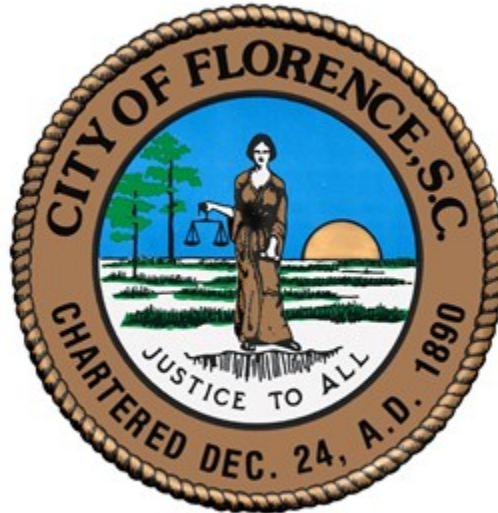


**REGULAR MEETING
OF
FLORENCE CITY COUNCIL**



**COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA**

**MONDAY
AUGUST 11, 2025
1:00 P.M.**



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, AUGUST 11, 2025 – 1:00PM
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPROVAL OF MINUTES

July 14, 2025 – Regular Meeting

IV. HONORS AND RECOGNITIONS

SERVICE RECOGNITIONS

Jay Lee – 20 years – Fire Department

V. ORDINANCES IN POSITION

a. Bill No. 2025-25 – Second Reading

An ordinance to update Appendix B of the City's current Business License Ordinance as required by section 6-1-400 to 6-1-420 of the South Carolina Code of Laws.

b. Bill No. 2025-26 – Second Reading

An Ordinance to amend Ordinance No. 2024-14 entitled “a series Ordinance making provision for the terms and conditions of an issue of combined waterworks and sewerage system capital improvement revenue bonds of the City of Florence, SC, in one or more series, in the aggregate principal amount of not exceeding \$270,000,000 as authorized by a bond ordinance of the City of Florence, SC, adopted October 24, 1989, as amended; authorizing the issuance of bond anticipation notes; and other matters relating thereto” to add additional improvement to the City’s waterworks and sewerage system to be paid from the proceeds of bonds authorized therein and other matters relating thereto.

c. Bill No. 2025-27 – Second Reading

An Ordinance granting Lumos Fiber of South Carolina, LLC a franchise to use the public rights of way within the City of Florence for the purpose of constructing, installing and maintaining network facilities for telecommunications services within and through the City.

d. Bill No. 2025-28 – Second Reading

An Ordinance to declare surplus and authorize the conveyance of real estate to the Florence Housing Authority, specifically Florence County Tax Map Parcels 90100-06-016 and 90100-06-017.

e. Bill No. 2025-29 – Second Reading

An Ordinance to annex and zone RG-2 a lot located on Pelican Drive, identified as Florence County Tax Map Number 00522-01-026.

f. Bill No. 2025-30 – Second Reading

An Ordinance to annex and zone AC the two lots located at 2037 and 2111 South Irby Street, identified as Florence County Tax Map Numbers 00150-01-007 and 00150-01-061.

g. Bill No. 2025-31 – Second Reading

An Ordinance to annex and zone NC-15 the two lots located at 922 and 926 Third Loop Road, identified as Florence County Tax Map Numbers 01511-01-037 and 01511-01-038.

h. Bill No. 2025-32 – Second Reading

An Ordinance to annex and zone IL a lot located at Jennie O'Bryan Boulevard, a portion of Florence County Tax Map Number 00122-01-042.

i. Bill No. 2025-33 – Second Reading

An Ordinance to annex and zone NC-6.3 a lot located on Westfield Drive, identified as Florence County Tax Map Number 00072-01-045.

j. Bill No. 2025-34 – Second Reading

An Ordinance to name a private road located in front of Florence County Tax Map Number 00099-01-212.

VI. INTRODUCTION OF ORDINANCES

a. Bill No. 2025-35 – First Reading

An Ordinance to annex and zone NC-15 the lot located at 2507 West Andover Road, Florence County Tax Map Number 01221-01-090.

b. Bill No. 2025-36 – First Reading

An Ordinance to rezone from CA to NC-6.3 two lots at 235 East Howe Springs Road, Florence County Tax Map Numbers 00152-01-127 and 00152-01-017.

c. Bill No. 2025-37 – First Reading

An Ordinance to amend Sections 1-2.7.2-A, 1-2.7.2-B, 1-2.8.2, 1-2.10.1-B, and 7-25.2 of the Unified Development Ordinance regarding accessory dwelling units.

VII. INTRODUCTION OF RESOLUTIONS

a. Resolution No. 2025-25

A Resolution committing the City of Florence to providing a local match for a Municipal Association of South Carolina Big Idea Grant and following its procurement policy when securing services and products with grant funds.

b. Resolution No. 2025-26

A Resolution of City Council approving Downtown Redevelopment Grants for First Quarter, FY26.

(Note: This item may be discussed in Executive Session.)

VIII. REPORT TO COUNCIL

a. Appointments to Boards and Commissions

(Note: This item may be discussed in Executive Session.)

IX. CITY MANAGER'S REPORT

X. MAYORAL REPORT

XI. COMMITTEE REPORTS

a. Business Development Committee

b. Community Development Committee

c. Finance, Audit and Budget Committee

XII. EXECUTIVE SESSION

a. For a discussion of a proposed Economic Development Project as indicated in Resolution No. 2025-26 [30-4-70(a)(5)].

b. For a discussion regarding appointments to city Boards and Commissions [30-4-70(a)(1)].

c. To receive an update on a proposed Economic Development Project [30-4-70(a)(5)].

d. To receive an update on a proposed Economic Development Project in the downtown central district [30-4-70(a)(5)].

e. For a personnel matter [30-4-70(a)(1)].

After returning to open session, Council may take action on matters discussed during Executive Session.

XIII. ADJOURN



**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, JULY 14, 2025 – 1:00 P.M.
CITY CENTER – COUNCIL CHAMBERS
324 WEST EVANS STREET
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT

Mayor Lethonia Barnes, Mayor Pro Tempore George Jebaily, Councilman Chavez T. McCall, Councilman Bryan A. Braddock, Councilwoman LaShonda NeSmith-Jackson, Councilman J. Lawrence Smith, II and Councilman Zach McKay

ALSO PRESENT

Mr. Scotty Davis, City Manager; Mr. Ronald Scott, City Attorney; Mrs. Casey Moore, Municipal Clerk; Mr. Clint Moore, Assistant City Manager of Development; Chief Shannon Tanner, Florence Fire Department; Chief Allen Heidler, Florence Police Department; Mr. Michael Hemingway, Director of Utility Planning and Economic Development; Mr. Jerry Dudley, Director of Planning; Mr. Adam Swindler, Director of Public Works; Mrs. Jennifer Krawiec, Director of Human Resources; Mrs. Amanda Pope, Director of Marketing/Communications and Municipal Services; Mr. Joshua Whittington, Director of Utilities; Mrs. Victoria Nash, Director of Parks, Recreation, and Sports Tourism; Mr. Glenn Bodenheimer, Interim Finance Director and Ms. Patrice Rankin, Administrative Coordinator

MEDIA PRESENT

Abby Ann Ramsey with the Post and Courier was present for the meeting.

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

CALL TO ORDER

Mayor Barnes called the July 14, 2025 Regular meeting of Florence City Council to order at 1:02pm.

INVOCATION

Pastor Jonathan Green gave the invocation for the meeting. The pledge of allegiance to the American Flag followed the invocation.

A moment of silence was observed for those affected by the Central Texas flood and for Darlington County Deputy Devin Mason, who was killed in the line of duty.

APPROVAL OF MINUTES

Pro tem Jebaily made a motion to adopt the minutes of the June 9, 2025 Regular Meeting and Councilman McCall seconded the motion. The minutes were unanimously (7-0) adopted.



**FLORENCE CITY COUNCIL
REGULAR MEETING – JULY 14, 2025**

SERVICE RECOGNITIONS

Mr. Shannon Tanner, Fire Chief, recognized Donald Huggins for 15 years of service with the Florence Fire Department.

SPECIAL RECOGNITION

Mrs. Mindy Taylor, District Manager, Duke Energy, presented the Duke Energy Helping Emergency Response Organization (HERO) Grant to the Florence Fire Department. This is the fourth year for this grant cycle and the purpose is to partner with emergency response organizations to purchase lifesaving equipment, provide training or innovative technology. This grant will allow the Fire Department to purchase a vehicle repeater system.

APPEARANCES BEFORE COUNCIL

Pam Osbourne

Ms. Pam Osbourne appeared before Council to speak on issues and concerns created by police shortage. She emphasized that reduced patrol presence could lead to increased crime, slower emergency response times, and a greater sense of vulnerability in the community. Ms. Osbourne noted that understaffed departments are forced to prioritize emergency calls over proactive policing, potentially weakening crime prevention and community engagement efforts. She said this could damage police-community relations and contribute to officer burnout and reduced performance. She also questioned whether early-retiring officers are transferring to other departments. Finally, she spoke against negative sentiment toward police and commended officers for their service.

Mr. Allen Heidler, Police Chief, agreed with Ms. Osbourne's concerns, reporting 14 vacancies out of 95 positions, with additional staffing challenges due to training and medical leave. He highlighted recent investments in police technology, including FLOCK cameras and a new drone program, which are helping reduce the need for officers to respond to minor incidents. He said recruiting and retention efforts are ongoing in collaboration with Human Resources and noted most officer overtime is voluntary.

Pro tem Jebaily inquired about expanding the FLOCK camera program. Chief Heidler confirmed 36 additional cameras are being added, bringing the total to 66, and site selection is underway. He also noted Florence is among the few cities in the state advancing with an autonomous drone program.

Councilwoman NeSmith-Jackson asked for confirmation of current vacancies and whether the FLOCK cameras are improving response times, to which Chief Heidler responded yes on both counts.

Mayor Barnes thanked Ms. Osbourne for her input and reaffirmed the city's commitment to reducing crime.

Mr. Scotty Davis, City Manager, added that the City offers a \$1,500 sign-on bonus and a \$500 referral fee for employees, and that a retention bonus is being considered.



**FLORENCE CITY COUNCIL
REGULAR MEETING – JULY 14, 2025**

ORDINANCES IN POSITION

Bill No. 2025-23 – Second Reading

An Ordinance amending the Business License Ordinance of the City of Florence, South Carolina to update documentation that may be required by the City as part of the initial registration and annual renewal of business licenses, and other matters relating thereto.

Councilwoman NeSmith-Jackson made a motion to adopt Bill No. 2025-23 on second reading and Councilman Braddock seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-23 was adopted.

Bill No. 2025-24 – Second Reading

A Series Ordinance providing for the issuance and sale of not exceeding fifteen million one hundred thousand dollars (\$15,100,000) Hospitality Fee Revenue Bonds of the City of Florence, South Carolina to be designated Series 2025 and other matters relating thereto.

Pro tem Jebaily made a motion to adopt Bill No. 2025-24 on second reading and Councilman Smith seconded the motion.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-24 was adopted.

INTRODUCTION OF ORDINANCES

Bill No. 2025-25 – First Reading

An ordinance to update Appendix B of the City's current Business License Ordinance as required by section 6-1-400 to 6-1-420 of the South Carolina Code of Laws.

Councilman McCall made a motion to pass Bill No. 2025-25 on first reading and Councilman Braddock seconded the motion.

Mr. Glenn Bodenheimer, Interim Finance Director, explained that the proposed ordinance updates Appendix B of the city's business license class schedule to comply with Act 176 of 2020. This state law requires municipalities to adopt a standardized class schedule, based on IRS profitability data and North American Industry Classification System (NAICS) codes, by December 31st of every odd numbered year. The schedule, standardized by the Municipal Association of South Carolina, must be followed to avoid noncompliance and potential legal or administrative issues. The update, effective May 1, 2026, does not change business license rates, only the classification of NAICS codes within the rate schedule.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-25 was passed on first reading.

Bill No. 2025-26 – First Reading

An Ordinance to amend Ordinance No. 2024-14 entitled “a series Ordinance making provision for the terms and conditions of an issue of combined waterworks and sewerage system capital improvement revenue bonds of the City of Florence, SC, in one or more series, in the aggregate principal amount of not exceeding \$270,000,000 as authorized by a bond ordinance of the City of Florence, SC, adopted October 24, 1989, as amended; authorizing the issuance of bond anticipation notes; and other matters relating thereto” to add additional improvement to the City’s waterworks and sewerage system to be paid from the proceeds of bonds authorized therein and other matters relating thereto.



FLORENCE CITY COUNCIL REGULAR MEETING – JULY 14, 2025

Pro tem Jebaily made a motion to pass Bill No. 2025-26 on first reading and Councilman Braddock seconded the motion.

Mr. Glenn Bodenheimer, Interim Finance Director, said this ordinance is just expanding the definition of the projects that were in the original ordinance. The original ordinance included expansion of the Surface Water Treatment Plant, addressing the PFAS contamination and upgrades to the Jeffries Creek Sewer Interceptor. This ordinance will expand the definition of projects to include sewer system maintenance in East Florence, improvements to the Timmonsville-Florence Interceptor, and other general system maintenance needs.

Pro tem Jebaily and Councilman Braddock asked Mr. Scotty Davis, City Manager, for details on the specific projects included in the ordinance and how the funding will address current issues. Mr. Davis explained that the City initially planned to expand the Surface Water Treatment Plant's capacity from 10 to 20 million gallons per day, however those costs were approaching \$400 million. The current plan is to increase capacity from 10 million gallons per day to 15 million gallons per day. Other projects include \$80 million to address water quality issues, overdue improvements to the Timmonsville-Florence Interceptor, resolving Jeffries Creek sewer issues, and general water and sewer maintenance, especially in East Florence. Some work is already underway using the operating budget. The bond is expected to close by October 2025, with full project completion projected over the next five years.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-26 was passed on first reading.

Bill No. 2025-27 – First Reading

An Ordinance granting Lumos Fiber of South Carolina, LLC a franchise to use the public rights of way within the City of Florence for the purpose of constructing, installing and maintaining network facilities for telecommunications services within and through the City.

Councilman McKay made a motion to pass Bill No. 2025-27 on first reading and Councilwoman NeSmith-Jackson seconded the motion.

Mr. Clint Moore, Assistant City Manager of Development, explained that the ordinance establishes a franchise agreement with Lumos Fiber, allowing the company to construct, install, and maintain infrastructure within the public right-of-way. Revenue from such agreements is collected and distributed by the Municipal Association of South Carolina (MASC) to participating municipalities.

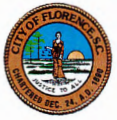
Mr. Ben Brazil, representing Lumos Fiber of South Carolina, introduced the company as a pure fiber optic broadband provider. Unlike traditional providers using copper-based infrastructure, Lumos offers end-to-end glass fiber optics, which allows for significantly faster data transmission of up to 80 times faster than copper. He noted that Lumos will add competition to the market, improving service quality and helping to keep prices competitive.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-27 was passed on first reading.

Bill No. 2025-28 – First Reading

An Ordinance to declare surplus and authorize the conveyance of real estate to the Florence Housing Authority, specifically Florence County Tax Map Parcels 90100-06-016 and 90100-06-017.

Pro tem Jebaily made a motion to pass Bill No. 2025-28 on first reading and Councilman McCall seconded the motion.



FLORENCE CITY COUNCIL REGULAR MEETING – JULY 14, 2025

Mr. Jerry Dudley, Director of Planning, said these two parcels are located along Oakland Avenue in the vicinity of Dr. Iola Jones Park. The Housing Authority of Florence has requested the transfer of property to accommodate the construction of a facility that will include a community room, office space, outdoor meeting space and an outdoor art gallery. The facility will assist in the Housing Authority's service to residents and serve as a community resource. City staff reviewed the property and it is surplus to the city.

Councilwoman NeSmith-Jackson raised a point of information and questioned the City's intent behind purchasing the properties last year and whether the lots were meant for development. Mr. Scotty Davis, City Manager, explained the lots were abandoned, adjacent to the park, and bought as part of a cleanup effort. One of the properties was the former home of Dr. Iola Jones, but it was deemed beyond repair. When the Housing Authority proposed a repurposing plan that aligned with the City's goals, the transfer was brought to Council.

Councilwoman NeSmith-Jackson also raised concerns about potential nepotism, noting the Housing Authority's Executive Director, Dr. Alphonso Bradley, is both a County Councilmember and the Mayor's brother. She emphasized the importance of transparency and public trust.

Councilman McCall clarified that the proposal originated in 2022, before Dr. Bradley assumed his role, and expressed support for replacing a long, vacant structure with a beneficial community facility.

Councilwoman NeSmith-Jackson asked for clarification on whether a playground or community garden was included in the plans. Mayor Barnes clarified there would be no playground and reiterated the goal of revitalizing the area and removing blight. She stressed the city's collaboration with the Housing Authority is about community development, not personal relationships.

Pro tem Jebaily called the question, concluding the discussion

Council voted unanimously (6-1) in favor of the motion, with Councilwoman NeSmith-Jackson voting against the motion. Bill No. 2025-28 was passed on first reading.

