

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, NOVEMBER 9, 2009 - 1:00 P.M.

CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 604

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

Worksession – October 5, 2009

Regular Meeting – October 12, 2009

IV. SPECIAL HONORS AND RECOGNITIONS

RETIREMENT RECOGNITION

Lt. Jim Brown - 22 years of service – July 1, 1987 – October 23, 2009

Service Certificates

Tommy Sawyer – 40 years – Utility Operations

Captain Pete Becker - 30 years of service - Police Department

Lt. Tim Compton - 25 years of service - Police Department

Ken Carr – 20 years – Fire

Jeffrey DeLung – 20 years – Fire

Phillip King – 20 years – Fire

Walter Durant – 15 years – Sanitation

Ricky Echols – 15 years – Fire

Levi Hickman – 15 years – Streets and Beautification

Sgt. Keith Creel – 10 years – Police

Cpl. Terrance Ford – 10 years – Police

Lynwood Givens – 10 years – Utility Finance

Cpl. Michael Robinson – 10 years - Police

Educational Recognition

Johnathan Green - Has received his "C" Biological Wastewater Operator Certification

Citizen of the Month – Mr. Mandeville Rogers

V. APPEARANCE BEFORE COUNCIL

- a. ***Representatives from the inner East Florence Community.***
- b. ***Mr. Jim Shaw, Mayor's Coalition Against Juvenile Violence – to present the Coalition's focus group plan for students.***

VI. ORDINANCES IN POSITION

- a. ***Bill No. 2009-24 – Second Reading***
An Ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day.
- b. ***Bill No. 2009-37 –Second Reading***
An Ordinance to amend the Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to provide funding assistance for the construction of an Animal Shelter.

VII. INTRODUCTION OF ORDINANCES

- a. ***Bill No. 2009-38 – First Reading***
An Ordinance to regulate smoking in certain areas of the City of Florence.
- b. ***Bill No. 2009-39 – First Reading***
An Ordinance to amend Article 2.4 Table II: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Businesses and Rural Districts.
- c. ***Bill No. 2009-40 – First Reading***
An Ordinance to annex and zone property owned by Boisy Gregg and Pearlie Utley, 1536 McKenney Court and 1540 McKenney Court.
- d. ***Bill No. 2009-41 – First Reading***
An Ordinance to annex and zone property owned by Leila Rainwater, 1519 Rocky Way.

- e. **Bill No. 2009-42 – First Reading**
An Ordinance to annex and zone property owned by Joe & Carolyn Younginer, 2678 Ascot Road.

VIII. INTRODUCTION OF RESOLUTION

- a. **RESOLUTION NO. 2009-13**

A Resolution in support of Health Care Reform

IX. REPORTS TO COUNCIL

- a. **Recommendations by the Accommodations Tax Advisory Committee for appropriations of Accommodations Tax Fund for FY 2009-2010.**
- b. **A report by Mr. David Williams, City Manager; Chief Anson Shells, Police; and Chief Randy Osterman, Fire – regarding the make-up of the Fire and Police Departments.**

X. ADJOURN

SPECIAL MEETING OF FLORENCE CITY COUNCIL
MONDAY, OCTOBER 5, 2009 – 4:00 P.M.
CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM #604
FLORENCE, SOUTH CAROLINA

MEMBERS PRESENT: Mayor Stephen J. Wukela called the special meeting to order at 4:00 p.m. with the following members present: Councilman Frank J. Brand, II; Councilman Steve Powers; Councilman Ed Robinson, Mayor Pro tem Billy D. Williams; Councilman Bill Bradham; and Councilwoman Octavia Williams-Blake.

ALSO PRESENT: David N. Williams, City Manager; Dianne M. Rowan, Municipal Clerk; James W. Peterson, Jr., City Attorney; Scotty Davis, Director of Community Services and Tom Shearin, Special Services Administrator.

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

INVOCATION

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

EXECUTIVE SESSION

Mayor Wukela stated there were matters relating to the proposed extension of services to encourage the location or expansion of industry in the Florence area to be discussed in Executive Session. Councilman Powers made a motion to enter into Executive Session.

Councilman Bradham seconded the motion, which carried unanimously.

Council entered into Executive Session at 4:07 p.m.

Mayor Wukela reconvened the special meeting at 4:39 p.m.

Councilman Brand made a motion that Council work with governmental bodies and non-profits to seek further regionally economic development. Councilman Bradham seconded the motion, which carried unanimously.

REPORTS TO COUNCIL

DISCUSSION OF ABANDONED PROPERTIES, DILAPIDATED BUILDINGS AND OVERGROWN LOTS.

Mr. Scotty Davis, Director of Community Services gave Council an overview of what the City Code currently states about nuisance abatement, code enforcement issues and housing.

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Mr. Davis outlined the following ordinances that are currently in the City of Florence Code of Ordinances:

Current Laws and Processes

Article IV. Section 4-210 Dwellings Unfit For Human Habitation

Dwellings are unfit for human habitation due to:

- Dilapidation;
- Lack of ventilation, light or sanitary facilities;
- Defects that increase the fire hazard;
- Other conditions that render the dwelling unsafe, unhealthy, dangerous, etc.

Enforcement

- Order to repair if cost is \$50% or less than the value of the dwelling;
- Demolish if repair cost is greater than 50% of the value of the dwelling;
- If owner fails to comply, staff can repair or demolish and place a lien against the property or issue a summons.

Penalties

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

Appeals Process

- Housing Board of Adjustments and Appeals;
- Circuit Court or Court of Competent Jurisdiction

Appeals to Housing Board of Adjustments and Appeals

- Any person receiving an order from the Codes Enforcement officer may within 15 days of said notice, appeal in writing to the Housing Board of Adjustments and Appeals.

Hearing

- The board shall notify the appellant at least seven (7) days in advance of the date of a hearing.
- The board shall report its findings of fact in support of its determination on the issues.

Establishment of the Housing Board of Adjustments and Appeals

Article IV. Section 4-201 subsection 106.1 establishes the Housing Board of Adjustments and

Appeals

Board Makeup – 5 members to include:

- One Real Estate Broker
- One Physician
- One Architect, engineer or general contractor
- One building materials dealer
- One homeowner member at-large
- State law requires members to be duly qualified electors of said municipality.

Powers of Housing Board of Adjustment and Appeals

The board has all of the powers granted to the codes enforcement officer and may carry out its orders through its own action or the Code Enforcement Officer.

Appeals to Circuit Court or Court of Competent Jurisdiction

Citizen has 60 days to appeal to the court any order of staff or the board of adjustments and appeals.

An appeal shall cause staff to stay any further action regarding the property in question.

Current Law and Processes

Section 4-2.1 Unsafe Commercial Buildings

Any structure that is unsafe as a result of the following:

- Inadequate ingress/egress;
- Damage to structural integrity;
- Possibility of a structural collapse;
- Constitutes a public nuisance;

Any structure that because of abandonment, dilapidation, or obsolescence, has become unsafe, unhealthy, or unsightly.

Staff contacts owner to schedule a joint inspection of property.

Owner has 120 days to remedy unsafe conditions.

Summons issued if not corrected.

Current Laws and Processes

Section 9-24 Nuisance Conditions, Abatement

Requires removal of:

- Trash;
- Undergrowth from property. Weeds, vines, briars, grass, etc. greater than 12 inches in height are prohibited.
- Accumulated solid waste;
- Junked vehicles;
- Brown and white goods, etc.

Penalty

First offense – warning

Subsequent offense - \$500 fine or imprisonment not to exceed 30 days.

Appeals Process

Citizen may request hearing with Department Manager within 10 days;

Can appeal to municipal court within 5 days of order from Department Manager.

Mr. Davis outlined the following potential changes for Council to consider:

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Potential Ordinance Changes in Section 4-2.1

The definition of public nuisance, etc. should be liberally construed to effect the remedy intended. The standard of acceptability should be the prevailing standard of the most prudent person in the community.

Remove 120 day timeframe to comply. Work should be completed within 45 days. If not, allow staff to use rule to show cause hearing in front of municipal judge to get permission to demolish, repair, board up, etc. commercial property. Judge should order property owner to pay all costs of demo, repairs, fines, etc. and place lien on property.

Allow staff to issue administrative fines from \$500-\$2000.

Potential Ordinance Changes in Section 4-200

Make property owner, renter, dwellers, or persons in possession of property all responsible and liable for conditions of the property.

Landlords should have rental units on file with the city. They must have a local (30 mile radius) management company, property manager, or responsible entity that is listed and will be fined/contacted when violations occur. Units must be inspected prior to being leased. Inspections can be done annually.

Landlords must have a business license for 5 or more residential units.

Allow staff to issue administrative fines from \$200-\$500. Within 10 days, defendant can appeal fine to the Department Manager. If they still disagree, defendant can then appeal the order to the municipal court. Defendant will have 30 days to pay fine. If not paid, staff will submit matter to municipal court.

Defendant will be given a warning and 15 days to comply. Defendant will not be given a warning for future violations.

The definition of garbage, trash, debris, etc. should be liberally construed to effect the remedy intended.

The standard of acceptability should be the prevailing standard of the most prudent person in the community.

Upon issuance of summons, work should start within 15 days. If not, allow staff to use rule to show cause hearing in front of municipal judge to get permission to demolish, repair, board up, etc. properly. Judge should order property owner to pay all costs of demo, repairs, fines, etc. and place lien on property.

The Housing Board of Adjustments and Appeals should only hear appeals. They should have no other powers. We must clearly identify the role of the board. Makeup of board should be stated in ordinance, not as an amendment that references an antiquated housing code.

Potential Ordinance Changes in Section 9-25

Make property owner, renter, dwellers, or persons in possession of property all responsible and liable for conditions of the property.

Allow staff to issue administrative fines from \$200-\$500. Within 10 days, defendant can appeal fine to the Department Manager. If there is still disagreement, defendant can then appeal the order to the municipal court. Defendant will have 30 days to pay fine. If not paid, staff will submit matter to municipal court.

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Defendant will be given a warning and 15 days to comply. Defendant will not be given a warning for future violations.

The definition of garbage, trash, debris, etc. should be liberally construed to effect the remedy intended.

The standard of acceptability should be the prevailing standard of the most prudent person in the community.

The ordinances in Section 9 shall apply to residential and commercial property, with or without a structure.

Landlords should annually register units with the city. They must have a local (30 mile radius) management company, property manager, or responsible entity that is listed and will be fined/contacted when violations occur.

Landlords must have a business license for 5 or more residential units and any commercial units. Of 25 municipalities contacted, all have business license requirement for lessors of rental properties.

Potential revenue = approximately \$350,000 annually.

Funds used for additional staff to enforce code.

International Property Maintenance Code

All mechanical appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

Councilman Brand made a motion that Council move forward with the changes that Mr. Davis and Mr. Williams have proposed. Councilman Powers seconded the motion.

Following a lengthy discussion by Council on the makeup of the Housing Board of Adjustments and Appeals, Councilman Brand made a motion to amend his earlier motion, that Mr. Davis also draft changes to the makeup of the Board to reflect that Council would like to fill the positions on the board with the professionals that meet the requirements listed but it is not mandatory. Council would also like to have the flexibility to be able to not turn anyone away that is a good applicant because they don't meet a particular professional requirement. Councilman Powers seconded the amendment to the motion.

Following a discussion regarding the Board of Adjustment and Appeals having the last say on an appeal, Councilman Robinson made a motion to amend the pending motion that the board not be activated. Councilman Williams seconded the motion to amend.

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Councilman Bradham spoke in favor of activating the board.

Councilman Powers stated he felt all of the appointments should be deferred until the ordinance has been rewritten to reflect the changes proposed. Also, Councilman Powers felt that the two appointments that were made at an earlier council meeting should be reversed and Council should consider making appointments to this board at a later meeting.

Council discussed how to handle hardship cases. Mr. David Williams suggested that council consider hiring someone from the community to be an advocate, such as an ombudsman, for citizens that may be in dire straits and need help with the process.

Mayor Wukela called for the vote on the motion to eliminate the board. Voting in favor were Councilman Robinson and Councilman Williams.

Mayor Wukela, Councilman Brand, Councilman Powers, Councilwoman Williams-Blake, and Councilman Bradham were opposed to the motion.

The motion failed 2-5.

Voting in favor of the motion for Council to try and fill the board with people who meet the professional requirements but that it not be mandatory were Mayor Wukela, Councilman Powers, Councilwoman Williams-Blake, Councilman Brand and Councilman Bradham.

Voting against this motion was Councilman Williams and Councilman Robinson.

The motion passed 5-2.

Councilman Powers made a motion that the board pick its own chairman and vice-chairman. Councilman Brand seconded the motion, which carried unanimously.

Council next discussed the time frame for having repairs completed, fines associated with violations and providing for people who may be displaced due to repairs being made on their houses.

Following this discussion, Mayor Wukela reminded Council that a motion had been made and seconded that Mr. Davis, with the help of Mr. Peterson, would prepare an Ordinance for Council to consider that would reflect the changes presented along with the change that the appeals board would pick its own chairman and that the professional requirements stated in the makeup of the board would not be mandatory.

Councilman Robinson made an amendment to the motion that Council find the means and ways of providing for people that are displaced. Councilman Williams seconded the motion.

Voting in favor of the amendment were Councilman Williams and Councilman Robinson.

Voting in opposition to the amendment were Mayor Wukela, Councilwoman Williams-Blake, Councilman Brand, Councilman Powers and Councilman Bradham.

The motion to amend failed 2-5.

Voting in favor of the motion for Mr. Davis and Mr. Peterson to prepare an Ordinance for Council to consider were Mayor Wukela, Councilwoman Williams-Blake, Councilman Brand, Councilman Powers and Councilman Bradham.

Voting in opposition of the motion were Councilman Williams and Councilman Robinson.

The motion passed 5-2.

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APPOINTMENTS TO BOARDS AND COMMISSIONS

The consensus of Council was to defer the appointments to the Housing Board of Adjustments and Appeals and consider those appointments along with the issue of leaving the two people on the board that have already been appointed or removing them and reconsidering all applicants at the next regular meeting.

ADJOURN

Council adjourned the meeting at 6:25 p.m.

Dated this 9th day of November, 2009.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

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

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

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

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

INVOCATION

Reverend Mack Hines gave the invocation, which was followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

Councilman Brand made a motion to adopt the minutes of the Regular Meeting of September 14, 2009 and the Workession of September 28, 2009. Councilman Powers seconded the motion, which carried unanimously.

SPECIAL HONORS AND RECOGNITIONS

Mayor Wukela presented Mr. Bryant Hudson a retirement plaque in recognition of 32 years of service with the City. Mr. Hudson retired on June 12, 2009.

Mayor Wukela presented Robbie Mott a service certificate in recognition of completing 25 years of service with the City of Florence.

Sam Evans received a service certificate in recognition of completing 20 years of service with the City.

Mayor Wukela presented Billy Davis a service certificate recognizing his 15 years of service with the City of Florence.

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CITIZEN OF THE MONTH

Councilwoman Williams-Blake recognized Mr. John Johnson as the Citizen of the Month for the City of Florence for the month of October, 2009. Mr. Johnson will celebrate his 99th birthday on October 18, 2009.

APPEARANCE BEFORE COUNCIL

Mr. Andrew Kampiziones appeared before Council and read a letter from the Mayor of Lamia, Greece and also presented gifts to Mayor Wukela and the members of City Council from the City of Lamia. The Mayor of Lamia has extended an invitation to the City of Florence to become sister cities with the City of Lamia.

Mayor Wukela thanked Mr. Kampiziones for the gifts and will ask that the City of Florence proceed in the proper way regarding the relationship between the two cities.

ORDINANCES IN POSITION

BILL NO. 2009-24 – SECOND READING

AN ORDINANCE TO ESTABLISH A DAYTIME CURFEW FOR JUVENILES FROM THE AGE OF SIX (6) THROUGH SIXTEEN (16) BETWEEN THE HOURS OF 8:30 A.M. AND 2:30 P.M. ON ANY SCHOOL DAY.

An Ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day was deferred by Council.

Councilman Robinson stated that the Committee met last week and would like to have one more meeting followed by a public hearing and then bring this Ordinance back before Council at the November meeting for a vote.

Councilman Robinson made a motion to defer Bill No. 2009-24. Councilman Brand seconded the motion, which carried unanimously.

BILL NO. 2009-30 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTIES LOCATED ON OLD MARION HIGHWAY.

An Ordinance to annex and zone properties located on Old Marion Highway was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2009-30 on second reading. Councilman Powers seconded the motion, which carried unanimously.

BILL NO. 2009-31 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY HOSSAN HASSAN.

An Ordinance to annex and zone property owned by Hossan Hassan was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2009-31 on second reading. Councilman Robinson seconded the motion, which carried unanimously.

BILL NO. 2009-32 – SECOND READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY JAMES AND LEILA CHAPMAN, 607 N. WILTSHIRE DRIVE.

An Ordinance to annex and zone property owned by James and Leila Chapman, 607 N. Wiltshire Drive was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2009-32 on second reading. Councilman Bradham seconded the motion, which carried unanimously.

BILL NO. 2009-34 – SECOND READING

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010.

An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2009, and ending June 30, 2010 was adopted on second reading.

Councilman Brand made a motion to adopt Bill No. 2009-34 on second reading. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

BILL NO. 2009-36 – SECOND READING

AN ORDINANCE TO AMEND SECTION 20-101 OF THE CITY CODE TO CHANGE THE REQUIREMENTS AND PROCEDURES FOR WRECKER SERVICE IN THE CITY.

An Ordinance to amend Section 20-101 of the City Code to change the requirements and procedures for wrecker service in the City of Florence was adopted on second reading.

Councilman Powers stated that Sheriff Kenny Boone is very much in agreement for the City and the County to meet to work on a wrecker policy that can be used by the City and County

Councilman Brand made a motion to adopt Bill No. 2009-36 on second reading. Councilman Bradham seconded the motion, which carried unanimously.

INTRODUCTION OF ORDINANCES

BILL NO. 2009-37 – FIRST READING

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2010, TO PROVIDE FUNDING ASSISTANCE FOR THE CONSTRUCTION OF AN ANIMAL SHELTER.

An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, to provide funding assistance for the construction of an animal shelter was passed on first reading.

