits derived from development agreements may include, but are not limited to, affordable housing, design standards, and on and off-site infrastructure and other improvements. These public benefits may be negotiated in return for the vesting of development rights for a specific period.

(5) Land planning and development involve review and action by multiple governmental agencies. The use of development agreements may facilitate the cooperation and coordination of the requirements and needs of the various governmental agencies having jurisdiction over land development.

(5) Development agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State.

(C) It is the intent of the General Assembly to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development.

(D) This intent is effected by authorizing the appropriate local governments and agencies to enter into development agreements with developers, subject to the procedures and requirements of this chapter.

(E) This chapter must be regarded as supplemental and additional to the powers conferred upon local governments and other government agencies by other laws and must not be regarded as in derogation of any powers existing on the effective date of this chapter. HISTORY: 1993 Act No. 150, Section 1.

SECTION 6-31-160. Agreement may not contravene or supersede building, housing, electrical, plumbing, or gas code; compliance with such code if subsequently enacted.

Notwithstanding any other provision of law, a development agreement adopted pursuant to this chapter must comply with any building, housing, electrical, plumbing, and gas codes subsequently adopted by the governing body of a municipality or county as authorized by Chapter 9 of Title 6. Such development agreement may not include provisions which supersede or contravene the requirements of any building, housing, electrical, plumbing, and gas codes adopted by the governing body of a municipality or county. HISTORY: 1993 Act No. 150, Section 1.

EXHIBIT B

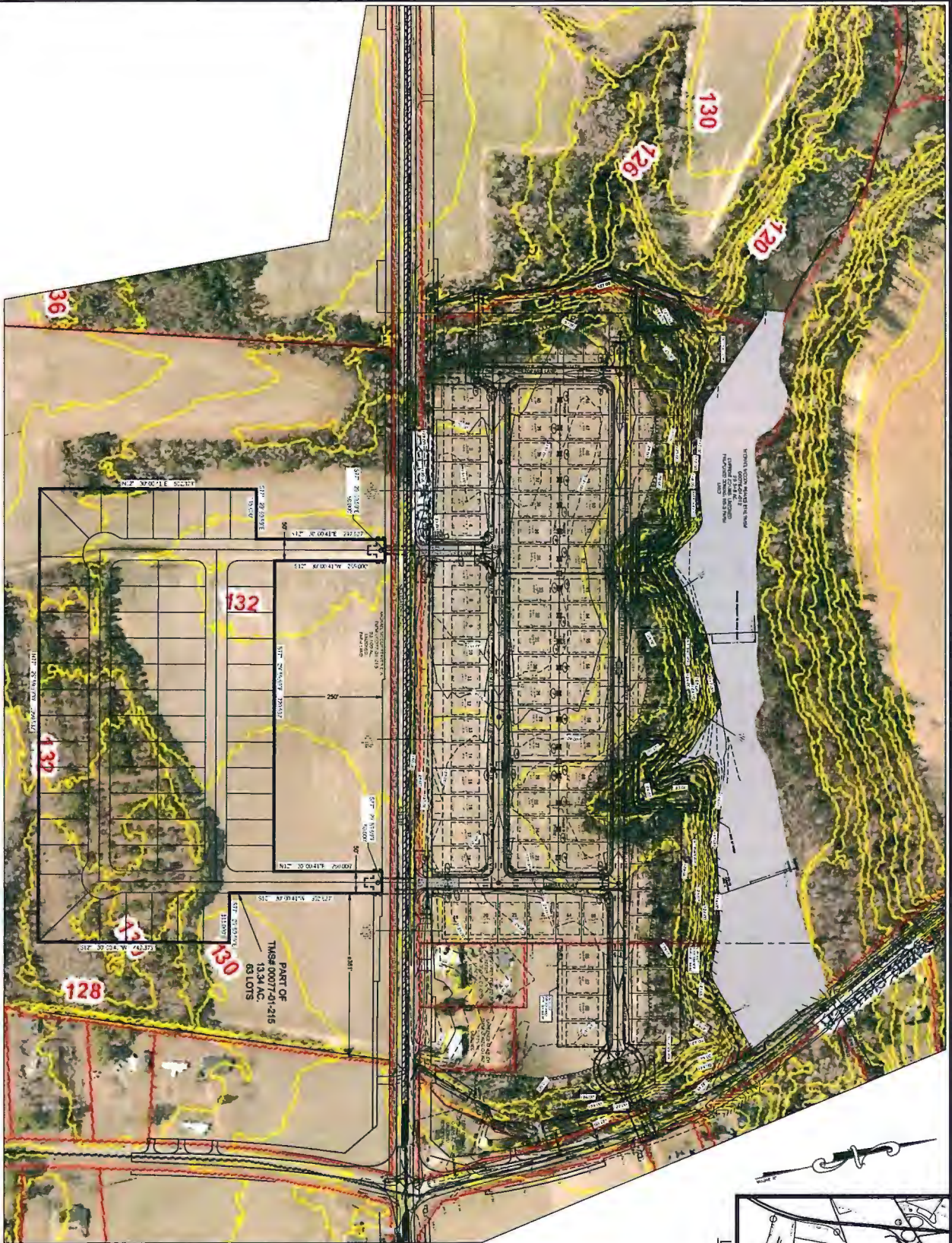
ALLIGATOR WEST BOUNDARY AND LEGAL
DESCRIPTION



PROJECT # 16-0412 SHEET # 2 of 2	OCCUPATION: ANNEXATION PLAN	ROBERT L. WEAVER, P.E. 4340 ALLIGATOR ROAD TIMMONSVILLE, SC 29161 1006 8TH AVE. SOUTH, SUITE 3 N. MYRTLE BEACH, SC 29582	DESCRIPTION: ANNEXATION PLAN	THIS DRAWING & DESIGN THEREON ARE THE PROPERTY OF ROBERT L. WEAVER, P.E. THE REPRODUCTION, USE, OR COPYING OF THIS DRAWING WITHOUT THEIR WRITTEN CONSENT IS PROHIBITED.	DRAWN BY: LWB CHECKED BY: RLT DATE: 11/18/16 SCALE: AS SHOWN PROJECT: 16-0412 SHEET: 2 OF 2	NO. DATE 1 11/18/16 2 11/18/16 3 11/18/16 4 11/18/16	PLAN SET REVISION DESCRIPTION REVISION BLOCK	BY
	CLIENT: LOWE PROPERTY	PROJECT: ALLIGATOR WEST FLORENCE, SC	PROJECT: ALLIGATOR WEST FLORENCE, SC	CLIENT: LOWE PROPERTY	PROJECT: ALLIGATOR WEST FLORENCE, SC	NO. DATE 1 11/18/16 2 11/18/16 3 11/18/16 4 11/18/16	PLAN SET REVISION DESCRIPTION REVISION BLOCK	BY



PROJECT: 18-042 SHEET: 1 of 2	PROPOSITION: ANNEXATION PLAN	ROBERT L. WEAVER, P.E. 4340 ALLIGATOR ROAD THAMONSVILLE, SC 29161 1006 6TH AVE. SOUTH, SUITE 3 N. MYRTLE BEACH, SC 29582	DESCRIPTION: ANNEXATION PLAN	THIS DRAWING AND DESIGN THEREON ARE THE PROPERTY OF ROBERT L. WEAVER, P.E. THE REPRODUCTION, USE, OR COPYING OF THIS DRAWING WITHOUT THEIR WRITTEN COMMENT IS PROHIBITED.	DESIGNED BY: LAW DRAWN BY: LAW CHECKED BY: LAW DATE: 11/18/18 SCALE: AS SHOWN PROJECT: 18-042 SHEET: 1 of 2	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	REVISION DESCRIPTION	BY								
	NO.	DATE	REVISION DESCRIPTION	BY														
PROJECT: 18-042 SHEET: 1 of 2					PLAN SET REVISION DESCRIPTION REVISION BLOCK													



GRAPHIC SCALE
 1" = 100'
 0 100' 200'

ROBERT L. WEAVER, P.E.
 4340 ALLIGATOR ROAD TIMMONSVILLE, SC 29161 | 1006 6TH AVE. SOUTH, SUITE 3 N. MYRTLE BEACH, SC 29582
 PROJECT: ALLIGATOR WEST - SOUTH FLORENCE, SC
 CLIENT: LOWE INVESTMENTS, LLC

DESCRIPTION:
MASTER PLAN
 13.34 AC.

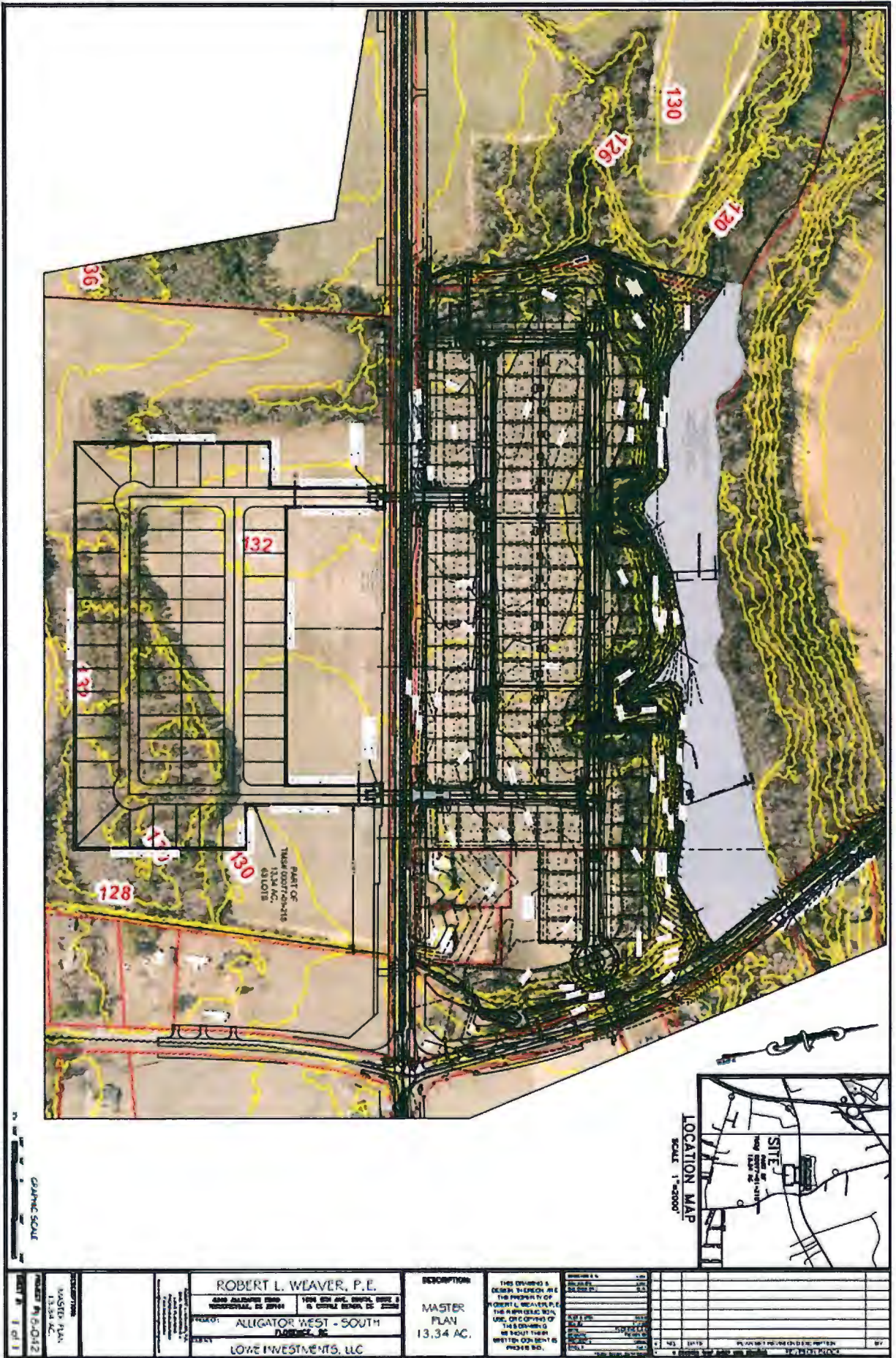
DESIGNED BY: LAM
 DRAWN BY: LAM
 CHECKED BY: RLW
 DATE: 05/11/11
 SCALE: AS SHOWN
 PROJECT: 11111
 SHEET: 1 OF 1

NO.	DATE	PLAN SET REVISION DESCRIPTION	BY

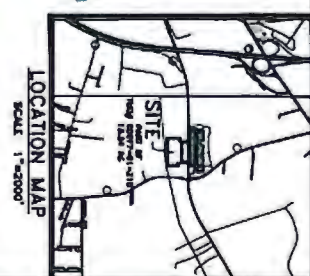
PROJECT: 11111
 SHEET: 1 OF 1
 PROJECT: B-042
 MASTER PLAN
 13.34 AC.