Bill No. 2025-29 – First Reading

An Ordinance to annex and zone RG-2 a lot located on Pelican Drive, identified as Florence County Tax Map Number 00522-01-026.

Councilman McKay made a motion to pass Bill No. 2025-29 on first reading and Councilman Smith seconded the motion.

Mr. Jerry Dudley, Director of Planning, said this property is located on Pelican Drive in the vicinity of Lake Oakdale. City water and sewer services are currently available and the property is proposed to be zoned General Residential-2 (RG-2), which is consistent with the adjacent zoning. There is a proposed development of a single family detached home on the property. Planning Commission voted unanimously (8-0) to recommend the annexation and zoning designation.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-29 was passed on first reading.

Bill No. 2025-30 – First Reading

An Ordinance to annex and zone AC the two lots located at 2037 and 2111 South Irby Street, identified as Florence County Tax Map Numbers 00150-01-007 and 00150-01-061.



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Councilman Braddock made a motion to pass Bill No. 2025-30 on first reading and Councilman Smith seconded the motion.

Mr. Jerry Dudley, Director of Planning, said these lots are located on South Irby Street across from Walmart and is the current site of the Salvation Army Thrift Store. The proposed zoning is Activity Center (AC), which is a commercial zoning designation. The proposed land uses are commercial, and city staff has received applications for a Scrubbies Car Wash, Chipotle, and the Salvation Army will be rebuilding a new thrift store at this location. Planning Commission voted unanimously (6-0) to recommend the annexation and zoning designation.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-30 was passed on first reading.

Bill No. 2025-31 – First Reading

An Ordinance to annex and zone NC-15 the two lots located at 922 and 926 Third Loop Road, identified as Florence County Tax Map Numbers 01511-01-037 and 01511-01-038.

Pro tem Jebaily made a motion to pass Bill No. 2025-31 on first reading and Councilman McCall seconded the motion.

Mr. Jerry Dudley, Director of Planning, reported that two parcels at the corner of Third Loop Road and Hallmark Drive, currently in the County, are proposed for annexation and zoning to Neighborhood Conservation-15 (NC-15) for the development of two single-family homes. City water is available along Third Loop Road, while sewer service is only accessible from Hallmark Drive, requiring an easement. The developer is aware and responsible for utility costs. Planning Commission voted unanimously (8-0) to recommend the annexation and zoning designation.

Pro tem Jebaily asked whether the developer would be responsible for the cost of extending sewer service to the properties, and Mr. Dudley confirmed that they would.

Councilman Braddock raised concerns about traffic on Third Loop Road and whether any development plans had been approved for the site. He suggested this issue be considered during the next Penny Tax review, including the potential widening of the road. Mr. Dudley responded that only two single-family homes are planned, which would add just two driveways and have minimal traffic impact. He noted that any larger development would require a traffic study under city standards. When asked if the Department of Transportation has ever indicated if the corridor was nearing capacity, Mr. Dudley said he was not aware of any such indication.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-31 was passed on first reading.

Bill No. 2025-32 – First Reading

An Ordinance to annex and zone IL a lot located at Jennie O'Bryan Boulevard, a portion of Florence County Tax Map Number 00122-01-042.

Pro tem Jebaily made a motion to pass Bill No. 2025-32 on first reading and Councilwoman NeSmith-Jackson seconded the motion.

Mr. Jerry Dudley, Director of Planning, reported the parcel, located near New Spring Church along Jennie O'Bryan Boulevard, is proposed for annexation and zoning into the city, specifically the portion north of Jennie O'Bryan Boulevard. This is part of a larger development, with adjacent land already annexed and zoned Light Industrial (IL). The owner plans to purchase and combine this parcel with the larger project,



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which would then provide access to sewer service. City water is already available. Planning Commission voted unanimously (8-0) to recommend the annexation and zoning designation.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-32 was passed on first reading.

Bill No. 2025-33 – First Reading

An Ordinance to annex and zone NC-6.3 a lot located on Westfield Drive, identified as Florence County Tax Map Number 00072-01-045.

Councilman McCall made a motion to pass Bill No. 2025-33 on first reading and Councilman Smith seconded the motion.

Mr. Jerry Dudley, Director of Planning, said this property is located near Lucy T. Davis Elementary School and is proposed to be zoned Neighborhood Conservation (NC-6.3) for the development of townhomes. City water and sewer services are available.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-33 was passed on first reading.

Bill No. 2025-34 – First Reading

An Ordinance to name a private road located in front of Florence County Tax Map Number 00099-01-212.

Councilman McCall made a motion to pass Bill No. 2025-34 on first reading and Councilman Smith seconded the motion.

Mr. Jerry Dudley, Director of Planning, said that this private road, developed in the 1990s, is situated behind Target and links Dunbarton Drive with the mall ring road. Despite its age, the road has never been named. With a proposed development on the adjacent northern parcel, the E911 system and emergency services require the road to have an official name. The owner has proposed several names, which were reviewed by Planning Commission. Planning Commission unanimously voted (8-0) to recommend the road be named T. Ed Byrd Way.

Council voted unanimously (7-0) in favor of the motion. Bill No. 2025-34 was passed on first reading.

INTRODUCTION OF RESOLUTIONS

Resolution No. 2025-22

A Resolution of Recognition for Rahsaan Perry for being named the 2025 National Assistant Principal of the Year.

Mayor Barnes and Councilman Smith presented the Resolution to Mr. Rahsaan Perry. Mr. Perry thanked Council for the recognition.

Resolution No. 2025-22 was passed by unanimous consent.

Resolution No. 2025-23

A Resolution authorizing the City Manager to execute a Stormwater Infrastructure Program subrecipient agreement between the City of Florence and the SC Office of Resilience to fund a stormwater infrastructure improvement project that will mitigate the impact of future disasters.



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Councilman McCall made a motion to pass Resolution No. 2025-23 and Pro tem Jebaily seconded the motion.

Mr. Clint Moore, Assistant City Manager of Development, said this Resolution will authorize the City Manager to execute a second amendment to the subrecipient agreement with the South Carolina Office of Resilience, increasing total grant funding for the Pennsylvania Street Infrastructure Project to \$5.1 million. The initial grant in 2023 was approximately \$2.6 million, with an additional \$300,000 awarded in 2024. After project design and bidding, the lowest bid came in at \$5.1 million, which the Office of Resilience has agreed to fund fully.

Pro tem Jebaily asked for confirmation that the Resolution pertains to the Pennsylvania Street Infrastructure Project, and Mr. Moore confirmed that the project is located in the Pennsylvania Street watershed area, northwest of the City Center. The project aims to resolve long-standing stormwater issues caused by inadequate infrastructure. It spans from North Darlington Street to Coit Street and Harmony Street. The project has involved extensive survey work, nearly a year of design, and permitting from the South Carolina Department of Transportation. The contract has been awarded, and a pre-construction meeting is scheduled for the week of July 21st, with on-site construction expected to begin in the following weeks. The project is funded through \$7 million in stormwater bonds (2021) and \$14 million in grant funding, totaling \$21 million.

Councilman Smith inquired on the estimated time of completion for the project and Mr. Moore said the project has a one year completion deadline, with anticipated completion by early 2026.

Councilwoman NeSmith-Jackson asked when work will begin, and Mr. Moore confirmed construction will start within a few weeks.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2025-23 was passed.

Resolution No. 2025-24

A Resolution approving the disposition by the Housing Authority of the City of Florence of certain of its real properties and other matters relating thereto.

Mayor Barnes said this item may be discussed in Executive Session. Without objection, this item will be discussed in Executive Session.

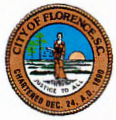
REPORT TO COUNCIL

Appointments to Boards and Commissions

Mayor Barnes said this item may be discussed in Executive Session. Without objection, this item will be discussed in Executive Session.

CITY MANAGER'S REPORT

Mr. Scotty Davis, City Manager, emphasized the responsibility of elected officials to ensure the city operates efficiently, effectively and responsibly. He highlighted the importance of municipal government training and spoke of the Municipal Elected Officials Institute (MEOI) through the Municipal Association of South Carolina which provides 20 hours of instruction. Mr. Davis outlined topics from the Institute, including city employment, public meetings, ethics, strategic planning, and goal setting. He announced that Councilman Braddock completed the Institute and will graduate at the upcoming Municipal



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Association of South Carolina Annual Meeting. Additionally, Mr. Davis spoke on the success of the city's Fourth of July Fireworks Celebration, which drew around 6,000 attendees, and recognized key staff.

MAYORAL REPORT

Mayor Barnes said she is excited to announce the launch of Camp Carraway on Monday, July 21st. Camp Carraway is designed for boys ages 12 to 18 in need of mentoring, and is an initiative of the 5-Point Crime Plan. Mayor Barnes inquired about the number of participants expected to attend the camp. Chief Heidler said they currently have about 12 participants and are aiming for 15 to 20 participants. Mayor Barnes also shared ongoing efforts to unify the community, highlighting the upcoming "Sounds of the Pee Dee" concert series organized by Mrs. Victoria Nash. The first event will take place on Saturday, August 2nd, at Timrod Park, featuring the local band Painted Man. She encouraged community members to attend.

COMMITTEE REPORTS

Business Development Committee, Chaired by Pro tem Jebaily

Pro Tem Jebaily said that although the committee did not meet this month, they received an update on Project Urban Square. The soil remediation is complete, and the general contractor plans to begin work within 30 days of the expected late July closing. Site preparation and stormwater drainage work may begin by late August.

Community Development Committee, Chaired by Mayor Barnes

Mayor Barnes said the committee did not meet for the month of June. The committee will resume meetings this month.

Finance, Audit and Budget Committee, Chaired by Councilman McCall

Councilman McCall said the committee reviewed and discussed Bill No. 2025-25 and Bill No. 2025-26 for first reading. The committee also discussed the city's financial overview.

EXECUTIVE SESSION

Mayor Barnes said Council will be entering into Executive Session for a discussion regarding a contractual matter as notated in Bill No. 2025-27, to receive legal advice regarding Resolution No. 2025-24, for a discussion regarding appointments to city Boards and Commissions, and to receive legal advice regarding the PFAS lawsuit.

Pro tem Jebaily made a motion to enter into Executive Session and Councilman McKay seconded the motion. Council voted unanimously (7-0) to enter into Executive Session at 2:27pm.

Pro tem Jebaily made a motion to resume open session and Councilman Smith seconded the motion. The motion carried. Council resumed open session at 3:22pm and took action on the following items:



**FLORENCE CITY COUNCIL
REGULAR MEETING – JULY 14, 2025**

Resolution No. 2025-24

A Resolution approving the disposition by the Housing Authority of the City of Florence of certain of its real properties and other matters relating thereto.

Councilman McKay made a motion to pass Resolution No. 2025-24 and Councilman Smith seconded the motion.

Mr. Jerry Dudley, Director of Planning, informed Council that the Housing Authority of Florence is seeking approval to dispose of 59 real estate properties due to high repair costs, low occupancy rates, and poor suitability for their housing program. Proceeds from the sales will be used to construct new affordable housing units in better locations. The Housing Authority has already received approval from its Board of Commissioners and now needs Council and United States Department of Housing and Urban Development (HUD) approval.

Pro tem Jebaily confirmed this is a procedural action required by HUD, which Mr. Dudley affirmed.

Councilwoman NeSmith-Jackson expressed concerns about displacing low-income families, especially with several affected properties located in her district. She questioned how the transition would be handled amid the local housing shortage and expressed skepticism about maintaining affordability given rising construction costs.

Councilmen Braddock and McCall asked about occupancy and continued housing support for affected residents. Dr. Alphonso Bradley, Executive Director of the Housing Authority, assured that no residents would be displaced and all would be assisted with relocation, either through housing vouchers or placements within the existing public housing system. He emphasized that the Housing Authority will hold resident meetings and provide support throughout the process, with no increased cost to residents.

Mayor Barnes inquired whether this is the standard procedure when the Housing Authority seeks to sell or dispose of properties. Dr. Bradley confirmed that it is and stated the Housing Authority is adhering to HUD's established guidelines.

Councilman Smith asked if the Housing Authority would encourage prospective buyers to accept housing vouchers to prevent resident displacement. Dr. Bradley affirmed and said they aim to include that provision in the agreement. Councilman Smith then asked if stipulations could be added to ensure the units remain affordable, to which Dr. Bradley also responded affirmatively.

Councilwoman NeSmith-Jackson interjected, asking if the Housing Authority could require buyers to accept housing vouchers.

Mr. Ronald Scott, City Attorney, explained that the U.S. Department of Housing and Urban Development (HUD) requires a detailed, multi-step process for property disposition by Housing Authorities. The goal is to enhance affordable housing without displacing current residents. The Housing Authority of Florence's proposal will not displace anyone, and a detailed plan must be submitted to HUD for review and approval to ensure resident protection throughout the process.

Pro tem Jebaily discussed the cap on the number of properties the Housing Authority can manage and asked Mr. Scott to clarify the process. Mr. Scott explained that each Housing Authority has a set limit on public housing units, which are owned and operated by the Authority and subject to rent restrictions. To add new properties, older units must be removed through a process called disposition. This allows the Housing Authority to replace outdated units with more efficient, affordable housing while staying within



**FLORENCE CITY COUNCIL
REGULAR MEETING – JULY 14, 2025**

HUD's limits. Mr. Scott emphasized that the process is entirely controlled by HUD, not the City of Florence. Council's role is primarily to provide transparency, as the Housing Authority operates independently but was established by Council resolution.

Councilwoman NeSmith-Jackson emphasized the importance of having a clear logistical plan in place for the process. Mr. Scott assured her that residents will be kept informed throughout and that there will be no last-minute surprises.

Mayor Barnes said that Council is focused on strengthening the community and progressing forward. She emphasized that while Council shares the community's concerns, they are committed to ensuring that every decision they make does not harm or negatively impact the community.

Council voted unanimously (7-0) in favor of the motion. Resolution No. 2025-24 was passed.

Appointments to Boards and Commissions

Mr. Davis presented the packet of appointments to Boards and Commissions to Council.

Accommodations Tax Advisory Committee

Pro tem Jebaily made a motion to reappoint Steven Doulaveris to the Accommodations Tax Advisory Committee and the motion carried unanimously. Steven Doulaveris was reappointed to the Accommodations Tax Advisory Committee for a term to begin immediately and expire on June 30, 2028.

Councilman McKay deferred his nomination to the Board.

Agricultural Commission

Councilman McCall deferred his nomination to the Board.

Planning Commission

Mayor Barnes deferred her nomination to the Board.

Councilwoman NeSmith-Jackson made a motion to reappoint Jerry Keith to Planning and the motion carried unanimously. Jerry Keith was reappointed to the Planning Commission for a term to begin immediately and expire on June 30, 2028.

Councilman Smith deferred his nomination to the Board.

Councilman Braddock made a motion to reappoint Andrew Chapin to Planning Commission and the motion carried unanimously. Andrew Chapin was reappointed to Planning Commission for a term to begin immediately and expire on June 30, 2028.

Board of Zoning Appeals

Pro tem Jebaily made a motion to reappoint Larry Chewning to the Board of Zoning Appeals and the motion carried unanimously. Larry Chewning was reappointed to the Board of Zoning Appeals for a term to begin immediately and expire on June 20, 2028.



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Councilman McKay deferred his nomination to the Board.

Civic Center Commission

Councilwoman NeSmith-Jackson made a motion to reappoint Ann Scott to the Civic Center Commission and the motion carried unanimously. Ann Scott was reappointed to the Civic Center Commission for a term to begin immediately and expire on June 30, 2028.

Design Review Board

Councilman McKay made a motion to reappoint Michael Padgett to the Design Review Board and the motion carried unanimously. Michael Padgett was reappointed to the Design Review Board for a term to begin immediately and expire on June 30, 2028.

Councilman McCall deferred both of his nominations to the Board.

Mayor Barnes deferred her nomination to the Board.

Councilwoman NeSmith-Jackson deferred her nomination to the Board.

Councilman Smith deferred his nomination to the Board.

Construction and Maintenance Board of Adjustments and Appeals

Mayor Barnes made a motion to reappoint Michael Henry, Jr. to the Construction and Maintenance Board of Adjustments and Appeals and the motion carried unanimously. Michael Henry, Jr. was reappointed to the Construction and Maintenance Board of Adjustments and Appeals for a term to begin immediately and expire on June 30, 2029.

Mayor Barnes deferred remaining nominations to the Board.

Housing Authority

Councilman Braddock made a motion to reappoint Wanda Vereen to the Housing Authority Board and the motion carried unanimously. Wanda Vereen was reappointed to the Housing Authority Board for a term to begin immediately and expire on June 30, 2030.

Mayor Barnes made a motion to appoint Angela Lowery as the Resident Commissioner to the Housing Authority Board and the motion carried unanimously. Angela Lowery was appointed to the Housing Authority Board as the Resident Commissioner for a term to begin immediately.