Mr. David Williams, City Manager stated that recent action taken by Council for certain adjustments in the current year's budget included taking from unappropriated surplus \$250,000 to provide additional funding for the construction of the animal shelter. This budget amendment brings forward \$250,000 from unappropriated surplus into the current year's budget. Adoption of this ordinance will make those funds available during the current year for the construction of the animal shelter. For clarification, Mr. Williams stated that this surplus money is from prior years and is not related to the budget year that ended June 30, 2009.

Councilman Brand made a motion to pass Bill No. 2009-37 on first reading. Councilwoman Williams-Blake seconded the motion, which carried unanimously.

REPORTS TO COUNCIL

RECOMMENDATIONS BY THE ACCOMMODATIONS TAX ADVISORY COMMITTEE FOR APPROPRIATIONS OF ACCOMMODATIONS TAX FUND FOR FY 2009-2010.

Mr. Larry Norris, Chairman of the Accommodations Tax Committee reported to Council that the accommodations tax funds are received by the municipality and are distributed as follows: the first \$25,000 goes to the general fund; 5% of the balance of that fund goes into the general fund; and 30% of the remaining balance goes to special advertising and promotion of tourism. The report today deals with the 65% of the remaining funds. This year the committee had \$215,000 to distribute. The committee received 25 applications requesting funding. The committee recommends disbursing the funds as allocated in their report.

Councilman Williams asked if any of the Accommodations Tax Advisory Committee members served on any of the agencies that are requesting funds. Councilman Williams stated if any of the committee members were serving on boards of the agencies that are requesting funding, it could result in a conflict of interest.

Mr. Norris stated that he did not know the answer to that question.

Councilman Williams made a motion to receive this report as information and to ask the City Attorney to check with the Ethics Commission before Council votes on the disbursement of these funds.

Councilman Robinson seconded the motion.

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Councilman Bradham made a motion to amend the motion to adopt the recommendations of the Accommodations Tax Advisory Committee as presented.

Councilman Brand seconded the motion.

Councilman Robinson and Councilman Williams had concerns that there may be a conflict of interest if there are members of the Accommodations Tax Advisory Committee being on the boards of the committees that are requesting funding from the Accommodations Tax funds.

Councilman Williams made a motion to amend that the money be distributed in a different manner than what is being recommended by the Committee.

In order to be more efficient with this matter, Mayor Wukela asked Councilman Bradham if he would consider modifying his motion to ask Council if they would like to act on the recommendations by the committee today. If council votes to act on the recommendations, then it would be appropriate to go through the changes proposed on the distribution of the funds.

Councilman Bradham agreed to the modification. Councilman Brand, who seconded the motion, agreed also.

Councilmen Powers, Brand and Bradham voted to act upon the recommendations of the Accommodations Tax Committee at this meeting.

Mayor Wukela, Councilmen Robinson and Williams and Councilwoman Williams-Blake voted in favor of deferring this matter to a later date subject to receiving the information from the committee of any possible conflicts or connections.

Councilwoman Williams-Blake asked if the requested information would be made available to Council at their November meeting.

Mr. Norris replied that it would be.

MR. TERRY JAMES, FLORENCE COMMUNITY DEVELOPMENT CORPORATION – TO MAKE A REQUEST FOR ACCOMMODATIONS TAX FUNDING FOR THE JUNETEENTH CELEBRATION.

Councilman Robinson withdrew this report from the agenda. Councilman Robinson stated he had planned to request funding for the Juneteenth Celebration from the Accommodations Tax funds, however all requests for funding must go through a process for consideration and presented to the Accommodations Tax Advisory Committee. Requesting funding outside of these rules and regulations is not allowed, therefore Councilman Robinson is withdrawing this request.

Councilman Williams added that an investigation was made earlier by the office of the Attorney General into the Juneteenth organization and nothing was found to be out of order.

COUNCILMAN BRADHAM – TO MAKE A SPECIAL REQUEST.

Councilman Bradham made a motion to request a one time donation from the City of Florence in the amount of \$1,000 to be forwarded to the Leatherman Senior Center to used for Thanksgiving turkey dinners for those in need. Councilman Powers seconded the motion, which carried unanimously.

**COUNCILMAN ROBINSON – TO DISCUSS THE PROPOSAL REGARDING THE CITY
OPENING A \$2,000,000 LINE OF CREDIT TO REPAIR AND/OR RENOVATE HOMES.**

Councilman Robinson stated that in light of the fact that Council is looking at changing the ordinances that will place extra burdens on the people that live in houses that need repairing or renovating, he would like for the City of Florence to look at means of financing the repairs that are necessary on these houses. Councilman Robinson requested that city staff put together a means of funding so that assistance can be provided to people who need help with repairing their property. As an example, Councilman Robinson stated that with a \$2 million line of credit provided by the City, repairs could begin on 80 homes at an average of \$25,000 per house. Houses that should be targeted first are the ones that the City deems are inhabitable and need repairing.

Councilman Robinson made a motion that staff draft a proposal in line with what has been proposed in his presentation for council to consider. Councilman Robinson would like to develop equitable means of making this concept work so that development can begin immediately in north, west and east Florence. Councilman Williams seconded the motion.

Councilman Brand stated that the City of Florence should not be in the banking business and lending money to people. Also two million dollars seems excessive and if City Council votes to approve this request, possibly a smaller amount could be considered.

Councilman Robinson stated that if \$2 million is not possible, then maybe the City could start with \$100,000.

Voting in favor of the motion to direct staff to prepare a proposal in line with Councilman Robinson's proposal were Mayor Wukela, Councilman Bradham, Councilman Williams and Councilman Robinson.

Voting in opposition to the motion were Councilman Powers, Councilman Brand, and Councilwoman Williams-Blake.

The motion passed.

**COUNCILMAN ROBINSON – TO DISCUSS RESTORING FUNDING FOR THE TEEN CENTER
IN THE BUDGET.**

Councilman Robinson made a motion that funding be restored in the budget for the Teen Center. Councilman William seconded the motion.

Councilman Robinson stated he has been working on the Teen Center for approximately eight years and the request for funding of a Teen Center has been passed twice and was included in prior budgets. However, the funding has been removed from the 2009-2010 budget. Councilman Robinson requested that the funding be brought back to the present budget by using the money that was allocated for the Florence Downtown Development Corporation (FDCC).

Councilwoman Williams-Blake asked why the proposed activities could not take place at the Barnes Street Facility and not have the expense of another building. Councilwoman Williams-Blake also asked if there were other community centers available to do some programs for teens.

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Mr. Drew Griffin, Director of Public Works responded that the Barnes Facility and other community centers are available to do programming.

Councilman Robinson and Councilman Williams expressed concerns as to the legality of the FDDC. Councilman Williams made a motion that a committee be appointed to address the issues that have been raised about the legality of the FDDC and to bring a full report of the findings back to Council.

Councilman Robinson asked if the FDDC is a private non-profit organization.

Mr. Jim Peterson, City Attorney responded that the FDDC is a 501c3 Corporation formed under the laws of the State of South Carolina. It is an independent entity that is governed by a board of directors that is formed by the corporation. It is separate and apart from the City of Florence.

Mayor Wukela stated that the motion on the table is to restore funding to the Teen Center and to reduce those amounts from the FDDC.

Councilman Williams asked Mayor Wukela if he would appoint a committee of council to look at the FDDC and determine if they are a separate entity from the City and that the rules are being followed.

Mayor Wukela stated he would consider the request to appoint a committee, but is not ready to make a decision today.

Mayor Wukela asked those in favor of the motion made by Councilman Robinson to raise their hands. Councilman Robinson and Williams raised their hands.

Mayor Wukela asked those opposed to raise their hands. Mayor Wukela, Councilman Powers, Councilman Brand, Councilman Bradham and Councilwoman Williams-Blake raised their hands.

The vote was 2 in favor and 5 opposed. The motion failed.

Councilman Robinson requested that staff contact the Attorney General and the Ethics Commission and ask for an investigation on the FDDC as to whether it is legal or not and render an opinion. If the FDDC is not legal, Councilman Robinson feels that the City should take over the growth and development of downtown and not a private non-profit organization that the City will fund. Councilman Robinson also requested a report on how much money has gone to whom as relates to the funding of the FDDC.

MAYOR PRO TEM WILLIAMS – TO SPEAK ON BEHALF OF THE PEE DEE COMMUNITY ACTION AGENCY’S REQUEST FOR FUNDING FOR THEIR WEED AND SEED PROGRAM.

Councilman Williams requested that Rev. Mack T. Hines and Mrs. Emma Sellers, Director of the Weed and Seed Program, give a brief report on what the Weed and Seed Program does for the community.

Rev. Hines stated the Pee Dee Community Action Agency is a social non-profit organization designed primarily to combat poverty. Rev. Hines stated they are particularly concerned with the youth and need the funding from the city to continue to serve the north Florence area.

Mrs. Sellers thanked Councilman Brand for his help in setting up a meeting between the Boys and Girls Club and the Weed and Seed Program. Mrs. Sellers stated that they had a very good meeting with Mr. Neil Zimmerman however the Boys and Girls Club is not big enough to take in the children from the Weed and Seed Program. Mrs. Sellers added that they serve approximately 100 children a day and asked Council to consider funding the Weed and Seed Program.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
OCTOBER 12, 2009 – PAGE 8**

Mrs. Queen Frierson also requested that Council reconsider funding the Weed and Seed Program and added that more facilities are needed in the area.

Chief Anson Shells gave a brief report on the crime rates in the City of Florence and noted that most of the crime tends to occur in the north and east sections of Florence.

Councilman Williams made a motion that the City of Florence provide \$75,000 from supplemental funds for the Pee Dee Community Action Agency Weed and Seed Program. Councilman Robinson seconded the motion.

Councilman Robinson made a motion to amend the motion that the City take the \$100,000 that was allocated for the hiring of two additional police officers and give those funds to the Weed and Seed to provide a safe haven for the children in that area. Councilman Williams seconded the motion.

Councilman Brand stated he had spoken with Mr. Neil Zimmerman of the Boys and Girls Club and that Mr. Zimmerman felt he could take 50-60 children from the Weed and Seed Program into the Boys and Girls Club and also provide transportation for those children. Councilman Brand added that in reading through the financial statements of this corporation, that over 80% of the money was spent on salaries and not programming for the children. Councilman Brand stated he does not know where the City of Florence would find the funds to give to the Weed and Seed Program as the budget has been adopted.

Councilwoman Williams-Blake stated she had also reviewed the financial statements and that 80% of the money received from grants and federal funding for the Weed and Seed Program went to salaries and not to programming. Councilwoman Williams-Blake added that she could not support the motion to give the Weed and Seed Program additional funding when it appeared that the money already given did not go towards programs for the children.

Councilman Williams made a motion for a brief recess to be taken before the vote on the pending motions. Councilman Robinson seconded the motion.

Voting in favor of a recess were Councilman Robinson and Councilman Williams.

Voting in opposition of a recess were Mayor Wukela, Councilman Brand, Councilman Powers, Councilman Bradham and Councilwoman Williams-Blake.

The motion failed.

Voting in favor of the motion to amend that the funding for the two police officers would be eliminated and that funding would be directed to the Weed and Seed Program were Councilman Robinson and Councilman Williams.

Voting in opposition of this amendment were Councilwoman Williams-Blake, Councilman Bradham, Mayor Wukela, Councilman Brand and Councilman Powers.

The motion to amend failed.

Voting in favor of funding the Weed and Seed Program \$75,000 out of supplemental funds were Councilman Williams and Councilman Robinson.

Voting in opposition were Mayor Wukela, Councilman Powers, Councilman Brand, Councilman Bradham and Councilwoman Williams-Blake.

The motion failed.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
OCTOBER 12, 2009 – PAGE 9**

APPOINTMENTS TO HOUSING BOARD OF ADJUSTMENTS AND APPEALS.

Mayor Wukela stated if there were no objections, he would like to withdraw this issue from the agenda as it will appear at City Council's next regular meeting along with the proposed changes that staff is preparing with regard to the Housing Board of Adjustments and Appeals. There were no objections.

This issue was withdrawn from the agenda.

EXECUTIVE SESSION

Councilman Brand made a motion to enter into Executive Session to consider a legal matter. Councilman Bradham seconded the motion, which carried unanimously.

Council entered into Executive Session at 3:47 p.m.

Mayor Wukela reconvened the regular meeting at 4:18 p.m.

Mayor Wukela stated that no action was taken in Executive Session.

ADJOURN

Mayor Wukela asked if there was a unanimous consent to adjourn the meeting. There were no objections.

Council adjourned the meeting at 4:16 p.m.

Dated this 9th day of November, 2009.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: July 13, 2009
AGENDA ITEM: Ordinance No. 2009-____
DEPARTMENT/DIVISION: City Council - Councilman Robinson

I. ISSUE UNDER CONSIDERATION

The ordinance now under consideration is designed to establish a daytime curfew for juveniles age of 6 through 16 addressing there whereabouts during the hours of 8:30 a.m. to 2:30 p.m. on days when school is in session.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

This matter has been discussed on numerous occasions and has been studied in detail by a group of citizens, representatives from schools, representatives from the Police Department, representatives from DSS and Juvenile Justice, and representatives from other agencies involved with youth in Florence. After careful study and the review of data regarding problems occurring during school hours, this group recommended that this issue be presented to Council in the form of an Ordinance to allow Council to study the issues involved and take appropriate action.

III. POINTS TO CONSIDER

- (a) The attached ordinance proposes language approved by the above described committee.
- (b) The ordinance requires two readings;
- (c) Council should hold a Public Hearing to receive input and hear evidence regarding the problems that exist and the method to address the problems;
- (d) Council should receive legal advice concerning the proposed ordinance in Executive Session; prior to the election

IV. STAFF RECOMMENDATION

Staff stands ready to carry out the wishes of Council.

V. ATTACHMENTS

Copy of the proposed Ordinance 2009-____.

ORDINANCE NO. 2009 - _____

An ordinance to establish a daytime curfew for juveniles from the age of six (6) through sixteen (16) between the hours of 8:30 a.m. and 2:30 p.m. on any school day.

WHEREAS, §5-7-30 of the South Carolina Code of Laws, as amended, authorizes the City of Florence to enact regulations and ordinances relating to the health, order, and general welfare of the City and its citizens in connection with its services; and

WHEREAS, after careful study and discussions of statistics provided by the police department, this council finds that there has been an increase in incidents involving juvenile crime and school age youth loitering in the City limits during school hours on school days, when they are supposed to be in school, at home, under the supervision of an alternative school, in a supervised youth program, or otherwise in the control of their parents, guardians, or responsible adult; and

WHEREAS, this council finds, after careful study, that it is in the best interest of the City of Florence and its citizens that a “school age daytime curfew ordinance be established.

NOW, THEREFORE, be it ordained, by the Mayor and the members of the City Council of the City of Florence, South Carolina, that Chapter 14 of the Code of Ordinances of the City of Florence entitled “Offenses and Miscellaneous Provisions” be amended to add the following:

OFFENSES AND MISCELLANEOUS PROVISIONS

Daytime Curfew for School Age Juveniles, Compulsory School Attendance - Parental Duty Imposed

A. For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

“Public place” means any street, highway, alley, or right-of-way, to include sidewalks; any park, playground, mall, or building open to the public; any cemetery, school yard, body of water, or watercourse; any privately or publicly owned place of amusement, entertainment, or public accommodation including parking lots and other areas adjacent thereto; and any vacant lot or land.

B. No Juvenile from the age of six through sixteen years of age shall be in any public place within the city except in attendance at school between 8:30 a.m. and 2:30 p.m. on any school day unless:

1. The juvenile has written proof from school authorities that he or she is excused from school attendance at that particular time; or
2. The juvenile attends a private school in which the attendance requirements differ from that of public school; or
3. The juvenile has been emancipated pursuant to the Laws of the State of South Carolina; or
4. The juvenile is accompanied by his or her parent or legal guardian or a responsible adult selected by the parent or legal guardian to supervise the child; or
5. The juvenile is employed pursuant to an age or schooling certificate, during actual working hours or traveling directly to or from the job site; or
6. The juvenile is receiving home education pursuant to the Laws of the State of South Carolina

A police officer shall apprehend any juvenile found violating section B of this ordinance. No juvenile will be released except into the custody of his or her parent or legal guardian, a school official, or a School Resource Officer at the offender's school. Any juvenile who violates section B of this ordinance is subject to the jurisdiction of Family Court.

C. No parent or legal guardian of a juvenile from the age of six through sixteen years of age shall negligently allow a juvenile to violate section B of this ordinance.

It shall be an affirmative defense to section C that the parent or legal guardian has initiated the jurisdiction of the Family Court against the juvenile prior to the time that the juvenile was found violating section B of this ordinance.

D. If a juvenile is suspended or expelled from school, that juvenile's parent or legal guardian shall, for the duration of the suspension or expulsion:

1. Prohibit the juvenile from being in any public place at the times that the juvenile would have been required to be in attendance at school had he or she not been suspended or expelled unless:
 - A. The juvenile is accompanied by his or her parent or legal guardian or a responsible adult selected by the parent or legal guardian to supervise the child.
 - B. The juvenile is employed pursuant to an age or schooling certificate, during actual working hours, or traveling directly to or from the job site.
2. Shall not have as a defense the inability to personally or otherwise supervise the juvenile during the suspension period.

It shall be an affirmative defense to section D that the parent or legal guardian has initiated the jurisdiction of the Juvenile Court against the juvenile prior to the time that he or she violated section D of this ordinance.

E. Penalty

Any parent or legal guardian who violates section C or D of this ordinance is guilty of a misdemeanor and upon the first offense shall be given a written warning. Second and subsequent offenses that occur during the school year shall be punishable by a fine of \$100 dollars per offense.

F. Upon notification that a juvenile has been suspended from school, officers of the Florence Police Department shall, as time permits, perform random home visits in order to assure that the juvenile is in compliance with section D of this ordinance. When performing random visits, officers shall not enter any home of any suspended juvenile without the permission of an adult present at the residence. Officers shall investigate the whereabouts of the juvenile from outside of the residence unless invited inside by an adult.

G. Parents or legal guardians violating this ordinance shall not be subject to custodial arrest, but shall be issued a summons to appear in Municipal Court.