TMS 00076-01-0111
Annexed - 43.36 Ac
RG-3: Minimum 177 Lots





GRAPHIC SCALE
1" = 200'



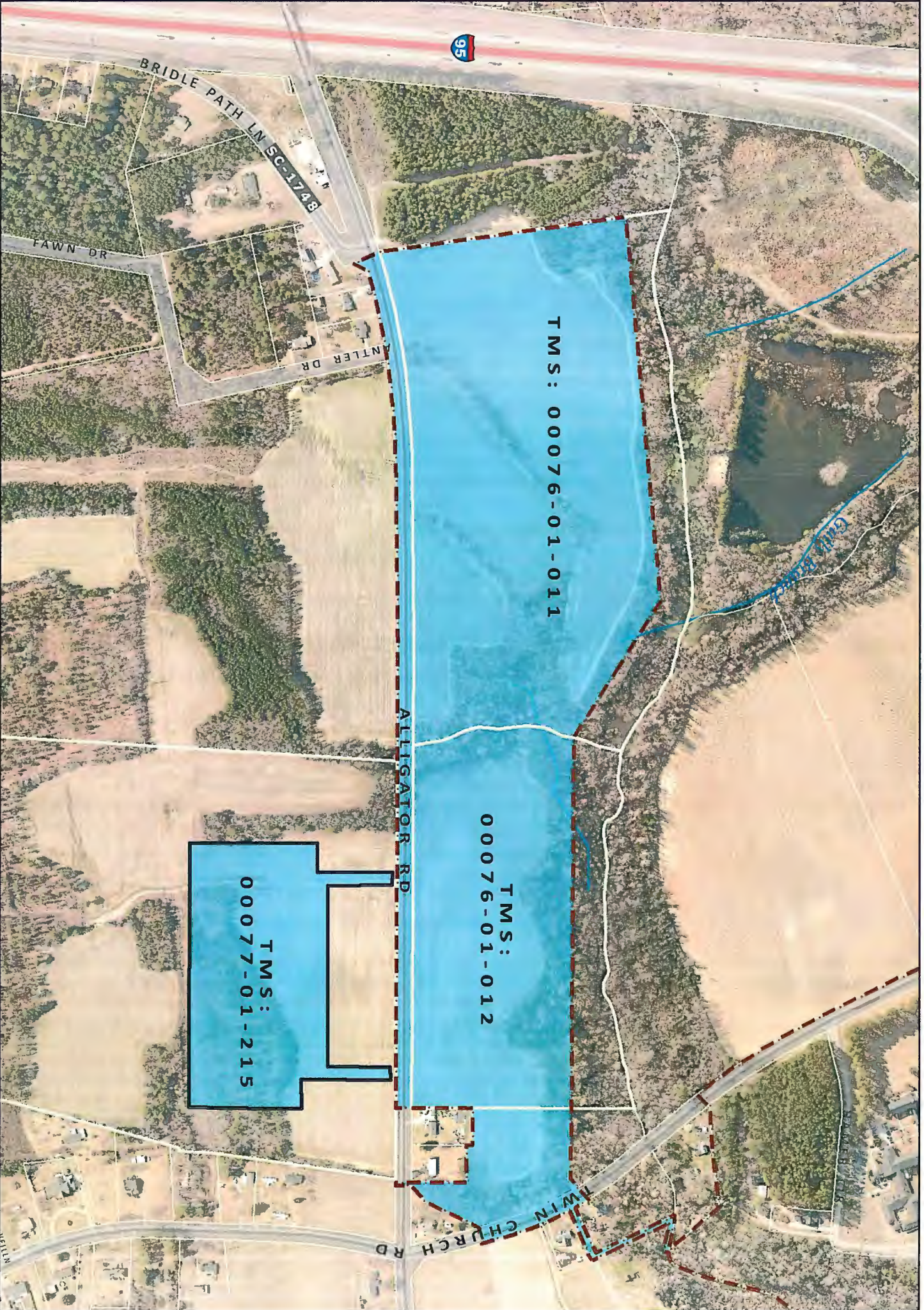
PROJECT: ALLIGATOR WEST - SOUTH DISTRICT: SC CLIENT: LOWE INVESTMENTS, LLC	ROBERT L. WEAVER, P.E. 4240 ALLIGATOR ROAD WOODBRIDGE, VA 22194	DESCRIPTION: MASTER PLAN 13.34 AC.	THIS DRAWING IS DESIGNED TO SHOW THE PROPOSED PLAN OF ROBERT L. WEAVER, P.E. THE ABOVE IS NOT TO BE CONSIDERED AS A GUARANTEE OF ANYTHING OTHER THAN THE INFORMATION PROVIDED HEREON.	REVISIONS & DATE NO. 1 DATE 11/11/11 BY R. WEAVER CHECKED BY J. WEAVER APPROVED BY J. WEAVER TITLE: PROJECT MANAGER SCALE: 1" = 2000' SHEET NO. 1 OF 1
	13.34 AC. TOTAL AREA 13.34 AC. TOTAL AREA 13.34 AC. TOTAL AREA	13.34 AC. TOTAL AREA 13.34 AC. TOTAL AREA 13.34 AC. TOTAL AREA	13.34 AC. TOTAL AREA 13.34 AC. TOTAL AREA 13.34 AC. TOTAL AREA	13.34 AC. TOTAL AREA 13.34 AC. TOTAL AREA 13.34 AC. TOTAL AREA

DEVELOPMENT AGREEMENT - ALLIGATOR WEST

CITY OF FLORENCE, SC

 City Limits
 Alligator West - Development Agreement

Date: 6/5/2019
1 inch = 500 feet



FLORENCE CITY COUNCIL MEETING

IX. a.
Resolution
2019-14

DATE: June 10, 2019
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: Human Resources

I. ISSUE UNDER CONSIDERATION

A resolution to approve the revised personnel administrative guidelines of the City of Florence.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

The latest edition of the personnel administrative guidelines of the City of Florence were revised and approved by City Council on October 14, 2013.

III. POINTS TO CONSIDER

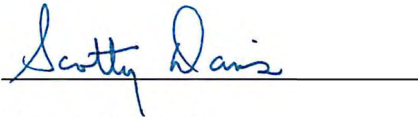
- A. It is considered a best practice by the Municipal Association of South Carolina to review and update the personnel administrative guidelines at least every five years.
- B. City staff included minor changes as recommended by the City's labor attorney following her review of the document.

IV. OPTIONS

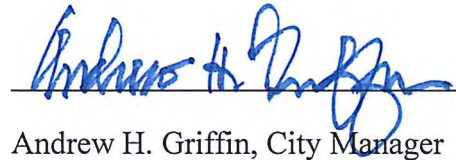
1. Approve the request as presented based on the information submitted.
2. Defer the request should additional information be needed.
3. Suggest other alternatives
4. Deny the request.

V. ATTACHMENTS

Employee handbook

A handwritten signature in blue ink that reads "Scotty Davis". The signature is written over a solid horizontal line.

Scotty Davis, Director
Department of General Services

A handwritten signature in blue ink that reads "Andrew H. Griffin". The signature is written over a solid horizontal line.

Andrew H. Griffin, City Manager

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

RESOLUTION - 2019-

WHEREAS, it is the objective of the organization to clarify its organizational goals and philosophy through clearly defined guidelines;

WHEREAS, a definite need exists to revise the Employee Handbook to meet current Federal and State regulations and case law; and

WHEREAS, said revision has now been completed by the City Manager and staff, and the necessary modifications have been made to the extent that employees presently with the City and future hires will benefit by the guidelines set forth in the handbook; that in the opinion of this Council said revision will also assist the City management by providing the opportunity to educate employees about the City, commitment to the community, and to the general welfare of the employees.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Florence that the personnel administrative guidelines of the City of Florence and presented to the City Council on June 10, 2019, are hereby revised.

BE IT FURTHER RESOLVED, that a copy be made available to each present city employee so that they may be aware of the modifications and to future employees upon employment.

Adopted this 10th day of June, 2019.

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda Pope
Municipal Clerk

**City of Florence
Employee Handbook**

Employee Handbook Updates

Equal Employment Opportunity and Anti-Harassment statements (page 4)
Protected classes updated

Events that Necessitate Office Closing (pages 12-13)
Updated policy

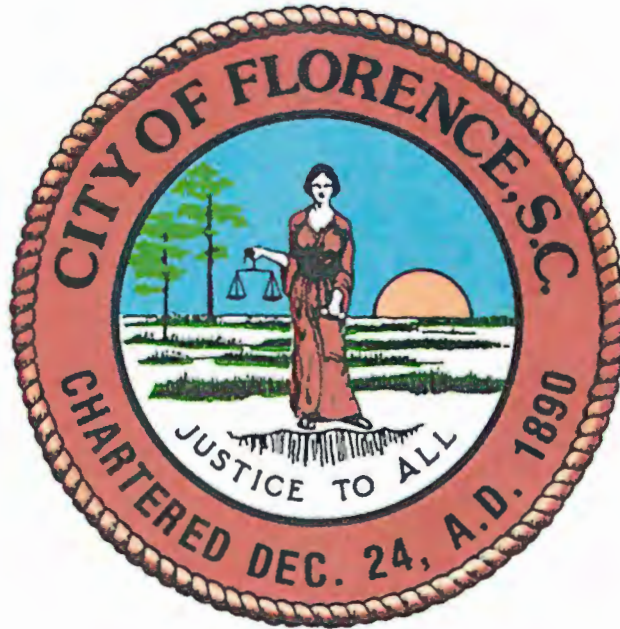
Marijuana use (page 26)
Updated specifically to address medical marijuana and use in other states where marijuana is legal

Employee Handbook Additions

Employee Confidentiality (pages 9-10)

Audio and Video Recording (page 10)

CBD Oil (page 26)



CITY OF FLORENCE

EMPLOYEE HANDBOOK

DISCLAIMER

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT-WILL AND MAY QUIT OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY'S RULES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING; 2) THE DOCUMENT IS LABELED "CONTRACT;" 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS SIGNED BY THE CITY MANAGER OR APPROVED BY VOTE OF COUNCIL.

Adopted:

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I acknowledge receipt of the City's Personnel Handbook AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT. I understand that it replaces and supersedes all previous handbooks, policies, and practices.

(Signature)

Date

Printed Name

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

RESOLUTION -

WHEREAS, it is the objective of the organization to clarify its organizational goals and philosophy through clearly defined guidelines;

WHEREAS, a definite need exists to revise the Employee Handbook to meet current Federal and State regulations and case law; and

WHEREAS, said revision has now been completed by the City Manager and staff, and the necessary modifications have been made to the extent that employees presently with the City and future hires will benefit by the guidelines set forth in the handbook; that in the opinion of this Council said revision will also assist the City management by providing the opportunity to educate employees about the City, commitment to the community, and to the general welfare of the employees.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Florence that the personnel administrative guidelines of the City of Florence and presented to the City Council on **June 10, 2019**, are hereby revised.

BE IT FURTHER RESOLVED, that a copy be made available to each present city employee so that they may be aware of the modifications and to future employees upon employment.

Adopted this **10th** day of **June**.

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Amanda P. Pope
Municipal Clerk

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GENERAL POLICIES

Equal Employment Opportunity

The City of Florence is an Equal Opportunity Employer and Provider. The City provides equal opportunity to all applicants for employment, and administers hiring, conditions and privileges of employment, compensation, training, promotions, transfers and discipline without discrimination because of race, sex, gender, color, religion, age, political affiliation, disability, national origin, genetic information, veteran's status, sexual orientation, gender identity, citizenship, pregnancy, childbirth, or related medical conditions, including but not limited to, lactation or any other status protected by applicable federal, state, or local law. The City also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he/she has been discriminated against in violation of this policy should report the matter to his/her Department Director or the General Services Director.

Anti-Harassment

Various laws and regulations generally prohibit employment decisions from being made on the basis of race, sex, gender, color, religion, age, political affiliation, disability, national origin, genetic information, veteran's status, sexual orientation, gender identity, citizenship, pregnancy, childbirth, or related medical conditions, including but not limited to, lactation or any other status protected by applicable federal, state, or local law. In addition, it is our desire to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

The City does not tolerate harassment of any kind and forbids retaliation against anyone who has reported harassment in good faith.

Sexual Harassment

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment; or
2. Submission to or rejection of the conduct is used as the basis of the employment decision; or
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented “kidding” or “teasing,” “practical jokes,” jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, “put-downs” or condescending or derisive comments or terms based on gender, and physical conduct, such as patting, pinching, or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was “welcome” or “unwelcome.” Conduct which would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

Complaint Procedure and Investigation

If you feel that this policy has been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor or a member of the general public, you should report the incident(s). You may do this by:

1. Reporting to your supervisor or to a higher level in your “chain of command”
and/or
2. Reporting to the General Services Director or Human Resources Manager in person, or by telephone at (843) 665-3158.

Supervisors and managers who receive complaints of or become aware of harassment should coordinate immediately with the Human Resources Division.

Harassment allegations will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the effective handling of the complaint and goals of this policy. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complainant or merely a potential witness. Persons who are interviewed are asked not to discuss the matter at all with co-workers, friends, or management. This does not mean, however, that an employee may not complain to civil rights agencies. An employee may be asked to submit to a polygraph (lie detector) examination.

-IMPORTANT-

In order to avoid misunderstandings, a complaint made to a member of management, to the General Services Director, or Human Resources Manager involves a completion of a complaint report, either by the employee or by the person to whom the complaint is made, which summarizes the allegation(s) and lists any witnesses to the alleged harassment. The employee should retain a copy of this report.

These procedures have been established to enable an employee to obtain relief if he/she believes he/she is a victim of harassment. The U.S Supreme Court has said as a general rule an employee may not sue the City for a violation of his/her rights unless he/she first gives the City notice and an opportunity to end the harassment. The reporting procedures which the City has adopted are intended to establish a clear record of what has been reported.

EMPLOYMENT GUIDELINES

Hiring/Recruiting

The City endeavors to hire the most suitable candidate for an open position and encourages current employees to apply for positions for which they are qualified. The City may also solicit and consider external applicants. The City may delegate to the Department Directors the authority to make employment decisions within their respective departments.

The City's employment application does not require disclosure of past criminal history during the initial job application process with the exception of certain public safety positions within the City.

Nepotism/Employment of Relatives

Members of the immediate family of elected officials of the City Council are not eligible for initial hire during the Council member's term on Council.