Parks and Beautification Commission

Pro tem Jebailly made a motion to reappoint Scott Murphy, Jr. to Parks and Beautification Commission and the motion carried unanimously. Scott Murphy, Jr. was reappointed to Parks and Beautification Commission for a term to begin immediately and expire on June 30, 2030.

Councilman McKay deferred his nomination to the Board.



**FLORENCE CITY COUNCIL
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Veterans Park Committee

Councilman McCall deferred his nomination to the Board.

Resilience and Sustainability Advisory Committee

Mayor Barnes made a motion to reappoint Lyles Cooper to the Resilience and Sustainability Advisory Committee and the motion carried unanimously. Lyles Cooper was reappointed to the Resilience and Sustainability Advisory Committee for a term to begin immediately and expire on June 30, 2028.

Councilwoman NeSmith-Jackson made a motion to reappoint Leo Woodberry and the motion carried unanimously. Leo Woodberry was reappointed to the Resilience and Sustainability Advisory Committee for a term to begin immediately and expire on June 30, 2028.

Councilman Smith deferred his nomination to the Board.

Public Safety Citizen's Review Board

Councilman Braddock made a motion to reappoint Howard Simons to the Public Safety Citizen's Review Board and the motion carried unanimously. Howard Simons was reappointed to the Public Safety Citizen's Review Board for a term to begin immediately and expire on June 30, 2029.

Pro tem Jebaily made a motion to reappoint Larry Jackson to the Public Safety Citizen's Review Board and the motion carried unanimously. Larry Jackson was reappointed to the Public Safety Citizen's Review Board for a term to begin immediately and expire on June 30, 2029.

Councilman McKay deferred his nomination to the Board.

Prior to adjournment, Mayor Barnes congratulated Mr. Clint Moore, Assistant City Manager of Development, on his appointment as Chairperson of the Florence Darlington Technical College Board of Directors.

ADJOURN

Without objection, the July 14, 2025 Regular meeting of City Council was adjourned at 3:40pm.

Dated this 11th day of August 2025.

Casey C. Moore, Municipal Clerk

Lethonia Barnes, Mayor

FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An ordinance to update business license classifications

DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

For City Council's consideration is an ordinance to update Appendix B of the City's current Business License Ordinance as required by section 6-1-400 to 6-1-420 of the South Carolina Code of Laws.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No prior action has been taken on this ordinance.

III. POINTS TO CONSIDER

1. Act No. 176 of 2020, also known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to 6-1-420 (the "Standardization Act"), establishes uniform requirements for the administration of municipal business license taxes.
2. The Standardization Act mandates that by December thirty-first of every odd-numbered year, a taxing jurisdiction levying a business license tax shall adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the Revenue and Fiscal Affairs Office. The Municipal Association of South Carolina shall determine and revise the Standardized Business License Class Schedule every even year using the latest available nationwide Internal Revenue Service statistics for the calculation of profitability of businesses and using the latest business classification codes of the latest North American Industry Classification System (NAICS).
3. Failure to adopt the attached ordinance would result in the City being out of compliance with South Carolina law, potentially exposing it to legal or administrative risk.

IV. STAFF RECOMMENDATION

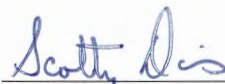
Approval and adoption of the attached ordinance to ensure continued compliance with state law.

V. ATTACHMENTS

A copy of the proposed ordinance is attached.



Glenn A. Bodenheimer
Interim Finance Director



Scotty Davis
City Manager

**AN ORDINANCE
AMENDING THE BUSINESS LICENSE ORDINANCE OF THE CITY OF FLORENCE TO
UPDATE THE CLASS SCHEDULE AS REQUIRED BY ACT 176 OF 2020.**

WHEREAS, the City of Florence (the “Municipality”) is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the “Standardization Act”), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the “Association”) and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2021-04 on March 8, 2021, in order to comply with the requirements of the Standardization Act (the “Current Business License Ordinance”);

WHEREAS, the City Council of the Municipality (the “Council”) now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Florence, as follows:

SECTION 1. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” is hereby amended as follows:

- (a) Classes 1 through 8 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” are hereby amended and restated as set forth on the attached Exhibit A.
- (b) Class 9 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” shall remain in full force and effect as set forth in the Current Business License Ordinance.

SECTION 2. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2026.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20__.

Mayor

ATTEST:

Clerk

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the
Current Business License Ordinance**

APPENDIX B

Classes 1 – 8: Business License Class Schedule by NAICS Codes

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	3
22	Utilities	1
31 - 33	Manufacturing	3
42	Wholesale trade	1
44 - 45	Retail trade	1
48 - 49	Transportation and warehousing	2
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	6
54	Professional, scientific, and technical services	4
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	3
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	3
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

2025 Class Schedule is based on a three-year average (2019 - 2021) of IRS statistical data.

DATE: July 14, 2025

AGENDA ITEM: An Ordinance to amend Ordinance No. 2024-14 entitled “a series Ordinance making provision for the terms and conditions of an issue of combined waterworks and sewerage system capital improvement revenue bonds of the City of Florence, SC, in one or more series, in the aggregate principal amount of not exceeding \$270,000,000 as authorized by a bond ordinance of the City of Florence, SC, adopted October 24, 1989, as amended; authorizing the issuance of bond anticipation notes; and other matters relating thereto” to add additional improvement to the City’s waterworks and sewerage system to be paid from the proceeds of bonds authorized therein and other matters relating thereto.

DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

For City Council consideration is an ordinance to specify the definition of “Projects” to include additional water and sewer system improvements.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

No previous action has been taken on this ordinance.

III. POINTS TO CONSIDER

1. The objective of the proposed ordinance is to specify the scope of projects allowed under the original series ordinance.
2. Expands the definition of "Projects" to include additional water and sewer system improvements. In addition to previously approved work (like expanding the Surface Water Treatment Plant, addressing PFAS, and upgrading the Jeffries Creek Sewer Interceptor), the updated project list now includes:
 - Sewer system maintenance in East Florence
 - Improvements to the Timmonsville-Florence Interceptor
 - Other general system maintenance items
3. Allows the bonds to be named “Series 2025 Bonds” or another appropriate designation.
4. Leaves all other provisions of the original ordinance unchanged.

IV. STAFF RECOMMENDATION

Approve and adopt the proposed ordinance.

V. ATTACHMENTS

A copy of the proposed ordinance is attached.



Glenn A. Bodenheimer
Interim Finance Director



Scotty Davis
City Manager

ORDINANCE

TO AMEND ORDINANCE 2024-14 ENTITLED

“A SERIES ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF AN ISSUE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM CAPITAL IMPROVEMENT REVENUE BONDS OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$270,000,000 AS AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE, SOUTH CAROLINA, ADOPTED OCTOBER 24, 1989, AS AMENDED; AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES; AND OTHER MATTERS RELATING THERETO” TO ADD ADDITIONAL IMPROVEMENT TO THE CITY’S WATERWORKS AND SEWERAGE SYSTEM TO BE PAID FROM THE PROCEEDS OF BONDS AUTHORIZED THEREIN AND OTHER MATTERS RELATING THERETO.

WHEREAS, on September 9, 2024, the City Council (“**City Council**”) of the City of Florence (the “**City**”) enacted an ordinance entitled “A SERIES ORDINANCE MAKING PROVISION FOR THE TERMS AND CONDITIONS OF AN ISSUE OF COMBINED WATERWORKS AND SEWERAGE SYSTEM CAPITAL IMPROVEMENT REVENUE BONDS OF THE CITY OF FLORENCE, SOUTH CAROLINA, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$270,000,000 AS AUTHORIZED BY A BOND ORDINANCE OF THE CITY OF FLORENCE, SOUTH CAROLINA, ADOPTED OCTOBER 24, 1989, AS AMENDED; AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES; AND OTHER MATTERS RELATING THERETO” (the “**Bond Ordinance**”); and

WHEREAS, the Bond Ordinance defines the “Projects” to be paid from the proceeds of the Bonds authorized in the Bond Ordinance (the “**Bonds**”) as “certain capital improvements to the System, specifically, expanding the City’s Surface Water Treatment Plant and upfitting the City’s water system to address PFAS issues, and rehabilitating and upgrading the Jeffries Creek Sewer Interceptor”; and

WHEREAS, since the enactment of the Bond Ordinance staff has resized certain components of the Projects and, based on a determination for the need therefor, determined that additional capital items should be included in the Projects as defined in the Bond Ordinance.

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

1. The definition of the “Projects” is replaced in its entirety by the following:

“Projects” means acquiring, constructing, furnishing, and equipping certain capital improvements to the System, including but not limited to, expanding capacity at the City’s Surface Water Treatment Plant and upfitting the City’s water system to address PFAS issues, rehabilitating and upgrading the Jeffries Creek Sewer Interceptor, capital maintenance upgrades to the Sewerage System in east Florence, improvements to the Timmonsville-Florence Interceptor, and other maintenance items with respect to the System.

2. The Bonds may be designated the “Series 2025 Bonds” or using any such other designation as may be appropriate based on the date and circumstances thereof.

3. Except as specifically and expressly amended above, all other terms of the Bond Ordinance as originally adopted and shall remain in full force and effect.

DONE, RATIFIED AND ADOPTED THIS ____ day of August, 2025.

Mayor, City of Florence, South Carolina

Attest:

Municipal Clerk, City of Florence,
South Carolina

First Reading: July 14, 2025

Second Reading: August 11, 2025

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

I, the undersigned, Municipal Clerk of the City of Florence, South Carolina ("**City Council**"),
DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by City Council. The Ordinance was read at two public meetings of City Council held on July 14, 2025, and August 11, 2025. An interval of at least six days occurred between each reading. At each meeting, a quorum of City Council was present and remaining present throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand this ____ day of August, 2025.

Casey Moore
Municipal Clerk, City of Florence, South Carolina

FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An Ordinance granting Lumos Fiber of South Carolina, LLC a franchise to use the public rights of way within the City of Florence for the purpose of constructing, installing, and maintaining network facilities for telecommunications services within and through the City.

DEPARTMENT/DIVISION: Department of Planning, Research, and Development

I. ISSUE UNDER CONSIDERATION:

An Ordinance granting Lumos Fiber of South Carolina, LLC a franchise to use the public rights of way within the City of Florence for the purpose of constructing, installing, and maintaining network facilities for telecommunications services within and through the City.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

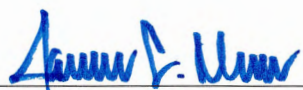
1. No current or previous action has occurred.
2. The City of Florence currently has franchise agreements with Duke Energy, Spectrum, Spirit Communications, Crown Castle, and other similar utility providers.

III. POINTS TO CONSIDER:

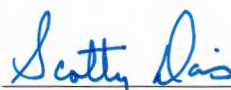
1. A request by Lumos Fiber has been made for the City of Florence to provide a non-exclusive franchise agreement to permit the construction, installation, and maintenance of telecommunications services in the public rights of way throughout the municipal limits.
2. The term of the franchise agreement is for twenty years.
3. The franchise fees are established within Article 20 of Chapter 9 of Title 58 of the 1976 Code of Laws of South Carolina (Attachment 3).

IV. ATTACHMENTS:

1. Proposed Ordinance
2. Nonexclusive Franchise Agreement with Lumos Fiber
3. S.C. State Law pertaining to municipal charges to telecommunications providers



Clint Moore
Assistant City Manager



Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

AN ORDINANCE TO GRANT TO LUMOS FIBER OF SOUTH CAROLINA, LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AND AUTHORITY TO CONSTRUCT, INSTALL, MAINTAIN, AND OPERATE IN, OVER, UPON AND UNDER THE STREETS AND PUBLIC PLACES OF THE CITY OF FLORENCE, ITS LINES, POLES, WIRES, CABLES, AND OTHER TELECOMMUNICATIONS FACILITIES TO RENDER TELECOMMUNICATIONS SERVICE TO ITS CUSTOMERS IN THE CORPORATE LIMITS OF THE CITY OF FLORENCE FOR SUCH PERIOD AS PROVIDED HEREIN; AUTHORIZING THE CITY MANAGER OF THE CITY OF FLORENCE TO EXECUTE A NONEXCLUSIVE FRANCHISE AGREEMENT; AND TO PROVIDE FOR THE PAYMENT OF COMPENSATION FOR THE USE OF THE STREETS AND PUBLIC PLACES; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Lumos Fiber of South Carolina, LLC, a South Carolina limited liability company ("Lumos"), has requested consent of the City of Florence, South Carolina to use the streets and public places of the City to construct, install, maintain, and operate its facilities for use in providing telecommunications services to its customers within the municipality for its own business purposes and profit; and

WHEREAS, other telecommunications providers either have or are likely to seek a similar consent; and

WHEREAS, it is the policy of the City of Florence, South Carolina to permit such entry into the corporate limits and such use of the streets and public places for the provision of telecommunication services, subject to the duty and authority of the City of Florence, South Carolina to manage its streets, public property, and rights-of-way to require fair and reasonable compensation from telecommunications providers for the use thereof on a competitively neutral and nondiscriminatory basis, and to publicly disclose the amount of such compensation;

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

Section 1: As used in this ordinance, the word "Company" means Lumos Fiber of South Carolina, LLC, a South Carolina limited liability company ("Lumos"), existing under the laws of the State of South Carolina and duly authorized to do business in South Carolina, its successors and assigns.

Section 2: As used in this ordinance, the word "Municipality" means the City of Florence, South Carolina.

Section 3: As used in this ordinance, the term "Telecommunications Services" has the meaning and definition given to that same term by S.C. Code Ann. Sections 58-9-10 and 58-9-2200(1) and 47 U.S.C. § 153; provided, however, for purposes of this ordinance, the term "Telecommunications Services" does not include cable television. Cable television services may only be provided in the municipal limits pursuant to a separate franchise pursuant to 42 USC 542.

Section 4: The non-exclusive right, power, and authority is hereby granted and vested in the Company to construct, install, maintain, and operate in, over, under, and upon the streets, alleys, bridges, rights-of-way and other public places of the Municipality, its lines, poles, antennas, wires, cables, cabinets, conduits, converters, equipment, and other telecommunications facilities and to use those facilities to render Telecommunication Services to its customers within the corporate limits of the Municipality.

Section 5: Prior to the commencement or continuation of any construction or operation in the corporate limits of the Municipality, the Company shall be duly authorized to do business in South Carolina and shall have received any necessary certificate of public convenience and necessity or other required authorization from the Public Service Commission of South Carolina. Evidence that such authority has been acquired or that it is not required will be filed with the Municipality.

Section 6: All work upon the streets and public places of the Municipality shall be in accordance with all applicable standards, codes, and ordinances, and will be done under the general supervision of the Municipality through the application for and administration of an encroachment permit from the Municipality. All new construction, wherever practicable, will be placed underground, and in no event will service lines/cables be placed aboveground if other existing service lines/cables in that area are underground. Any necessary aboveground construction, wherever practicable, will utilize existing utility poles. No street, alley, bridge, right-of-way, or other public place used by the Company shall be obstructed longer than necessary during its work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. No part of any street, alley, bridge, right-of-way, or other public place of the Municipality, including any public drain, sewer, catch basin, water pipe, pavement or other public improvement, shall be damaged. However, should any such damage occur, the Company shall repair the same as promptly as possible, and, in default thereof, the Municipality may make such repairs and charge the reasonable cost thereof to and collect the same from the Company.

Section 7: The Company (as the Indemnifying Party) agrees to indemnify, defend and hold the Municipality, its affiliates and their respective officers, directors, members, partners and employees (the "Indemnified Party") harmless of and from any damage, liability, loss, cost or expense (including, without limitation, reasonable attorney's fees and expenses), judgments, settlements and penalties of every kind arising from or relating to claims, actions or demands on account of (a) any personal injury, wrongful death, or loss of or damage to any tangible personal property or facilities of any person to the extent arising out of resulting from the negligent or otherwise wrongful acts or omissions of the Indemnifying Party (including its employees or agents) in the performance of its obligations under this franchise; or (b) the violation by the Indemnifying Party of any requirement of any applicable law, regulation or court order in connection with the performance of its obligations under this franchise. In no event shall either party be liable to the other, its employees, subcontractors, affiliates and/or agents, or any third party for any indirect, incidental, special, consequential, or punitive damages, or lost profits for any claim or demand of any nature or kind, arising out of or in connection with this franchise or the performance or breach thereof.

Section 8: In consideration of the grant of authority to utilize the streets and public places of the Municipality for the provision of Telecommunication Services, and in accordance with applicable laws and ordinances, the Company shall pay such lawful franchise fees, business license taxes, and administrative fees as are presently permitted by Article 20 of Chapter 9 of Title 58 of the 1976 Code

of Laws of South Carolina, as enacted in 1999, and as may be enacted and imposed by the Municipality. The Company shall also pay all such ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Municipality. Provided, however, that in the event that Article 20 of Chapter 9 of Title 58 of the 1976 Code of Laws of South Carolina, as enacted in 1999, or other laws governing franchise fees, business license taxes and/or other fees with respect to Telecommunication Services shall be substantially modified by subsequent legislation or court decision, the provisions herein contained shall be brought into conformity with the changes in the applicable law by appropriate amendment to this ordinance. If the limitations on the amount of franchise fees, administrative fees, and business license taxes on providers of Retail Telecommunications Services presently contained in said statute shall be removed or modified, the Municipality will be free, by amendment to this ordinance, to impose such fair, reasonable, competitively neutral, and nondiscriminatory fees and taxes as may then be permitted by that statute or by such applicable South Carolina and federal law as may then govern.