That this Ordinance shall become effective on the ____ day of _____, 2009.

ADOPTED THIS ____ DAY OF _____, 2009.

Approved as to form:

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

Stephen J. Wukela, **Mayor**

Attest:

Dianne M. Rowan, **Municipal Clerk**

FLORENCE CITY COUNCIL MEETING

DATE: October 12, 2009
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Amendment to the 2009-2010 City of Florence Budget.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER


The objective of the proposed ordinance is provide funds for assistance in the construction of a new animal shelter.

IV. STAFF RECOMMENDATION

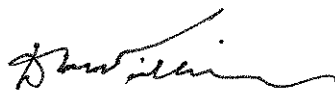
Approval and adoption of the proposed ordinance.

VI. ATTACHMENTS

Copy of the proposed ordinance.



Thomas W. Chandler
Finance Director



David N. Williams
City Manager

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE,
SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND
ENDING JUNE 30, 2010 TO PROVIDE FUNDING ASSISTANCE FOR THE
CONSTRUCTION OF AN ANIMAL SHELTER**

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, is hereby amended as follows:

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

10-377-1000 Unappropriated Surplus is funded in the amount of \$250,000 from undesignated fund balance.

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

10-493-0590 Animal Shelter Construction (Non-Departmental) is funded in the amount of \$250,000 to provide for funding assistance for the construction of a new animal shelter.

Section 3. That all ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

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

ADOPTED THIS _____ DAY OF _____, 2009.

Approved as to form:

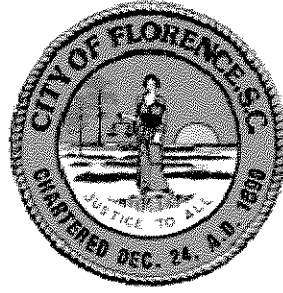
James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Diane Rowan
Municipal Clerk

VII. a.
Bill No. 2009-38
First Reading



BILL NO. 2009-38

Bill No. 2009-38 Sponsored by: Councilwoman Octavia Williams-Blake
Councilman Buddy Brand

Co-Sponsor: Mayor Stephen J. Wukela

A BILL TO: A Bill to regulate smoking in certain areas of the
City of Florence

Filed: October 12, 2009

First Reading Proposed: November 9, 2009

Introduced and Read First Time:

Second Reading Given:

ORDINANCE NO. 2009-

AN ORDINANCE TO REGULATE SMOKING IN CERTAIN AREAS OF
THE CITY OF FLORENCE

WHEREAS, the City Florence, upon assessing current conditions and more recent medical findings made by authoritative sources, Council has determined that neither the state's Clean Indoor Air Act nor the City's existing code sufficiently addresses the pressing public health issues and the quality of life considerations arising from the harmful effects of secondhand smoke, and additional action by the City Council is necessary and proper;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR and CITY COUNCIL OF
THE CITY OF FLORENCE, SOUTH CAROLINA.

Section 1. Enactment and effective dates.

The provisions contained in the attached exhibit shall be enacted as the new _____, which shall be titled "Smoking in Public Places and Places of Employment," and contained in Chapter _____. The exhibit is incorporated herein by reference. The effective date shall be _____.

Section 2. Codification

The Municipal Code Corporation as codifier of the City of Florence Code shall in consultation with the City of Florence Attorney have discretion to make such adjustments in the numbering and sequencing of the article numbers and sections numbers as will reasonably assure compliance with standard practices in codification and to codify the new provisions as soon as feasible after their effective dates.

ADOPTED THIS _____ DAY OF _____, 2009.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

EXHIBIT

SECTION 1. Findings and Determinations.

The City Council (the "Council") of the City of Florence, South Carolina, hereby finds and determines:

(a) The City of Florence, South Carolina (the "City"), is an incorporated municipality located in Florence County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C.Code § 5-7-30 (2005 Supp) relating to regulating streets, markets, and public health.

(b) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.) The Surgeon General has declared that (i) secondhand smoke causes disease and premature death in nonsmokers exposed to smoke; (ii) children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma; (iii) adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer; (iv) there is no safe level of exposure to secondhand smoke; and (v) separating smoking and non smoking sections of indoor areas does not sufficiently remove the threats of secondhand smoke in enclosed areas.

(c) A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, c.; Panagiotakos, D.B.; Chrysohoou, c.; Skourmas, 1.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11 (3): 220-225, September 2002.)

(d) Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

(e) Certain outdoor events, such as parades, festivals, and other public gatherings, result in nonsmokers finding themselves in close proximity to persons who are smoking can reasonably be seen to have the same effects of exposure as when nonsmokers are exposed to smoke in enclosed spaces. Lighted cigarettes, cigars, and pipes of people standing or sitting in close proximity have the potential of burning those with whom they inadvertently come into direct contact and making the air quality and peaceful enjoyment of outdoor events unreasonably restricted for nonsmokers. When there is a presence of secondhand smoke in enclosed spaces or in outside areas where there is a public gathering resulting in people being in close proximity in places that are otherwise open to the public at large inevitably results in persons who do not smoke being forced to bear unwarranted health risks and inappropriate deprivation of peaceful enjoyment of the premises to which they have been invited or permitted to enter, even when steps have been taken to separate "smoking" and "nonsmoking" areas within the confined space.

(f) The City recognizes that smoke creates a danger to the health and safety of the public at large and that, in order to protect the health and welfare of the public, it is necessary to restrict smoking in the manner provided for in this ordinance (the "Ordinance").

SECTION 2. Definitions.

Unless the context shall clearly indicate some other meaning, the terms defined in this Section shall, for all purposes of this Ordinance and other documents herein referenced have the meanings herein specified. Definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined.

"Bar" shall mean an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

"Business" shall mean a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are offered for sale; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

"Employee" shall mean a person who is employed by an employer in consideration for direct or indirect monetary wages, commission, goods or services in kind or like compensation, and it shall also mean a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

"Enclosed Area" means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways), which extend from the floor to the ceiling, including stationary structures and mobile public conveyances; Parking structures and other facilities having only partial exterior walls but otherwise enclosed by ceilings and floors shall also be included in this definition.

"Health Care Facility" means an office or institution providing care or treatment of persons having diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes (except as otherwise permitted herein), homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

"Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" for purposes of this ordinance unless it is used as a childcare, adult day care, or health care facility. Nor is a private passenger motor vehicle a "place of employment" when used in the performance of employment responsibilities, provided it is not being used a public conveyance.

"Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes, or for purposes of benefiting particular club members and their guests, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

Establishments which are in fact operating as bars, restaurants, or entertainment venues primarily for the pecuniary benefit of the owner, chief operating officer, or other person having substantial control shall not be treated as Private Clubs under this ordinance.

"Public Place" means an area to which the public is invited or to which the public is permitted to have access, including but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, waiting rooms, sports arena, stadiums and ball parks. A private club is a "public place" when being used for a function to which the general public is allowed entry. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

"Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, ice cream parlors, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

"Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term specifically includes cigar bars, which are establishments licensed for the on premises sale of beer, wine, and alcoholic beverages as well as some food service, but the term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this ordinance.

"Service Line" means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

"Shopping Mall" means an enclosed public plaza, promenade, walkway, or hall area that serves to connect retail or professional establishments.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

"Sports Arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

SECTION 3. Application to City-Owned Facilities and Vehicles.

All enclosed facilities, buildings, and vehicles owned, leased, or operated by the City shall be subject to the provisions of this Ordinance.

SECTION 4. Prohibition of Smoking in Enclosed Public Places.

Smoking shall be prohibited in all enclosed public places within the City of Florence, including but not limited to, the following places;

A. Galleries, libraries, and museums.

B. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.

C. Bars.

D. Bingo facilities

E. Convention facilities, conference centers, and exhibition halls.

F. Educational facilities, both public and private.

G. Elevators.

- H. Health care facilities.
- I. Hotel and motel lobbies.
- J. Licensed childcare and adult day care facilities.
- K. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- L. Polling places.
- M. Private clubs when being used for a function to which the general public is invited.
- N. Public transportation facilities, including buses and taxicabs, and ticket, boarding, and waiting areas of public transit depots.
- O. Restaurants.
- P. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- Q. Retail stores.
- R. Rooms, chambers, places of meeting or public assembly, including school buildings.
- S. Service lines.
- T. Shopping malls.
- U. Sports arenas.
- V. Theaters, performance halls, lecture halls, and similar facilities, inclusive of lobbies, audience seating areas, dressing rooms, projections booths, back stage areas, and the stage, but excluding smoking on stage when it is an integral part of a theatrical performance.

SECTION 5. Prohibition of Smoking in Places of Employment.

- A. Smoking shall be prohibited in all enclosed areas within places of employment without exception, including but not limited to common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles used for the conveyance of the public, but not including vehicles used in performing employment responsibilities when the sole occupants and users are persons who smoke.
- B. This prohibition on smoking shall be communicated by employers to all existing employees by the effective date of this Ordinance and to all prospective employees upon their application for employment.

SECTION 6. Prohibition of Smoking in Certain Outdoor Areas.

Smoking shall also be prohibited in certain outdoor areas when the use involves a gathering of the public, regardless of the number actually assembled for the event, performance, or competition. This prohibition shall apply to:

- A. Amphitheaters
- B. Ball parks and stadiums when in use for athletic competitions or public performances
- C. Parades and special events on public streets and City property, although the City Manager has the discretion, but not the obligation, to establish designated smoking areas in or in proximity to the parade or event area.

D. Dining areas in encroachment areas on public sidewalks, plazas, and parks and dining areas on decks, balconies, and patios of restaurants and bars.

E. Public places and public sidewalks abutting acute care hospital property lines.

F. Zoos

SECTION 7. Reasonable Distance of Entry and Outdoor Area.

Smoking is prohibited within a distance of ten (10) feet from any entry into an enclosed area where smoking is prohibited, so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. Smoking is also prohibited within ten (10) feet of the boundary of the outdoor areas where smoking is prohibited. Persons who have begun smoking prior to approaching the ten (10) foot distance may continue doing so, provided they do not stop, stand, sit, or linger within the ten (10) foot distance.

SECTION 8. Where Smoking Not Regulated.

Notwithstanding any other provision of this Ordinance to the contrary, the following areas shall be exempt from the provisions of Sections 4, 5, and 6 of this Ordinance:

A. Private residences, except when used as a licensed childcare, adult day care, or health care facility.

B. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

C. Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance.

D. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Ordinance.

E. Private clubs that have no employees, except when being used for a function to which the general public is admitted.

F. Outdoor areas of places of employment except those covered by the provisions of Section 6 and Section 7 of this Ordinance.

SECTION 9. Declaration of Establishment as Nonsmoking.

Notwithstanding any other provision of this Ordinance, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 10(A) is posted.

SECTION 10. Posting of Signs.

A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Ordinance, by the owner, operator, manager, or other person in control of that place. A PDF copy of this sign is available for download and printing from the City's website at

www.cityofflorence.com. The sign posted to website for download is 8 ½" x 11". (Minimum size of 5" x 5")

B. Every public place and place of employment where smoking is prohibited by this Ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

C. All ashtrays shall be removed from any area where smoking is prohibited by this Ordinance by the owner, operator, manager, or other person having control of the area.

SECTION 11. Nonretaliation: Nonwaiver of Rights.

A. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Ordinance or reports or attempts to prosecute a violation of this Ordinance.

B. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

SECTION 12. Enforcement.

A. This Ordinance shall be enforced by the office of the City Manager or an authorized designee.

B. Notice of the provisions of this Ordinance shall be given to all applicants for a business license in the City.

C. Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the office of the City Manager.

D. The Building Codes Division, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Ordinance.

E. An owner, manager, operator, or employee of an establishment regulated by this Ordinance shall inform persons violating this Ordinance of the appropriate provisions thereof.

F. Notwithstanding any other provision of this Ordinance, an employee or member of the public may bring legal action against a person, business, or organization in violation of this Ordinance to enforce this Ordinance.

G. In addition to the remedies provided by the provisions of this Section, the City or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Ordinance may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

SECTION 13. Violations and Penalties.

A. A person who smokes in an area where smoking is prohibited by the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of not less than ten dollars (\$10) nor no more than twenty-five dollars (\$25).

B. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty of an infraction, punishable by a fine of not less than ten dollars (\$10) nor no more than twenty-five dollars (\$25).

C. In addition to the fines established by this Section, four (4) or more violations of this Ordinance by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any occupancy permit or business license issued to the person for the premises on which the violation occurred.

D. Violation of this Ordinance is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.

E. Each occurrence of a continuing violation of this Ordinance shall be considered a separate and distinct offense.

SECTION 14. Public Education.

The City shall engage in a continuing program to explain and clarify the purposes and requirements of this Ordinance to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Ordinance.

SECTION 15. Governmental Agency Cooperation.

The City shall annually request other governmental and educational agencies having facilities within the City to establish local operating procedures in cooperation and compliance with this Ordinance. This includes urging all Federal, State, County, City, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

SECTION 16. Other Applicable Laws.

This Ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

SECTION 17. Interpretation for Intent.

It is the intent of Council to prohibit smoking whenever the private choice of smoking intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own rights to be free from the hazards and inconvenience of secondhand smoke in places where they work, stand, sit, walk, dine, drink, read, study, or engage in entertainment and recreation. All provisions shall be construed to achieve these purposes.

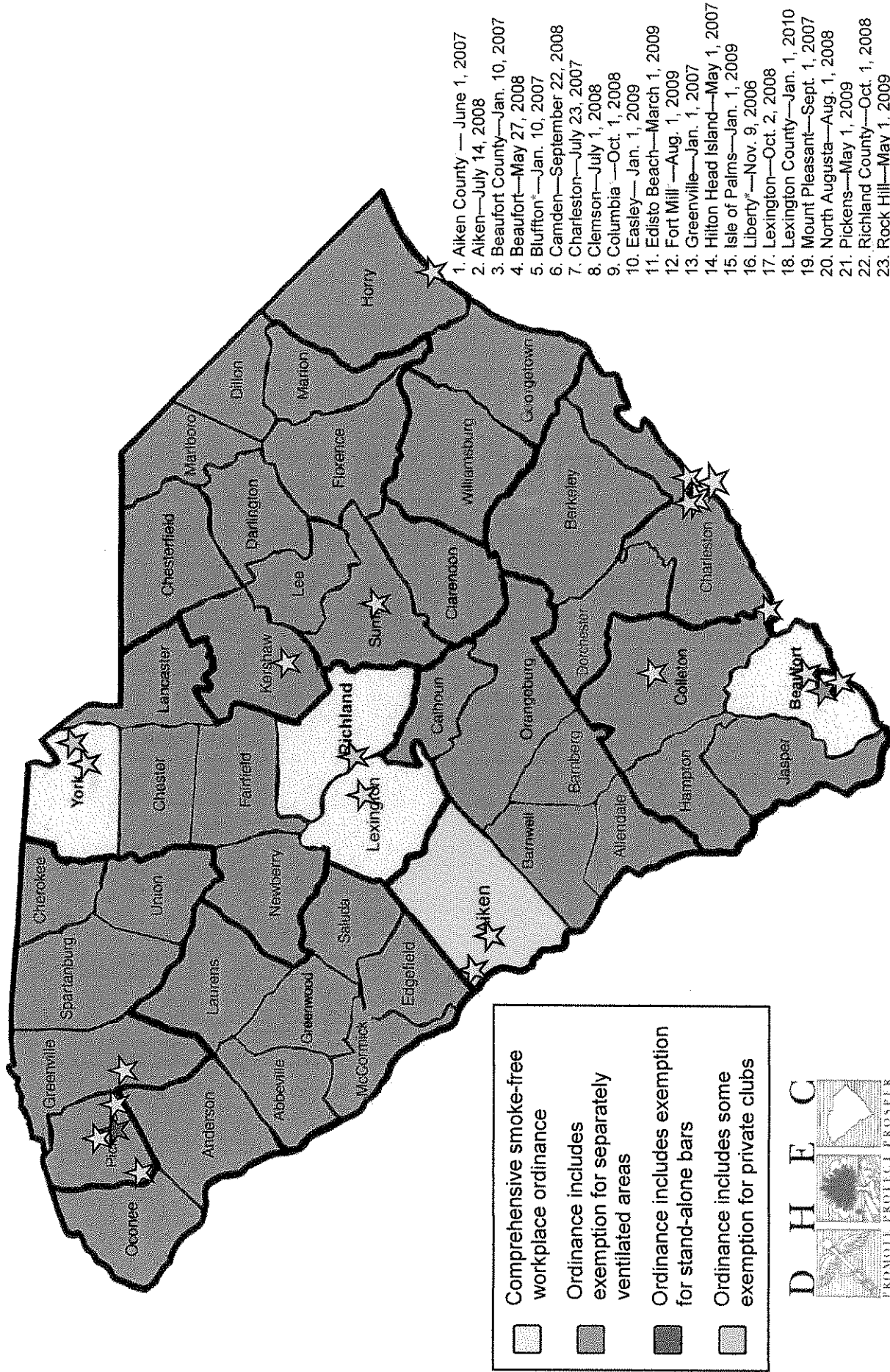
SECTION 18. Severability.

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

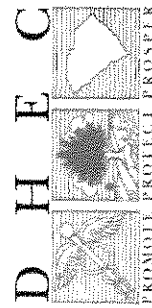
SECTION 19. Effect of Section Headings.

The headings or titles of the several Sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Ordinance.

S.C. Municipalities with Smoke-Free Workplace Ordinances



Updated August 27, 2009



Department of Health and Environmental Control
Division of Tobacco Prevention and Control

What is the danger of secondhand smoke exposure?

- Secondhand smoke exposure causes heart disease and lung cancer in nonsmoking adults.
- There is no risk-free level of secondhand smoke exposure. Even brief exposure can be dangerous.

Why is secondhand smoke exposure a problem?

- Secondhand smoke has been estimated to result in:
 - At least 50,000 annual deaths in the United States and
 - Almost 800 annual deaths in South Carolina.
- Secondhand smoke exposure is an occupational risk to certain segments of the population.
 - Hospitality workers—including **musicians, servers and bartenders**—breathe more secondhand smoke on the job than workers in any other occupational group. Servers are 50 percent more likely than any other career group to contract lung cancer due in part to secondhand smoke exposure.
 - Working a shift in a smoky bar is equal to actively smoking nearly a pack of cigarettes a day.
 - If you are in a smoky bar for two hours, it is the same as smoking four cigarettes.
- *This is a worker health issue.* All people, whether they work in office buildings or bars and restaurants, have a right to breathe clean air while at work.