Persons in the same immediate family may not be hired within the same department or division within a department. Persons in the same immediate family may not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation.

"Immediate family" is defined as a spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family is also considered to include; step-parents, step-children, step-brothers and step-sisters when the employee and the step-relative have lived together regularly in the same household. Immediate family also includes co-habitants, partners, or romantic relationships.

If two employees enter into a relationship that creates a situation prohibited by this policy, the two employees will not be permitted to continue working within the same department. The two employees will be requested to decide which one of the two employees will relinquish his/her employment status. If the employees cannot choose which of the two will leave, the Department Director will make the decision. Generally, the employee with the greater tenure or higher compensation will be retained. The employee who is removed may request consideration for any other vacant position in the organization for which he/she is qualified. In the event the employee is not selected for another vacant position in another Department, the employee may resign or be terminated.

Situations not specifically addressed in this policy which, in the City's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the City's discretion. Additionally, any employment relationships which exist upon the adoption of this policy may be grandfathered in the sole discretion of the City.

Employment Status

A **regular full-time** employee is one who has received a satisfactory or better performance evaluation upon completion of the first six months of employment and fills a full-time, year round budgeted position with the City. An employee in this status is normally scheduled to work at least 37.5 - 40 hours per week. Law enforcement officers are generally scheduled to work 84 hours every two weeks, and fire suppression personnel are generally scheduled to work 24 hours every three days. However, the City does not guarantee any minimum number of hours of work per week. A regular, full-time employee is eligible for fringe benefits.

A **regular part-time** employee is one who has received a satisfactory or better performance evaluation upon completion of the first six months of employment and fills a part-time year round budgeted position within the City. An employee in this status is normally scheduled to work fewer than 37.5 hours per week but may be called upon to work above his/her normally scheduled hours of work when workloads require. However, the City does not guarantee any minimum number of hours per week. A regular part-time employee who is working at least 30 hours per week on an annual basis is generally eligible for fringe benefits. Other part-time employees who work less than 30 hours per week are eligible for some fringe benefits.

A **probationary** employee is one who is a part-time or full-time employee with less than six months of employment and has not received his/her probationary evaluation. In addition, an employee who is either promoted or demoted resulting in a classification change, will be considered a probationary employee for purposes of the performance review.

A **temporary** employee is one who is hired for a limited period of time, until completion of a particular project or projects. Such an employee may work part-time or full-time hours depending on the needs of the City. A temporary employee is generally not eligible for fringe benefits.

Probationary Period

A new employee is considered to be on probation for the first six months. However, this period is not a guarantee of employment for six months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he/she is well-suited for his/her job. A new employee generally is evaluated every 30 days during the probationary period. If the Department Director concludes at any time during the probationary period that the new employee does not perform to departmental expectations, the employee may be terminated or may be placed on extended probation.

The probation period ends upon 1) the completion of six months; and 2) a satisfactory written evaluation by the Department Director, resulting in the employee's classification as a regular employee.

A newly promoted or demoted employee is considered to be on probation in his/her new job for a six month period. This period is a continuation of the selection process and is a time in which the newly promoted or demoted employee should demonstrate that he/she will meet departmental expectations for the job classification.

If the Department Director concludes at any time during the probation period that the newly promoted or demoted employee does not meet departmental expectations, the employee may be removed from that position.

Outside Employment

The City requires an employee's work for the City take precedence over any other employment engaged in by an employee. An employee must get prior written approval from his/her Department Director before engaging in other employment. The City has the sole discretion to determine if the other employment interferes with or is otherwise incompatible with City employment.

An employee may not engage in any private business activity while on City work time or at City workplaces.

Conflict of Interest

City employees are covered by state ethics laws which prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental decisions on matters in which they or their family or business associates have an economic interest. An employee must notify his/her Department Director in writing on any matter in which he/she, his/her family, or business associates have an economic interest and in which they must act on behalf of the City. The Department Director must send the notification to the City Manager for review, along with a copy to the General Services Director. If the City determines a potential conflict or appearance of conflict of interest exists, the matter will be reassigned to another employee.

Gifts and Gratuities

No employee may directly or indirectly solicit any gift or accept or receive a gift under circumstances in which it could be inferred that the gift was intended to influence him/her in the performance of his/her official duties or was intended as a reward for an official act on his/her part. A gift is defined as any benefit, favor, service, privilege, or thing of value which could be interpreted as influencing an employee's impartiality. A gift includes but is not limited to meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work supplied by City suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value which are generally distributed to all employees.

A determination as to whether this policy has been violated is at the City's sole discretion.

Political Activity

Employees may fully and freely associate themselves in organizations of their own choosing, except those organizations whose purpose is to overthrow the government of the United States, the State of South Carolina or any of its political subdivisions. In addition, a supervisory employee may not join or support labor organizations which accept into membership subordinates of such supervisors.

In circumstances involving real or potential conflicts, an employee who runs for public office may be placed on an unpaid leave of absence until after the election. If an employee is placed on leave of absence, his/her employment will be terminated upon his election to an elected public office.

For purposes of this policy, an employee is considered a “candidate for public office” when he/she files for candidacy, or when he/she begins actively campaigning for nomination or election, whichever comes sooner.

Employees may not engage in political activity in the workplace or while on duty.

Employee Confidentiality

In order to perform job duties, an employee of the City of Florence may obtain access and be exposed to information which would be considered personal and confidential. The protection of such personal and confidential information is vital to the interests and success of the City.

All confidential business information and personal information (collectively referred to as “Protected Information”) obtained or exposed to while employed by the City, or performing services for the City, shall be deemed confidential and proprietary to the City. Employees will maintain the confidentiality of such Protected Information accordingly. Confidential business information and personal information includes, but is not limited to:

- Compensation and employee data
- Financial information
- Labor relations strategies
- Pending projects and proposals
- Computer logins and passwords
- Information about other employees obtained by the City
- E-mail correspondence
- Names, addresses, telephone numbers of the City’s clients or prior clients
- Any information given to or obtained from the City during meetings, interviews, etc.
- Any other information deemed private or confidential by the City Manager, Human Resources, or corresponding Supervisor

Employees will use Protected Information only as required for the performance of their duties on behalf of the City. Employees will not disclose Protected Information to any person or entity without the prior written consent of the City Manager or General Services Director/Human

Resources Manager and the written agreement of such third party to be bound by the terms of this Agreement.

Employees will not duplicate or incorporate the Protected Information into their own records or databases.

Employees who separate or are terminated from the City of Florence may not disclose, use, transfer, or transmit Protected Information to any person or entity for any purpose whatsoever.

Upon separation/ termination of employment with the City, employees will return to the City all records, passwords, access codes, keys, documents, software and/or CDs, disks, and flash drives containing Protected Information.

Violation of this policy will result in adverse action up to and including termination of employment. In addition, an employee may be subject to criminal or civil penalties and/or attorney's fees and costs as a result of any breach of this Agreement which results in litigation.

Audio and Video Recording

Employees are prohibited from audio or video recording other employees or City officials unless the employee/official to be audio/video recorded has given his or her express permission or unless authorized by the City Manager, Police Chief, or an outside law enforcement agency. Violations are subject to disciplinary action up to and including discharge.

Workplace Privacy/Computer & Internet Abuse

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on City premises are not private.

Management may search City property and documents in City-owned vehicles, employee desks, lockers, file cabinets, etc.

Electronic media raise similar issues. The City provides electronic and telephonic communication devices and, when necessary, computers and mobile devices, to employees for use in performing their job duties. Although assigned to the employee, these items still belong to the City. Similarly, any computer files created or software downloaded on a City computer or mobile device belongs to the City.

Employees are given certain access and computer rights based upon the employee's job description or work expectations. Employees may not change any of these rights or the rights of anyone else. Employees may not encrypt work and may not use passwords other than those

assigned to them or approved by the City. Software, programs, games, and any other downloads may not be installed on City computers or devices without the written permission of the City.

Employees are prohibited, unless specifically authorized by the City, from accessing and/or viewing e-mail which has not been sent by, or addressed to, the employee. Similarly, employees are prohibited, unless specifically authorized by the City, from accessing and/or viewing databases containing personal employee information. Employees who have received appropriate authorization to access and/or view databases containing personal employee information are prohibited from using or discussing information in those databases except as directed by management.

The City consents to the reasonable personal use of its communication devices. The definition of "reasonable personal use" is determined in the sole discretion of the City. The only sure way to avoid violating the City's policy on personal use is not to use the City's communication devices, computers and network for any personal purpose. The following personal computer use is absolutely forbidden:

1. Accessing any material which the City considers to be pornographic; transmitting or knowingly accepting receipt of any communication which is pornographic, obscene, or in the City's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or some similar distinction;
2. Conducting business for outside employment or a side-business;
3. Purchasing any goods or services, even if charged to the employee's personal credit card.

Although employees may use City-owned communication devices, computers and network for limited personal use, all files and data created or transmitted using a computer (desktop or laptop), telephone, pager, "smart phone," or any other electronic device provided to the employee by the City belong to the City and may be accessed by the City during transmission of the communication or while in storage on the City's equipment. This includes, but is not limited to, voicemail, the content of e-mail, text (sms) messages, multi-media messages (mms), instant messages, and the content of internet websites.

By accepting employment with the City, you consent to monitoring, including "real time" monitoring, of all communications described in this policy and authorize the City to access all data stored on communication devices provided by the City. The City also reserves the right to report the findings of such reviews to appropriate agencies. Data stored on a City communication device includes data, such as personal third-party e-mail accounts (e.g., Yahoo, Hotmail, Gmail, etc.) and websites, that is accessed with a password where the data was accessed using the City's communication device. Thus, if you do not want the City to have access to your personal e-mail account or your social networking site, you should not access your personal e-mail or other password-protected websites using City-owned communication devices. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that the City cannot do so. It is also possible to generate a report of every Internet connection made by each user and the amount of time spent in each connection.

If you access personal e-mail accounts or other password-protected websites using City-owned communication devices, you will be subjecting those accounts and websites to any viruses that may have infected the City-owned communication device. The City is not liable for any damages you suffer because of such access. The best way for you to protect your personal information is to refrain from accessing it using City-owned equipment. City employees may not use their own personal electronic equipment (including, but not limited to, personal laptop computers and cellular phones) on City property or at City work sites to engage in conduct which would be prohibited if using City equipment.

Social Networks/Personal Web Sites/Blogs

Social networking, personal websites, and blogs have become common methods of self-expression. The City respects the right of employees to use these media during their personal time. Employees may not access social media sites, other than for business use, during working hours or using City equipment, unless specifically approved by the Department Director. The only sure way to avoid violating the City's policy on personal social media site access is to not access such sites at all during working hours or using City equipment.

Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts they make. Posts that contain obscene or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee's judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination from employment. Similarly, conduct that would violate City policies if done in person also violates City policy if done through social media. Employees may not disclose confidential information over social media or similar sites.

Employees who post on media sites and who have identified themselves as a member or employee of the City on those sites must make it clear that they are expressing their own views and not those of the City.

Events that Necessitate Office Closing

During inclement weather or for any other reason deemed necessary by the City Manager or Council, the City Manager may declare the following:

- Delayed Opening
All city offices shall operate on a 2 hour delay. Non-Emergency personnel shall report to work two (2) hours later than their scheduled time. Emergency personnel shall report to work as scheduled.
- Closing
All city offices will be closed for the day. Non-Emergency personnel shall not report to work. Emergency personnel shall report to work as scheduled.

- Early Release

In the event weather conditions begin to deteriorate after offices have opened and employees have reported to work, an early release may be in the best interest of the employees. If this decision is made, all Non-Emergency personnel shall be notified of the time they may leave. Emergency personnel will maintain a normal schedule.

Pay

When delays or closings occur, employees will be compensated for lost time. If City offices are open, employees have the option to take general leave if they do not feel comfortable coming to work due to poor weather conditions. If City offices are closed, employees will be paid for the time the offices were closed up to a full work day.

If employees are asked to work when City offices are closed:

Non-Exempt employees will be paid for all hours worked. In addition, these non-exempt employees will be given awarded time for actual time worked up to eight hours per day.

Exempt employees will be paid for time worked. In addition, these exempt employees will be given awarded time in half day/whole day increments. Any time worked fewer than four hours, the employee will receive four hours of awarded time. Any time worked more than four hours, the employee will be awarded no more than eight hours per day.

Each Department Director shall establish and inform those employees classified as Emergency Personnel. Emergency Personnel are those employees that are vital to the operations within their department.

Notifications

When the decision to close or delay has been made, the City Manager's Office shall notify each department director, post on the City of Florence website, and notify the media outlets.

Employee Responsibilities

When inclement weather has been forecast, employees should begin monitoring weather reports as well as the City of Florence website and media outlets regarding any delays or closings.

WAGES & HOURS OF WORK

Classification System

The City Manager may develop a system for classifying positions within the City, including pay ranges for those positions. Classification systems and pay-ranges are subject to change at any time. Assignment to a particular classification or range is not a guarantee of the pay assigned to that scale.

Hours of Work

The City's normal business hours for City administrative offices are from 8:30 a.m. to 5:00 p.m. Other departments may follow work schedules specific or unique to their departments. Each department is responsible for scheduling its employees to meet the needs of the City. Employees may be required to work overtime.

Regular full-time and part-time employees who work during the City's established hours of business may be provided one unpaid meal break of 30-60 minutes. Meal breaks for employees operating outside the established hours are set by the departments.

Employees may not use meal periods to offset loss of time or to leave early, unless authorized.