Section 9: Except as specifically provided herein, or otherwise mandated by law, the privilege granted to the Company by this ordinance does not exempt or excuse the Company from the police power and all other lawfully imposed municipal authority and laws including, but not limited to, those relating to zoning, permitting, traffic control, construction and excavation, planning, aesthetics, and the environment.

Section 10: (a) This franchise may be terminated by the Municipality in accordance with the provisions of Section 3 of the City of Florence, South Carolina Nonexclusive Franchise Agreement with Lumos Fiber of South Carolina, LLC attached hereto as **Exhibit A**. Except as expressly provided herein, the rights granted under this franchise are irrevocable during the term.

(b) The non-exclusive franchise and consent granted by this ordinance shall be in force and effect for a term of twenty (20) years and shall continue in force and effect thereafter until properly terminated by either party.

(c) In the event of a termination of the franchise pursuant to the terms of this Section, it shall be the responsibility of the Company, its successors or assigns, to remove all antenna and related improvements from the rights of way, streets or public places within one hundred eighty (180) days of the date of termination.

Section 11: This franchise and consent ordinance is subject to the constitution and laws of the State of South Carolina. In conforming this ordinance to the requirements of S.C. Code Ann. Section 58-9-2200 et. seq. as enacted by the General Assembly of South Carolina in 1999, the Municipality does not concede or imply that the General Assembly has the authority to restrict by general law the powers denied to the General Assembly and reserved to the municipalities of South Carolina by Article VIII Section 15 of the Constitution of South Carolina.

Section 12: That the City Manager is hereby authorized to execute a nonexclusive franchise agreement between the Municipality and the Company, substantially in the form of the attached **Exhibit A**, with such modifications as may be advised by the City Attorney.

Section 13: That this Ordinance shall become effective upon its approval and adoption by the City Council of the City of Florence, South Carolina and the execution of a nonexclusive franchise agreement between the Municipality and the Company.

ADOPTED THIS _____ DAY OF _____, 2025.

LETHONIA BARNES
Mayor

APPROVED AS TO FORM:

RONALD T. SCOTT
City Attorney

ATTEST:

CASEY C. MOORE
Municipal Clerk

Exhibit A

Form of City of Florence, South Carolina Nonexclusive Franchise Agreement
with Lumos Fiber of South Carolina, LLC

**CITY OF FLORENCE, SOUTH CAROLINA NONEXCLUSIVE FRANCHISE
AGREEMENT WITH LUMOS FIBER OF SOUTH CAROLINA, LLC**

This Nonexclusive Franchise Agreement (hereinafter "Agreement") is made and entered into as of this ___ day of _____, 2025 ("Effective Date"), by and between the City of Florence, a South Carolina municipal corporation (hereinafter "City" or "Grantor") and Lumos Fiber of South Carolina, LLC, a South Carolina limited liability company, (hereinafter "Lumos" or "Grantee"), having its principal office at 4100 Mendenhall Oaks Pkwy., Suite 300, High Point, NC 27265.

WHEREAS, Grantee is a limited liability company duly organized and existing under the laws of South Carolina; and

WHEREAS, Grantee desires to use and occupy the streets and Public Rights-of-Way (as hereinafter defined) located within the City for the purposes of constructing, installing, and maintaining network facilities for Telecommunications Services within and through the City; and

WHEREAS, the City has the authority to grant franchises and other authorizations for the use and occupancy of the streets and Public Rights-of-Way; and

WHEREAS, the City is agreeable to allowing Grantee to use the streets and Public Rights-of-Way, subject to the terms and conditions hereinafter set forth and subject to any lawful telecommunications regulatory ordinance that may be adopted by the City in the future; and

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the City and Grantee agree as follows:

Section 1. Grant of Authority. (a) Subject to the terms of this Agreement, the City hereby grants to Grantee the non-exclusive right to construct, install, maintain, locate, move, operate, place, protect, reconstruct, reinstall, relocate, remove, and replace fiber optic or other cable and related facilities for the provision of Telecommunications Service in the Public Streets and Public Rights-of-Way in the City. Grantee shall be solely responsible for obtaining any required consents from State agencies or private parties to the extent that its operations affect State or private property.

(b) Grantee acknowledges that this grant of authority is for the benefit of Grantee only, and that Grantee is not authorized to lease, sublease, assign or otherwise allow other providers to use or occupy the Public Rights-of-Way except in accordance with provisions of this Agreement.

(c) Grantee acknowledges that, to the extent allowed by State and Federal law, the City has the authority to adopt ordinances regulating the use of the Public Rights-of-Way, so long as such ordinances apply equally to all certificated providers of Telecommunications Services and are related to using the Public Streets and Public Rights-of-Way in the City. Grantee agrees to be bound by all such existing and future lawful ordinances so long as it operates telecommunication services or has property or equipment within the Public Streets or rights-of-way located in the

City.

(d) This Agreement is not a grant by the City of any fee simple or other property interest except as expressly contemplated by this Agreement and is made subject and subordinate to the prior and continuing right of the public to use the Public Streets and Public Rights-of-Way occupied by Grantee for transportation and of the City to use the Public Streets and Public Rights-of-Way occupied by Grantee for the purpose of laying, installing, maintaining, repairing, protecting, replacing, and removing sanitary sewers, water mains, storm drains, gas mains, poles and other equipment for municipal uses and with the right of ingress and egress, along, above, over, across and in said Public Streets and Public Rights-of-Way.

(e) This Agreement shall be in full force and effect from and after the date of its approval by the City Council governing body; provided, however, that notwithstanding such approval, this Agreement shall not become effective until all required bonds, certificates of insurance and other instruments required by this Agreement have been filed with, and accepted and approved by the City, which acceptance and approval shall not be unreasonably delayed, conditioned, or withheld.

Section 2. Definitions. For the purpose of this Agreement, and the interpretation and enforcement thereof, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used shall indicate otherwise:

“*City*” means the City of Florence, South Carolina, and where appropriate to the context, its officers, agents, employees, and volunteers.

“*City Attorney*” means the City Attorney or his designee.

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

“*City Engineer*” means the City Engineer or his designee.

“*City Manager*” means the City Manager or their designee.

“*City Property*” means and includes all real property owned by the City, including all property held in a proprietary capacity by the City.

“*Conduit*” means any materials, such as metal or plastic pipe, that protects wire, cable, lines, fiber optic cable, or other technology for the provision of Telecommunications Service.

“*Duct*” means a pipe, tube, channel, or similar item for carrying wires, lines, cables, fiber optic cable, or other technology for the provision of Telecommunications Service.

“*Public Streets*”, “*Public Rights-of-Way*” or “*public ways*” include the surface of, and the space above and below, any public street, road, highway, avenue, sidewalk, way, bridge, viaduct, alley or other public right-of-way, including unimproved surfaces, now or hereafter held by the City for the purpose of public travel, communications, alarm, street lighting, power

distribution, water or sewer service or other public use, whether present or future, to the extent of the City's right, title, interest or authority to grant a franchise to occupy and use such streets and easements for the purpose of providing Telecommunications Services.

“Public Works” or “Public Improvements” include, without limitation, the construction, realignment, paving or repaving, or other work on any public street or public right-of-way, change of grade or alignment of any public street or public right-of-way, the construction or reconstruction of any water, sanitary sewer, storm sewer, force main, drainage or communications facility of the City.

“Telecommunications Facilities” means the plant, equipment, and property, including, but not limited to, the poles, pipes, mains, Conduits, Ducts, fiber optic and other cables, circuits, and wires, and any other equipment and property used by Grantee to provide Telecommunications Service.

“Telecommunications Service” means the providing or offering for rent, sale, or lease, or in exchange for other value received, the transmittal of signals, including but not limited to, voice, data, image, graphic or video or other programming information, except cable television service, between or among points by wire, lines, cable, fiber optics, circuits, laser or infrared, microwave, radio, satellite, or other Telecommunications Facilities, but not including cable television service.

Section 3. Term of Agreement, Termination.

3.1 The term of this Agreement shall be for a term of twenty years, commencing on the Effective Date (“Term”). Upon termination of this Agreement as herein provided, and unless the parties are in active good faith negotiation of a new franchise agreement, Grantee shall be prohibited from further access to the Public Rights-of-Way in the City.

3.2 The City may terminate this License Agreement and the License granted herein for any of the following reasons:

- a. Failure to cure a breach of this Agreement or noncompliance with the City’s right-of-way policy after receipt of written notice and a thirty (30) day cure period; or
- b. Lumos’s physical presence or presence of Lumos’s Telecommunications Facilities on, over, above, along, upon, under, across, or within the Public Streets present a direct or imminent threat to the public health, safety, or welfare;
- c. Lumos’s failure to construct the Telecommunications Facilities substantially in accordance with the permit and approved plans; or
- d. Failure to provide the required traffic control; and to respond to requests from the City to correct such deficiencies within a reasonable time frame.

Upon termination of this Agreement for any reason, Lumos shall, within one hundred and eighty (180) days of written notice from the City, remove its Telecommunications Facilities from all Public Streets and restore all Public Streets as required herein other than any Telecommunications Facilities which the City may permit to be abandoned in place.

Lumos may terminate one or more of the Telecommunications Facility locations pursuant to this Agreement by giving at least thirty (30) days' written notice. Lumos may terminate this Agreement in its entirety at its convenience on one hundred eighty (180) days' written notice to the City. Lumos will not be subject to any penalty or fee for terminating such Telecommunications Facilities location prior to the end of the term of this Agreement.

Section 4. Compliance With Applicable Law. Grantee shall at all times during the term of this Agreement comply with all applicable federal, State, and local laws, ordinances, and regulations. Expressly reserved to the City is the right to adopt, in addition to the provisions of this Agreement and existing laws, such additional ordinances and regulations as are necessary for the lawful exercise of its police power for the benefit and safety of the public.

Section 5. Construction; Location or Relocation of Facilities. All Grantee facilities shall be constructed, installed, and located according to the terms and conditions contained herein, unless otherwise specified by the City.

5.1. Grantee shall obtain all required permits for the construction or installation of its facilities as required in this Agreement, provided, however, that nothing in this Agreement shall prohibit the City and Grantee from agreeing to an alternative plan to review permit and construction procedures, provided such alternative procedures provide substantially equivalent safeguards for responsible construction practices.

5.2. In the performance and exercise of its rights and obligations under this Agreement, Grantee shall not interfere in any manner with the existence and operation of any public street and public or private right-of-way, sanitary sewer, water line, storm drain gas main, pole, overhead or underground electric and telephone wires, television cables, Public Works, facilities of other telecommunication providers, or City Property, through Grantee's actions or inaction that are unrelated to Grantee's construction activities without the prior approval of the City.

5.3. Except as may be expressly provided herein, nothing in this Agreement shall be construed to abrogate or limit the right of the City to perform any Public Works or Public Improvements. If any facilities of Grantee interfere with the construction, operation, maintenance, repair or removal of such Public Works or Public Improvements, within one hundred and eighty (180) days after written notice by the City (or such other period of time as may be agreed upon in writing by the City and Grantee), Grantee shall, at its own expense protect, alter, remove or relocate facilities, as directed by the City Manager or City Engineer. If Grantee fails to so protect, alter, remove, or relocate equipment within such period, the City may break through, remove, alter, or relocate the facilities of Grantee without any liability to City, and Grantee shall pay to the

City the costs incurred in connection with such breaking through, removal, alteration, or relocation. Grantee shall also reimburse the City for or bear any additional cost actually incurred by the City as a result of Grantee's failure to comply with the City's request to protect, alter or remove equipment under this Agreement. The City may collect such costs, and any reasonable expenses and attorney fees incurred in collecting such costs, as debts owed to the City, by bringing action in any court of competent jurisdiction or exercising the City's rights to draw on bonds or in any other lawful manner, individually or in combination.

5.4. The City retains the right and privilege to cut or move any Telecommunications Facilities located within the public ways or other areas of the City as the City may determine to be necessary and appropriate in response to any life-threatening emergency. The City will endeavor to provide prior notice to Grantee of such emergencies which may impact its Telecommunications Facilities. If City is unable to provide prior notice of the life-threatening emergency as described above, City shall notify Grantee within twenty-four (24) hours of the occurrence of such emergency.

5.5. The facilities of Grantee shall be located so as not to interfere with public safety or, to the extent possible, with the convenience of persons using the Public Streets or rights-of-way. Grantee shall construct, maintain, and locate its Telecommunications Facilities so as not to interfere with the construction, location and maintenance of sewer, water, drainage, electrical, signal, and fiber optic facilities of the City.

5.6. The City shall have the right to specifically designate the location of the facilities of Grantee with reference to sewer and water mains, drainage facilities, fiber optic cable, signal poles and lines and similar services, other facilities, such as public telephone utilities, public electric utilities, cable television facilities, and railway, communication, and power lines, in such a manner as to protect the public safety and public and private property. Failure by the City to designate the location of Grantee's facilities shall not relieve Grantee of its responsibilities in matters of public safety, as provided in this Agreement.

5.7. Except in the cases of emergencies, Grantee shall not move, alter, change, or extend any of its Telecommunications Facilities in any public street or public right-of-way unless prior written notice of its intention to do so is given to the City Manager and permission in writing to do so is granted, or such requirement is waived, by the City Manager. The City Manager shall either approve or deny Grantee's request to relocate its facilities within five (5) days of receipt of Grantee's request. Such permission shall not be unreasonably withheld by the City Manager and shall be conditioned upon compliance with the terms and conditions of this Agreement, with such other terms and conditions as will preserve, protect and promote the safety of the public using the public ways, and as will prevent undue interference with or obstruction of the use of the public ways by the public, the City or by any other public utility, public service corporation or cable operator for their respective purposes and functions. Such work by Grantee shall also be coordinated with the City's annual paving program through the Office of the City Engineer.

5.8. Grantee shall not open, disturb or obstruct, at any time, any more of the Public Streets or Public Rights-of-Way than is reasonably necessary to enable it to proceed in laying or

repairing its Telecommunications Facilities. Grantee shall not permit any public street or public right-of-way so opened, disturbed, or obstructed by it to remain open, disturbed, or obstructed for a longer period of time than shall be reasonably necessary. In all cases where any public street or public right-of-way is excavated, disturbed, or obstructed by Grantee, Grantee shall take all precautions necessary or proper for the protection of the public and shall maintain adequate warning signs, barricades, signals, and other devices necessary or proper to adequately give notice, protection, and warning to, the public of the existence of all actual conditions present.

5.9. After the installation, removal, relocation, construction, or maintenance of the fiber optic or other cable and related facilities is completed, Grantee shall, at its own cost, repair and return the Public Streets or Public Rights-of-Way to a minimum of the same or similar condition existing before such installation, removal, relocation, construction, or maintenance, in a manner as may be reasonably specified by the City and to the reasonable satisfaction of the City. Grantee shall be responsible for repairing damage to City street pavements, existing utilities, curbs, gutters, and sidewalks due to Grantee's installation, construction, maintenance, repair, or removal of its Telecommunications Facilities in the Public Streets and Public Rights-of-Way, and shall repair, replace, and restore in kind, the said damaged property at its sole expense. Upon failure of Grantee to repair, replace and restore said damaged property, in a manner as may be reasonably specified by the City and to the reasonable satisfaction of the City, after sixty (60) days' notice in writing shall have been given by the City, the City may cause such necessary repairs to be made and may collect the costs incurred from Grantee, including but not limited to, exercising the City's rights to draw on bonds. The City may collect such costs, and any expenses and attorney fees incurred in collecting such costs, as debts owed to the City, by bringing an action in any court of competent jurisdiction or in any manner allowed by law.

5.10. Neither Grantee, nor any person acting on Grantee's behalf, shall take any action or permit any action to be done which may impair or damage any City Property more than is reasonably necessary to enable it to install or repair its Telecommunications Facilities, including, but not limited to, any public street, public right-of-way or other property located in, on or adjacent thereto.

5.11. In the event of an unexpected repair or emergency, Grantee may commence such repair and emergency response work as required under the circumstances, provided Grantee shall notify the City as promptly as possible, before such repair or emergency work is started or as soon thereafter as possible if advance notice is not practicable.

5.12. Grantee shall maintain its facilities in good and safe condition and in a manner that complies with all applicable federal, state and local requirements, laws, ordinances, and regulations.

5.13. Grantee shall at all times employ a high standard of care and shall install and maintain and use approved methods and devices for preventing failure or accidents which are likely to cause damages, injuries, or nuisances to the public.

5.14. Grantee shall obtain all required permits from the City and any other governmental entity having jurisdiction prior to commencing work of any nature and shall comply

with all terms and conditions of any such permit. Grantee shall furnish detailed plans of the work and other required information prior to issuance of a permit. Grantee shall comply with all applicable ordinances and permitting requirements.