What can be/should be done about exposure?

- Eliminating smoking in indoor workplaces is the only way to fully protect all people from exposure to secondhand smoke.
- Separating smokers from nonsmokers and cleaning the air—even with the most sophisticated ventilation systems—does not offer protection from the toxins in secondhand smoke.

How many smoke-free workplace ordinances have been passed in South Carolina?

As of September 2009, five counties and 23 cities and towns have passed smoke-free workplace ordinances. Approximately 30 percent of South Carolina's population is covered by a smoke-free law. To see a map of these communities, visit <http://www.scdhec.com/health/chcdp/tobacco/docs/Ordinancemap08-27-2009.pdf>.

Why do we need **local** smoke-free workplace ordinances?

- In 2008, the S.C. Supreme Court unanimously ruled that local governments have the authority to pass and enforce smoke-free workplace laws.
- We do not believe that our state legislature will pass a comprehensive statewide smoke-free law at this time, but cities, towns and counties have passed laws that truly protect all workers from secondhand smoke exposure.
- We will continue to advocate for these comprehensive **local** smoke-free workplace ordinances.
- The political climate at the State House has not been conducive to enacting meaningful legislation preventing tobacco use. Almost three-fourths of S.C. voters support raising the cigarette tax by 93 cents. Health proponents have worked on that issue for nearly 10 years, but a proposal to raise the current tax by only 50 cents did not pass during the most recent legislative session. South Carolina still has the nation's lowest cigarette tax, at 7 cents a pack, while the current national average is \$1.32.

For more information, please visit www.smokefreesc.org or call (803) 251-0130.

Name _____
 Date _____
 Location _____

MAKE IT HAPPEN!

Smoke Free Florence
 www.smokefreeflorence.org

PETITION

Everyone deserves to breathe clean, safe, smoke free air. Comprehensive smoke free workplace laws are the only way to fairly protect all workers and patrons from the unnecessary health hazards related to secondhand smoke exposure. We are Florence residents, students, employees and visitors working together to support a smoke free Florence. My support is indicated by my name and signature below.

"I live, work and/or spend money in Florence and I support the elimination of secondhand smoke from all of the city's indoor workplaces. I support a city wide policy that will protect people from the health hazards of secondhand smoke and will allow them to work and socialize in clean, safe, smoke free air." My support is indicated by my name and signature below:

Signature	Print Name	E-mail (please print)	Home Address	City	Zip
<i>[Signature]</i>	Rain Burt	RAINBURT@GMAIL.COM	1208 McIntosh Woods	Florence	29501
<i>[Signature]</i>	Patricia McLeod	Patricia.McLeod@carolinacross.com	5135 Onckenwood Dr	Florence	29505
<i>[Signature]</i>	Fred Kraus	Fredk@carolinacross.com	3817 Cherrywood Rd	"	29101
<i>[Signature]</i>	David Stone	dstone1017@aol.com	865 Park Ave.	Florence	29501
<i>[Signature]</i>	Leslie Barks-Young				
<i>[Signature]</i>	Christina Barks-Young				
<i>[Signature]</i>	Isiah Zepher				
<i>[Signature]</i>	Tommy Esch				
<i>[Signature]</i>	Mark Ross	markross@carolinacross.com		Flo	29101
<i>[Signature]</i>	Wanda Ross		1404 DeBary	"	"

Name 2nd Annual Ash Hill Crawl
 Date 4-4-09
 Location 1st Christian Church

MAKE IT HAPPEN!

Smoke Free Florence
 www.smokefreeesc.org

PETITION

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Signature	Print Name	E-mail (please print)	Home Address	City	Zip
<u>[Signature]</u>	<u>Yekhele Polome</u>	<u>Polomey22@yahoo.com</u>	<u>1508 Edmond Court #1169</u>	<u>Florence</u>	<u>29505</u>
<u>[Signature]</u>	<u>Richard McCollough II</u>		<u>7110 W. W. Stewart Rd #59</u>	<u>Florence</u>	<u>29506</u>
<u>[Signature]</u>	<u>Lisa L. Melvin</u>	<u>lmelvincay@yahoo.com</u>	<u>176 E. Chapel View Dr.</u>	<u>Florence</u>	<u>29505</u>
<u>[Signature]</u>	<u>Claraatha Boshick</u>	<u>claboshick@yahoo.com</u>	<u>2104 W. W. Stewart Rd</u>	<u>Florence</u>	<u>29506</u>
<u>[Signature]</u>	<u>[Signature]</u>		<u>P.O. Box 7345</u>	<u>Florence</u>	<u>SC 29502</u>
<u>[Signature]</u>	<u>A. Beecher</u>		<u>2830 Alligator Rd</u>	<u>Effingham</u>	<u>SC 29541</u>
<u>[Signature]</u>	<u>Crystal Alfred</u>	<u>Crystal119@aol.com</u>	<u>204 W. Smith St</u>	<u>Tamiami</u>	<u>SC 29167</u>
<u>[Signature]</u>	<u>Michelle Dreyfus</u>		<u>504 Fountain Lake Rd</u>	<u>Starden</u>	<u>Michelle.Q@yahoo.com</u>

Name 2nd Annual Ash/Ink Event
 Date 4-4-09
 Location St. Christinas Church

MAKE IT HAPPEN!

Smoke Free Florence
 www.smokefreeflo.org

PETITION

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Signature	Print Name	E-mail (please print)	Home Address	City	Zip
	Melinda Harrison	cmorrisov@yaho.com	407 Wilson Rd PO Box 5311 Florence, SC 29502	Flo	29506
	Brenda Williams	bwilliams@earthlink.net	2514 W. Lillian Dr.	Flo	29505
	Phyllis C. O'Neal	PhyllisO'Neal@BellSouth.net	3416 Madalyn Rd	Flo	29505
	Wanda Green	wng40@yaho.com	2009 Papa Dr.	Flor	29506
	Alexis Brown	wng40@yaho.com	2009 Papa Dr.	Flor	29506
	Shanda Muffel	smuffel@johson.com	1216 Baylark Blvd	Florence	29501
	Jo Arthur		3695 Freshwood Dr	Flo	29501
	Wanda Vereen	wmpedemvifccan.com	120 E Chapel View Dr. Fla.		29505
	Patricia Bulas		525 Woodland Dr # 10A	Florence	29501

Name _____
Date _____
Location _____

MAKE IT HAPPEN!

Smoke Free Florence
www.smokefree.org

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Signature	Print Name	E-mail (please print)	Home Address	City	Zip
	Deborah Dunbar	dunbar.d@dhc.sc.gov	1701 W. Evans	Florence	29501
	Gwen Wright	mswright@ yahoo.com	2236 Parklure Street	Florence	29505
	Librarian	l@quinn.com	602 E. N. Robinson Street	Florence	29504
	Keat Armstrong	keat.armstrong@fltk.com	2886 Starbuck Way	Florence	29502
	Tiffany Wilkins	NA	920 Wrenwood Rd	Florence	29505
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Name Heannie Gibson
Date 4-15-09
Location Hope Health

MAKE IT HAPPEN!

Smoke Free Florence
www.smokefreeflorence.org

PETITION

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Signature	Print Name	E-mail (please print)	Home Address	City	Zip
	Laura Mitchell			Florence	29504
	Joyce Fied		1321 Hwy 39W	Dillon	29526
	Shannon Hewitt			Florence	29501
	Suzanne Ingram			Dillon	29536
	Sabrina Taylor	sabrina@hope-health.org	13105 Fulton	Florence, SC	29505
	Tonya Hayes	tonya@hope-health.org		Datta SC	29505
	Polly Barber	della@hope-health.org		Florence	29505
	Daniel Driffo	daniel@hope-health.org	2341 Swarthway	Kingsleece	29520
	Renee Keener Fryer		2319 Penn Hwy Dr	Florence	29505
	Sandra L. Scaese		115 Wood St	Darlington	29532

Name _____
 Date _____
 Location _____

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Signature	Print Name	E-mail (please print)	Home Address	City	Zip
<i>[Signature]</i>	Eileen Buchanan	blackwells@ycool	907 SANTEE DR.	FLORENCE	29501
<i>[Signature]</i>	BILEEN BLACKWELL				
<i>[Signature]</i>	Tan Smith	landouge@sc.rr.com	2324 Windsor Forest	Florence	29501
<i>[Signature]</i>	Mary Frances Turner	marf845@aol.com	1872 Brigshaw Lane	Florence	29508
<i>[Signature]</i>	Betty A. Hildany	bhardana@csrr.com	1317 Lazen Pl.	Flo	29501
<i>[Signature]</i>	RETURNEA [unclear]		1811 Bryndstone Ln	Flo	29501
<i>[Signature]</i>	KATHY JOHNSON	KDJ555@aol.com	3323 Stockton Dr	Flo	29501
<i>[Signature]</i>	Kathy Johnson		3323 Stockton Dr	Flo	29501
9.					
10.					

Name _____
 Date _____
 Location _____




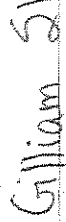

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Signature	Print Name	E-mail (please print)	Home Address	City	Zip
	P. Norton	nortonj@fpc.com	1418 St James Ct	Florence	29501
	Carol Dawson		2508 Edgewood Rd	Florence	29501
	Kati P Skinner		2508 Edgewood Rd	Florence	SC
	Gilliam Skinner		801 Brigadoone Pl	SC	29305
	Brinda Chorkshi		H31 Rosewood Fl	SC	29501

7. _____
 8. _____
 9. _____
 10. _____

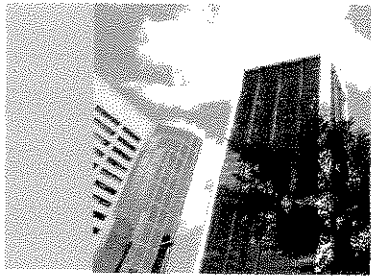
The following establishments in Florence provide a smoke-free environment for their employees and patrons...

The Drive In (formerly 301 Drive-In), 669-5141
Arby's (all locations)
Aroma Underground, 206-1111
Bazen's, 629-9818
Bojangles' (all locations)
Burger King (all locations)
Chick-Fil-A (all locations)
Cici's Pizza, 413-0600
Corona's Mexican Restaurant, 665-6508
Fatz Café, 413-9186
Fazoli's, 664-3062
Firehouse Subs, 679-9633
Groucho's Deli (all locations)
Hardees (all locations)
Heavenly Ham, 629-8899
Horne's Restaurant 665-0311
Happy Heart Grill @McLeod Health and Fitness Center
Joe Muggs, 679-5376
Kentucky Fried Chicken (all locations)
Krispy Kreme (all locations)
LaBamba Mexican Restaurant, 292-0055
Little Caesar's Pizza (all locations)
Miguel's Grill, 661-2990
Orangeland Fish and Seafood, 669-1535
Pizza Hut (all locations)
Red Lobster, 661-7130
Schlotzsky's Deli, 673-0777
Shoney's on West Lucas Street, 679-5935
Shooky's Deli and Grill, 669-1533
Stefano's Pizza Restaurant, 664-9191
Taco Bell (all locations)
The Great American Grill (inside the Hilton Garden Inn), 432-3001
Thunderbird Country Buffet & Restaurant, 664-0082
Top Hat Special-Teas, 629-8326
Wendy's (all locations)
Western Sizzlin' Steakhouse, 665-5965
Zaxby's (all locations)

Local Smokefree Ordinances in South Carolina
Updated September 30, 2009 – Listed by Passage Date

<u>Local Ordinances Passed</u>	<u>Passage Date</u>	<u>Implementation Date</u>
1. Sullivan's Island	16-May-06	20-Jul-06
2. Liberty	9-Oct-06	9-Nov-06
3. Greenville	30-Oct-06	1-Jan-07
<i>(Supported in S.C. Supreme Court decision issued March 31, 2008: <u>No preemption in S.C.</u>)</i>		
4. Columbia	8-Nov-06	1-Oct-08
<i>(Initially approved 11-8-06; revised to include protections for bar workers May 21, 2008)</i>		
5. Beaufort County	27-Nov-06	27-Dec-06
6. Bluffton	12-Dec-06	12-Jan-07
7. Charleston	23-Jan-07	23-Jul-07
8. Aiken County	20-Feb-07	1-Jun-07
<i>(Initially approved 2-20-07; revised to include protections for bar workers September 16, 2008)</i>		
9. Hilton Head Island	20-Feb-07	1-May-07
10. Town of Mount Pleasant	12-Jun-07	1-Sep-07
11. Town of Surfside Beach	24-Jul-07	1-Oct-07
12. City of Clemson	14-Jan-08	1-Jul-08
<u>March 31, 2008 - S.C. Supreme Court upholds Greenville, SC Ordinance</u>		
13. City of Walterboro	27-May-08	1-Aug-08
14. City of Beaufort	27-May-08	27-May-08
15. Richland County	17-Jun-08	1-Oct-08
16. City of Aiken	14-Jul-08	14-Jul-08
17. City of North Augusta	21-Jul-08	1-Aug-08
18. City of Camden	22-Jul-08	22-Sep-08
19. Town of Lexington	2-Sep-08	3-Oct-08
<u>September 8, 2008 - S.C. Supreme Court upholds Sullivan's Island, SC Ordinance</u>		
20. Isle of Palms	23-Sep-08	1-Jan-09
21. City of Easley	10-Nov-08	1-Jan-09
22. Edisto Beach	8-Jan-09	1-Mar-09
23. Rock Hill	12-Jan-09	1-May-09
24. York County	2-Feb-09	1-May-09
25. City of Sumter	17-Feb-09	18-Apr-09
26. City of Pickens	2-Mar-09	1-May-09
27. Fort Mill	8-Jun-09	1-Aug-09
28. Lexington County	25-Aug-09	1-Jan-10

S.C. resources: www.smokefreesc.org Implementation Toolkit: www.goingsmokefree.org/tools/index.html



Worksites and Secondhand Smoke

The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, 2006

.....

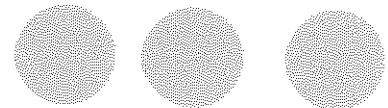
Six Major Conclusions

Smoking is the single greatest avoidable cause of disease and death. In this report released in June 2006, the Surgeon General concluded that:

1. Many millions of Americans, both children and adults, are still exposed to secondhand smoke in their homes and workplaces despite substantial progress in tobacco control.
2. Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.
3. Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their children.
4. Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
5. The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.
6. Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke.

For more information about the six conclusions and supporting evidence from the report, go to <http://www.surgeongeneral.gov/library/secondhandsmoke/>

For more information, contact the South Carolina Department of Health and Environmental Control at (803) 545-4463.



FLORENCE CITY COUNCIL MEETING

VII. b.
Bill No. 2009-39
First Reading

DATE: November 9, 2009

AGENDA ITEM: First Reading, Ordinance to amend the Zoning Ordinance

DEPARTMENT/DIVISION: Urban Planning & Development

I. ISSUE UNDER CONSIDERATION

An amendment to Section 2.4 Table II of the City of Florence Zoning Ordinance to permit florists in the B-1, Limited Business District.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. A request had been received to relocate an existing florist shop to the adjacent property in the B-1, Limited Business District. At the time the florist was established it was a permitted use.
2. The current Zoning Ordinance adopted in 1999, does not allow retail in the B-1, Limited Business District.
3. The property is located in the downtown area where specialty shops are encouraged by the Design Guidelines.
4. A Zoning Ordinance rewrite is planned in the near future when other similar changes are anticipated.
5. Planning Commission voted to recommend approval of the proposed amendment by a vote of 6-0.

III. POINTS TO CONSIDER

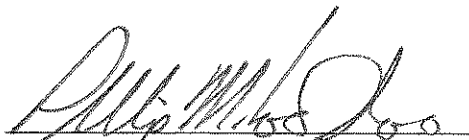
This item is being introduced for first reading only.

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.

IV. ATTACHMENTS

1. Ordinance
2. Staff report to Planning Commission.



Phillip M. Lookadoo, Director
Urban Planning & Development



David N. Williams
City Manager

**STAFF REPORT
TO THE
CITY OF FLORENCE PLANNING COMMISSION
October 13, 2009
PC#2009-21**

SUBJECT: Request for amendment to Section 2.4 Table II: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Businesses and Rural Districts of the Zoning Ordinance.

APPLICANT: City of Florence/Urban Planning Department Staff

STAFF ANALYSIS:

A recent request for a Certificate of Zoning Compliance revealed that there were changes made in permitted uses in the B-1, Limited Business District when the Consolidated Zoning Ordinance was adopted April 12, 1999. All retail uses which included florists, drug stores, convenience stores, book, stationary shops and optical goods stores were omitted as permitted uses in the new ordinance, although they had been permitted in the Office Professional District of the previous City of Florence Zoning Ordinance.

There are many properties within the city's downtown redevelopment districts which are currently zoned B-1, Limited Business as shown on the attached map. The Design Guidelines adopted by the City of Florence encourage the development of pedestrian areas to include a variety of uses. Specialty shops are referenced as a contributing factor in this effort.

NOTE:

Text amendments to the Section for revision are highlighted and in bold.