Overtime and Compensatory Time

Non-exempt employees, with the exception of law enforcement and fire suppression personnel, receive overtime premiums at 1.5 times their regular hourly rate for all hours worked in excess of 40 hours per week. Law enforcement personnel receive overtime premiums after 86 hours worked in a 14-day cycle. Fire suppression personnel receive overtime premiums after 159 hours worked in a 21-day cycle. Upon approval of the City Manager, in lieu of cash payment, the City may credit employees with compensatory time at the rate of 1.5 hours for each overtime hour worked. Non-exempt employees are paid for accrued compensatory time upon termination.

Employees must accurately record all hours worked and must have worked all hours recorded. Employees may not work "off the clock," and employees may not work overtime without the permission of their supervisor.

Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the work week. Such employees do not receive overtime pay or compensatory time off. However, the City Manager may, in his/her sole discretion, grant additional compensation of paid time off to exempt employees who have worked unusual amounts of time in excess of the normal schedule, but no exempt employee has a right to such additional compensation or paid time off. There is no payment for compensatory time for exempt employees upon termination.

Special Events Policy

If an employee elects to attend social/special events, and the employee has not been assigned to work, he/she should not volunteer to assist in the event. However, if circumstances arise that require an employee to assist at an event for which he/she is not assigned to work, the employee must try to notify his/her supervisor and get permission to work. If the employee cannot get in touch with his/her supervisor, the employee must advise the supervisor no later than the next business day. By policy, overtime should be pre-approved.

Notwithstanding the above, an employee may not volunteer to assist in any capacity if he/she has consumed any alcohol.

All hours worked must be recorded on the employee's timesheet.

Payment of Wages

Employees are paid on a bi-weekly basis, on Friday, by direct deposit. Employees should examine their paychecks/pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. Any payment errors must be reported to payroll within 14 days.

The City deducts from employees' gross pay, taxes, and withholdings that are required by the taxing authorities. The City may also deduct from employees' pay the employees' share of any premiums, or plan contributions for insurance, retirement and similar plans that are required or elected by the employee, and other voluntary deductions. The City may make other deductions as well as required by law or court order. The City does not make unauthorized deductions and will reimburse employees if such deductions are inadvertently made.

Cash, debts owed the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, city identification cards and other items belonging to the city that are advanced or issued to an employee but not repaid or returned by him/her at the time of his/her termination are considered advances of wages, the value of which may be deducted from the employee's pay.

Performance Evaluations

The City conducts periodic written evaluations of employees' performance. Employees are required to sign the evaluation documents. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he/she has been made aware of it. Employees may attach comments to their evaluations. Performance evaluations may be a factor in determining merit wage adjustments. However, a favorable evaluation does not guarantee a wage increase.

Holidays

The City of Florence will observe the following holidays:

New Year's Day	Labor Day
Martin Luther King's Birthday	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
4 th of July	Two days at Christmas

Holidays that fall on Saturday are generally observed the preceding Friday. Holidays that fall on Sunday are generally observed the following Monday.

City Council may declare additional days as holidays.

Employees who are scheduled to work on a holiday accrue holiday leave hours in proportion to their work schedules. Accrued holiday hours must be taken within the next 12 month period.

Employees must work the day before and after a holiday or be on approved paid leave in order to be paid for a holiday.

If a holiday falls during an employee's approved general leave period, it will be charged as a holiday and not against the general leave.

An employee may use accrued holidays in conjunction with general leave period, as long as it is approved by his/her supervisor/manager in advance of the leave.

LEAVE POLICIES

General Leave

The General Leave program replaced the traditional “vacation” leave concept. This program utilizes the concept that each employee assumes direct responsibility, accountability, and control of his/her attendance or absence from work. Listed below are the specific elements applicable to this program.

- All full time or 30-hour part-time employees are eligible to receive general leave benefits.
- General Leave may be used to cover the following types of absences (upon advance approval of the employee’s supervisor/manager):
 - a. Employee’s vacation
 - b. Employee’s personal leave for medical reasons
 - c. Family Medical Leave approved absence
 - d. Funeral leave
- A new employee is eligible to accrue General Leave beginning with the first pay period following the date of employment.
- General Leave will be pro-rated when an employee works less than the scheduled hours in the pay period.
- General Leave is NOT accrued due to an absence without pay.
- The Department Director, or designated supervisor, will be responsible for approving all leave requests. The employee is responsible for submitting a request to his/her supervisor/manager in advance of the anticipated absence. All leave must be approved to be considered for payment under the General Leave program.
- The approved use of General Leave for personal medical needs does not prohibit the Department Director from requesting a medical statement from the employee’s attending physician, particularly when such absence is constant, habitual, or questionable. The presentation of a medical statement is not a guarantee that General Leave will be approved.

- Basic Schedule for earning General Leave:

<u>Service Time</u>	<u>Annualized Earnings</u>
0-6 months	3 days
6 months – 5 years	19 days
5 years – 10 years	22 days
10 years – 15 years	24 days
15+ years	27 days

- Part-time employees who work 30 hours/week year round are eligible to accrue General Leave on a pro-rated basis.
- Immediately after the completion of the last payroll processing for October of each year, the Maximum Earning Schedule by Class Code will be reviewed per employee to determine appropriate adjustments. Adjustments in the “class” assignment will be established annually at this time. Following these annual adjustments, an employee may exceed his/her maximum number of General Leave hours AND may take those additional earned hours prior to the adjustments made each year as described above.

During the annual adjustment review process, if it is determined that the total General Leave accrued hours are in excess of the allowable maximum rate, the difference will be rolled into the employee’s Sick Leave Bank.

- The Class status of each employee will be reviewed annually as follows:
 - Step 1: The Sick Leave balance and years of service will be reviewed to determine the maximum class for the employee’s General Leave.
 - Step 2: If it is determined that a change in the employee’s General Leave maximum class is needed, it will be adjusted to the “new” maximum class status.
 - Step 3: Based upon the employee’s “new” class, any General Leave coverage is then moved into the employee’s Sick Leave bank.

MAXIMUM Accrual Schedules by Class Codes

1950 Work Schedule

<u>Class</u>	<u>Sick Leave Bank Hours</u>	<u>Years in Service</u>	<u>Maximum General Leave Accruals</u>
A	0 – 450	0 mos – 5 yrs	1 ½ times annual earnings
B	451 – 900	6 yrs – 10 yrs	2 times annual earnings
C	901 – 1350	11 yrs – 15 yrs	2 ½ times annual earnings
D	1351+	over 15 yrs	3 times annual earnings

2080 and 2912 Work Schedule

<u>Class</u>	<u>Sick Leave Bank Hours</u>	<u>Years in Service</u>	<u>Maximum General Leave Accruals</u>
A	0 – 480	0 mos – 5 yrs	1 ½ times annual earnings
B	481 – 960	6 yrs – 10 yrs	2 times annual earnings
C	961 – 1440	11 yrs – 15 yrs	2 ½ times annual earnings
D	1441+	over 15 yrs	3 times annual earnings

- Accruals are established in conjunction with the bi-weekly payroll.
- An employee who terminates employment with the City resulting from a voluntary resignation must give and work a two-week notice. An employee who does not give and work proper notice or is dismissed for disciplinary reasons is not eligible to receive pay for the balance of his/her accrued General Leave, Awarded Leave, Holiday Leave or Sick Leave. A two-week notice for firefighters equals five full shifts. All compensatory time will be paid.
- An employee who retires from the City of Florence must give and work a two-week notice to be eligible to receive pay for the balance of his/her accrued General Leave, Awarded Leave, Holiday Leave or percentage payout of Sick Leave if applicable.
- An employee who is approved for Family Medical Leave will be eligible to use accrued General Leave and accrued Sick Leave bank hours to cover his/her FMLA absence. See Sick Leave Bank on page 20 regarding the rules of sick leave usage. The employee will decide which leave type will be charged first.

- Four different General Leave accrual schedules have been developed to accommodate the diversity in our workforce:

- 1950 work schedule - Individuals who work 37 ½ hours/week
- 1560 work schedule - Individuals who work 30 hours/week
- 2080 work schedule - Individuals who work 40 hours/week,
Commissioned Police Officers, or salaried employees
- 2912 work schedule - Commissioned Firefighters

General Leave Earnings/Accrual Rate

2080 work schedule:					1950 work schedule:				
Service Years	Bi-Weekly Accrual	Total Hours Earned	Daily Hours Basis	Days Earned	Service Years	Bi-Weekly Accrual	Total Hours Earned	Daily Hours Basis	Days Earned
0-6 months	1.85	24.00	8.00	3.00	0-6 months	1.73	22.43	7.50	3.00
6 mos.-5 yrs Class A	5.85	228.00	8.00	28.50	6 mos.-5 yrs Class A	5.48	213.83	7.50	28.50
5-10 yrs. Class A	6.77	264.00	8.00	33.00	5-10 yrs Class A	6.35	247.50	7.50	33.00
Class B		352.00	8.00	44.00	Class B		330.00	7.50	44.00
Class C		440.00	8.00	55.00	Class C		415.50	7.50	55.00
Class D		528.00	8.00	66.00	Class D		495.00	7.50	66.00
10-15 yrs Class A	7.49	292.00	8.00	36.50	10-15 yrs Class A	7.02	273.75	7.50	36.50
Class B		388.00	8.00	48.50	Class B		363.75	7.50	48.50
Class C		484.00	8.00	60.50	Class C		453.75	7.50	60.50
Class D		580.00	8.00	72.50	Class D		543.75	7.50	72.50
15 + yrs Class A	8.31	324.00	8.00	40.50	15 + yrs Class A	7.79	303.62	7.50	40.50
Class B		432.00	8.00	54.00	Class B		404.82	7.50	54.00
Class C		540.00	8.00	67.50	Class C		506.03	7.50	67.50
Class D		648.00	8.00	81.00	Class D		607.23	7.50	81.00
2912 work schedule:					1560 work schedule:				
Service Years	Bi-Weekly Accrual	Total Hours Earned	Daily Hours Basis	Days Earned	Service Years	Bi-Weekly Accrual	Total Hours Earned	Daily Hours Basis	Days Earned
0-6 months	2.58	33.49	11.20	3.00	0-6 months	1.38	18.00	6.00	3.00
6 mos.-5 yrs Class A	8.19	319.31	11.20	28.50	6 mos.-5 yrs Class A	4.38	171.07	6.00	28.50
5-10 yrs Class A	9.48	369.60	11.20	33.00	5-10 yrs Class A	5.08	198.00	6.00	33.00
Class B		492.80	11.20	44.00	Class B		264.00	6.00	44.00
Class C		616.00	11.20	55.00	Class C		330.00	6.00	55.00
Class D		739.20	11.20	66.00	Class D		396.00	6.00	66.00
10-15 yrs Class A	10.48	408.80	11.20	36.50	10-15 yrs Class A	5.62	219.00	6.00	36.50
Class B		543.20	11.20	48.50	Class B		291.00	6.00	48.50
Class C		677.60	11.20	60.50	Class C		363.00	6.00	60.50
Class D		812.00	11.20	72.50	Class D		435.00	6.00	72.50
15 + yrs Class A	11.63	543.41	11.20	40.50	15 + yrs Class A	6.23	242.85	6.00	40.50
Class B		604.54	11.20	54.00	Class B		324.00	6.00	54.00
Class C		755.68	11.20	67.50	Class C		404.84	6.00	67.50
Class D		906.81	11.20	81.00	Class D		486.00	6.00	81.00

Sick Leave

Regular full-time and regular part-time employees accrue sick leave in accordance with the General Leave plan document. Sick leave is paid when an employee is excused from work due to his or her own non-occupational illness. The approved use of Sick Leave for personal medical needs does not prohibit the Department Director from requesting a medical statement from the employee's attending physician, particularly when such absence is constant, habitual, or questionable. The presentation of a medical statement is not a guarantee that Sick Leave will be approved. In some circumstances, an employee may be required to provide a release to return to work. Abuse of leave or failure to call in as required may result in denial of paid sick leave. An employee may not use sick leave for a workers compensation injury if the employee is released to return to work in any capacity unless the City is not able to accommodate the release to return to work. An employee will not receive pay for accrued, unused sick leave at separation. The only exception is an employee who is eligible for City retiree benefits. In that case, the employee may receive a percentage of sick leave payout. For additional sick leave benefits, see the South Carolina Retirement Systems rules on applied sick leave.

Military Leave

Employees are entitled to such leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable State and Federal Law. The provisions of such laws change from time to time and for that reason no effort is made to set forth the law in this policy.

Jury Duty

An employee will be paid for wages lost from scheduled straight time work due to jury service up to a maximum of eighty hours per calendar year.

In order to qualify for this payment an employee called for jury service must:

1. Give his/her supervisor notice of such service within two work days of the time the employee is called for such service.
2. Report for work when released by the Court on any day of jury service.
3. Submit a written statement from the Court indicating days of service and time released each day.

Employees may retain any payments received for jury duty.

Physical Disability and Personal Leave

1. An employee who does not qualify for Family and Medical Leave may be entitled to a leave of absence when unable to work because of personal illness, pregnancy, or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons. Leaves are granted only in the discretion of the City Manager upon recommendation by the employee's Department Director.
2. Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.
3. Physical disability leave begins on the first day of absence.
4. After the employee has exhausted his vacation and sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits. Certain exceptions may be established by law.
5. Employees desiring to return to work from an unpaid leave of absence must notify his Department Director and Human Resources in writing at least ten (10) days prior to their desired date of return. If the Department Director finds that the employee is fit to resume his duties, the employee may be placed in his former job if a vacancy exists which is to be filled. If no such vacancy exists, the employee may be placed in any job in which there is a vacancy which is to be filled and for which he is best suited. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence may be continued. An employee who has not been reinstated within three (3) months following the commencement of a leave of absence is subject to termination, but may request an extension. This action does not affect the employee's eligibility to be considered for hire as a new employee.