A single permit may be issued for multiple excavations to be made in Public Streets and Rights-of-Way. Exceptions to the requirement for a written permit may be allowed in cases of emergencies involving public safety or restoration of service. In the case of emergency excavations made in a Public Street or Public Right-of-Way without a permit, Grantee shall make a report of each such excavation to the City within two (2) working days. Any permit application and inspection related to repair of excavations shall be promptly acted upon by the City so as not to unreasonably delay Grantee in efficiently discharging its public service obligation and in any event shall be granted or denied within thirty (30) days from submission and, if denied, accompanied by a written explanation of the reasons the permit was denied and the actions required to cure the denial.

5.15. (a) Promptly after installation, repair or extension of the Telecommunications Facilities or any portion thereof or any pavement cut by Grantee in any public way of the City, the incidental trenches or excavations shall be refilled by Grantee in a manner acceptable to the City Manager. Pavement, sidewalks, curbs, gutters or any other portions of public ways damaged, disturbed or destroyed by such work shall be promptly restored and replaced with like materials to their former condition by Grantee at its own expense; however, where it is necessary, and if authorized by the City, in order to achieve the former conditions, Grantee shall use materials whose type, specification and quantities exceed or are different from those used in the installation, then Grantee at its own expense shall provide such different materials. Where a cut or disturbance is made in a section of sidewalk or paving, rather than replacing only the area actually cut, Grantee shall replace the full width of the existing sidewalk or appropriate sections of paving as determined by the City Engineer and the full length of the section or sections cut, a section being defined as that area marked by expansion joints or scoring or as determined by the City Engineer. Grantee shall maintain, repair, and keep in good condition for a period of one (1) year following such disturbance all portions of public ways disturbed by Grantee, provided such maintenance and repair shall be necessary because of defective workmanship or materials supplied by Grantee.

(b) All trees, landscaping and grounds removed, damaged, or disturbed as a result of the construction, installation maintenance, repair or replacement of Telecommunications Facilities shall be replaced or restored, as nearly as may be practicable, to the condition existing prior to performance of work.

5.16. (a) Grantee shall promptly remove or correct any obstruction, damage, or defect in any public street or public right-of-way caused by Grantee in the installation, operation, maintenance, or extension of Grantee's Telecommunications Facilities. Any such obstruction, damage, or defect which is not promptly removed, repaired, or corrected by Grantee after thirty (30) days' notice to do so, given by the City to Grantee, may be removed or corrected by the City, and the cost thereof shall be charged against Grantee and payable within forty-five (45) days of receipt of an invoice from the City. Any expense, cost, or damages incurred for repair, relocation, or replacement to City water, sanitary sewer, storm sewer, storm drainage, telecommunication facilities or other property resulting from construction or maintenance of Grantee

Telecommunications Facilities shall be borne by Grantee and any and all expense and cost incurred in connection therewith by the City shall be fully reimbursed by Grantee to the City.

(b) If weather or other conditions do not permit the complete restoration required by this Section, Grantee shall temporarily restore the affected property. Such temporary restoration shall be at Grantee's sole expense and Grantee shall only be required to make reasonable, temporary restorations based on the conditions. Grantee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

(c) Grantee or other person acting on its behalf shall use suitable barricades, flags, flaggers, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such ways or property and shall comply with all federal, state, and local laws and regulations, including, but not limited to, the flagging requirements of the South Carolina Department of Transportation.

5.17. The City, its officers, agents, or employees, shall not be liable for any damage to, loss of, or interruption of any of Grantee's Telecommunications Services. Except in the case of the City's intentional or willful misconduct, the City, its officers, agents, or employees, shall not be liable for any damage to or loss of any of Grantee's Telecommunications Facilities within the public ways or any other areas of the City as a result of or in connection with any Public Works, Public Improvements, construction, excavation, grading, filling, or work or activity or lack of any activity of any kind by or on behalf of the City.

5.18. Grantee shall cooperate with the City in coordinating its construction activities as follows:

(a) Grantee shall provide the City with a schedule of its proposed construction activities prior to commencing any expansion of its backbone system;

(b) Upon request, Grantee shall meet with the City and other users of the public ways to coordinate construction in the public ways; and

(c) All construction locations, activities and schedules shall be coordinated, as directed by the City Engineer, to minimize public inconvenience, disruption, or damages. Grantee shall submit a written construction schedule to the City Engineer at least ten (10) working days before commencing any work in or about the Public Streets or Public Rights-of-Way. Grantee shall further notify the City Engineer not less than five (5) working days in advance of such excavation or work and shall comply with the provisions of the South Carolina Underground Facilities Damage Prevention Act.

Section 6. Mapping. (a) Grantee shall maintain an accurate map of its Telecommunications Facilities in the City. Grantee shall provide the City with "as built" drawings and an accurate map or maps showing the location of its facilities, including pole lines and Conduit lines and any other facilities requested by the City, to include a digitized map(s) in both

printed and electronic form. Grantee shall, upon request, provide updated maps annually of Telecommunications Facilities in the City.

(b) Prior to its installation of any Telecommunications Facilities in the Public Streets or Public Rights-of-Way and after Grantee provides the City with its proposed plans for the Telecommunications Facilities, the City may in its reasonable discretion designate certain locations to be excluded from use by Grantee for its Telecommunications Facilities, including, but not limited to, ornamental or similar specially designed street lights or other facilities or locations which, in the reasonable judgment of the City Engineer, do not have electrical service adequate for or appropriate for Grantee's facilities or cannot safely bear the weight or wind loading thereof, or any other facility or location that in the reasonable judgment of the City Engineer is incompatible with the proposed Telecommunications Facilities or would be rendered unsafe or unstable by the installation. The City Engineer may further exclude certain other facilities that have been designated or planned for other use or are not otherwise proprietary, legal, or other limitations or restrictions as may be reasonably determined by the City. In the event such exclusions conflict with reasonable requirements of Grantee, the City will cooperate in good faith with Grantee to attempt to find suitable alternatives, if available, provided that the City shall not be required to incur financial costs to acquire new locations for Grantee. Grantee shall, prior to any excavation or installation within the Public Streets or Public Rights-of-Way, provide sufficient notification and joint installation opportunity on a shared cost basis to potential users of the Public Streets or Public Rights-of-Way as may be provided for by a separate City policy. Such notification and adopted policies shall be designed to maximize co-location of providers to minimize the disturbance to the Public Streets or Public Rights-of-Way and maximize its useable capacity.

Section 7. Insurance Requirements. At all times during the term of this Agreement and any renewal period, Grantee shall, at its expense, maintain the following insurance policies. Any required insurance shall be in a form and with an insurance company authorized to do business in South Carolina and have a rating of no less than A- VII by A.M. Best Co.

(a) *Commercial General Liability.* Commercial General Liability insurance coverage on an occurrence basis insuring against all claims, loss, cost, damage, expense, or liability from loss of life or damage or injury to persons or property arising out of any of the work or activity under or by virtue of this Agreement. The minimum limit of liability for such coverage shall be Two Million Dollars (\$2,000,000) combined single limit for any one occurrence. However, the parties acknowledge that Grantee may meet the policy limit in this Section by combination of Grantee's General Commercial Liability Policy and Grantee's Umbrella or Excess Liability Policy.

(b) *Contractual Liability.* Broad form Contractual Liability insurance, including the indemnification obligations of Grantee set forth in this Agreement.

(c) *Workers' Compensation.* Workers' Compensation insurance covering Grantee's statutory obligation under the laws of South Carolina and Employer's Liability insurance for all its employees engaged in work under this Agreement.

(d) *Automobile Liability.* Automobile Liability insurance having minimum limits of liability of One Million Dollars (\$1,000,000) combined single limit applicable to owned or non-owned vehicles used in the performance of any work under this Agreement.

(e) *Pollution Liability Insurance.* Grantee shall maintain during the life of this Agreement Pollution Liability Insurance in the amount of One Million Dollars (\$1,000,000) for each occurrence. Coverage shall be provided for bodily injury and property damage resulting from pollutants which are discharged suddenly and accidentally. Such insurance shall also provide coverage for cleanup costs.

(f) *Umbrella Coverage.* The insurance coverages and amounts set forth in this Section may be met by an umbrella liability policy following the form of the underlying primary coverage in a minimum amount of Five Million Dollars (\$5,000,000).

(g) Prior to commencing construction pursuant to this Agreement or within ten (10) days after the granting of the franchise contemplated by this Agreement, whichever is sooner, Grantee shall provide the City with a memorandum certificate or certificates of insurance, showing the type, amount, effective dates, and date of expiration of the policies, and thereafter prior to the expiration of any such policy or change in the amount or conditions, of coverage. Such certificate(s) and evidence of insurance shall include the City, its officers, agents, and employees as additional insureds. Grantee shall obtain a written obligation on the part of each insurance company to notify Grantee at least thirty (30) days before cancellation or a material change of any such insurance. Upon receipt of such notice from Grantee's insurance company, Grantee will immediately notify the City of any of the required coverages that are not replaced. Grantee shall furnish the City with current certificate(s) of insurance evidencing such coverage upon request.

Section 8. Surety. (a) Within ten (10) days after the Effective Date of this Agreement, and prior to the commencement of any construction by Grantee, Grantee shall furnish and file with the City an irrevocable bond, in a form and by a surety authorized to do business in South Carolina, in the amount of Fifty Thousand Dollars (\$50,000) securing its faithful performance of the terms and conditions of this Agreement. Grantee shall maintain such bond for the duration of this Agreement, unless otherwise agreed to in writing by the City. Failure to maintain the bond shall be deemed a material default by Grantee of this Agreement.

The bond shall guarantee Grantee's faithful performance of the terms and conditions of this Agreement, including, but not limited to: (1) the timely completion of construction; (2) compliance with applicable plans, permits, technical codes and standards; (3) proper location of the facilities as specified by the City; (4) restoration of the public ways and other property affected by the construction as required by this Agreement; (5) the submission of "as-built" drawings after completion of the work as required by this Agreement; (6) timely payment and satisfaction of all claims, demands or liens for labor, material or services provided in connection with the work; and (7) the payment by Grantee of all lawful liens, taxes, damages, claims, costs or expenses which the City has been compelled to pay or has incurred by reason of any act or default of Grantee under this Agreement and all other payments due the City from Grantee pursuant to this Agreement.

(b) Whenever the City determines that Grantee has violated one (1) or more terms,

conditions, or provisions of this Agreement for which relief is available against the bond, a written notice shall be given to Grantee. The written notice shall describe in reasonable detail the violation so as to afford Grantee an opportunity to remedy the violation. Grantee shall have thirty (30) days subsequent to receipt of the notice in which to correct the violation before the City may make demand upon the bond. Failure to maintain the bond shall be a material default under this Agreement.

(c) Such bond shall be in addition to any performance, defect bond, or other surety required by the City in connection with the issuance of any construction or any successor ordinance.

Section 9. Indemnification & Limitation of Liability. Grantee agrees to indemnify, defend and hold harmless the City, its officers, employees and agents from and against all claims, demands, losses, damages, liabilities, fines, and penalties, and all costs and expenses incurred in connection therewith, including, without limitation, reasonable attorney's fees and costs of defense (collectively, the losses), arising out of any breach by Grantee of the terms and conditions of this Agreement, except to the extent proximately caused by the negligence or willful misconduct of the City, its officers, employees and agents. In addition, Grantee shall protect, indemnify, and hold harmless the City, its officers, agents, and employees, from any and all demands for fees, claims, suits, actions, causes of action, or judgments based on the alleged infringement or violation of any patent, invention, article, arrangement, or other apparatus that may be used in the performance of any work or activity arising out of the use of any Telecommunication Facilities or the provision of Telecommunication Service.

EXCEPT FOR ANY UNAUTHORIZED USE OR DISCLOSURE OF A PARTY'S INTELLECTUAL PROPERTY RIGHTS OR A PARTY'S CONFIDENTIAL INFORMATION OR ANY INDEMNIFICATION OBLIGATIONS HEREUNDER (1) IN NO EVENT WILL GRANTEE BE LIABLE TO THE CITY FOR ANY INDIRECT, CONSEQUENTIAL, SPECIAL, INCIDENTAL, RELIANCE, OR PUNITIVE DAMAGES OF ANY KIND OR NATURE WHATSOEVER, INCLUDING BUT NOT LIMITED TO ANY LOST PROFITS, LOST REVENUES, LOST SAVINGS, OR HARM TO BUSINESS; (2) CITY HEREBY RELEASES THE GRANTEE, ITS SUBSIDIARIES, PARENT COMPANIES AND AFFILIATES, AND THEIR RESPECTIVE TRUSTEES, OFFICERS, DIRECTORS, MANAGERS, COUNCIL MEMBERS, EMPLOYEES, AND AGENTS, FROM ANY SUCH CLAIM FOR SUCH TYPES OF DAMAGES; AND (3) IN NO EVENT SHALL THE AGGREGATE LIABILITY OF GRANTEE FOR ANY BREACH OF THIS AGREEMENT EXCEED THE TOTAL COST OF REPAIRING STRUCTURES AND FACILITIES OF THE CITY DAMAGED BY OR LEFT UNREPAIRED BY THE BREACH PLUS ATTORNEYS' FEES INCURRED IN ENFORCEMENT OR COLLECTION. IN PARTICULAR WITH RESPECT TO CONSTRUCTION, GRANTEE'S ENTIRE LIABILITY FOR ANY DAMAGE CAUSED TO THE CITY BY ANY CONSTRUCTION WORK PERFORMED BY OR FOR GRANTEE WILL BE LIMITED TO THE COST OF REPAIRING PHYSICAL PROPERTY DAMAGE THAT OCCURS AT THE SITE OF CONSTRUCTION. THE LIMITATIONS OF LIABILITY SET FORTH IN THIS SECTION 9 ARE A FUNDAMENTAL BASIS OF THIS AGREEMENT, AND EACH PARTY UNDERSTANDS AND AGREES THAT THE OTHER WOULD NOT HAVE ENTERED INTO THIS AGREEMENT WITHOUT THESE LIMITATIONS OF LIABILITY.

Section 10. Fees. (a) In consideration of the grant of authority to utilize the Public Streets, Public Rights-of-Way, and public ways of the City for the provision of Telecommunications Service, and in accordance with applicable law and ordinances, Grantee shall pay such franchise fees, business license taxes, and administrative fees as are presently permitted by Article 20 of Chapter 9 of Title 58 of the 1976 Code of Laws of South Carolina, as enacted in 1999, and as may be enacted and imposed by the City. Grantee shall also pay all such ad valorem taxes, service fees, sales taxes, or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the City. Provided, however, that in the event that Article 20 of Chapter 9 of Title 58 of the 1976 Code of Laws of South Carolina, as enacted in 1999, or other laws governing franchise fees, business license taxes and/or other fees with respect to Telecommunications Service shall be substantially modified by subsequent legislation or court decision, the provisions herein contained shall be brought into conformity with the changes in the applicable law by appropriate amendment to this ordinance. If the limitations on the amount of franchise fees, administrative fees, and business license taxes on Telecommunications Service providers presently contained in said statute shall be removed or modified, the City will be free, by amendment to this ordinance, to impose such fair, reasonable, competitively neutral, and non-discriminatory fees and taxes as may then be permitted by that statute or by such applicable law as may then govern; Grantee will be free to challenge any fee structure not in compliance with Applicable Law.

(a) For the use of the Right of Way, as defined by S.C. Code Section 58-9-2230, to provide Telecommunications Service, Grantee shall pay to the City a franchise fee in the amount allowed by S.C. Code Section 58-9-2230. The initial franchise fee shall be paid to City on or before the effective date, and thereafter on January 2 of each calendar year this Agreement remains in effect.

(b) Interest will be charged on any late payment at the maximum rate permitted under state law, or if there is no such rate, the interest will be 1.5% per month a payment is late.

Section 11. General provisions. (a) *Authority.* Grantee warrants and represents that it has obtained all necessary and appropriate authority and approval from all applicable federal and state agencies or authorities to provide all Telecommunications Facilities and services it intends to provide within the City, and upon request by the City will provide evidence of such authority.

(b) *Other remedies.* Nothing in this Agreement shall be construed as waiving or limiting any rights or remedies that the City or Grantee may have, at law or in equity, for enforcement of this Agreement.

(c) *Severability.* If any section, subsection, sentence, clause, phrase, or other portion of this Agreement, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof or invalidate or render unenforceable such term or provision in any other jurisdiction; provided, however, that if the invalidated provision is declared by either party in good faith to be material or fundamental, the parties shall negotiate in good faith to modify this Agreement to give effect to the original intent of the parties as closely as possible in order that the transactions contemplated hereby be consummated as originally contemplated to the greatest extent possible. If in such instance the parties are unable to agree to a suitable modification, either party may present the issue to a court authorized under Section 11(f) below, and such court may in its discretion make an appropriate modification or declare the Agreement terminated.