The current text reads as follows:

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Sector 44-45: Retail Trade										
Motor vehicle & parts	441	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive dealers	4411	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Other motor vehicle dealers	4412	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive parts	4413	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Building materials, garden supplies	444									
Building materials & supplies	4441	N	N	P	N	N	N	P	N	1.0 per 1,000 s.f. GFA
Paint & wallpaper	44412	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Hardware stores (Sec. 3.13)	44413	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Lawn & garden equipment & supplies stores	4442	N	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Food stores (3.13)	445	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Beer, Wine, & Liquor stores (Sec 3.13)	4453	N	N	P	P	N	N	C	N	1.0 per 350 s.f. GFA

Health & Personal care (Sec. 3.13)	446	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Gasoline stations	447	N	P	P	P	N	N	P	P	1.0 per 600 s.f. GFA
Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Flea Markets	4533	N	N	P	N	N	N	P	N	1.5 per stall
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Manufactured home dealers	45393	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Fireworks	453998	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Gravestones, monuments	443998	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA
Miscellaneous retail	45399	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Non-store retailers	454	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA

The proposed text reads as follows:

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Sector 44-45: Retail Trade										
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Automotive parts	4413	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
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Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Florists	453110	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA

Flea Markets	4533	N	N	P	N	N	N	P	N	1.5 per stall
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Miscellaneous retail	45399	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Non-store retailers	454	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA

Staff Recommendation

Staff recommend approval of this request as it meets the intent of the Downtown Design Guidelines by allowing a specialty retail use and which had been previously allowed in this zoning district. The current Zoning Ordinance is also scheduled for revision following the completion of the Comprehensive Planning process which is underway. A more thorough review of permitted uses in each business district will be undertaken at that time.

ORDINANCE NO. 2009 _____

AN ORDINANCE TO AMEND ARTICLE 2.4 TABLE II: SCHEDULE OF PERMITTED AND CONDITIONAL USES AND OFF-STREET PARKING REQUIREMENTS FOR BUSINESSES AND RURAL DISTRICTS

WHEREAS, a public hearing was held in room number 604 of the City County Complex on October 13, 2009 before the City of Florence Planning Commission and notice of said hearing was duly given; and

WHEREAS , the proposed amendment will permit florists in B-1, Limited Business Districts and,

WHEREAS , the Planning Commission at their October 13, 2009 meeting recommended approval of the amendment as follows:

NOTE:

Text amendments to the Section for revision are highlighted and in bold.

The current text reads as follows:

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
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Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Building materials, garden supplies	444									
Building materials & supplies	4441	N	N	P	N	N	N	P	N	1.0 per 1,000 s.f. GFA
Paint & wallpaper	44412	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Hardware stores (Sec. 3.13)	44413	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Lawn & garden equipment & supplies stores	4442	N	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Food stores (3.13)	445	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
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Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA

Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
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Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
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Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
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Non-store retailers	454	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA

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

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

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

ADOPTED THIS _____ DAY OF _____, 2009

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

VII. c.
Bill No. 2009-40
First Reading

CITY OF FLORENCE COUNCIL MEETING

DATE: November 9, 2009

AGENDA ITEM: Ordinance
First Reading

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

I. ISSUE UNDER CONSIDERATION:

Request to annex and zone 1536 McKenney Court & 1540 McKenney Court from unzoned to R-3, Single-Family Residential District, pending annexation into the City of Florence. Tax Maps 01461-02-002 & 01461-02-001. The request is being made by the owners, Boisy Gregg & Pearlle Utley.

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

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

No previous action has been taken on this request. A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. Planning Commission members voted to approve the request 6-0.

III. POINTS TO CONSIDER:

This item is being introduced for first reading only.

IV. OPTIONS:

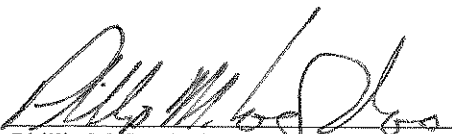
City Council may:

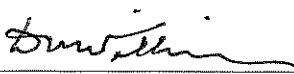
- (1) Approve request as presented based on information submitted.*
- (2) Defer request should additional information be needed.*
- (3) Suggest other alternatives.*
- (4) Deny request.*

V. PERSONAL NOTES:

VI. ATTACHMENTS:

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


Phillip M. Lookadoo, AICP
Urban Planning and Development Director

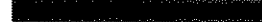

David N. Williams
City Manager

ZONING REQUEST

PC#2009- 19

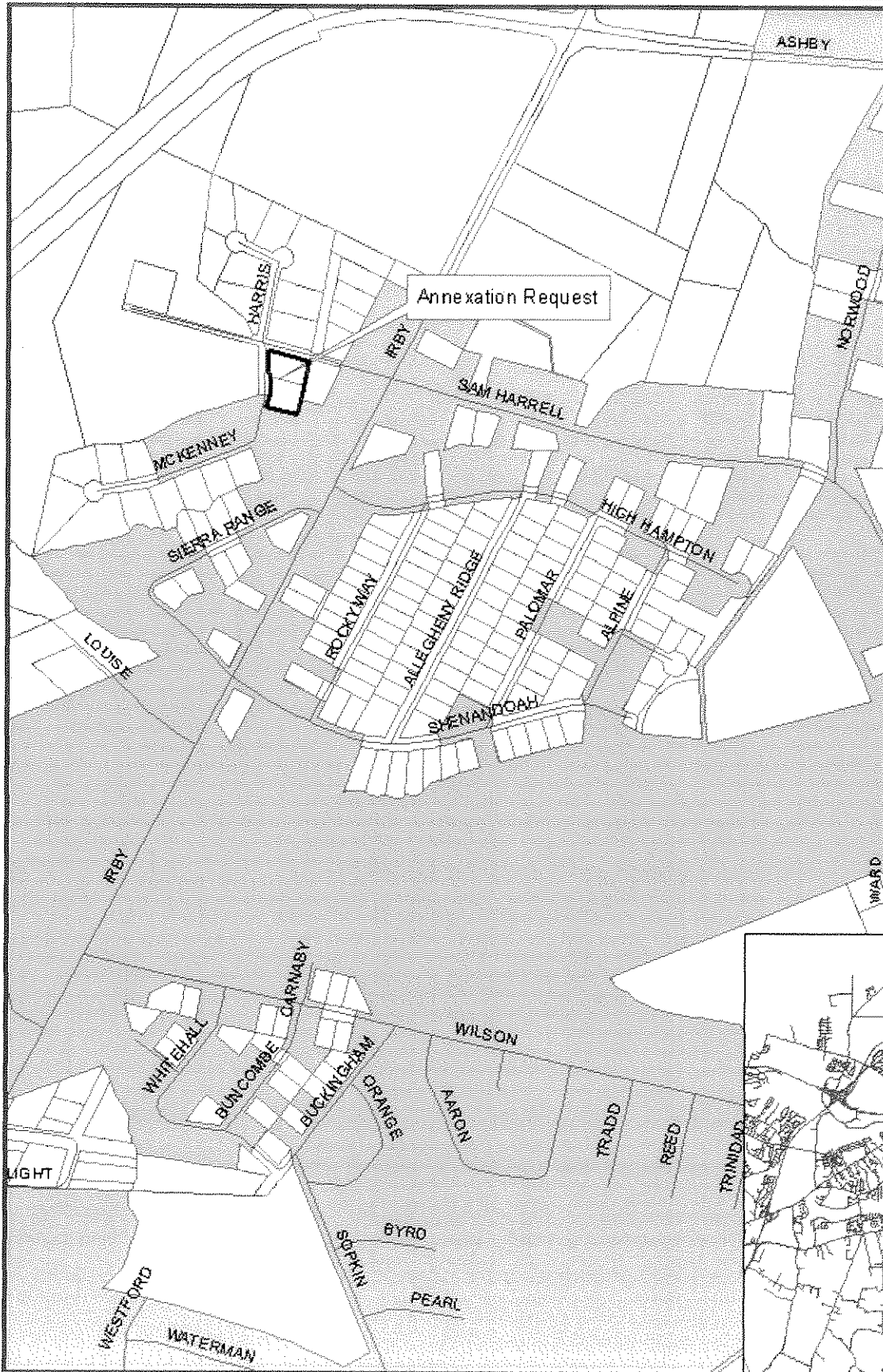


1,000



0 Feet

Urban Planning & Development Department



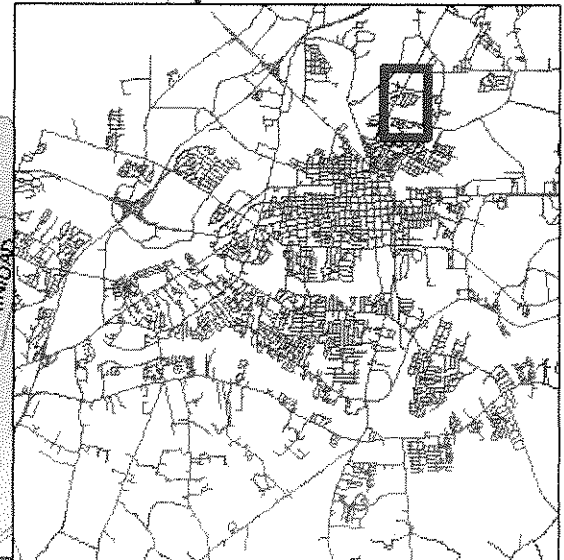
Annexation Request

Legend

- Planning, DBO, Roads
- Planning, DBO, City Limits
- Planning, DBO, Parcels

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

DISCLAIMER:
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COMPREHENSIVE MAP PLAN

Rezoning Request

PC # 2009-19














Urban Planning &
Development Department

Zoning Request

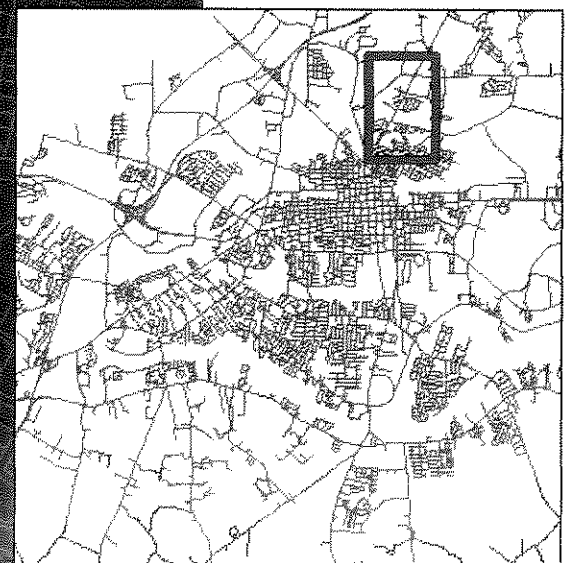
Legend

Land Use Categories

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

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ZONING REQUEST

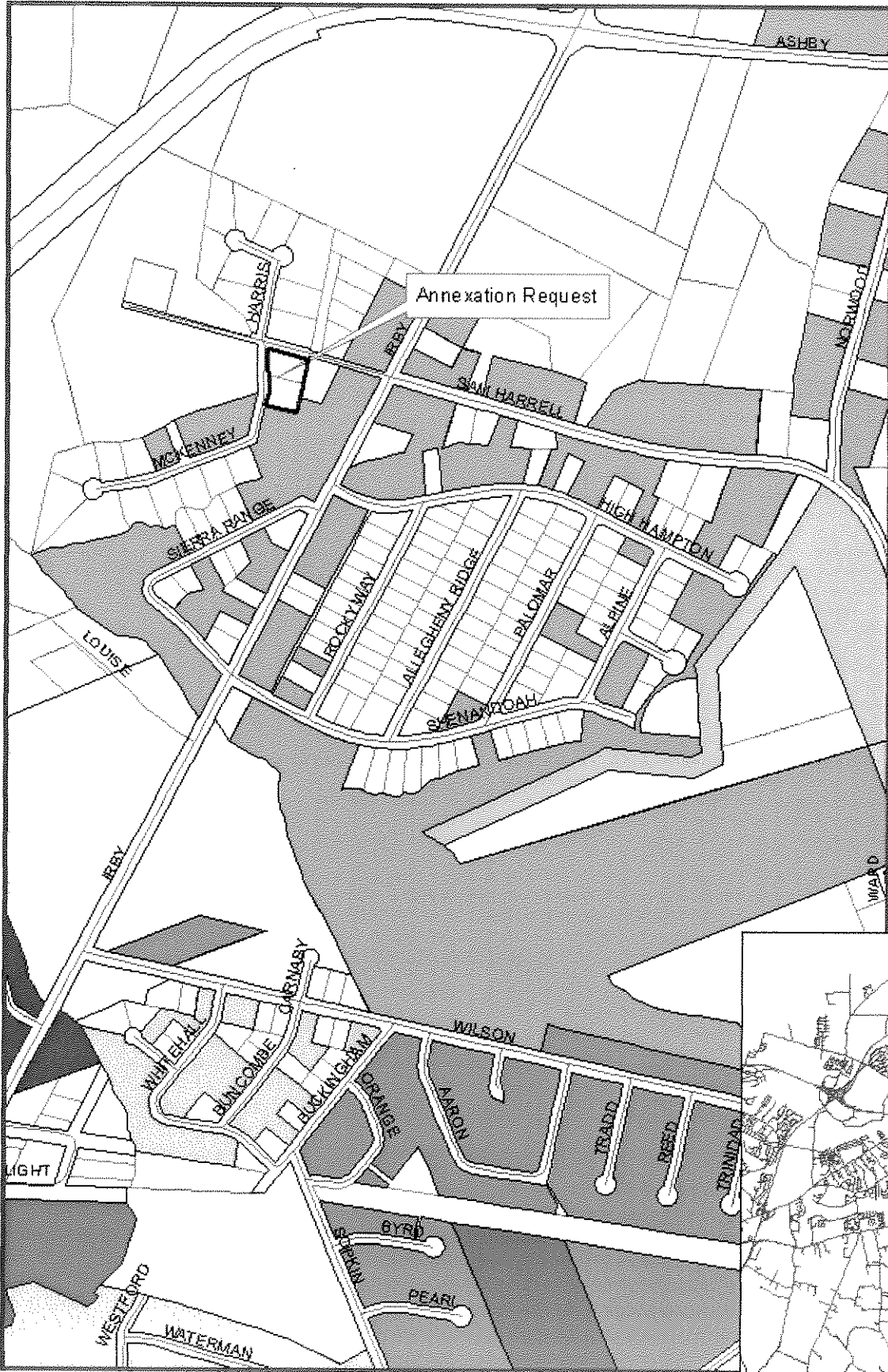
PC#2009- 19



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Development Department

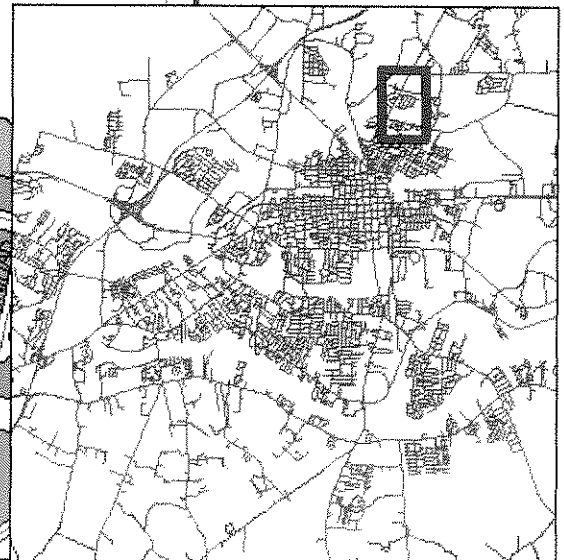


Legend

- Planning, DBO, Roads
- R-1, SINGLE FAMILY, LARGE LOTS
- R-2, SINGLE FAMILY, MEDIUM LOTS
- R-3, SINGLE FAMILY, SMALL LOTS
- R-4, MULTI-FAMILY, LIMITED
- R-5, MULTI-FAMILY
- PD, PLANNED DEVELOPMENT
- B-1, LIMITED
- B-2, CONVENIENCE
- B-3, GENERAL
- B-4, CENTRAL
- B-5, OFFICE-LIGHT INDUSTRIAL
- B-6, INDUSTRIAL
- RU-1, COMMUNITY
- RU-2, RESOURCE
- UNZONED
- Planning, DBO, Parcels

ORIGINAL PREPARATION
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ZONING PETITION STAFF CHECKLIST
PC#2009-19

IDENTIFYING DATA

Name of Owners: Boisy Gregg & Pearlie Utley

Address of Properties: 1536 McKenney Court 0.50 Acre & 1540 McKenney 0.50 Acre

Tax Parcel Number(s): 01461-02-002 & 01461-02-001

Date: September 11, 2009

GENERAL BACKGROUND DATA

Current Zoning: Unzoned

Proposed Zoning: Single-Family Residential (R-3)

Current Use: Residential Single Family

Proposed Use: Residential Single Family

DIMENSIONAL REQUIREMENTS

Current Zoning

Proposed Zoning

Lot Area: Proposed Lot Area: 6000

Lot Width Proposed Lot Width: 50

Front Setback Proposed Front Setback: 25

Side Yards Proposed Side Yards: 5

Rear Yards Proposed Rear Yards: 25

Max. Height Proposed Max. Height: 38

Open Space Proposed Open Space: 55%

Comments:

ZONING PETITION STAFF CHECKLIST

MISCELLANEOUS PROVISIONS

Is any portion of the property in floodplain? No

Are there any known zoning violations on this site? No

If so, explain:

Tax records indicate the owner(s) as: Boisy Gregg 1536 McKenney
& Pearlle Utley 1540 McKenney

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

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

LAND USE PLAN CONFORMANCE

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

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

Land Use Plan elements that impact the subject property:

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

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?
Properties within the neighborhood that have been annexed into the City have all been zoned R-3.

ZONING PETITION STAFF CHECKLIST

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

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	Unzoned / Unzoned	Single Family Residential
Northeast	Unzoned/ Unzoned	Single-Family Residential
East	R-1/ Unzoned	Single-Family Residential
Southeast	R-1 / Unzoned	Single-Family Residential
South	R-1/ Unzoned	Single-Family Residential
Southwest	R-1/ Unzoned	Single Family Residential
West	R-1/ Unzoned	Single Family Residential
Northwest	Unzoned / Unzoned	Single Family Residential

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

City infrastructure exists within the residential area. No current development plans exist.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?
No.

5. List some potential uses under existing zoning.

Because the properties are currently unzoned, any use would be permitted under the Florence County Zoning Ordinance. However, this property is located in an established residential subdivision which has private restrictive covenants.

6. List some potential uses under proposed zoning.

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

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

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

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

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

Per the City of Florence Zoning Ordinance, the only uses that may be developed are those permitted in the R-3 zoning district. The properties will be subject to the City of Florence codes and regulations.

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

NA

ZONING PETITION STAFF CHECKLIST

10. Is a traffic study required for this petition?

No.

If so, what are the recommendations of the study?

NA

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

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

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

Yes.