Family and Medical Leave Act (FMLA) (Applies only to employees employed 12 months or longer and who have worked 1250 hours or more in the preceding 12 months, both prior to commencement of leave.)

General: Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must request leaves of absence under this law and policy, but in appropriate situations, employees may be placed on leave status without application.

Reason for Leave of Absence

1. **Medical and Family Leave.** An eligible employee may be entitled to a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury, prevents the employee from being able to perform his/her job, if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative, or to care for a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child is received in the employee's household.

2. **Military Caregiver Leave.** An eligible employee whose spouse, parent, child or next-of-kin is a covered service member or covered veteran of the Armed Forces of the United States may be entitled to leave of absence to care for the service member or veteran if he/she is, or was, injured while on covered active duty, including if he/she aggravates an existing injury.
3. **Qualifying Military Exigency Leave.** An eligible employee whose spouse, parent or child is a member of the regular Armed Forces of the United States and is on active duty or called to active duty on a foreign deployment, or who is a member of the National Guard or Reserves and is on or called to qualifying active duty in Federal service may be entitled to a leave of absence due to one or more qualifying exigencies arising out of the active duty or call to active duty. Qualifying exigencies are: (1) Short-notice deployment (i.e., notice of seven days or less); (2) Military events and related activities; (3) Childcare and school activities (regular or routine childcare by the employee does not count); (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; (8) Parental care (regular or routine parental care by the employee does not count); and (9) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Proof of need for leave of absence may be required regardless of the type of leave taken.

Length of Leave

1. **Medical and Family Leave.** An eligible employee may take the equivalent of a total of 12 work weeks of leave during any 12 consecutive months for his/her own serious health condition, that of a parent, spouse or child, or to care for a newly born or newly received child. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent, may be taken intermittently or by means of a modified work schedule when necessary.
2. **Military Caregiver Leave.** Leave to care for an injured service member or covered veteran may be taken for up to 26 work weeks in a single 12 month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the 26 weeks of leave permitted to care for an injured service member.
3. **Qualifying Military Exigency Leave.** Leave taken because of a qualifying exigency is available for up to 12 work weeks in any 12 consecutive months. Leave taken because of a short notice deployment is limited seven days from the date of notice, and leave taken to be with the service member during periods of rest and recuperation are limited to five days per period of rest and recuperation. Leave taken to attend post-deployment activities must be taken within 90 days of the end of active duty service.

Coordination of Leave and Paid Time Off

An employee who must be absent due to his/her own serious health condition will be paid for time lost from work from accrued sick leave balances, if any. An employee who must be absent for any other FMLA-qualifying reason will be paid for time lost from work from accrued annual leave balances, if any. Leave taken under this policy counts towards the employee's 12 weeks of leave (or 26 weeks, where appropriate) regardless of whether all or part of the employee's leave is paid.

Effect of Leave on Accrual of Fringe Benefits

1. Health benefit plan. Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages.
2. Accrual of paid leave. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

Employee Responsibility

Employees who request leave under this policy must give 30 days advance notice or such lesser amount of notice as is possible in the particular circumstances. When the need for leave is unforeseeable, the employee must follow the normal procedure for reporting an absence. Employees may not engage in side employment or work for another employer without the express written permission of the City Manager.

Termination of Leave of Absence

A leave of absence under this policy will end when the need for the leave of absence ends, or when the maximum leave described above has been taken, whichever occurs sooner.

Reinstatement

At or before the conclusion of the FMLA leave of absence the employee is entitled to reinstatement to his/her former position or to a position equivalent to his/her former position. The employee must demonstrate that he/she is fit for duty and must give reasonable notice of intent to return to work.

Extension of Leave Without Benefits

An employee who is unable to perform the duties of his/her position due to his own disability and who has exhausted his/her entitlement to leave under the Family and Medical Leave Act by taking 12 consecutive weeks of leave may, in the discretion of the City Manager, upon written application, be granted up to an additional 14 weeks of leave. This additional leave of absence does not entitle the employee to reinstatement or to payment of any portion of his/her health benefit plan premiums if the employee is on Leave Without Pay (LWOP) status. If the employee is able to return to work prior to the exhaustion of his/her extended leave, he may be returned to his/her previous position if it is vacant and is to be filled, or to some other position of equal or

lesser compensation for which he/she is qualified and where there is a vacancy to be filled. If the employee is not returned to active employment, he/she may be continued on extended leave of absence status until he/she is returned to active duty status or his/her extended leave of absence expires, whichever occurs sooner.

Employees who have exhausted their FMLA leave under other circumstances, but who continue to require leave which would qualify for FMLA leave if such leave had not been exhausted, may apply for an extended leave of absence for personal reasons. Such extended leaves are granted only in the discretion of the City Manager.

Separation of Employment

An employee's employment may terminate if he/she does not return to full active employment status at the conclusion of his/her leave of absence or extended leave of absence. This does not affect the employee's ability to reapply for the position at a later time. Further, employees with circumstances that warrant special consideration should bring those circumstances to the attention of management.

Special Situations:

1. Spouses. When both a husband and a wife are employed, their combined right to a leave of absence because of the birth or placement of a child, or to care for a newly born or placed child or to care for a parent with a serious health condition is 12 weeks in a 12 month period, or 26 weeks in a single 12 month period to care for an injured service member or covered veteran.
2. Key Employees (salaried employee in highest paid 10% of all employees). Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

Notice of Rights

Federal law requires that we provide you with the notice of your rights that appears on the following page.

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles. *Special hours of service eligibility requirements apply to airline flight crew employees.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet

the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under FMLA; and discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.

BENEFITS

The City currently offers a competitive health and retirement benefits package. The terms of the City's benefits plans are subject to change, and the City is not responsible for any changes in or elimination of benefits or benefit plans. Additional information may be obtained from the Human Resources Division.

Workers' Compensation

City employees are covered by Workers' Compensation for on-the-job injuries. Benefits are governed by State Law and not set by the City. Employees must report immediately any on-the-job injury, regardless of severity, to their supervisor.

EMPLOYEE SUBSTANCE ABUSE AND TESTING AND DRUG FREE WORKPLACE POLICY

It is well-recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. Furthermore, it is the policy of the City to comply with the state and federal Drug Free Workplace Acts, to comply with applicable federal regulations, to establish and maintain alcohol and drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and the use of controlled substances on or off the job.

For these reasons, the City adopts the following policy:

GENERAL RULE

All employees of the City are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, meth, etc.). Further, this prohibition applies to the misuse, abuse, or any unlawful use or possession of otherwise legal drugs. For example, taking a prescription drug that is not prescribed to the employee, even if prescribed to a member of the employee's family, is illegal and violates this policy. In addition, employees are prohibited from using "synthetic" drugs or substances designed to mimic the effects of illegal drugs, regardless of whether the synthetics are legal or illegal. This prohibition applies to use at any time, both on the job and off the job. City employees are permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Marijuana warrants special mention. Many states have legalized marijuana for recreational use, or for medicinal use with a prescription. However, marijuana remains illegal under federal law. For purposes of this policy, marijuana is considered an illegal drug regardless of whether it was used in a state that allows its use and regardless of the reason for its use.

CBD oil is legal and is contained in many products. Employees are advised these products may contain trace amounts of THC which might lead to a positive result in a drug screen. Any employee who is required to submit to a drug screening for any reason, and who exceeds the testing threshold for THC for any reason, will be considered to have violated the City's substance abuse policy.

All employees of the City are prohibited from using or possessing alcoholic beverages on City premises or time. (The term “City premises or time” includes: City vehicles and private vehicles on City premises; parking lots and recreation areas; and any circumstances in which an employee is representing the City, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.) The City may approve moderate alcohol use at designated social or business functions.

All employees of the City are prohibited from reporting to or being at work while under the influence of alcohol. **(An employee is considered to be “under the influence of alcohol” if he has any detectable amount of alcohol in his system.)** An employee taking prescribed medication which might affect his ability to perform his job is required to advise his supervisor. The City will determine whether the employee may continue to work. Employees may be required to submit to a drug screen.

These prohibitions also apply to leased employees and contractors employed by the City or working on City property.

Applicants for Employment

Applicants tentatively selected for employment must undergo a pre-employment drug test. The City does not hire applicants tentatively selected for employment who refuse to submit to a drug test or who test positive for use of illegal or unauthorized substances or the illegal use of authorized substances. An applicant who is rejected under this policy may be considered for future vacancies if he/she can demonstrate that he/she is no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program and pass a more thorough drug test conducted at the applicant’s expense. (This may include participation in and successful completion of a rehabilitation program as well as a negative drug test result on a more thorough drug test.)

Current Employees

All City employees are subject to drug testing by urinalysis where “particularized suspicion” of drug use in violation of this policy exists or under other lawful conditions.

Particularized suspicion is deemed to exist when:

1. Information that an employee has used drugs or substances in violation of this policy is provided by a reliable informant;
2. An accident occurs. “Accident” is defined as:
 - a. an accident involving a fatality;
 - b. an accident causing personal injury; or
 - c. an accident involving property damage.

NOTE: DOT regulated employees (CDL Drivers) are subject to special rules for post-accident testing and will be tested following an accident in accordance with DOT regulations.

3. An employee exhibits any of the following:
 - a. extreme mood swings;
 - b. slurred speech;
 - c. unusual clumsiness;
 - d. staggering;
 - e. dilation of pupils;
 - f. sleeping on the job or lethargy;
 - g. excessive unexplained sweating;
 - h. other aberrational behavior;
4. An employee has been arrested for or convicted of a violation of drug laws; or
5. An employee has tested positive for drugs or otherwise violated this policy within the past five years.

All City employees are subject to alcohol testing where “particularized suspicion” of alcohol use in violation of this policy exists.

Particularized suspicion is deemed to exist when:

1. Information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant;
2. An accident occurs. “Accident” is defined as:
 - a. an accident involving a fatality;
 - b. an accident causing personal injury; or
 - c. an accident involving property damage.
3. An employee exhibits behavior consistent with alcohol use such as but not limited to:
 - a. erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);
 - b. the apparent odor of an alcoholic beverage on an employee’s breath;

- c. other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.

4. An employee has admitted violating the City's alcohol policy;
5. An employee is arrested for or convicted of an alcohol related offense;
6. An employee has tested positive for alcohol in violation of this policy, or otherwise violated this policy, within the past five years.

Particularized suspicion testing is conducted upon the approval of the City Manager or his designee. Particularized suspicion testing of sworn law enforcement officers may be approved by the Chief of Police or his designee.

All sworn law enforcement officers, fire personnel, employees who are required by their jobs to possess a Commercial Driver's License or employees whose jobs the City regards as "safety-sensitive" are subject to random testing to determine compliance with this policy. A list of safety sensitive positions is available on the City of Florence Intranet, Insider Connection. Random selection testing is unannounced.

Employees may be tested for the use of controlled substances as part of any "fitness for duty" physical examination mandated by federal/state law or by the City, or as otherwise allowed by law.

Employees who refuse to submit to an alcohol or drug test when ordered to do so or who adulterate or substitute test samples are in violation of this policy and will be discharged or placed on administrative leave without pay until the completion of an investigation. Refusal to test includes failure to appear for a test, failure to remain until testing is complete, failure to provide an adequate amount of urine, saliva or breath, failure to undergo a medical examination to evaluate your ability to provide an adequate urine, saliva or breath specimen, or failure to sign a required certification form.

Testing Procedure—Drug Testing

Drug testing will be by urinalysis. The collection of urine samples is performed under reasonable and sanitary conditions.

Urine is normally collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule. In addition, direct observation will be used in DOT-mandated testing for DOT-regulated employees when allowed or required by DOT regulations.

Urine samples are sealed, labeled, and documented in accordance with the procedure of the drug testing collector or laboratory. Tests performed pursuant to DOT regulations will follow the procedures required by those regulations. Labeling, storage, and transportation of samples are performed so as reasonably to preclude the probability of erroneous identification, sample

contamination, or sample adulteration.

Specimens are checked for at least the following six drugs:

1. marijuana
2. cocaine
3. opiates
4. amphetamines
5. phencyclidine
6. barbiturates

NOTE: Tests performed pursuant to DOT regulations check for only those substances mandated by the DOT regulations.

Applicants and employees are provided an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.

Samples which initially result in a positive finding for drug use are re-tested by the gas chromatography/mass spectrometry (GCMS) or an equivalent method. If the confirmatory test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer is conclusive for all employment-related purposes.

The City's Medical Review Officer normally allows an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies the City.

A positive-dilute result is treated as positive. A negative-dilute result will result in a retest. Absent satisfactory explanation, a second negative-dilute result may result in the test being considered adulterated. Dilute test results in DOT-mandated tests will be handled according to DOT regulations.

Testing Procedure--Alcohol Testing

A non-evidential screening device may be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by the City, then a confirmatory test is conducted utilizing an EBT (evidential breath testing) device or blood test. The City uses only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for DOT-mandated alcohol testing. The City reserves the right to utilize and treat as conclusive blood test results from testing ordered by law enforcement or for treatment for any non-DOT alcohol tests and for DOT tests in circumstances permitted by federal regulations.

Employees will have an opportunity to provide any information which they consider to be relevant

to the test.

The EBT confirmatory test is conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator should be properly certified in accordance with applicable DOT regulations.)

A confirmatory test result generated through the use of an EBT or blood test which indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.

Notice to Employees

The City attempts to distribute to all employees a copy of this policy. Additional copies of this policy are available upon request. By continuing to work, the employee agrees to abide by the policy as a condition of employment.

Notice to Employer, State and Federal Grantor/Contracting Agencies and Law Enforcement Authorities

As a condition of employment, employees agree to notify the City within five calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The City will notify all state and federal grantors/contracting agencies of such employee convictions within ten days as required by the state and federal Drug Free Workplace Acts. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.