(d) *Nonenforcement.* Neither party shall be excused from complying with any of the provisions of this Agreement by any failure of the other party, upon any one or more occasions, to insist upon strict performance of this Agreement or to seek the other party's compliance with any one or more of such terms or conditions of this Agreement.

(e) *Conflicts of law.* If there is a conflict between the provisions of this Agreement and any law, whether federal, state, or City, including all future laws and ordinances, the law and conflicting Agreement provision will, to the extent reasonably possible, be construed so as to be consistent with each other and if such construction is not reasonably possible, the conflicting provision of this Agreement shall be deemed superseded by such law and have no effect, notwithstanding the contract clause of the United States Constitution.

(f) *Controlling law and venue.* By virtue of entering into this Agreement, Grantee agrees and submits itself to a court of competent jurisdiction in the City, South Carolina or in the United States District Court for the District of South Carolina, and further agrees that this Agreement is controlled by the laws of South Carolina or any applicable federal laws and that all claims, disputes and other matters shall be decided only by such court according to the laws of South Carolina or any applicable federal laws or by any regulatory body with jurisdiction, including the Federal Communications Commission.

(g) *Captions.* The section captions and headings in this Agreement are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

(h) *Nondiscrimination.* During the performance of this Agreement, Grantee agrees that it will not discriminate against any employee or applicant for employment on the basis of race, religion, color, sex, handicap, or national origin. Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. Grantee, in all solicitations or advertisements for employees placed by or on behalf of Grantee, will state that Grantee is an equal opportunity employer. Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements herein.

(i) *Notices.* (a) Notices given pursuant to this Agreement shall be in writing and addressed as follows:

To the City: City Manager
City of Florence, South Carolina
324 W. Evans Street
Florence, South Carolina 29501

With a Copy to: City Attorney (*does not constitute Notice*)
ATTN: Ron Scott
Haynsworth Sinkler Boyd, P.A.
135 S. Dargan Street, Suite 300
Florence, South Carolina 29501

To Grantee: Chief Network Officer
4100 Mendenhall Oaks Parkway
Suite 300,
High Point, North Carolina 27265

With a Copy to: General Counsel
4100 Mendenhall Oaks Parkway
Suite 300,
High Point North Carolina 27265

(b) Either party may change the address at which it will receive notices by providing written notice of the change to the other party.

[Signatures on Following Page]
[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, the parties have duly executed this Agreement.

LUMOS FIBER OF SOUTH CAROLINA, LLC

A limited liability company

By: _____

Name: _____

Title: _____

State of _____

City/County of _____, TO WIT;

The foregoing instrument was acknowledged before me this _____ day of _____, 2025, by _____ as _____, of Lumos Fiber of South Carolina, LLC, a South Carolina limited liability company.

Notary Public

My commission expires: _____

My registration number: _____

CITY OF FLORENCE

a South Carolina municipal corporation

By: _____

Name: _____

Title: City Manager

Date: _____

ATTEST: _____

_____, City Clerk

SOUTH CAROLINA

CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by _____, City Manager /Authorized Designee of the City Manager of the City of Florence, on its behalf. He/She is personally known to me.

Notary Public

My commission expires: _____

My registration number: _____

SOUTH CAROLINA

CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by _____, City Clerk of the City of Florence, on its behalf. He/She is personally known to me.

Notary Public

My commission expires: _____

My registration number: _____

ATTACHMENT 3

ARTICLE 20

Municipal Charges to Telecommunications Providers

SECTION 58-9-2200. Definitions.

As used in this article:

(1) "Telecommunications service" means the provision, transmission, conveyance, or routing for a consideration of voice, data, video, or any other information or signals of the purchaser's choosing to a point, or between or among points, specified by the purchaser, by or through any electronic, radio, or similar medium or method now in existence or hereafter devised. The term "telecommunications service" includes, but is not limited to, local telephone services, toll telephone services, telegraph services, teletypewriter services, teleconferencing services, private line services, channel services, Internet protocol telephony, and mobile telecommunications services and to the extent not already provided herein, those services described in North American Industry Classification System Manual (NAICS) 5171, 5172, 5173, 5174, and 5179, except satellite services exempted by law.

(2) "Retail telecommunications service" includes telecommunications services as defined in item (1) of this section but shall not include:

(a) telecommunications services which are used as a component part of a telecommunications service, are integrated into a telecommunications service, or are otherwise resold by another provider to the ultimate retail purchaser who originates or terminates the end-to-end communication including, but not limited to, the following:

(i) carrier access charges;

(ii) right of access charges;

(iii) interconnection charges paid by the providers of mobile telecommunications services or other telecommunications services;

(iv) charges paid by cable service providers for the transmission by another telecommunications provider of video or other programming;

(v) charges for the sale of unbundled network elements;

(vi) charges for the use of intercompany facilities; and

(vii) charges for services provided by shared, not-for-profit public safety radio systems approved by the FCC;

(b) information and data services including the storage of data or information for subsequent retrieval, the retrieval of data or information, or the processing, or reception and processing, of data or information intended to change its form or content;

(d) satellite television broadcast services;

(e) video programming accessed via a service that enables end users to access content, information, electronic mail, or other services offered over the Internet, including streaming video content, regardless of the provider of the Internet access services; provided, however, that this exception does not include Voice over Internet Protocol service. This item (e) only applies to Article 20, Chapter 9, Title 58 of the South Carolina Code of Laws.

(3) "Telecommunications company" means a provider of one or more telecommunications services.

(4) "Cable service" includes, but is not limited to, the provision of video programming or other programming service to purchasers, and the purchaser interaction, if any, required for the selection or use of the video programming or other programming service, regardless of whether the programming is transmitted over facilities owned or operated by the cable service provider or over facilities owned or operated by one or more other telecommunications service providers.

(5) "Mobile telecommunications service" includes, but is not limited to, any one-way or two-way radio communication service carried on between mobile stations or receivers and land stations and by mobile stations communicating among themselves, through cellular telecommunications services, personal communications services, paging services, specialized mobile radio services, and any other form of mobile one-way or two-way communications service.

(6) "Service address" means the location of the telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a retail customer. If this location is not a defined location, as in the case of mobile phones, paging systems, maritime systems, and the like, "service address" means the location of the retail customer's primary use of the telecommunications equipment or the billing address the customer gives to the service provider, provided that the billing address is within the licensed service area of the service provider. A sale of postpaid calling services is sourced to the origination point of the telecommunications signal as first identified by either (i) the seller's telecommunications system; or (ii) information received by the seller from its service provider, if the system used to transport such signals is not that of the seller.

(7) "Bad debt" means any portion of a debt that is related to a sale of telecommunications services and which has become worthless or uncollectible, as determined under applicable federal income tax standards.

(8) "Postpaid calling service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number that is not associated with the origination or termination of the telecommunications service.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2003 Act No. 69, Section 3.TT, eff January 1, 2005; 2005 Act No. 8, Section 1, eff January 13, 2005; 2005 Act No. 8, Section 2, eff January 13, 2005; 2007 Act No. 8, Section 3, eff March 30, 2007; 2024 Act No. 104 (H.3782), Section 2, eff February 5, 2024.

Editor's Note

The preamble to 1999 Act No. 112, effective June 30, 1999, provides as follows:

"Whereas, Congress enacted the Telecommunications Act of 1996 to open local telephone markets to competition, and the telecommunications industry is in a state of transition; and

"Whereas, in addition to new competitors in traditional local exchange telecommunications markets, a number of new technologies has developed and is developing at a rapid pace, expanding the array of telecommunications providers and services available to consumers; and

"Whereas, since the passage of the Telecommunications Act of 1996, competition in telecommunications services and the number of competitors in the telecommunications industry in South Carolina has grown and continues to grow, as evidenced by the hundreds of new entrants into the industry. In South Carolina, over four hundred companies have been authorized to provide long distance service and over seventy companies have been authorized to provide local telephone service. South Carolina now has over one thousand authorized pay phone service providers and numerous digital and analog wireless and paging providers. Telephony may also now be provided over Internet protocol and cable modems; and

"Whereas, the citizens of municipalities in South Carolina have long enjoyed the public benefit of dependable local exchange and long distance telecommunications service provided to them by telecommunications carriers that have constructed, operated, and maintained telecommunications facilities to serve those citizens, and that currently occupy the municipal rights-of-way in the State; and

"Whereas, Congress has stated that nothing in Section 253 of the Telecommunications Act of 1996 affects the authority of the state or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is disclosed by such government. The General Assembly finds that shifting of current taxation and fees from a franchise fee basis to the basis outlined in the attached article is necessary and appropriate due to the transition of the telecommunications industry and is fair and reasonable, and taxes and fees exceeding such amount, except upon extraordinary circumstances, would be unreasonable. Now, therefore,"

Effect of Amendment

2024 Act No. 104, Section 2, in (2), made a nonsubstantive change in (d), and added (e).

SECTION 58-9-2210.Cable service franchise agreement authority.

Nothing in this article shall limit a municipality's authority to enter into and charge for franchise agreements with respect to cable services as governed by 47 U.S.C. Section 542.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

SECTION 58-9-2220.Retail telecommunications services business license taxes; maximum rates.

Notwithstanding any provision of law to the contrary:

(1) A business license tax levied by a municipality upon retail telecommunications services for the years 1999 through the year 2003 shall not exceed three-tenths of one percent of the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The business license tax levied by a municipality upon retail

telecommunications services for the year 2004 and every year thereafter shall not exceed the business license tax rate as established in Section 58-9-2220(2). For a business in operation for less than one year, the amount of business license tax authorized by this section must be computed based on a twelve-month projected income.

(2) The maximum business license tax that may be levied by a municipality on the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality for a business license tax year beginning after 2003 is one percent of gross income derived from the sale of retail telecommunication services.

(3) A business license tax levied by a municipality upon the retail telecommunications services provided by a telecommunications company must be levied in a competitively neutral and nondiscriminatory manner upon all providers of retail telecommunications services.

(4) The measurement of the amounts derived from the retail sale of telecommunications services does not include:

(a) an excise tax, sales tax, or similar tax, fee, or assessment levied by the United States or any state or local government including, but not limited to, emergency telephone surcharges, upon the purchase, sale, use, or consumption of a telecommunications service, which is permitted or required to be added to the purchase price of the service; and

(b) bad debts.

(5) A business license tax levied by a municipality upon a telecommunications company must be reported and remitted on an annual basis. The municipality may inspect the records of the telecommunications company as they relate to payments under this article.

(6) The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2005 Act No. 8, Section 3, eff January 13, 2005.

SECTION 58-9-2230. Public rights-of-way franchise, consent and administrative fees; authorized taxes; mobile telecommunications services.

(A) A municipality shall manage its public rights-of-way on a competitively neutral and nondiscriminatory basis and may impose a fair and reasonable franchise or consent fee on a telecommunications company for use of the public streets and public property to provide telecommunications service unless the telecommunications company has an existing contractual, constitutional, statutory, or other right to construct or operate in the public streets and public property including, but not limited to, consent previously granted by a municipality. A fair and reasonable franchise or consent fee imposed upon a telecommunications company shall not exceed the annual sum set forth in the following schedule based on population:

Tier I-1-1,000-\$ 100.00

Tier II-1,001-3,000-\$ 200.00

Tier III-3,001-5,000-\$ 300.00

Tier IV-5,001-10,000-\$ 500.00

Tier V-10,001-25,000-\$ 750.00

Tier VI-Over 25,000-\$1,000.00

This franchise or consent fee is in lieu of any permit fee, encroachment fee, degradation fee, or other fee assessed on a telecommunications provider for its occupation of or work within the public right of way.

(B) A municipality shall manage its public rights-of-way on a competitively neutral and nondiscriminatory basis and may impose an administrative fee upon a telecommunications company that is not subject to subsection (A) in this section and that constructs or installs or has previously constructed or installed facilities in the public streets and public property to provide telecommunications service. The fee imposed on a telecommunications company shall not exceed the annual sum set forth in the following schedule based on population:

Tier I-1-1,000-\$ 100.00

Tier II-1,001-3,000-\$ 200.00

Tier III-3,001-5,000-\$ 300.00

Tier IV-5,001-10,000-\$ 500.00

Tier V-10,001-25,000-\$ 750.00

Tier VI-Over 25,000-\$1,000.00

This administrative fee is in lieu of any permit fee, encroachment fee, degradation fee, or other fee assessed on a telecommunications provider for its occupation of or work within the public right of way.

(C) A municipality shall not levy any tax, license, fee, or other assessment on a telecommunications service, other than (1) the business license tax authorized by this article, and (2) franchise fees as defined and regulated under 47 U.S.C. Section 542; provided, however, that nothing in this subsection restricts the right of a municipality to impose ad valorem taxes, sales taxes, or other taxes lawfully imposed on other businesses within the municipalities. This subsection does not prohibit a municipality from assessing upon a telecommunications company fees of general applicability such as sanitation fees, building permit fees, and zoning permit fees that are not related to the telecommunications company's occupation of or work within the public right of way.

(D) A telecommunications company, including a mobile telecommunications company providing mobile telecommunications services, is not considered to be using public streets or public property unless it has constructed or installed physical facilities in public streets or on public property. The use of public streets or public property under lease, site license, or other similar contractual arrangement between a municipality and a telecommunications company does not constitute the use of public streets or public property for purposes of this article. Without limiting the generality of the foregoing, a telecommunications company is not considered to be using public streets or public property for purposes

of this article solely because of its use of airwaves within a municipality. If a telecommunications company, including a telecommunications company providing mobile telecommunications services, requests of a municipality permission to construct or install physical facilities in public streets or on public property, that request must be considered by the municipality in a manner that is competitively neutral and nondiscriminatory as among all telecommunications companies.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2005 Act No. 8, Section 4, eff January 13, 2005.

SECTION 58-9-2240.Regulatory control by local government.

A municipality may not use its authority over the public streets and public property as a basis for asserting or exercising regulatory control over telecommunications companies regarding matters within the jurisdiction of the Public Service Commission or the Federal Communications Commission or the authority of the Office of Regulatory Staff, including, but not limited to, the operations, systems, service quality, service territory, and prices of a telecommunications company. Nothing in this section shall be construed to limit the authority of a local governmental entity over a cable television company providing cable service as permitted by 47 U.S.C. Section 542.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999; 2006 Act No. 318, Section 70, eff May 24, 2006.

SECTION 58-9-2250.Existing consent agreements.

A telecommunications company, its successors or assigns, that is occupying the public streets and public property of a municipality on the effective date of this article with the consent of the municipality to use such public streets and public property shall not be required to obtain additional consent to continue the occupation of those public streets and public property.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

SECTION 58-9-2260.Enforcement of ordinances or practices conflicting with article.

(A) No municipality may enforce an ordinance or practice which is inconsistent or in conflict with the provisions of this article, except that:

(1) As of the time of the effective date of this article, any municipality which had entered into a franchise agreement or other contractual agreement with a telecommunications provider prior to December 31, 1997, may continue to collect fees under the franchise agreement or other contractual agreement through December 31, 2003, regardless of whether the franchise agreement or contractual agreement expires prior to December 31, 2003.

(2) Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise or other contractual agreement in the event that the franchise agreement or other contractual agreement should expire after December 31, 2003.

(3) In the event that a municipality collects these fees under a franchise agreement or other contractual agreement herein, the fees shall be in lieu of fees or taxes that might otherwise be authorized by this article.

(4) Any municipality that, as of the effective date of this article, has in effect a business license tax ordinance, adopted prior to December 31, 1997, under which the municipality has been imposing and a telecommunications company has been paying a business license tax higher than that permitted under this article but less than five percent may continue to collect the tax under the ordinance through December 31, 2003, instead of the business license tax permitted under this article.

(5) Any municipality which, by ordinance adopted prior to December 31, 1997, has imposed a business license tax and/or franchise fee on telecommunications companies of five percent or higher of gross income derived from the sale of telecommunications services in the municipality, to which tax and/or fee a telecommunications company has objected, failed to accept, filed suit to oppose, failed to pay any license taxes or franchise fees required thereunder, or paid license taxes or franchise fees under protest, may enforce the ordinance and the ordinance shall continue in full force and effect until December 31, 2003, unless a court of competent jurisdiction declares the ordinance unlawful or invalid. In this event, the municipality is authorized until December 31, 2003, to collect business license taxes and/or franchise fees thereunder, not exceeding three percent of gross income derived from the sale of telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality instead of the business license tax permitted under this article; however, this proviso applies to any business license ordinance and/or telecommunications franchise ordinance notwithstanding that same is amended or has been amended subsequent to December 31, 1997.

(B) The exception to this article described in subsection (A)(5) no longer applies after December 31, 2003.

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

SECTION 58-9-2270. Customer bill disclosure of business license tax.

A telecommunications company may include the following statement or substantially similar language in any municipal customer's bill when that customer's municipality charges a business license tax to the telecommunications company under this chapter: "Please note that included in this bill there may be a line-item charge for a business license tax assessed by your municipality".

HISTORY: 1999 Act No. 112, Section 1, eff June 30, 1999.

FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An Ordinance to declare as surplus and authorize the transfer of two parcels of land to the Housing Authority of Florence, specifically Florence County Tax Parcels 90100-06-016 and 90100-06-017

DEPARTMENT/DIVISION: Community Services

I. ISSUE UNDER CONSIDERATION:

To declare as surplus and authorize the conveyance of land located along Oakland Avenue to the Housing Authority of Florence for the purposes of facility construction, specifically land designated as Florence County Tax Parcels 90100-06-016 and 90100-06-017 shown on the attached Location Map.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

It has not been considered, nor has any previous action been taken, by Florence City Council

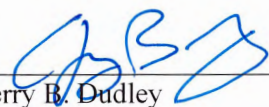
III. POINTS TO CONSIDER:

- (1) The Housing Authority of Florence has requested the transfer of property to accommodate the construction of a facility which will include a community room, office space, outdoor meeting space, and outdoor art gallery.
- (2) This facility will assist with the Housing Authority's service to residents and serve as a community resource.
- (3) The City will donate the surplus property to the Housing Authority of Florence, and the property will be surveyed and recorded by the Housing Authority of Florence.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Location Map


Jerry B. Dudley
Planning Director


Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

**AN ORDINANCE TO DECLARE AS SURPLUS AND AUTHORIZE THE CONVEYANCE OF
LAND TO THE HOUSING AUTHORITY OF FLORENCE, SPECIFICALLY FLORENCE
COUNTY TAX PARCELS 90100-06-016 AND 90100-06-017**

WHEREAS, after due consideration, the City has concluded that the land designated as Florence County tax parcels 90100-06-016 and 90100-06-017 is surplus land to the City, and conveyance of said property to the Housing Authority of Florence is in the best interest and to the benefit of the citizens of the City of Florence and;

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

1. That, pursuant to §5-7-260(6) of the South Carolina Code of Laws, as amended, and §2-26(8) of the Code of Ordinances of the City of Florence, the City Manager of the City of Florence is hereby authorized to execute the necessary Deed, and other documentation in order to convey title to the property described above to the Housing Authority of Florence.
2. That this Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Florence, South Carolina.

ADOPTED THIS _____ DAY OF _____, 2025

Approved as to form:

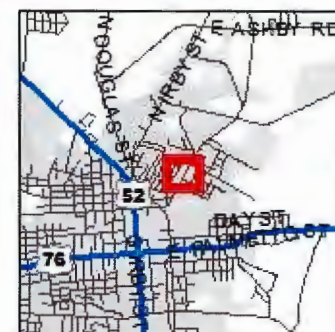
City Attorney

Lethonia Barnes,
Mayor



Attest:

Casey C. Moore,
Municipal Clerk

Location Map - 711 Oakland Avenue



Legend

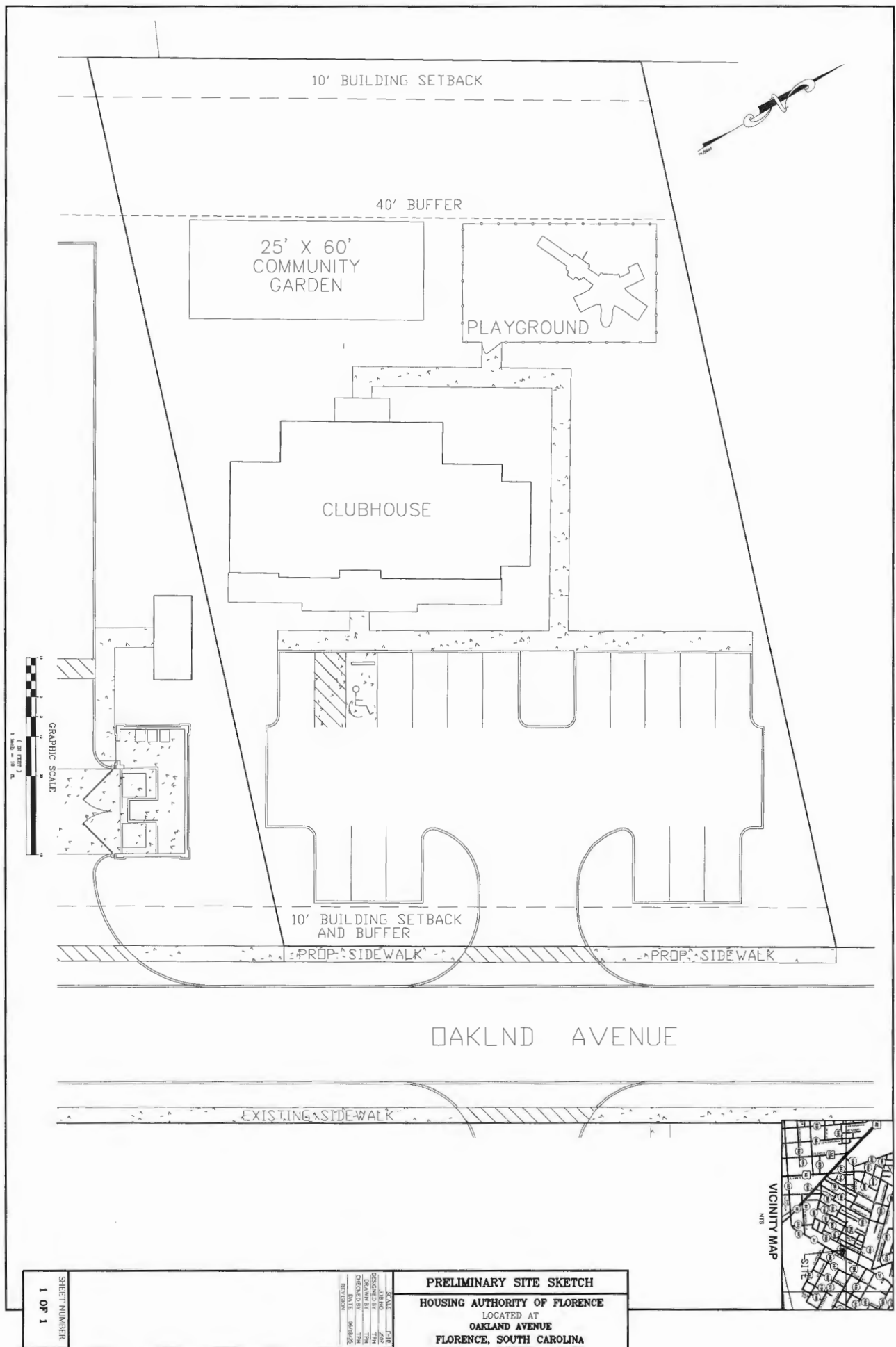
-  Parcels
-  Proposed Parcels

FULL LIFE. FULL FORWARD.SM
FLORENCE
SOUTH CAROLINA

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

60 30 0 60 Feet

Date: 7/3/2025



FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An Ordinance to annex and zone General Residential-2 (RG-2) a parcel located on Pelican Drive, TMN 00522-01-026.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex one parcel located on Pelican Drive with Tax Map Number 00522-01-026 into the City of Florence and assign it the zoning designation of General Residential-2 (RG-2). The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On June 10, 2025, the City of Florence Planning Commission held a public hearing on this matter and voted unanimously, 8-0, to recommend the annexation and zoning designation of RG-2.

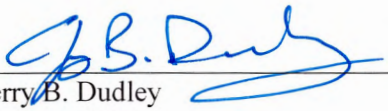
III. POINTS TO CONSIDER:


- (1) City water and sewer services are currently available, with no cost to extend utilities.
- (2) A Public Hearing for zoning was held at the June 10, 2025 Planning Commission meeting.
- (3) The lot is vacant and the owner intends to build a single family house on it.
- (4) City staff recommends annexation and concurs with Planning Commission's recommendation to approve the request to zone the property General Residential-2 (RG-2).

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Annexation Petition


Jerry B. Dudley
Planning Director


Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

**AN ORDINANCE TO ANNEX AND ZONE GENERAL RESIDENTIAL-2 (RG-2)
A PARCEL LOCATED ON PELICAN DRIVE, TMN 00522-01-026.**

WHEREAS, a Public Hearing was held in the Council Chambers on June 10, 2025 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by Madhur Chodda, owner of TMN 00522-01-026, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the City limits of the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina and given the zoning district classification of RG-2:

The property requesting annexation is shown more specifically on Florence County Tax Map 00522 block 01, parcel 026 (0.719 acre).

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

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

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

- 1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 2. That this Ordinance shall become effective in 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 _____, 2025

Approved as to form:

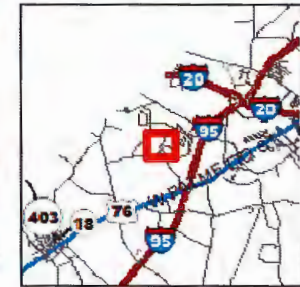
City Attorney

Lethonia Barnes,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

PC 2025-25
Vicinity Map - 4020 West Pelican Lane



Legend

- City Limits
- Parcels
- Proposed Parcel

FULL LIFE. FULL FORWARD
FLORENCE
 SOUTH CAROLINA

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

100 50 0 100 Feet

Date: 5/18/2025

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

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

Florence County Tax Map 00522 - 01 - 026

3. Annexation is being sought for the following purposes:

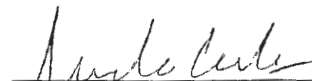
City services

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

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

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

Date 5-7-25 _____


Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition:

FOR OFFICIAL USE ONLY

Date 5/7/25 _____



FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An Ordinance to annex and zone Activity Center (AC) two parcels located at 2037 and 2111 South Irby Street, TMNs 00150-01-007 and 00150-01-061.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex two parcels located at 2037 and 2111 South Irby Street, Tax Map Numbers 00150-01-007 and 00150-01-061, into the City of Florence and assign them the zoning designation of Activity Center (AC). The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On June 10, 2025, the City of Florence Planning Commission held a public hearing on this matter and voted unanimously, 6-0, to recommend the annexation and zoning designation of AC.


III. POINTS TO CONSIDER:

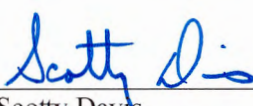
- (1) City water and sewer services are currently available, with no cost to extend utilities.
- (2) A Public Hearing for zoning was held at the June 10, 2025 Planning Commission meeting.
- (3) The Activity Center zoning district permits mixed use development including general commercial uses.
- (4) City staff recommends annexation and concurs with Planning Commission's recommendation to approve the request to zone the property Activity Center (AC).

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Annexation Petition


Jerry B. Dudley
Planning Director


Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

AN ORDINANCE TO ANNEX AND ZONE ACTIVITY CENTER (AC) THE LOTS AT 2037 AND 2111 SOUTH IRBY STREET, TMN 00150-01-007 and 00150-01-061.

WHEREAS, a Public Hearing was held in the Council Chambers on June 10, 2025 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by The Salvation Army, owner of TMNs 00150-01-007 and 00150-01-061, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the City limits of the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina and given the zoning district classification of AC:

The property requesting annexation is shown more specifically on Florence County Tax Map 00150, block 01, parcel 007 (2.969 acres) and parcel 061 (1.379 acres).

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

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

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

1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.
2. That this Ordinance shall become effective in 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 _____, 2025

Approved as to form:

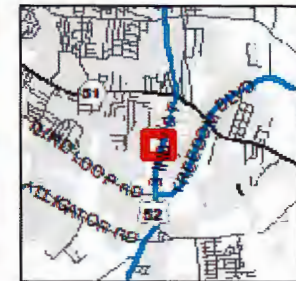
City Attorney

Lethonia Barnes,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

PC 2025-24
Location Map - 2037 & 2111 S. Irby St.



Legend

- City Limits
- Parcels
- Proposed Parcel

FLORENCE
SOUTH CAROLINA

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

300 150 0 300 Feet

Scale: 4/30/2025

27216

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

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

Florence County Tax Map Number: (1) 00150-01-061
(2) 00150-01-007
3. Annexation is being sought for the following purposes:
CITY SERVICES
4. That the petitioner(s) request that the City Council of Florence annex the above described property in accordance with subsection 31 of 5-3-150(3) of the Code of Laws of South Carolina for 1976, such section allowing the annexation of an area without the necessity of an election and referendum.

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

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

APPLICANT (S) (Please print or type):

Name(s): The Salvation Army

Address: P.O. Box 4108, Florence, SC 29502

Telephone Numbers: 704-972-3457 [work] _____ [home]

Email Address: stacy.danner@uss.salvationarmy.org

Signature: Stacy Danner Date: May 15, 2025

Certification as to ownership on the date of petition:

FOR OFFICIAL USE ONLY

Date 5/15/25

93

FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An Ordinance to annex and zone Neighborhood Conservation-15 (NC-15) two parcels located at 922 and 926 Third Loop Road, TMNs 01511-01-037 and 01511-01-038.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex two parcels located at 922 and 926 Third Loop Road, Tax Map Numbers 01511-01-037 and 01511-01-038, into the City of Florence and assign them the zoning designation of Neighborhood Conservation-15 (NC-15). The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On June 10, 2025, the City of Florence Planning Commission held a public hearing on this matter and voted unanimously, 8-0, to recommend the annexation and zoning designation of NC-15.

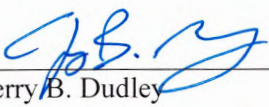
III. POINTS TO CONSIDER:

- (1) City water and sewer services are currently available to 926 Third Loop Road. Sewer is not available from Third Loop Road to 922, but a private sewer easement across 926 from Hallmark Drive is possible.
- (2) A Public Hearing for zoning was held at the June 10, 2025 Planning Commission meeting.
- (3) The lots are currently vacant, and the owner intends to construct a single family house on each.
- (4) City staff recommends annexation and concurs with Planning Commission's recommendation to approve the request to zone the property Neighborhood Conservation-15 (NC-15).

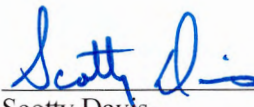
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Annexation Petition



Jerry B. Dudley
Planning Director



Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

**AN ORDINANCE TO ANNEX AND ZONE NEIGHBORHOOD CONSERVATION-15 (NC-15)
THE LOTS AT 922 AND 926 THIRD LOOP ROAD, TMN 01511-01-037 and 01511-01-038.**

WHEREAS, a Public Hearing was held in the Council Chambers on June 10, 2025 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by Doulaveris Builders LLC, owner of TMNs 01511-01-037 and 01511-01-038, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the City limits of the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina and given the zoning district classification of NC-15:

The property requesting annexation is shown more specifically on Florence County Tax Map 01511, block 01, parcel 037 (0.377 acre) and parcel 038 (0.381 acre).

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

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

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

1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.
2. That this Ordinance shall become effective in 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 _____, 2025

Approved as to form:

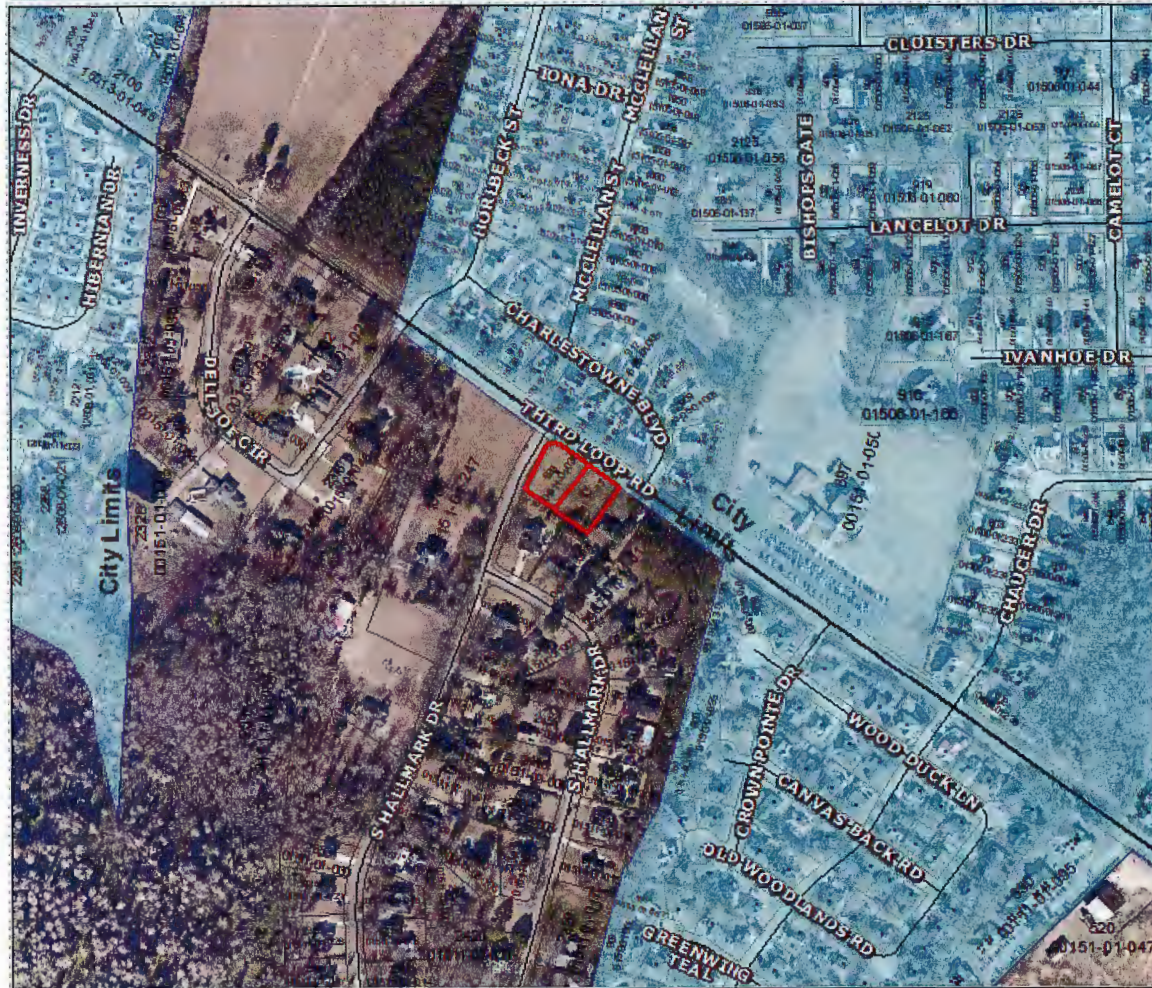
City Attorney

Lethonia Barnes,
Mayor




Attest:

Casey C. Moore,
Municipal Clerk

PC 2025-23
Vicinity Map - 922 & 926 Third Loop Road



Legend

-  City Limits
-  Parcels
-  Proposed Parcel

FULL LIFE. FULL FORWARD.
FLORENCE
 SOUTH CAROLINA

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

50 25 0 50 Feet

Date: 5/26/2025

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

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

Florence County Tax Map

01511-01-037
01511-01-038

3. Annexation is being sought for the following purposes:

City services

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

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

Total Residents
Race
Total 18 and Over
Total Registered to Vote

Date _____

Steven J. Anderson
Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition:

FOR OFFICIAL USE ONLY

Date 4-30-25

AJ

FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An Ordinance to annex and zone Light Industrial (IL) a lot located on Jennie O'Bryan Avenue, a portion of TMN 00122-01-042.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex seven acres located on the north side of Jennie O'Bryan Avenue, being a portion of Tax Map Number 00122-01-042, into the City of Florence and assign it the zoning designation of Light Industrial (IL). The request is being made by the property owners.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On June 10, 2025, the City of Florence Planning Commission held a public hearing on this matter and voted unanimously, 8-0, to recommend the zoning designation of Light Industrial.