ORDINANCE NO. 2009 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY BOISY GREGG & PEARLIE UTLEY, 1536 MCKENNEY COURT & 1540 MCKENNEY COURT.

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on October 13, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by Boisy Gregg owner of 1536 McKenney Court & Pearlle Utley owner of 1540 McKenney Court were presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single-Family Residential District:

The properties requesting annexation are shown more specifically on Florence County Tax Map 01461, block 02, parcel 002 (0.50 Acres) & Florence County Tax Map 01461, block 02, parcel 001 (0.50 Acres).

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

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

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

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

ADOPTED THIS _____ DAY OF _____, 2009

Ordinance No. 2009 - _____
Page 2 – November, 2009

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

VII. d.
Bill No. 2009-41
First Reading

CITY OF FLORENCE COUNCIL MEETING

DATE: November 9, 2009

AGENDA ITEM: Ordinance
First Reading

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

I. ISSUE UNDER CONSIDERATION:

Request to annex and zone 1519 Rocky Way from unzoned to R-3, Single-Family Residential District, pending annexation into the City of Florence. Tax Map 90096-03-022. The request is being made by the owner, Leila Rainwater.

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

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

No previous action has been taken on this request. A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. Planning Commission members voted to approve the request 6-0.

III. POINTS TO CONSIDER:

This item is being introduced for first reading only.

IV. OPTIONS:

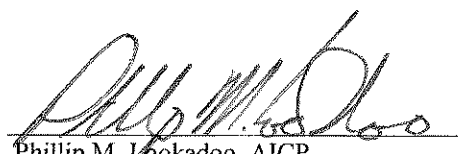
City Council may:


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

V. PERSONAL NOTES:

VI. ATTACHMENTS:

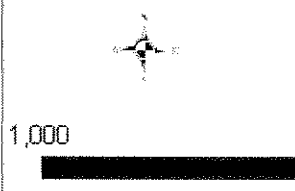
Map showing the location of the property.
Zoning Map
Comprehensive Plan Map
Staff Report


Phillip M. Lookadoo, AICP
Urban Planning and Development Director



David N. Williams
City Manager

ZONING REQUEST

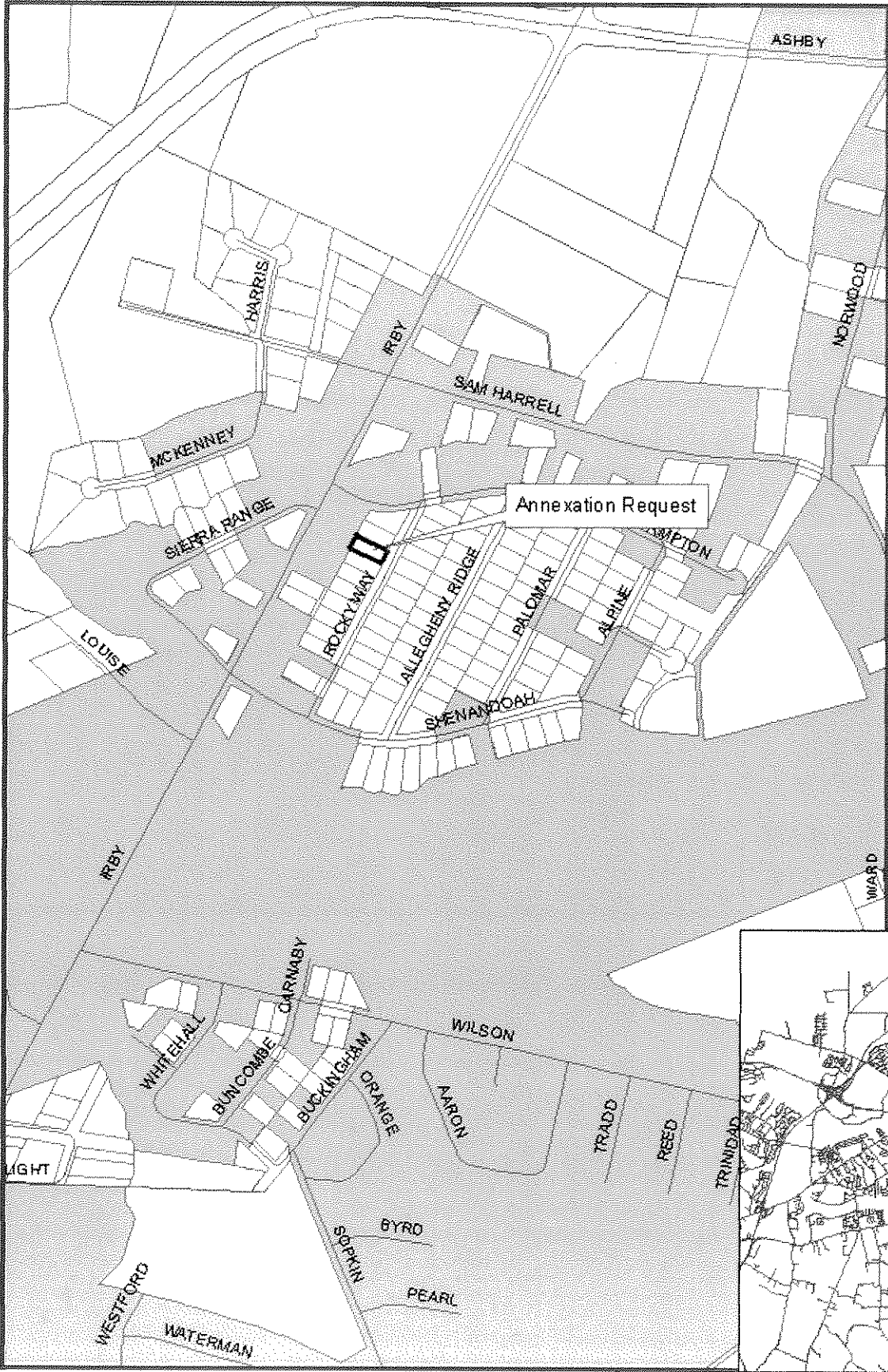
PC#2009- 18



1,000 Feet



Urban Planning & Development Department

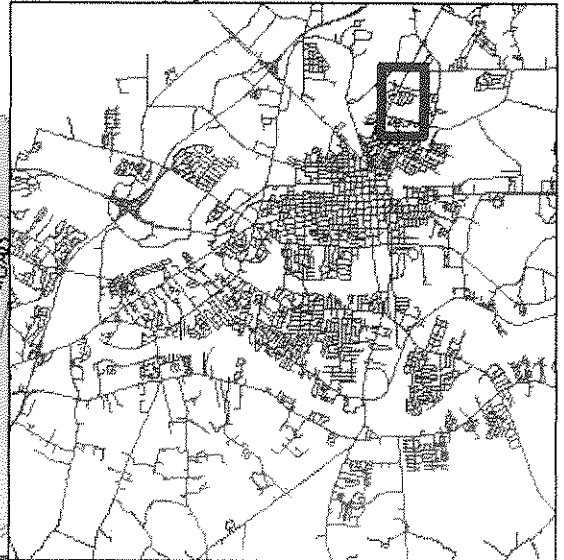


Legend

- Planning, DBO, Roads
- Planning, DBO, City Limits
- Planning, DBO, Parcels

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

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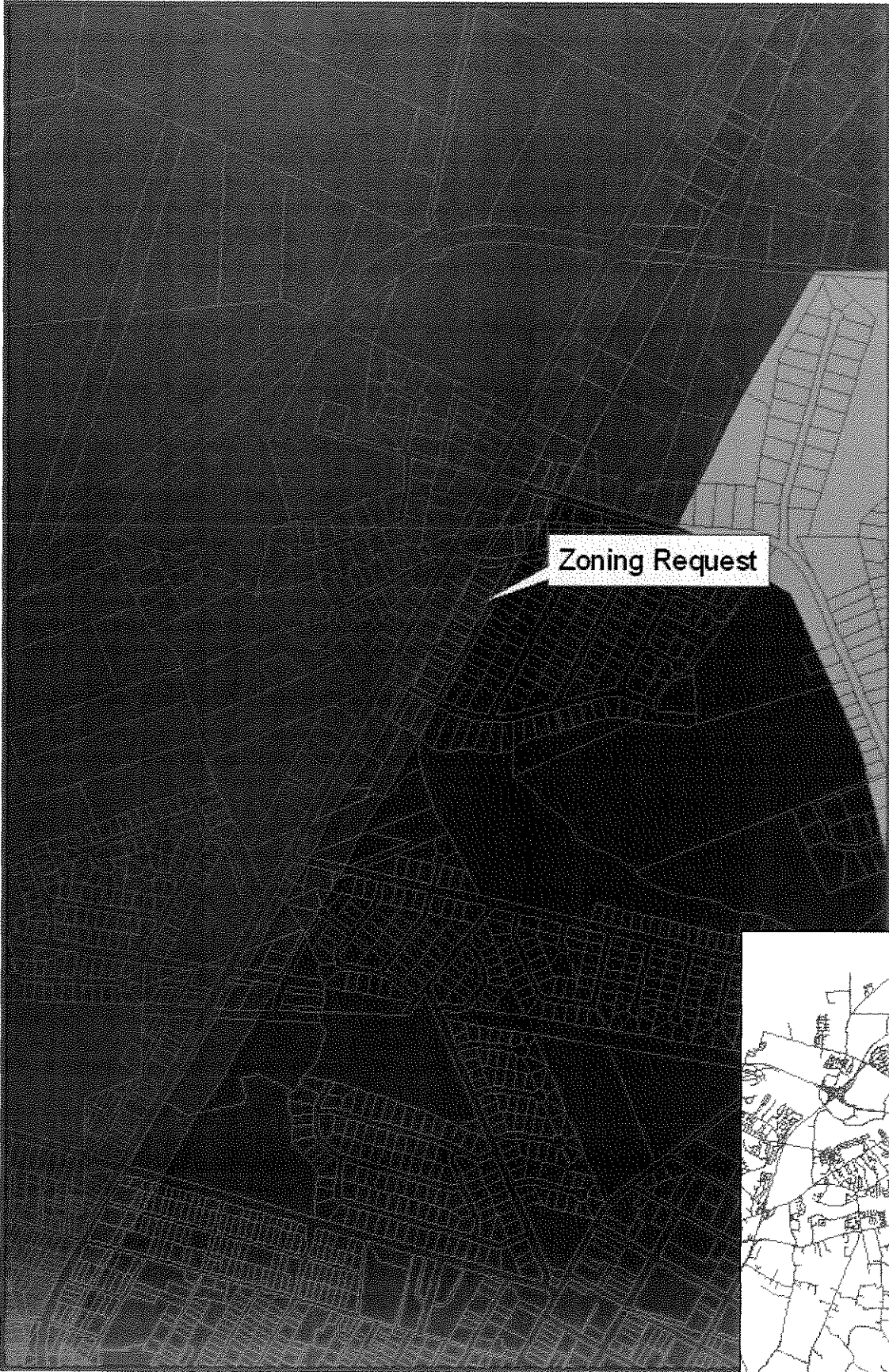
COMPREHENSIVE MAP PLAN

Rezoning Request

PC # 2009-18














Urban Planning &
Development Department



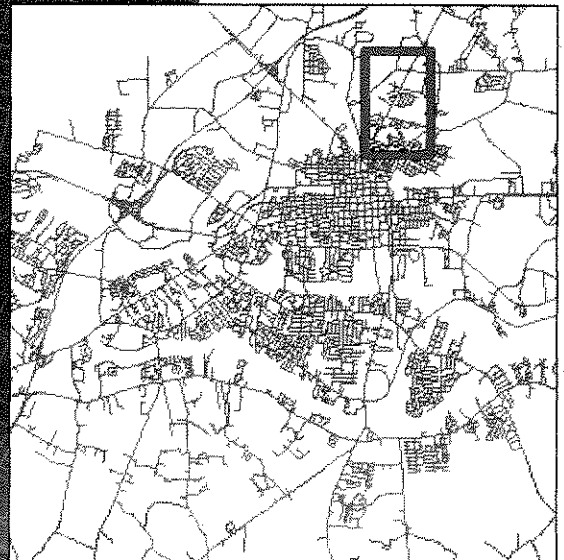
Legend

Land Use Categories

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

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

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ZONING PETITION STAFF CHECKLIST

PC#2009-18

IDENTIFYING DATA

Name of Owner: Leila Rainwater

Address of Properties: 1519 Rocky Way

Tax Parcel Number(s): 90096-03-022

Date: September 11, 2009

GENERAL BACKGROUND DATA

Current Zoning: Unzoned

Proposed Zoning: Single-Family Residential (R-3)

Current Use: Residential Single Family

Proposed Use: Residential Single Family

DIMENSIONAL REQUIREMENTS

Current Zoning

Proposed Zoning

Lot Area:

Proposed Lot Area: 6000

Lot Width

Proposed Lot Width: 50

Front Setback

Proposed Front Setback: 25

Side Yards

Proposed Side Yards: 5

Rear Yards

Proposed Rear Yards: 25

Max. Height

Proposed Max. Height: 38

Open Space

Proposed Open Space: 55%

Comments:

ZONING PETITION STAFF CHECKLIST

MISCELLANEOUS PROVISIONS

Is any portion of the property in floodplain? No

Are there any known zoning violations on this site? No

If so, explain:

Tax records indicate the owner(s) as: Leila Rainwater

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

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

LAND USE PLAN CONFORMANCE

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

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

Land Use Plan elements that impact the subject property:

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

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?
Properties within the neighborhood that have been annexed into the City have all been zoned R-3.

ZONING PETITION STAFF CHECKLIST

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

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

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

City infrastructure exists within the residential area. No current development plans exist.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?
No.

5. List some potential uses under existing zoning.

Because the properties are currently unzoned, any use would be permitted under the Florence County Zoning Ordinance. However, this property is located in an established residential subdivision which has private restrictive covenants.

6. List some potential uses under proposed zoning.

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

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

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

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

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

Per the City of Florence Zoning Ordinance, the only uses that may be developed are those permitted in the R-3 zoning district. The properties will be subject to the City of Florence codes and regulations.

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

NA

ZONING PETITION STAFF CHECKLIST

10. Is a traffic study required for this petition?

No.

If so, what are the recommendations of the study?

NA

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

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

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

Yes.

ORDINANCE NO. 2009 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY LEILA RAINWATER, 1519 ROCKY WAY.

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on October 13, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by Leila Rainwater, owner of 1519 Rocky Way was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single-Family Residential District:

The properties requesting annexation are shown more specifically on Florence County Tax Map 90096, block 03, parcel 022. (0.29 Acres)

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

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

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

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

ADOPTED THIS _____ DAY OF _____, 2009

Ordinance No. 2009 - _____
Page 2 – November, 2009

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

VII. e.
Bill No. 2009-42
First Reading

CITY OF FLORENCE COUNCIL MEETING

DATE: November 9, 2009

AGENDA ITEM: Ordinance
First Reading

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

I. ISSUE UNDER CONSIDERATION:

Request to annex and zone 2678 Ascot from unzoned to R-1, Single-Family Residential District, pending annexation into the City of Florence. Tax Map 00098-01-070. The request is being made by the owners, Joe & Carolyn Younginer.

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

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

No previous action has been taken on this request. A Public Hearing for rezoning was held at the October 13, 2009 Planning Commission meeting. Planning Commission members voted to approve the request 5-0.

III. POINTS TO CONSIDER:

This item is being introduced for first reading only.

IV. OPTIONS:

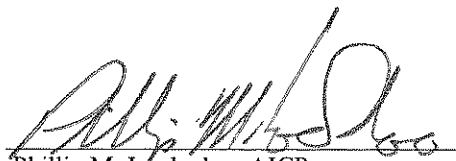
City Council may:

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

V. PERSONAL NOTES:

VI. ATTACHMENTS:

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



Phillip M. Lookadoo, AICP
Urban Planning and Development Director



David N. Williams
City Manager

ZONING REQUEST

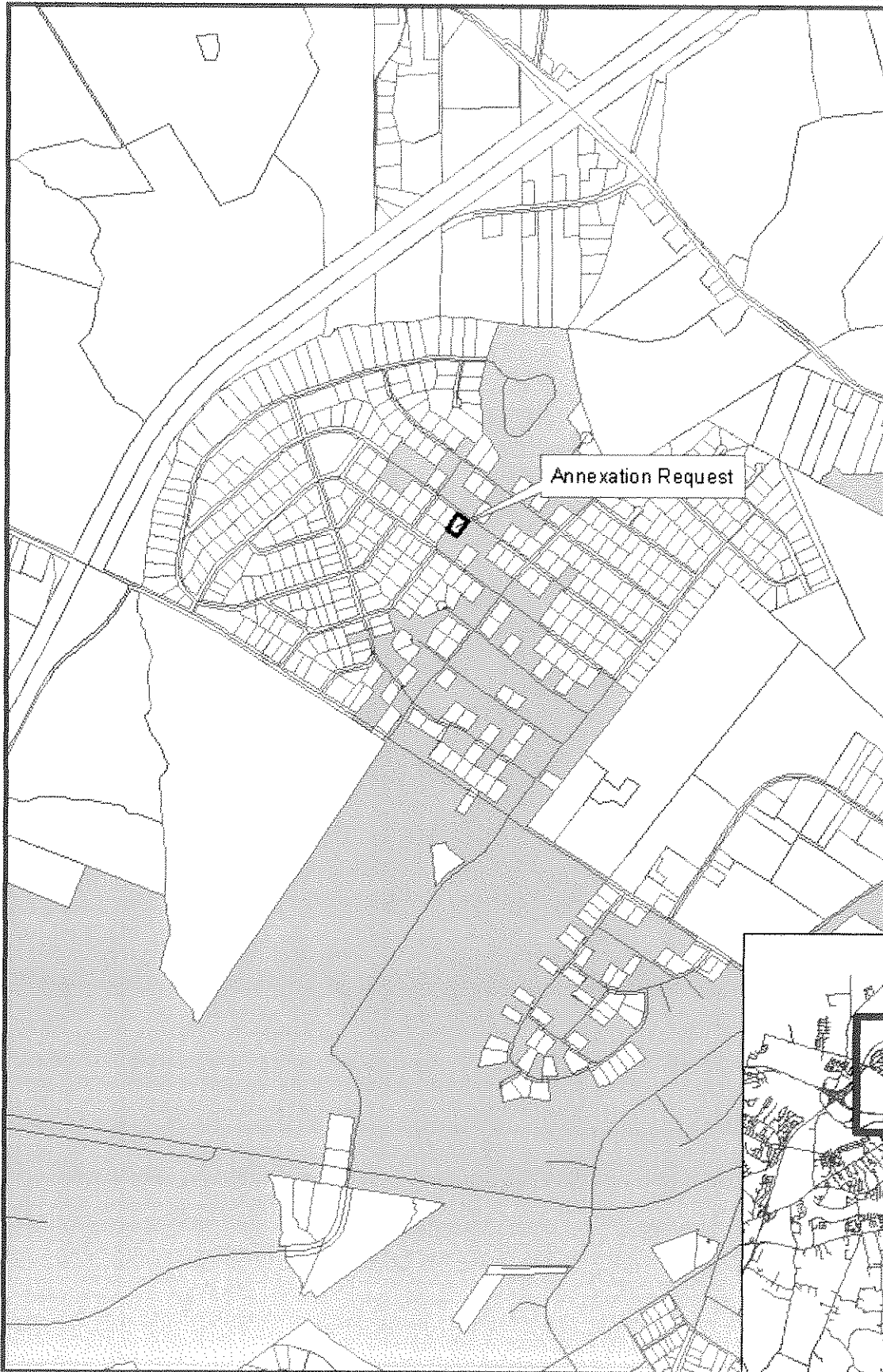
PC#2009- 17



1,000 0 Feet



Urban Planning &
Development Department

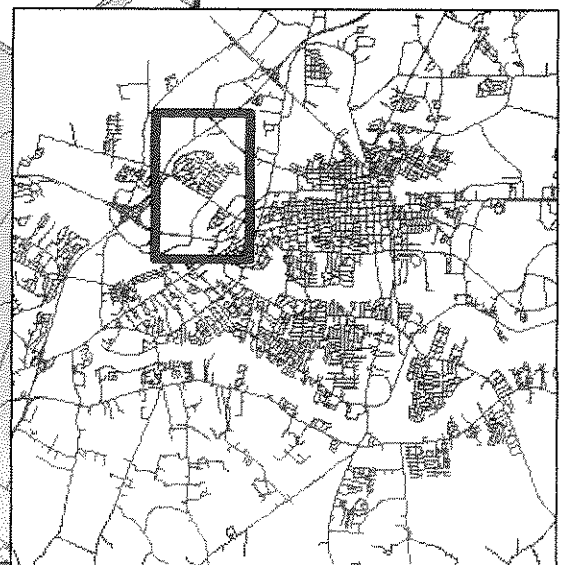


Legend

- Planning, DBO, Roads
- Planning, DBO, City Limits
- Planning, DBO, Parcels

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

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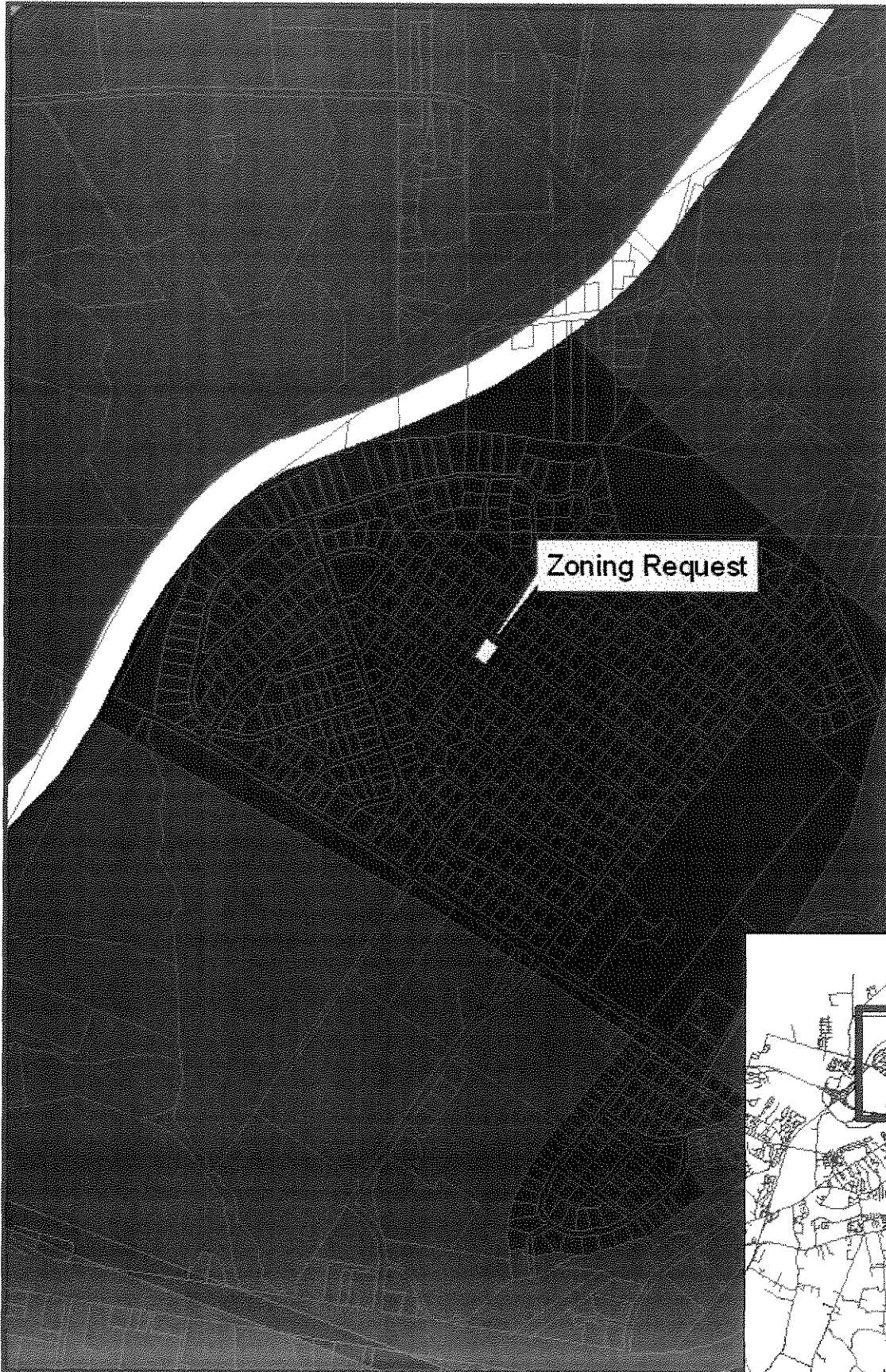
COMPREHENSIVE MAP PLAN

Zoning Request

PC # 2009-17














Urban Planning &
Development Department



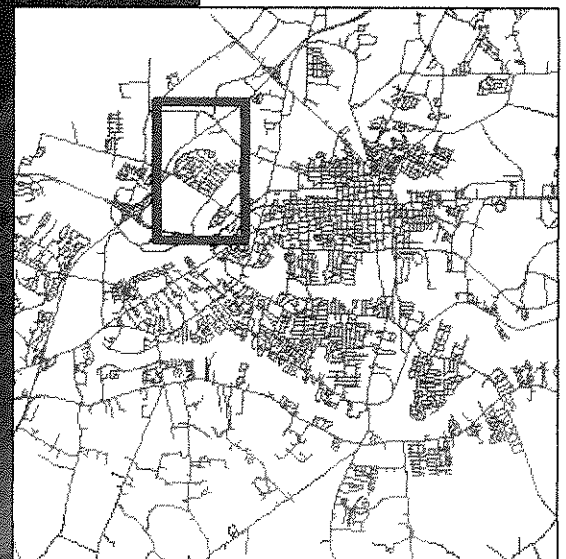
Legend

Land Use Categories

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

This map was prepared by:
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ZONING REQUEST

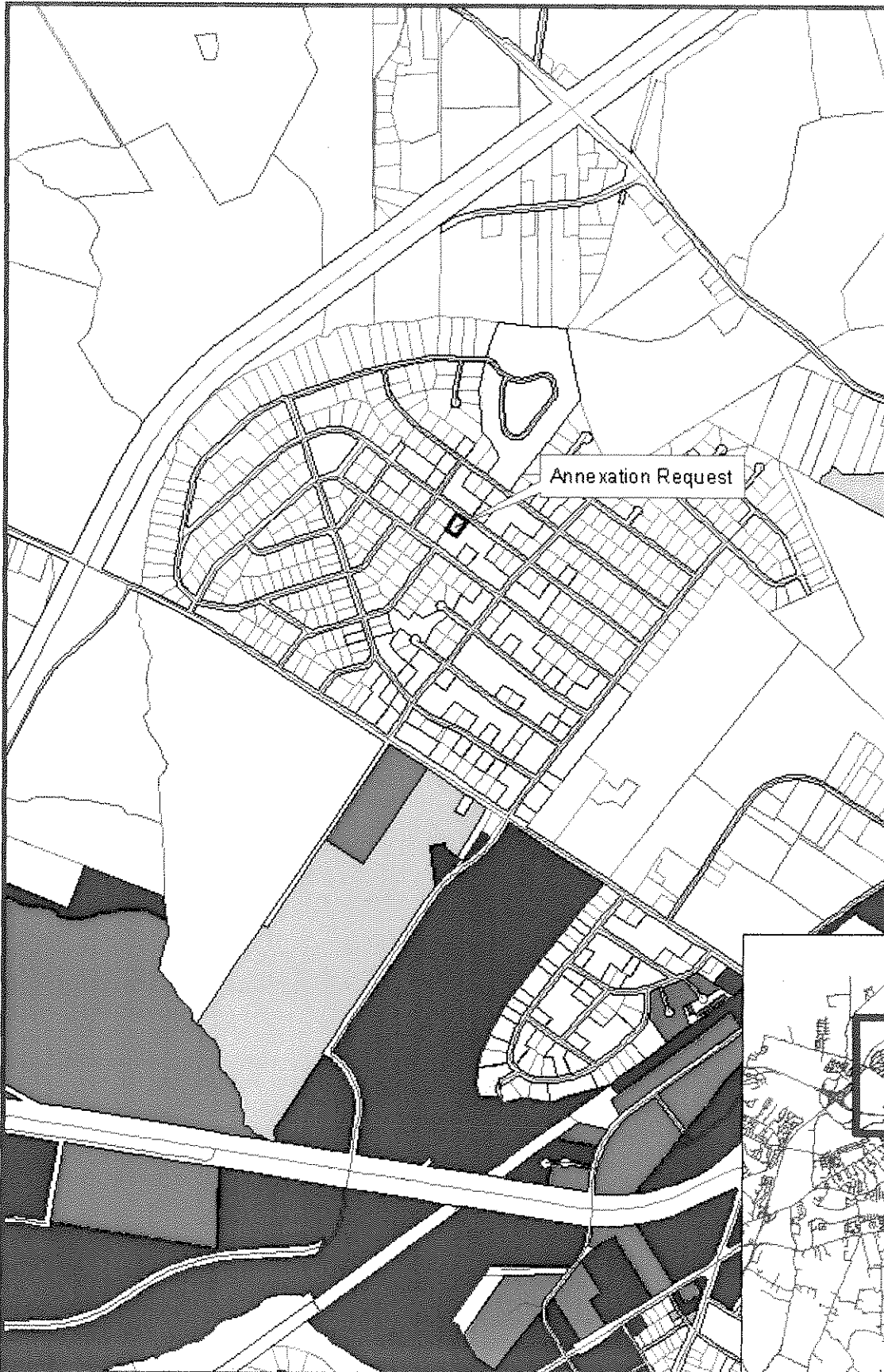
PC#2009- 17



1,000 0 Feet



Urban Planning &
Development Department

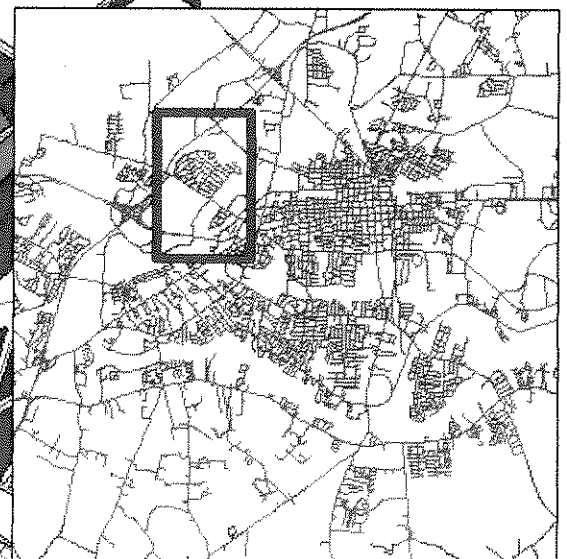


Legend

- Planning, DBD, Roads
- R-1, SINGLE FAMILY, LARGE LOTS
- ▨ R-2, SINGLE FAMILY, MEDIUM LOTS
- ▩ R-3, SINGLE FAMILY, SMALL LOTS
- ▧ R-4, MULTI-FAMILY, LIMITED
- ▦ R-5, MULTI-FAMILY
- ▥ PD, PLANNED DEVELOPMENT
- ▤ B-1, LIMITED
- ▣ B-2, CONVENIENCE
- ▢ B-3, GENERAL
- B-4, CENTRAL
- B-5, OFFICE-LIGHT INDUSTRIAL
- ▟ B-6, INDUSTRIAL
- ▩ RU-1, COMMUNITY
- ▨ RU-2, RESOURCE
- UNZONED
- Planning, DBD, Parcels

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

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ZONING PETITION STAFF CHECKLIST
PC#2009-17

IDENTIFYING DATA

Name of Owner: Joe & Carolyn Younginer

Address of Properties: 2678 Ascot

Tax Parcel Number(s): 00098-01-070

Date: September 11, 2009

GENERAL BACKGROUND DATA

Current Zoning: Unzoned

Proposed Zoning: Single-Family Residential (R-1)

Current Use: Residential Single Family

Proposed Use: Residential Single Family

DIMENSIONAL REQUIREMENTS

Current Zoning

Proposed Zoning

Lot Area:

Proposed Lot Area: 15,000

Lot Width

Proposed Lot Width: 100

Front Setback

Proposed Front Setback: 25

Side Yards

Proposed Side Yards: 10

Rear Yards

Proposed Rear Yards: 30

Max. Height

Proposed Max. Height: 38

Open Space

Proposed Open Space: N/A

Comments:

ZONING PETITION STAFF CHECKLIST

MISCELLANEOUS PROVISIONS

Is any portion of the property in floodplain? No

Are there any known zoning violations on this site? No

If so, explain:

Tax records indicate the owner(s) as: Joe & Carolyn Younginer

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

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

LAND USE PLAN CONFORMANCE

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

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

Land Use Plan elements that impact the subject property:

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

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?
The property exists in the Windsor Forest Subdivision, which consists of single-family dwellings. Properties within the subdivision that have been annexed into the City have all been zoned R-1.

ZONING PETITION STAFF CHECKLIST

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

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	R-1	Single Family Residential
Northeast	Unzoned	Single-Family Residential
East	R-1	Single-Family Residential
Southeast	R-1	Single-Family Residential
South	R-1	Single-Family Residential
Southwest	Unzoned	Single Family Residential
West	Unzoned	Single Family Residential
Northwest	R-1	Single Family Residential

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

The subdivision has recently been developed as a single-family neighborhood with new construction still occurring in the last phase.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?
No.

5. List some potential uses under existing zoning.

Because the properties are currently unzoned, any use would be permitted under the Florence County Zoning Ordinance. However, this property is located in an established residential subdivision which has private restrictive covenants.

6. List some potential uses under proposed zoning.

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

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

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

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

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

Per the City of Florence Zoning Ordinance, the only uses that may be developed are those permitted in the R-1 zoning district. The properties will be subject to the City of Florence codes and regulations.

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

NA

ZONING PETITION STAFF CHECKLIST

10. Is a traffic study required for this petition?

No.

If so, what are the recommendations of the study?

NA

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

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

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

Yes.

ORDINANCE NO. 2009 _____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY JOE & CAROLYN YOUNGINER, 2678 ASCOT ROAD.