The City will notify law enforcement authorities whenever illegal drugs are found in the workplace.

Consequences of Violating this Policy

Employees who violate this policy are subject to immediate termination of employment.

Except for sworn law enforcement officers and fire personnel, in lieu of terminating an employee, the City may in its sole discretion condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of an alcohol or drug counseling/rehabilitation program.

If the City, after considering all of the relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as an employee, the employee's continued employment will be subject to the following:

1. Referral of the employee for alcohol or drug abuse counseling;
2. Retesting the employee for alcohol or controlled substances before allowing the employee to return to duty;
3. Requiring the employee to authorize any rehabilitation facility to report periodically to the City during the course of treatment/counseling;

4. Placing the employee on probation for at least six months following the employee's return to duty; and
5. Requiring the employee to submit to unannounced follow-up alcohol and/or drug testing for a period of up to five years.

An employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program and who refuses or fails to participate in a single counseling or treatment session is in violation of this policy and subject to disciplinary action, up to and including termination.

An employee whose return to duty test sample does not indicate that the employee has discontinued illegal use of drugs or indicates that the employee is in violation of this policy is subject to disciplinary action, up to and including termination.

Coming Forward with Substance Abuse Problems

Employees, other than sworn law enforcement officers, who have substance abuse problems and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, in the City's sole discretion, may be upon the first violation subject to *Consequences of Violating This Policy* (pages 30-31), items 1-5 in lieu of termination.

An employee who admits to a violation of this policy or tests positive for drugs in violation of this policy, but seeks counseling and remains an employee of the City, is subject to immediate termination if he/she again either admits to, or is otherwise found to be in violation of this policy.

Confidentiality

Any alcohol or drug test results or information supplied by employees and applicants as part of the City's alcohol and drug testing program are kept as confidential as possible, consistent with the purposes of this policy. However, no guarantee of confidentiality is made.

Testing Costs

The City is responsible for the costs of all drug tests to which the City requires an employee to submit. However, an employee subject to unannounced follow-up testing is solely responsible for the cost of all follow-up tests.

Notification of Test Results

Applicants are notified of the results of a pre-employment drug test, provided the applicant requests the results within 60 days of being notified of the disposition of the employment application.

Employees are notified of the results (including the drug(s) discovered) of all positive drug tests.

Employee Assistance Program/Drug Free Awareness

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Drug and alcohol abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, the City has implemented this policy. Employees who feel they have a problem with controlled substances should seek assistance.

The City has also made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations. The City's Employee Assistance Program is coordinated through McLeod Employee Assistance Program. Information about the Employee Assistance Program is available through the Human Resources Division or by calling McLeod EAP directly at 843-317-4949.

For more information on where to obtain treatment or assistance for drug or alcohol problems, one of the best places to look is in your phone book's Yellow Pages under "Drug Abuse & Addiction Information & Treatment Centers" or "Alcoholism Information & Treatment Centers." Under these headings, there is often a listing for a local "Council on Alcohol and Drug Abuse." These organizations are most helpful, as are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA), in identifying sources for treatment and assistance. Set forth below is a list of organizations that may provide information or referrals.

1. National Clearinghouse on Alcohol and Drug Information
1-800-729-6686
2. National Council on Alcoholism
1-800-622-2255
www.ncadd.org

Periodically, the City may make available to employees information regarding substance abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

Statement of Conduct

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline which may be imposed includes, but is not limited to, oral reprimand, written warning, probation, reduction in leave balances, suspension without pay, demotion and discharge. In addition, the City may procedurally suspend an employee pending investigation to determine if disciplinary action is appropriate. If the City determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, the City may impose a combination of disciplinary measures. **THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE CITY. NOTHING IN ANY OF THE CITY'S POLICIES OR BY VIRTUE OR ANY PAST PRACTICE OF THE CITY REQUIRES THE CITY TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE.**

Employees must sign counseling/disciplinary memoranda, policy statements, performance evaluations and other documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he/she has been notified of the contents of the document. If an employee refuses to sign the document he/she will be relieved of duty without pay until the document is signed. If the document has not been signed and returned by the end of the employee's next scheduled workday, the City will consider the employee to have resigned.

Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions which may result in disciplinary action. The disciplinary action that is appropriate for any particular misconduct is at the sole discretion of the City. The following are merely examples of some of the more obvious types of misconduct which may result in disciplinary action, up to and including discharge. **THE CITY RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY ON A CASE BY CASE BASIS WITHOUT REGARD FOR THE WAY IT HAS MANAGED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS TREATED SIMILAR SITUATIONS.**

1. Conviction of, or plea of guilty or no contest to, a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the City's reputation or which reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty, with or without pay, pending the City's determination on continued employment.
2. Incompetence.
3. Unauthorized absence or tardiness or a pattern of absenteeism or tardiness.
4. Insubordination, including disrespect for authority, or other conduct which tends to undermine authority.
5. Failure or refusal to carry out instructions.

6. Unauthorized possession or removal, misappropriation, misuse, destruction, theft or conversion of City property or the property of others.
7. Violation of safety rules, neglect or engaging in unsafe practices.
8. Interference with the work of others.
9. Threatening, coercing or intimidating fellow employees, including “joking” threats.
10. Dishonesty.
11. Failure to provide information.
12. Falsifying City records or providing falsified records to the City for any purpose.
13. Failure to report personal injury or property damage.
14. Neglect or carelessness.
15. Introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on City property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is “under the influence” if he/she has any detectable amount of any such substance in his/her system.
16. Unsatisfactory performance to include an employee who does not meet expectations on his/her performance evaluation. If at any time during the probationary period the City conclude the employee is not making sufficient progress, the employee may be dismissed.
17. Violation of City policies.
18. Lack of good judgment.
19. A reason that, in the City’s sole determination, warrants discipline.

COMPLAINT REVIEW PROCESS

This procedure is adopted in accordance with the “County and Municipal Employees Grievance Procedure Act,” Section 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended.

General

A grievance is defined as a complaint by an employee that he/she has been treated unlawfully or in violation of his/hers rights under City policies with regard to his/her employment. This definition includes, but is not limited to, disciplinary actions such as written reprimand, suspension, demotion, or discharge. An employee’s level of compensation, classification, or employee evaluation is not the proper subject of a grievance except as it applies to alleged inequities within the employee’s department. However, if an employee believes he/she has not received or been credited with or has otherwise lost wages or benefits to which he/she is entitled, he/she must present his/her grievance in accordance with this procedure. Transfers or reassignments may not be grieved.

Step 1. An employee must file his/her grievance within 5 calendar days of the event giving rise to the grievance or his/her knowledge of the events giving rise to the grievance. He/she must initially file with the department director. This step may be oral. The director has 5 calendar days in which to make his decision and advise the employee. If no decision is made within this time, the grievance is considered denied. The employee then has 4 calendar days to file the grievance with the Director of General Services. The grievance to the Director of General Services must be a formal, written request describing in detail the employee’s reason for the grievance. Within ten calendar days of receipt of the employee’s formal request, the City shall schedule the requested hearing and notify the grievance committee and the employee requesting the hearing.

Step 2. If the head of the department in which the employee is employed denies the grievance, this decision is final as to any grievance brought by an employee in his initial probationary period.

Employee Grievance Committee

The City Manager appoints a Committee composed of seven employees to serve for terms of three years, except that the members appointed initially are appointed so that their terms will be staggered. The Manager may also appoint two alternates to serve when other members are disqualified or unable to serve. Approximately one-third of the terms shall expire each year. A member continues to serve after the expiration of his/her term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member’s term is for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the Manager. All members are selected on a broadly representative basis from among City employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing may not participate in that employee’s hearing.

1. The Committee annually selects its own chairperson from among its members. The chairperson serves as the presiding officer at all hearings that he/she attends but may designate some other member to serve as presiding officer in his/her absence. The chairperson has authority to schedule and to re-schedule all hearings.
2. A quorum consists of at least five of Committee members, and no hearings may be held without a quorum.
3. The presiding officer has control of the proceedings. He/she may take whatever action is necessary to ensure an equitable, orderly, and expeditious hearing. Parties must abide by his/her decisions, except when a Committee member objects to a decision to accept or reject evidence, in which case the majority vote of the Committee governs.
4. The Committee has the authority to call for files, records and papers that are pertinent to any investigation and that are subject to the control of the City; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses; to consider the results of polygraph examinations; and to secure the services of a recording secretary in its discretion. The Committee has no authority to subpoena witnesses, documents or other evidence, nor may any City employee be compelled to attend any hearing. All proceedings are recorded. Witnesses, other than the grieving employee and the Department Director are sequestered when not testifying. All witnesses must testify under oath.
5. All hearings are held in executive session unless the grieving employee requests, at least 24 hours prior to the hearing, that it be held in open session. The official recording and the official minutes of all hearings are subject to the control and disposition of the City Manager.
6. Neither the grieving employee nor the Department Director may be assisted by advisers or by attorneys during the hearing itself. However, the Committee may have an attorney available to it at any and all times it considers necessary and the Human Resources Division may provide assistance in reading written materials to the Committee at the request of a grieving employee.
7. In disciplinary actions by Department Director, the employee must receive in reasonable detail written notice of the nature of the acts or omissions that are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The Department Director must demonstrate the disciplinary action is for the good of the City. The department makes the first presentation. The Committee may base its findings and recommendations (and the Manager his/her decision) on any additional or different grounds developed from the presentations.
8. In non-disciplinary grievances the employee must establish that a right existed and it was denied him/her unlawfully or in violation of a City policy. The employee makes the first presentation.

9. In all grievances, the grieving employee and the Department Director are each limited to one hour of initial presentation. The party required to make the first presentation is entitled to a ten minute rebuttal of the other party's presentation. The chairperson may appoint himself/herself or another member of the Committee as timekeeper.
10. In all grievances, presentations may be oral, written or both. The presentation may be supported by affidavits or signed statements from witnesses, records, other documentary evidence, photographs and other physical evidence. Presentations are made by the grieving employee (with reading assistance from the Human Resources Division if the employee desires). Parties may request the Committee call witnesses, and a list of potential witnesses should be submitted to the Committee chairperson five days prior to the hearing. However, neither party may question the other party or question any witness called by the Committee.
11. The Committee will, within 20 calendar days after hearing an appeal, make its findings and recommendations and report such findings and recommendations to the City Manager. The Manager will review the findings and recommendation. If the Manager approves, the Committee's recommendation becomes final. The decision and copies of the decision will be transmitted by the City Manager to the employee and to the Department Director. If, however, the Manager rejects the Committee's recommendation, the Manager will make his/her own decision without further hearing and that decision is final. Copies of the decision will be transmitted to the employee, the Department Director, and the Director of General Services.
12. Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the City's authority to terminate any employee when the City or respective elected or appointed official considers such action to be necessary for the good of the City.

IX. b.
Resolution
2019-15

FLORENCE CITY COUNCIL MEETING

DATE: June 11, 2019

AGENDA ITEM: A resolution expanding the geographic boundaries for downtown business incentives previously adopted in Resolutions 2012-04, 2015-03, and 2017-20

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A resolution expanding the geographic boundaries for downtown business incentives previously adopted in Resolutions 2012-04, 2015-03, and 2017-20

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) To encourage appropriate redevelopment within the City's Historic Overlay District and to support adaptive reuse of buildings the City adopted the following Resolutions:

- a. Resolution No. 2012-04 - Approved downtown incentives to encourage the revitalization of downtown Florence by existing property owners and potential developers {see Attachment B dated February 2012 (Downtown Florence Incentives)}.
- b. Resolution No. 2015-03 - Approved additional downtown business redevelopment and historical building incentives to those previously adopted in Resolution 2012-04 to continue to encourage the revitalization of downtown Florence by existing property owners, tenants, and potential developers
- c. Resolution No. 2017-20 - Approved additional downtown business redevelopment and historical building incentives adding the W-1, Food, Artisan, and Warehouse District as well as areas in the southwest quadrant of the D-1, Downtown Overlay District.

(2) An Ordinance is currently before City Council for second reading to amend Division 1-2.4, Downtown Design District, of the City of Florence Unified Development Ordinance to add the overlay district titled "Irby Street Corridor Overlay District." The intent of the Irby Street Corridor Overlay District is to foster redevelopment of properties adjacent to the US Highway 52/ Irby Street Corridor for the purpose of creating and maintaining a safe, efficient, functional and attractive corridor through the City of Florence Downtown. This overlay district is inclusive of and builds upon downtown overlay districts as adopted in 2005 as part of the revitalization of Downtown Florence. Furthermore, this overlay district will encourage redevelopment of existing structures in a manner which enhances the character of the corridor, reduces conflict between pedestrian and vehicular traffic, and promotes a viable commercial corridor through Downtown Florence.

III. POINTS TO CONSIDER:

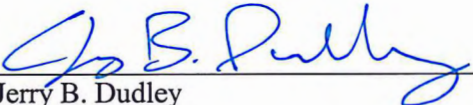
- (1) Both the Comprehensive Plan and the City's Downtown Master Plan establishes the need and supporting benefits associated with the redevelopment of downtown Florence.
- (2) Incentives are also addressed within the Comprehensive Plan with the recognition and acknowledgement that the provision of incentives are proven to be a benefit to citizens of the City by encouraging revitalization and redevelopment of the downtown area.

- (3) It is the intent of the additional boundary area, which includes the Irby Street Corridor District, to apply the incentives and therefore encourage additional redevelopment activity within these areas.
- (4) At this time no additional annual funding will be required, given that a large number of projects within the Historic District have been completed and those funds will be extended into this additional area.

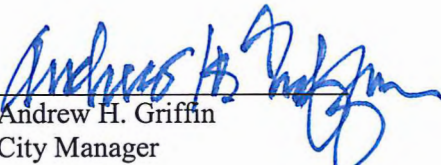
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A. Resolution
- B. Downtown Florence Incentives, February 2012
- C. Additional Downtown Florence Incentives, June 2019
- D. Map – Expanded Downtown Incentive Boundaries



Jerry B. Dudley
Planning Director



Andrew H. Griffin
City Manager

RESOLUTION NO. 2019-_____

A RESOLUTION EXPANDING THE GEOGRAPHIC BOUNDARIES FOR DOWNTOWN BUSINESS INCENTIVES PREVIOUSLY ADOPTED IN RESOLUTION 2012-04, 2015-03, AND 2017-20.

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

1. As reflected by earlier action of this Council through the approval of the Comprehensive Plan and the Master Plan for the redevelopment of the downtown area, the downtown redevelopment effort is an essential and highly beneficial process for the City.
2. Council is mindful of the criteria set forth by the South Carolina Supreme Court in *Byrd v. Florence County* in determining when industrial development constitutes a public purpose. In that case, as further developed in *Nichols v. South Carolina Research Authority*, the South Carolina Supreme Court formulated a four-point standard to include (1) the ultimate goal or benefit to the public, (2) whether public or private parties will be the primary beneficiaries, (3) the speculative nature of the project and (4) the probability that the public interest will be ultimately served.
3. While recognizing that the provision of incentives to private property owners and developers has some benefit to the private developers, the purpose of this incentive is to benefit the citizens of the City by encouraging revitalization and redevelopment of the downtown area thereby bringing about great positive direct economic impact upon the City, indirect economic impact upon the City by attracting additional businesses, investment and patronage into the downtown, and through enhancing quality of life and enjoyment issues by restoring the historic downtown area of Florence. Council has therefore applied the four-part test formulated by the Supreme Court to the attached list of approved incentives to be offered and has determined that points 1, 2, 3 and 4 are satisfied as described in paragraphs 3, 4 and 5 herein. Furthermore, each project applying for these incentives will be assessed based upon these criteria to ensure that the factors are met.
4. The benefit to the public by providing these incentives greatly outweighs the private benefit, and this Council is convinced that the utilization of funds for downtown incentives, which will largely be recouped over future years through increased property taxes, business license fees, utility revenues, increased tourism and improved quality of life for citizens of Florence, will serve great public purpose.
5. As repeatedly stated in both the City's Comprehensive Plan and the Master Plan for downtown revitalization, the provision of significant incentives to encourage

investment in downtown properties is essential for the success of these programs, and such incentives have been expressly authorized pursuant to Chapter Two, Article IV, Sections 2-200 through 2-207, of the Florence City Code of Ordinances entitled Downtown Economic Development Incentive Program adopted by City Council on October 10, 2011.

6. In February, 2012, City Council adopted Resolution No. 2012-04 to establish incentives available in the H-1 Overlay District, and, then expanded the incentives in 2015 by Resolution 2015-03 and again in 2017 by Resolution 2017-18. Upon reviewing the success of said incentive program, Council concludes that expanding the geographic boundaries eligible for receiving incentives as outlined herein are in the best interest of the citizens of Florence and meet all of the criteria set forth above.

NOW, THEREFORE, BASED UPON THE FINDINGS OF FACT SET OUT ABOVE, IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA AS FOLLOWS:

- a. The City hereby adopts and approves the expansion of the geographic boundaries for downtown incentives set out on the attached Exhibit A.
- b. The City Manager is hereby authorized and directed to proceed with whatever actions as may be necessary to carry out the actions authorized herein.

AND IT IS SO RESOLVED this ____ day of _____

APPROVED AS TO FORM:

JAMES W. PETERSON, JR.
City Attorney

STEPHEN J. WUKELA
Mayor

ATTEST:

AMANDA P. POPE
Municipal Clerk

DOWNTOWN FLORENCE INCENTIVES
Effective February, 2012

The City of Florence desires to encourage appropriate redevelopment work within the City's Historic Overlay District (H1) and to support the effort to preserve buildings, structures and cultural artifacts which have significant historic value. To assist in these goals, the City provides or coordinates financial incentives to qualified projects undertaken in the Historic Overlay District (H1). Unless otherwise noted, the incentives are only available for properties in the H1 District. To be eligible for the financial incentives of the new District, a development must be fully compatible with, and meet all requirements of the Historic Overlay District.

Incentive funding is limited, and the incentives shall be suspended when funding has been depleted. Upon the availability of additional funding, the incentives shall be restored.

Available incentives shall include the following:

Facade Grant Program:

Grants of up to \$10,000 shall be provided to property owners or tenants to improve the exterior appearance and functionality of the facades of buildings. Grants require a minimum of a 50% match by the property owners.

Sign Grant Program:

A grant of up to \$500 to provide business signage on the exterior of buildings. All signs must be approved by the Design Review Board and be compatible with the historic character of the overlay district. No match is required.

Design Assistance Grant:

Grants up to \$500 will be provided for architectural work required to create scope of work or design services for building facades. No match is required.

Low Interest Loan Pool Program:

Low interest loans of up to \$250,000 are available for property purchase or building renovations. The program is in partnership with local financial institutions and borrowers must meet the loan credit and underwriting requirements of the participating bank. 40% of the loan will be at a fixed 2% per annum rate with 15 year amortization, 50% shall be at 1% under prime with a floor of 4%. The remaining 10% will be the required equity by the borrower. The terms of this program are subject to change.

Micro-Enterprise Loan Program (MELP)

A micro-loan program providing loans up to \$15,000. The loan can be used for building renovation or for operational purposes.

USDA Loan Programs:

USDA Rural Development has several different low interest loan programs available. The Downtown Development Office will work with property owners and developers in assessing if a USDA loan is appropriate for their project. USDA programs include:

Business & Industry (B&I) Guaranteed Loan Programs
Rural Economic Development Loan Program (REDL)

Federal & State Historic Preservation Tax Credits:

The National Park Service in cooperation with the IRS provides financial incentives in the form of tax credits for the renovation of qualifying historic properties. A Federal income tax credit equal to 20% of rehabilitation costs and a SC State tax credit equal to 10% of the rehabilitation costs is available for work on qualifying buildings. In general, each dollar of tax credit earned reduces the amount of federal and state income taxes owed by the investor by one dollar. The Downtown Development Office will work with property owners and developers in assessing if tax credits are appropriate for their project and assist them in working with qualified architects and tax credit consultants.

Bailey Bill:

The SC Legislature permits local entities assess qualifying historic buildings on the pre-rehabilitation fair market value for the length of the special assessment. The period can be up to 20 years and the length of time is set by the local government. Because the downtown Florence district is a Tax Increment Financing (TIF) District, the use of the incentive will not typically apply and when utilized must receive the approval of both the City and County Councils. The Bailey Bill incentive may be considered for the H1 District and any eligible historic property in the D1 District.

Federal Income Tax Incentives for Easement Donations:

Rehabilitation work is not required for this incentive. The incentive is based on the charitable contribution of a partial interest in a historic property (i.e. easement) to a government or nonprofit organization. When donors donate partial interests—or easements---on historic buildings, they pledge to preserve significant historic features and agree to obtain the easement holder's consent before making alterations.

Business License Credit

Businesses locating in the H1 District will receive a \$300.00 credit towards their first year business license fees. If their first year liability is less than \$300.00, any remaining credit balance will be carried forward to the second year.

Business License Exemption for Property Management Firms:

Lessors of nonresidential buildings, apartment buildings, dwellings other than apartment buildings, and real estate not otherwise classified by the North American Industry Classification System (NAICS) are specifically excluded from the City of Florence Business License Ordinance requirement for obtaining and paying a fee for an annual business license.

Other Incentives:

City Council may, at its discretion, modify the available incentives as conditions or specific projects warrant in accordance with Sections 2-200 through 2-207 of the City of Florence Code.

Utility Incentives:

The following utility incentives shall be made available to projects involving the renovation of a structure in which the renovation investment is equal to, or greater than, 30% of the value of the renovated building and to projects involving the construction of a new building. The incentives for those qualifying projects shall be as follows:

(a) **Waiving of all solid waste charges for bulk containers for five years:**

For five years from the date of the certificate of occupancy for a new or renovated building as defined above, the City will waive all solid waste charges for bulk containers. In addition to the general findings of fact which justify all of the incentives outlined in this Resolution, the finding that the central location of the district, when combined with the limited space available within the district for bulk containers, further justify the offering of this particular incentive.

(b) **Reduction in initial water and sewer connection fees:**

The City of Florence shall provide a 50% reduction in initial water and sewer connection fees (physical tap and unit contributory loading fees).

(c) **Reimbursement for costs to connect building to the City's water, sanitary sewer or storm sewer system:**

The City shall provide a direct reimbursement for actual construction costs (not connection fees discussed above) necessary to connect the new or renovated building to the City's water, sanitary sewer or storm sewer system; provided, that the reimbursement will not exceed \$25,000. Reimbursement will be available to the developer when the certificate of occupancy is issued.

Note: No monthly fees for water, sewer or storm drainage will be waived or discounted.

Attachment D: Additional Downtown Florence Incentives, June 2019

**Business Redevelopment & Historic Grant Program
June 2019**

Eligibility Requirements

The City of Florence desires to encourage appropriate redevelopment activity within the City's Historic Overlay District (H-1), Food Artisan and Warehouse District (W-1), Irby Street Corridor Overlay District (IS-COD), and a portion of the Downtown Overlay District (D-1) by supporting efforts in the preservation of buildings, structures and cultural artifacts which have significant historic, architectural, and economic value. To assist in these goals, the City is providing redevelopment grants for buildings in the noted overlay districts above. To be eligible for the financial incentives, a development must be fully compatible with, and meet all requirements of, the more restrictive overlay district.

For complete terms and conditions of this grant, please reference City of Florence Resolution Number 2015-03.

Application Process

The amount allocated annually by the City to this grant program is limited. Once all funds have been expended in a given fiscal year, no additional applications will be accepted in that year. All grant years stand alone, and an application submitted and not funded in any given year must be resubmitted to be considered in the following or subsequent year. Grant applications shall be considered on a quarterly basis and are due to the City by the first Friday of the first month of the quarter beginning each January.

Awards shall be made by the City on a quarterly basis by or before the end of the third month of each quarter. Priority will be given to those buildings or business locations that have not received a prior Downtown Business Redevelopment and Historic Building grant. Buildings or businesses that have received a prior Downtown Business Redevelopment or Historic Building grant can only be considered for grant awards in increments of every two years and will only be considered during the fourth (4th) quarter of any fiscal year (April).

An applicant is not eligible to apply if the applicant has previously received an economic development incentive for the same project or same building address from the City pursuant to Section 2-200 through 2-207 of the Code of Ordinance for Florence. This does not include façade grants.

Submit grant request to the City of Florence Downtown Development Office, 324 West Evans Street, Florence, SC 29501.

Application Requirements & Restrictions

The applicant must be using the building for the operation of a qualified new business or have a lease pending with a qualified tenant. Where applicable, a copy of the lease shall be included with an application.

The applicant must provide sufficient documentation/detail to provide an understanding of the project to the satisfaction of the City. Documentation may include but is not limited to building plans (architectural,

electrical, plumbing, or mechanical); business development plans; photographs or other evidence that gives a description of work; pending or executed leases; description of a scope of work from a contractor with pricing information. In all cases, the appropriate city staff shall determine when sufficient documentation is available to make a recommendation regarding the grant request.

Only one price quote is required to accompany the application; however, prior to awarding the grant, the City requires at a minimum three (3) price quotes for the specified scope of work funded by the grant. The City may accept, however, a single quote only after acceptable due diligence by the application to obtain three price quotes or the equipment or proposed work is considered to be proprietary or not reasonably available. All quotes must be from licensed commercial contractors, no grant money shall be awarded for work personally performed by the building owner, tenant or other unlicensed party.

Due to funding limitations, an applicant may only receive one of the three Downtown Business Redevelopment and Historic Building Grants listed below.

Reimbursement Requirements

All grants are on a reimbursement basis, which may include draws based up on a schedule approved in advance by the City. The City shall reimburse the applicant after the City has inspected and approved the specified work or will reimburse the contractor directly with written approval from the applicant. Upon completion of the work or for any partial reimbursements, the grant recipient shall submit a "Request for Reimbursement" on a form provided by the City complete with all invoices, supporting documents, and proof of payment (canceled checks or credit card receipts) to the City of Florence Downtown Development Office, located on the second floor of the City Center, 324 West Evans Street, Florence, SC 29501.

Be advised that the City may be required to issue you an IRS Form 1099-G for the grant payments you receive from the City, depending upon the federal tax classification status marked on the IRS Form W-9 that you will be required to complete as a condition of obtaining this grant.

Guidelines

Unless otherwise agreed in writing, all work must commence within ninety (90) days of the award of the grant and must be completed in a timely manner with schedules agreed to by the City and applicant. Requests for extensions must be submitted in writing at least ten (10) days prior to the expiration of the ninety day period. The City of Florence shall revoke the grant upon a thirty (30) day notice if work does not commence or is not completed per the terms of the grant.

Projects that involve any exterior changes to a building within any overlay district (Historic District/H-1; Food, Artisan, and Warehouse District/W-1; and Irby Street Corridor Overlay District/IS-COD) must be approved by the Design Review Board. Applications to appear before the Design Review Board can be made to the City of Florence Planning Office located at 324 W. Evans Street, Florence, SC 29501. In the event that a grant is awarded and the project does not meet the design standards, the City of Florence reserves the right to revoke the grant.