WHEREAS, a Public Hearing was held in Room 603 of the City-County Complex on October 13, 2009 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, an application by Joe & Carolyn Younginer, owner of 2678 Ascot Road was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-1, Single-Family Residential District:

The properties requesting annexation are shown more specifically on Florence County Tax Map 00098, block 01, parcel 070. (0.56 Acres)

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

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

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

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

ADOPTED THIS _____ DAY OF _____, 2009

Ordinance No. 2009 - _____
Page 2 – November, 2009

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

**VIII. a.
Resolution
No. 2009-13**

FLORENCE CITY COUNCIL MEETING

DATE: November 9, 2009

AGENDA ITEM: Resolution

DEPARTMENT/DIVISION: Councilman Robinson

ISSUE UNDER CONSIDERATION: Adoption of a Resolution in support of
Health Care Reform

Resolution No. 2009-13

Conference of Black Municipal Elected Officials of South Carolina

WHEREAS, Barack Obama was elected President of the United States of America on November 4th 2008; and

WHEREAS, President Obama campaigned on change in America; and

WHEREAS, President Obama is the recipient of the **NOBEL PEACE PRIZE OF 2009**; and

WHEREAS, Health Care cost is the largest contributor to America's deficit of \$1.378 Trillion Dollars as of September 11, 2009; and

WHEREAS, Health Care cost rose five and a half percent in the past year, where most other businesses and commodities showed a decrease; and

WHEREAS, One of six Americans have no health insurance because of under or no employment; and

WHEREAS, One in twelve Americans die each year for lack of health insurance; and

WHEREAS, The United States has achieved significant increase in the life expectancy of most residents and reductions in the incidence of injury, disability and disease; and

WHEREAS, The gap between the health status and death rates for racial and ethnic minority population groups and Caucasians has not decreased and in some cases has widened; and

WHEREAS, Racial and ethnic minority populations face substantial cultural, social and economic barriers to obtaining access to adequate and competent health care; and

WHEREAS, The 2005 National Healthcare Disparities Report (NHDR) finds that disparities related to race, ethnicity and socioeconomic status still pervade the American health and behavioral health care system in almost all aspects of health care; and

WHEREAS, Congress, in 1999, requested an Institute of Medicine study to assess the extent of disparities in the types and quality of health and mental health services received by U.S. racial and ethnic minorities and non-minorities; and

WHEREAS, The report from that study *UNEQUAL TREATMENT: Confronting Racial and Ethnic Disparities in Health Care*, found that a consistent body of research demonstrates significant variation in the rates of medical procedures by race, even when insurance status, income, age, and severity of conditions are comparable; and

WHEREAS, This research indicates that U.S. racial and ethnic minorities are less likely to receive even routine medical procedures and experience a lower quality of health and mental health services; and

WHEREAS, The report states that a large body of research underscores the existence of disparities in treatment such as minorities being less likely to receive appropriate cardiac medications, undergo bypass surgery or receive kidney dialysis or transplants; and

WHEREAS, By contrast, minorities are more likely to receive certain less-desirable procedures, such as lower limb amputations for diabetes and other conditions: and

WHEREAS, The future health of the nation will be determined to a large extent by how effectively we work with communities to reduce and eliminate health and mental health disparities between nonminority and minority populations experiencing disproportionate burdens of disease, disability and premature death; and

WHEREAS, The President's New Freedom Commission report for 2005 underscored the disparity in recovery and resiliency for ethnic/racial minorities and identified several goals to be achieved by 2010 that includes the elimination of disparities, many of which have yet to be achieved; and

WHEREAS, Eliminating health and mental health disparities will require new knowledge about the determinants of disease, causes of health disparities and effective interventions for prevention and treatment; and

WHEREAS, Eliminating health and mental health disparities will also require improving access to the benefits of society, including quality preventive and treatment services, as well as innovative ways of working in partnership with health and behavioral healthcare system, Federal, State and Local governments advocacy groups, academia and community-based organizations, embracing the importance of addressing health and mental health disparities by following the national standards for Culturally and Linguistically appropriate Services in Health Care which were established to correct inequities in healthcare and make services more responsive to the individual needs of patients; and

WHEREAS, The Conference of Black Municipal Elected Officials of South Carolina supports the Public Option for Universal Health Care Coverage and we support the President's recommendation to modify and/or revise the Public Option in order to achieve the goal of Health Care Reform in America.

NOW, THEREFORE, BE IT RESOLVED that the **Conference of Black Municipal Elected Officials** encourages all elected officials, Local, State, Federal and citizens of this great country to support President Barack Obama's efforts to find a solution to the healthcare disaster that has robbed this country of its financial independence. We further ask that all governmental agencies address the disparities in healthcare access and treatment between racial and ethnic minority population groups and Caucasians by following the recommendations of the NHIDR and the President's New Freedom Commission report for 2005 which includes the following:

1. Increase the awareness about health and mental disparities among the general public health care providers, insurance companies and policy-makers.

2. Recruit more minority health and behavioral health care providers especially since they are more likely to serve in minority and medically underserved communities.

3. Recruit more interpreters for health clinics and hospitals to overcome language barriers that may affect the quality of care.

AND IT IS SO RESOLVED THIS 9TH DAY OF NOVEMBER, 2009.

Approved as to form:

JAMES W. PETERSON, JR.
City Attorney

STEPHEN J. WUKELA
Mayor

Attest:

DIANNE M. ROWAN
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: November 9, 2009

AGENDA ITEM: Accommodations Tax Advisory Committee Recommendations for FY 2009-10 Funding – **UPDATED with Supplemental Information**

DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Appropriation of Accommodations Tax funds for FY 2009-2010

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

- a. At the October 12, 2009 regular meeting, City Council requested that it be determined if any of the City of Florence Accommodations Tax Advisory Board members either serve as a current board/committee member for any of the organizations requesting Accommodations Tax funding for FY 2009-10, or is directly involved with any of these organizations.
- b. To facilitate this request each committee member completed a questionnaire to determine their service to or involvement with any of the organizations applying for the Accommodations Tax funding from the City this year. Each member's response to the questionnaire is attached as **Supplement A**.

III. POINTS TO CONSIDER

The recommendations of the Accommodations Tax Advisory Committee as originally presented on October 12, 2009 are also included.

IV. OPTIONS

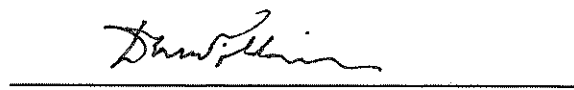
- a. Approve the recommendation of the Advisory Committee.
- b. Adjust appropriations.

V. ATTACHMENTS

- a. Supplement A: Committee Members' Questionnaire Responses
- b. Memo from Accommodations Tax Advisory Committee
- c. Attachment 1: Accommodations Tax Requests and Funding Recommendations
- d. Attachment 2: Accommodations Tax Financial Report for Fiscal Year Ending June 30, 2009
- e. Attachment 3: Accommodations Tax Projection of Receipts for FY 2009-10
- f. Attachment 4: Accommodations Tax Funding Public Notice



Thomas W. Chandler
Finance Director

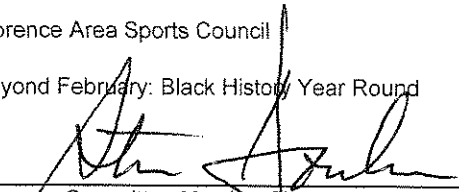


David N. Williams
City Manager

**City of Florence, SC
Accommodations Tax Advisory Committee Questionnaire
FY 2009-10**

Please indicate below if you are a current board/committee member for any of the organizations below or if you are currently directly involved with any of the organizations below that made application for Accommodations Tax Funding for FY 2009-10. Please indicate this information by checking Yes or No beside the name of each of the organizations indicating whether or not you serve as a current board/committee member or are currently directly involved with any of the organizations. If you are currently directly involved an organization, please describe involvement.

	Board/Committee Member		Active Involvement		If You Checked Yes to Active Involvement Describe Involvement
	Yes	No	Yes	No	
1. Florence Regional Arts Alliance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. The Masterworks Choir, Inc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Florence Little Theatre	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. eBushua Foundation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Florence Symphony Orchestra	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Art's Alive	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Florence Museum	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Carolina Classic Basketball Tournament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Freedom Florence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Pee Dee International Festival	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Sankofa Festival	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. Florence Convention & Visitors Bureau	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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14. Florence Tennis Association	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15. Florence Pecan Festival	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Florence City-County Civic Center	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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20. The American Soldier--A Photographic Tribute	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
21. Arts International Festival	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
22. SC Watermedia Society Annual Art Exhibit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
23. Florence County Investing in Women Event	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
24. Florence Area Sports Council	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
25. Beyond February: Black History Year Round	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	


Committee Member Signature

10/14/09
Date

STEVE DOULAVERIS
Committee Member Printed Name

**City of Florence, SC
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FY 2009-10**

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David Frazier
Committee Member Signature

10/14/09
Date

DAVID FRAZIER
Committee Member Printed Name

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Henry H. Heppburn
Committee Member Signature

10-22-09 HENRY H. HEPBURN
Date Committee Member Printed Name

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FY 2009-10**

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21. Arts International Festival	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	
22. SC Watermedia Society Annual Art Exhibit	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	
23. Florence County Investing in Women Event	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	
24. Florence Area Sports Council	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	
25. Beyond February: Black History Year Round	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	

Margaret Nash
Committee Member Signature

10/14/09
Date

MARGARET NASH
Committee Member Printed Name

City of Florence, SC
Accommodations Tax Advisory Committee Questionnaire
FY 2009-10

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13. May Fly Air Show	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	
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25. Beyond February: Black History Year Round	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>	


 Committee Member Signature

10-22-09
 Date

Laurence E. Norris
 Committee Member Printed Name

City of Florence, SC
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FY 2009-10

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2. The Masterworks Choir, Inc.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
3. Florence Little Theatre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
4. eBushua Foundation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
5. Florence Symphony Orchestra	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
6. Art's Alive	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
7. Florence Museum	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
8. Carolina Classic Basketball Tournament	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
9. Freedom Florence	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
10. Pee Dee International Festival	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
11. Sankofa Festival	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
12. Florence Convention & Visitors Bureau → (City-County)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
13. May Fly Air Show	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
14. Florence Tennis Association	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
15. Florence Pecan Festival	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
16. Florence City-County Civic Center	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
17. Florence International Basketball Tournament	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
18. Car Haulers Parade	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
19. SC Dance Theatre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
20. The American Soldier--A Photographic Tribute	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
21. Arts International Festival	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
22. SC Watermedia Society Annual Art Exhibit	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
23. Florence County Investing in Women Event	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
24. Florence Area Sports Council	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
25. Beyond February: Black History Year Round	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

Sylvia A. Perkins
 Committee Member Signature

10-16-09
 Date

Sylvia A. Perkins
 Committee Member Printed Name



City of Florence, SC
Accommodations Tax Advisory Committee Questionnaire
FY 2009-10

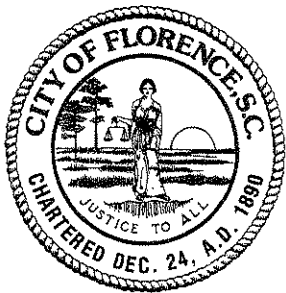
Please indicate below if you are a current board/committee member for any of the organizations below or if you are currently directly involved with any of the organizations below that made application for Accommodations Tax Funding for FY 2009-10. Please indicate this information by checking Yes or No beside the name of each of the organizations indicating whether or not you serve as a current board/committee member or are currently directly involved with any of the organizations. If you are currently directly involved an organization, please describe involvement.

	Board/Committee Member		Active Involvement		If You Checked Yes to Active Involvement Describe Involvement
1. Florence Regional Arts Alliance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
2. The Masterworks Choir, Inc.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<i>I volunteered to be guest conductor for one concert</i>
3. Florence Little Theatre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
4. eBushua Foundation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
5. Florence Symphony Orchestra	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
6. Art's Alive	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
7. Florence Museum	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
8. Carolina Classic Basketball Tournament	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
9. Freedom Florence	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
10. Pee Dee International Festival	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
11. Sankofa Festival	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
12. Florence Convention & Visitors Bureau	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
13. May Fly Air Show	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
14. Florence Tennis Association	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
15. Florence Pecan Festival	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
16. Florence City-County Civic Center	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
17. Florence International Basketball Tournament	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
18. Car Haulers Parade	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
19. SC Dance Theatre	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
20. The American Soldier--A Photographic Tribute	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
21. Arts International Festival	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
22. SC Watermedia Society Annual Art Exhibit	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
23. Florence County Investing in Women Event	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
24. Florence Area Sports Council	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
25. Beyond February: Black History Year Round	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

Benjamin Woods
 Committee Member Signature

10-14-09
 Date

Benjamin Woods
 Committee Member Printed Name



City of Florence, SC Memorandum

To: Mayor Wukela and Members of City Council

From: City of Florence Accommodations Tax Advisory Tax Committee

Subject: **Funding Recommendations for FY 2009-2010**

Date: October 12, 2009

The Accommodations Tax Advisory Committee held meetings in August and September 2009 for the purpose of receiving and evaluating Accommodations Tax funding requests for fiscal year 2009-2010. Requests were received from twenty-three (23) organizations requesting "65% funds" and one (1) organization requesting "30% funding."

The Committee has studied these requests carefully, closely examining the critical needs expressed by the representatives of the requesting agencies, and evaluating the impact these agencies have on the tourism in the Florence community.

Preliminary projections indicate that approximately \$215,000 of the "65% funds" will be available for allocation to requesting agencies and an additional \$97,000 for tourism promotion in the "30% funds."

The Accommodations Tax Advisory Committee is again recommending to City Council that the 2009-2010 appropriations to the various arts organizations be routed through the Florence Area Arts Alliance to enable that organization to receive additional grant funding through the South Carolina Arts Commission. The Florence Area Arts Alliance will then disburse the Accommodations Tax funds directly to the funded arts organizations in the amounts appropriated by City Council. This arrangement enables the Arts Alliance to substantially increase its level of grant funding from the South Carolina Arts Commission for its Small Grants Program which benefits a large number of arts organizations in the Florence area. The organizations which will be funded in this manner include: **The Masterworks Choir, Florence Little Theatre, eBushua Foundation, Florence Symphony Orchestra, Florence Museum, Sankofa Festival, SC Dance Theatre, and the Arts International Festival** in addition to the independent funding of the Florence Area Arts Alliance.

Attached you will find the Accommodations Tax Request for FY 2009-2010 report listing all organizations requesting funds for this year; the amount of funding received by these organizations for FY 2008-09; the amount of funds actually requested by the organizations for FY 2009-10; and the recommendations of the Advisory Committee (**Attachment 1**). You will also find attached an Accommodations Tax Financial Report for fiscal year ending June 30, 2009 (**Attachment 2**). In addition, an Accommodations Tax Projection of Receipts for FY 2009-10 is included for your information (**Attachment 3**). Also enclosed is a copy of the public notice printed in local newspapers providing information concerning application for Accommodations Tax Funding (**Attachment 4**).

CITY OF FLORENCE, SC
 ACCOMMODATIONS TAX REQUESTS AND APPROPRIATIONS REPORT
 FISCAL YEAR 2009-2010

ORGANIZATION	Appropriated 2008-09	Requested 2009-10	Committee Recommended ¹	Appropriated 2009-10
A. 30% Funds for Tourism Promotion				
1. Florence Convention & Visitors Bureau	<u>\$94,500</u>	<u>\$112,000</u>	<u>\$97,000</u> ²	
B. 65% Funds				
1. Florence Regional Arts Alliance	\$7,500	\$10,000	\$6,700	
2. The Masterworks Choir, inc.	\$4,000	\$5,000	\$4,100	
3. Florence Little Theatre	\$7,800	\$15,000	\$7,800	
4. eBushua Foundation	\$4,400	\$10,000	\$4,200	
5. Florence Symphony Orchestra	\$6,100	\$8,500	\$5,900	
6. Art's Alive	\$9,400	\$0 *	\$0 *	
7. Florence Museum	\$5,000	\$5,000	\$5,000	
8. Carolina Classic Basketball Tournament	\$7,100	\$8,000	\$7,000	
9. Freedom Florence	\$30,000	\$40,000	\$30,000	
10. Pee Dee International Festival	\$9,600	\$0 *	\$0 *	
11. Sankofa Festival	\$4,500	\$20,000	\$4,000	
12. Florence Convention & Visitors Bureau	\$33,400	\$75,000	\$41,100	
13. May Fly Air Show	\$0	\$25,500	\$17,000	
14. Florence Tennis Association	\$7,000	\$10,000	\$6,700	
15. Florence Pecan Festival	\$12,500	\$20,000	\$11,500	
16. Florence City-County Civic Center	\$34,700	\$57,250	\$32,000	
17. Florence International Basketball Tournament	\$8,000	\$12,500	\$8,600	
18. Car Haulers Parade	\$5,000	\$15,000	\$4,800	
19. SC Dance Theatre	\$4,000	\$5,000	\$3,800	
20. The American Soldier--A Photographic Tribute	\$5,000	\$15,000	\$4,800	
21. Arts International Festival	\$0	\$33,000 *	\$10,000 *	
22. SC Watermedia Society Annual Art Exhibit	\$0	\$3,500	\$0	
23. Florence County Investing in Women Event	\$0	\$50,000	\$0	
24. Florence Area Sports Council Events Marketing	\$0	\$15,000	\$0	
25. Beyond February: Black History Year Round	\$0	\$5,000	\$0	
Total -- 65% Funds	<u>\$205,000</u>	<u>\$463,250</u>	<u>\$215,000</u>	<u>\$0</u>

Note 1: Including carryover funds from FY 2008-09, it is anticipated that the amount available for distribution to the requesting the agencies of "65% funds" will be approximately \$215,000. The "30% funds" for tourism promotion is estimated to be approximately \$97,000.

Note 2: The "30% funds" appropriation to the Florence Convention & Visitors Bureau includes \$15,000 designated specifically to the Civic Center for tourism marketing and promotion expenses, and an additional \$9,000 for a Business Development Fund to help promote the Civic Center for educational, religious, and other conferences.

* **NOTE:** Art's Alive and Pee Dee International Festival have combined events to become the Arts International Festival.

**City of Florence, SC
Accommodations Tax Financial Report
Fiscal Year Ending June 30, 2009**

Total Accommodations Funds Received	\$343,237.75
Plus Carryover Funds from Prior Year	\$989.97
Plus Interest Earned on Carryover Funds	\$81.13
Less General Fund Standard Allocation	<u>-\$25,000.00</u>
Balance	\$319,308.85
Less 5% Funds Paid to General Fund	-\$15,911.90
Less 30% Funds Paid for Advertising/Promotion	-\$95,471.33
Balance = 65% Funds Available for Tourism	\$207,925.63
Less Appropriations Paid to Tourism Agencies	<u>-\$205,000.00</u>
Year End Balance	\$2,925.63
Pride Youth Hockey Funds Unused & Returned	<u>\$2,162.93</u>
Year End Balance GRAND TOTAL	\$5,088.56

**City of Florence, SC
Accommodations Tax
Projections for FY 2009-2010**

Accommodations Tax Funds Projected	\$349,000.00
Less \$25,000 to General Fund	-\$25,000.00
Subtotal	\$324,000.00
Less 5% of Balance to General Fund	-\$16,200.00
Less 30% of balance to Advertising/Promotion	-\$97,200.00
Balance for 65% Funds Distribution	\$210,600.00
Plus Carryover from Prior Year	\$5,088.56
Total Available for Tourism Expenditures	\$215,688.56

**City of Florence, SC
PUBLIC NOTICE**

The City of Florence has 2009-2010 Accommodations Tax application packets available for distribution to agencies with a not-for-profit designation interested in applying for funding. Requests for application packets should be addressed to Finance Director, City of Florence, City-County Complex BB, Room 602, Florence, South Carolina 29501, Telephone 665-3162. **Applications must be received by the Finance Director no later than Friday, July 31, 2009 to be eligible for funding consideration.**

The above was advertised in the approximate size in the following newspapers as indicated:

Morning News: July 12, 2009

News Journal: July 15, 2009

Community Times: July 16, 2009