Available Grants:

Note: Due to funding limitations, an applicant may only receive one of the three Downtown Business Redevelopment and Historic Building Grants listed below:

Historic Building Maintenance Grant:

This grant opportunity is directed at any building located within the H-1 Historic Overlay District, the W-1 Food, Artisan, and Warehouse District, and the IS-COD Irby Street Corridor Overlay District that is subject to Design Guidelines as adopted by the City of Florence. The grant shall not be used as a match for the City's façade grant program or used to comply with the City's maintenance and appearance codes.

Within the H-1 Historic District, this grant is to be used for repairs or replacement of a roof or windows that will stop the intrusion of water into a historic building. Priority will be given to those buildings either listed as a contributing member to the National Register of Historic Places boundary within the downtown area or are individually listed on the National Register. Where applicable and approved by the City, grant funds may also be used to repair or replace architectural or historic interior building elements. Grant funds approved to repair a roof must be part of a larger project that advances and/or preserves the historical significance of the building and results in the building being placed back into productive use. In general, this grant is not to be used to repair building/structural elements that should be part and parcel of "general" building maintenance of an owner.

Within the W-1 Food, Artisan, and Warehouse District and the IS-COD Irby Street Corridor Overlay District, this grant may only be used for exterior work or finishes (sitework or landscaping) that require a Certificate of Appropriateness approved by the Design Review Board and issued by the City of Florence Planning Department. All grants will be evaluated by the City and judged on the extent that the use(s) and redevelopment of a property meets the purpose and intent of the adopted amendments to Section 1-2.4.2 Establishment of Downtown Overlay Districts.

Interior Up-fit and Maintenance Grants:

This grant opportunity is directed at existing or new businesses located within the H-1 Florence Historic District. The grant is to be used only for repairs or up-fits to the interior of a building that will either repair or restore original architectural or structural elements of the building or up-fits that cause the building to be "retail ready." Generally, all up-fits must be permanent improvements to the building and may include but not be limited to display windows; new construction such as bathrooms or changing areas; certain electrical, mechanical and plumbing work; and interior repairs to walls, windows and flooring. In determining priority among grant applicants emphasis shall be given to the degree the project preserves or establishes "historic" or other like architectural features in the interior of the building.

Rent Subsidy Grants:

This grant opportunity is directed at supporting business activities within the H-1 Florence Historic District. To be eligible for this grant, a tenant must be in one of the following categories: (a) a tenant which has a signed lease in the H-1 District where a building, within the last 18 months, "significant renovation"* occurred resulting in at least a 50% increase in the rent being charged; (b) a tenant that is a business start-up

originating out of the North Dargan Innovation Center. Rent Subsidy Grants shall not be greater than fifty (50%) percent of the rent payment and are limited to the first two years of operation. The total Subsidy Grant may not exceed the maximum grant amount and shall not be transferable.

**See "Resolution Number 2015-03 for complete details on qualifying renovations.*

Grant Approval Process:

All grant awards will be made by City Council after a review and recommendation by a committee of City staff. This committee will use a scoring system to determine the grant recipients and make a recommendation to City Council.

By order of priority, grants shall be recommended using the following priority land use list and/or uses functionally similar to those listed:

1. Retail Trade (Sectors 44-45 in the NAICS listings) and Accommodation and Food Services (Sector 72 in the NAICS listings);
2. Professional offices that employ 10 or more employees and
3. Healthcare related offices or facilities that employ 10 or more employees

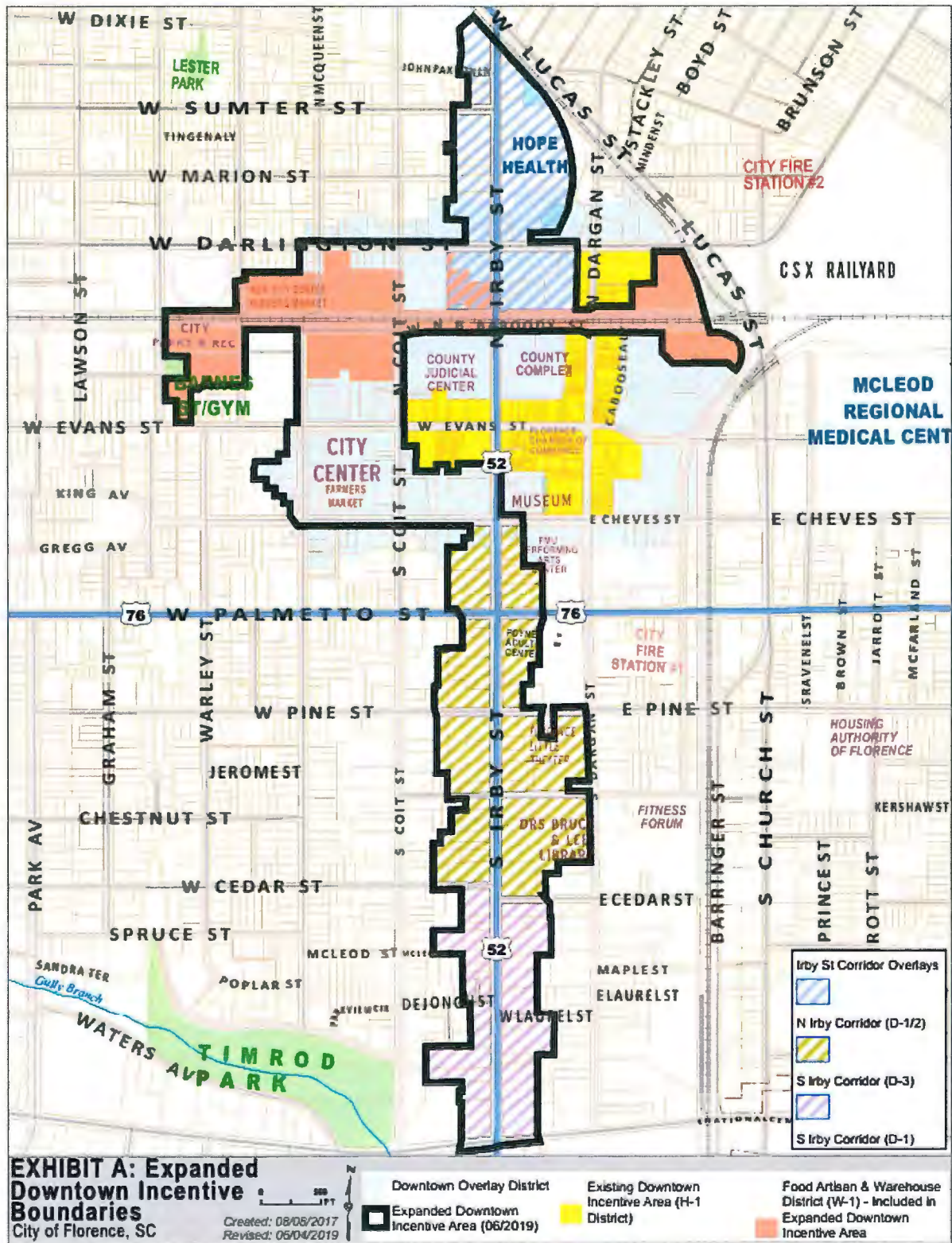
In addition to the general eligibility criteria noted above, the following criteria shall also be taken into consideration:

- contribution that the development will make toward increased employment and earnings within the City
- increase in property tax revenues within the City
- increase in sales tax/fee revenues within the City
- preservation of key historical or architecturally significant buildings within the City
- extent to which the proposed business/project may meet a desired or unique niche in the marketplace and helps diversify the economy of the City.

Maximum Grant:

The maximum grant amount received shall be Thirty Thousand Dollars (\$30,000). No applicant will be eligible to receive a grant award more than once every three years.

Attachment E: Map - Expanded Downtown Incentive Boundaries



IX. c.
Resolution
2019-16

FLORENCE CITY COUNCIL MEETING

DATE: June 11, 2019

AGENDA ITEM: A resolution to designate the City of Florence as a Bee City USA® affiliate

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

A resolution to designate the City of Florence as a Bee City USA® affiliate

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(1) No previous action has been taken regarding this issue.

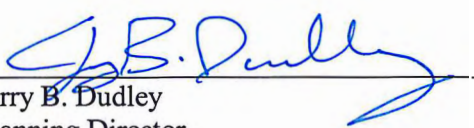
III. POINTS TO CONSIDER:

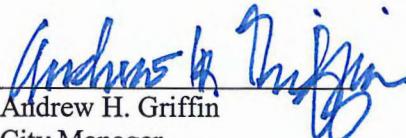
- (1) The mission of BEE CITY USA is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants and free to nearly free of pesticides.
- (2) Thanks to the more than 3,600 species of native bees in the United States, along with introduced honey bees, we have very diverse dietary choices rich in fruits, nuts, and vegetables.
- (3) Bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change.
- (4) Pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers.
- (5) The City will support this initiative through the continued provision of pollinator friendly habitats on City-owned property, outreach to residents and business owners regarding pollinator species, utilization of integrated pest management principles, and support of local beekeepers, gardeners, and farmers.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Resolution


Jerry B. Dudley
Planning Director


Andrew H. Griffin
City Manager

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

RESOLUTION NO. 2019-_____

A RESOLUTION TO DESIGNATE THE CITY OF FLORENCE AS A BEE CITY USA® AFFILIATE

WHEREAS, the mission of BEE CITY USA is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants and free to nearly free of pesticides; and

WHEREAS, thanks to the more than 3,600 species of native bees in the United States, along with introduced honey bees, we have very diverse dietary choices rich in fruits, nuts, and vegetables; and

WHEREAS, bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change; and

WHEREAS, pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and

WHEREAS, ideal pollinator-friendly habitat:

- Provides diverse and abundant nectar and pollen from plants blooming in succession throughout the growing season;
- Provides undisturbed spaces (leaf and brush piles, unmown fields or field margins, fallen trees and other dead wood) for nesting and overwintering for wild pollinators;
- Provides water for drinking, nest-building, and butterfly puddling;
- Is free to nearly free of pesticides, as many pesticides can harm pollinators and/or their habitat;
- Is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees, since many wild pollinators prefer or depend on the native plants with which they co-adapted;
- Provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, Integrated Pest Management (IPM) is a long-term approach to maintaining healthy landscapes and facilities that minimizes risks to people and the environment by: identifying and removing the causes of pest problems rather than only attacking the symptoms (the pests); employing pests' natural enemies along with cultural, mechanical, and physical controls when prevention is not enough; and using pesticides only when no other method is feasible or effective; and

WHEREAS, supporting pollinators fosters broad-based community engagement in environmental awareness and sustainability; and

WHEREAS, the City of Florence should be certified a *BEE CITY USA* community because:

- The City recognizes the importance of bees and other pollinator species on healthy ecosystems, world food supply, and the agricultural economy;
- The City is supportive of the local beekeepers, gardeners, and farmers;
- The City will strive to provide ideal pollinator habits within City-owned property and provide outreach to residents and business owners regarding pollinator species.
- The City will utilize the principles of Integrated Pest Management (IPM) to strategically manage our landscapes and facilities.

NOW, THEREFORE, in order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, the City of Florence chooses to support and encourage healthy pollinator habitat creation and enhancement, resolving as follows:

1. The City of Florence Department of Planning, Research, and Development is hereby designated as the BEE CITY USA sponsor.
2. The Planning Director is designated as the BEE CITY USA Liaison.
3. Facilitation of the City of Florence BEE CITY USA program is assigned to the Pollinator Conservation Committee.
4. The Pollinator Conservation Committee is authorized to and shall:
 - a. Celebration: Host at least one educational event or pollinator habitat planting or restoration each year to showcase the City of Florence's commitment to raising awareness of pollinator conservation and expanding pollinator health and habitat.
 - b. Publicity & Information: Install and maintain at least one authorized BEE CITY USA street sign in a prominent location, and create and maintain a webpage on the City of Florence website which includes, at minimum:
 - a copy of this resolution and links to the national BEE CITY USA website;
 - contact information for your BEE CITY USA Liaison and Committee;
 - reports of the pollinator-friendly activities the community has accomplished the previous year(s); and
 - the City of Florence recommended native plant species list and integrated pest management plan (explained below).
 - c. Habitat: Develop and implement a program to create or expand pollinator-friendly habitat on public and private land, which includes, but is not limited to, the following actions:
 - Identify and inventory City of Florence real property that can be enhanced with pollinator-friendly plantings.
 - Create a recommended locally native plant list to include wildflowers, grasses, vines, shrubs, and trees and a list of local suppliers for those species.
 - Track (by square footage and/or acreage) annual area of pollinator habitat created or enhanced.
 - d. Pollinator-Friendly Pest Management: Create and adopt an integrated pest management (IPM) plan designed to prevent pest problems, reduce pesticide use, and expand the use of non-chemical pest management methods.

- e. Policy: Establish a City policy to address pollinator conservation and incorporate the concept of pollinator conservation into the City of Florence Comprehensive Plan to acknowledge and commit to the BEE CITY USA designation.
- f. Plan Review: Review the Pollinator Conservation Policy and other relevant documents to: consider improvements to pest management policies and practices as they relate to pollinator conservation, identify appropriate locations for pollinator-friendly plantings, and consider other appropriate measures.
- g. Renewal: After completing the first calendar year as a BEE CITY USA affiliate, each February, apply for renewal of the City of Florence's BEE CITY USA designation following the format provided by BEE CITY USA, including a report of the previous year's BEE CITY USA activities.

AND IT IS SO RESOLVED, this _____ day of _____, 2019.

ADOPTED THIS _____ day of _____, 2019.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Amanda P. Pope
Municipal Clerk