III. POINTS TO CONSIDER:

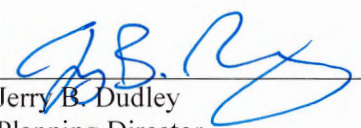
- (1) City water services are currently available; however, sewer is not accessible to this portion of the lot.
- (2) Vacant parcels adjacent to this lot were recently annexed and zoned IL (Ordinance 2025-03). This parcel is proposed to be combined with those adjacent parcels.
- (3) A Public Hearing for zoning was held at the June 10, 2025 Planning Commission meeting.
- (4) The owner requests the zoning designation of Light Industrial. Light Industry is defined in the *Unified Development Ordinance* to mean uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside. For illustrative purposes, light industry uses include:
 - a. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
 - b. Offices of general contractors, specialty subcontractors, or tradesmen which include:
 - i. Bay door access to indoor storage of tools, parts, and materials;
 - ii. Parking of commercial vehicles; or
 - iii. Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than 12 feet in height.
 - c. Communications facilities, except wireless telecommunications facilities;
 - d. Data centers, server farms, telephone exchange buildings, and telecom hotels;

- e. Food production and packaging other than meat and seafood processing and restaurants;
 - f. Furniture making or refinishing;
 - g. Manufacture of textiles or apparel;
 - h. Screen printing of apparel;
 - i. Printing and publishing, except copy centers (which are commercial and personal services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are heavy industry);
 - j. Research and development, scientific testing, and product testing;
 - k. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
 - l. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and
 - m. Packaging of products.
- (5) Land uses of adjacent parcels include recreational facilities, a church, railroad tracks, equipment rentals, a wholesale beverage distributor, and a variety of auto sales and service establishments.


IV. PERSONAL NOTES:

V. ATTACHMENTS:

- A) Ordinance
- B) Vicinity Map
- C) Annexation Petition



Jerry B. Dudley
Planning Director



Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

AN ORDINANCE TO ANNEX AND ZONE LIGHT INDUSTRIAL SEVEN ACRES ON JENNIE O'BRYAN AVENUE, A PORTION OF TMN 00122-01-042:

WHEREAS, a Public Hearing was held in the Council Chambers on June 10, 2025 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by Nucor Corporation, owner of TMN 00122-01-042, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the City limits of the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina and given the zoning district classification of Light Industrial:

The property requesting annexation is shown more specifically on Florence County Tax Map 00122, block 01, parcel 042 (7.00 acres).

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

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

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

1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.
2. That this Ordinance shall become effective in 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 _____, 2025

Approved as to form:

City Attorney

Lethonia Barnes,
Mayor

Attest:




Casey C. Moore,
Municipal Clerk

PC 2025-25

Location Map - Jennie O'Bryan Avenue



Legend

-  City Limits
-  Parcels
-  Proposed Parcel

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FLORENCE
SOUTH CAROLINA

DISCLAIMER:
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2000 1000 0 2000 Feet

Date: 4/29/2025

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

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

Florence County Tax Map

7-acre portion of parcel 00122-01-040 lying north of Jennie O'Bryan Av.

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

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

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

Date 4/28/25

Marc C. Moore
Petitioner Nucor Corp.
By: Marc Moore

Date

Petitioner

Certification as to ownership on the date of petition:

FOR OFFICIAL USE ONLY

Date 4/28/25

AB

FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An Ordinance to annex and zone Neighborhood Conservation-6.3 (NC-6.3) a parcel located on Westfield Drive, TMN 00072-01-045.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex one parcel located on Westfield Drive with Tax Map Number 00072-01-045 into the City of Florence and assign it the zoning designation of Neighborhood Conservation-6.3 (NC-6.3). The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On June 10, 2025, the City of Florence Planning Commission held a public hearing on this matter and voted unanimously, 8-0, to recommend the annexation and zoning designation of NC-6.3.

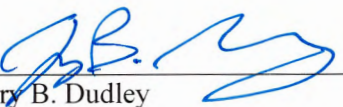
III. POINTS TO CONSIDER:

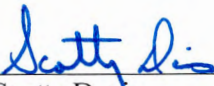
- (1) City water and sewer services are currently available, with no cost to extend utilities.
- (2) A Public Hearing for zoning was held at the June 10, 2025 Planning Commission meeting.
- (3) The property owner intends to construct townhouses on this site.
- (4) City staff recommends annexation and concurs with Planning Commission's recommendation to approve the request to zone the property Neighborhood Conservation-6.3 (NC-6.3).

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Annexation Petition


Jerry B. Dudley
Planning Director


Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

**AN ORDINANCE TO ANNEX AND ZONE NEIGHBORHOOD CONSERVATION-6.3 (NC-6.3)
A PARCEL LOCATED ON WESTFIELD DRIVE, TMN 00072-01-045.**

WHEREAS, a Public Hearing was held in the Council Chambers on June 10, 2025 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by Hopkins Builders, owner of TMN 00072-01-045, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the City limits of the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina and given the zoning district classification of NC-6.3:

The property requesting annexation is shown more specifically on Florence County Tax Map 00072 block 01, parcel 045 (1.24 acres).

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

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

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

- 1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.**
- 2. That this Ordinance shall become effective in 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 _____, 2025

Approved as to form:

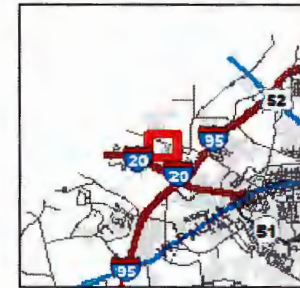
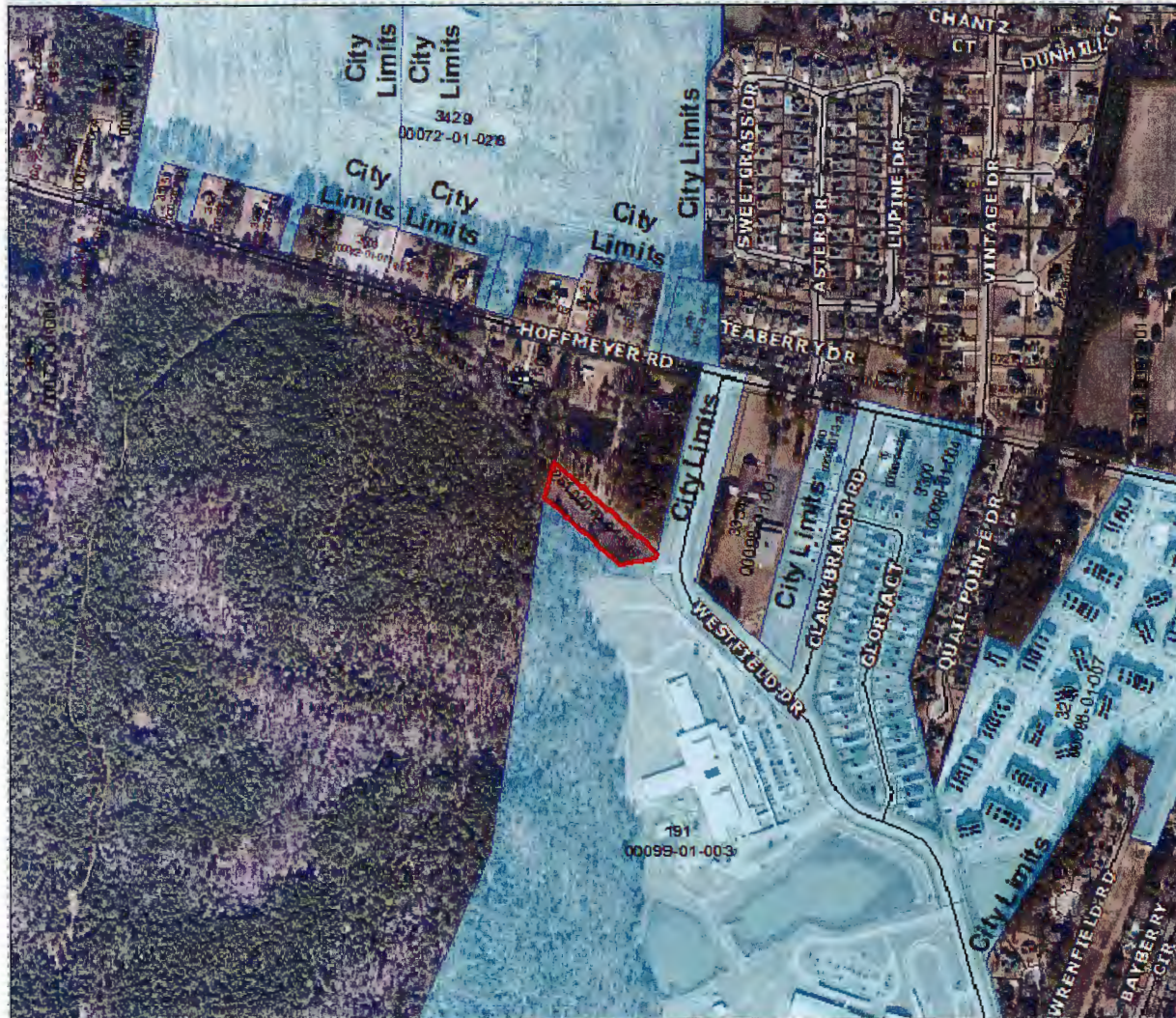
City Attorney

Lethonia Barnes,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

PC 2025-26
Vicinity Map - 251-285 Westfield Drive



Legend

- City Limits
- Parcels
- Proposed Parcel

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FLORENCE
 SOUTH CAROLINA

DISCLAIMER:
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200 100 0 200 Feet

Date: 5/16/2025

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

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

Florence County Tax Map

00072-01-045

3. Annexation is being sought for the following purposes:

City Services

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

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

Total Residents _____

Race _____

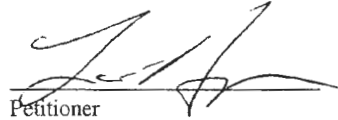
Total 18 and Over _____

Total Registered to Vote _____

Date

5-12-25

Petitioner



Date

Petitioner

Certification as to ownership on the date of petition:

FOR OFFICIAL USE ONLY

Date

5-12-25



FLORENCE CITY COUNCIL MEETING

DATE: July 14, 2025

AGENDA ITEM: An Ordinance to name the private road located in front of TMN 00099-01-212.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to name an existing private road behind the Target store at 2791 David H. McLeod Boulevard which fronts Tax Map Number 00099-01-212 "T. Ed Byrd Way". The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On June 10, 2025, the City of Florence Planning Commission held a public hearing on this matter and voted unanimously, 8-0, to recommend the name "T. Ed Byrd Way" for the private road.

III. POINTS TO CONSIDER:

- (1) Only one undeveloped parcel fronts this street.
- (2) This is a private road owned and maintained by Byrd Properties, Inc. It was developed in the 1990s but was never named. A new development is proposed, and emergency response and e911 requirements necessitate that the road be named for addressing purposes.
- (3) City staff compared the proposed street name to those existing in the e911 database and found no conflict.
- (4) City staff concurs with Planning Commission's recommendation to approve the proposed road name of "T. Ed Byrd Way".

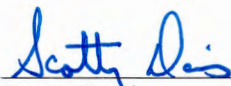
IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Street Naming Petition



Jerry B. Dudley
Planning Director



Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

**AN ORDINANCE TO NAME THE PRIVATE ROAD LOCATED
IN FRONT OF TAX MAP NUMBER 00099-01-212.**

- WHEREAS,** a Public Hearing was held in the Council Chambers on June 10, 2025 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;
- WHEREAS,** application by Byrd Properties, Inc., the owner of the private road fronting TMN 00099-01-212 and leading to the Magnolia Mall ring road, was presented requesting that the aforesaid private road be named T. Ed Byrd Way;
- WHEREAS,** Florence City Council concurs in the aforesaid application, findings, and recommendations:

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

1. That an Ordinance is hereby adopted to name the private road as requested by the property owner after necessary legal documents have been properly executed.
2. That this Ordinance shall become effective in seven days upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2025

Approved as to form:

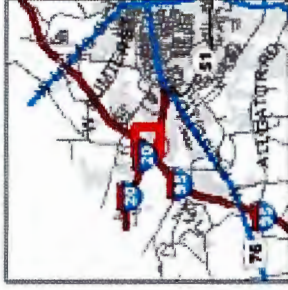
City Attorney

Lethonia Barnes,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

PC 2025-22 Vicinity Map - Private Road



Legend

- City Limits
- Parcels
- Private Road



DISCLAIMER:
The City of Florence Department of Planning, Research, and Development data released on this map is the product of compilation, as prepared by others, it is provided for informational purposes only and the City of Florence makes no representation as to its accuracy. Its use without field verification is at the user's risk. 5/26/2025





City of Florence, South Carolina
324 West Evans Street, Florence, SC 29501-3465
Planning, Research, & Development Department
Phone: (843) 665-2047

Street Renaming Petition

We the undersigned property owners/residents request the City of Florence Planning Commission to change the name of a street pursuant to City Code Sec 17-21 and S.C. Code § 6-29-1200.

Reason for street name change: STREET IS CURRENTLY UNAMED AND PRIVATELY OWNED AND PUBLICLY USED.

We understand that:

1. Prior to street names being approved, staff will check the proposed names against the E 9-1-1 Master Street Address Guide to determine if there are any phonetic similarities to existing street names.
2. Submitting this petition does not guarantee that the request will be approved.
3. Street name changes are approved by the City of Florence Planning Commission.

Upon receiving approval certifying a changed street name, the petitioner must submit a copy of a plat with the new street name. The plat is to be stamped by City Planning for approval and the applicant must have the plat recorded at the Florence County Tax Assessor's office and Clerk of Courts.

Location of street to be named: Must include Tax Map Number and description of the area: THE STREET/ROAD IS OWNED BY BYRD PROPERTIES, INC. TAX PARCEL 000 99-01-212 AND CONNECTS DUNBARTON DR. BEHIND TARGET TO THE CIRCLE ROAD AROUND MAGNOLIA MALL. (SEE ATTACHED)
We request to rename the street to the following: Must submit three choices. Petitions with less than three will not be considered.

1. ED BYRD WAY
2. ED BYRD LANE
3. T. EDWARD BYRD WAY

Petitioner(s) Name, Address, and Telephone Number (Continue on the back if necessary):

DREW CHAPLIN (REPRESENTATIVE) 135 S. DARGAN ST.
SUITE 301, FLORENCE, SC 29506
(843) 667-4999 dc@pallmettocommercial.com

Please return petition to the Department of Planning, Research, and Development at 324 West Evans Street, Florence, SC 29501.

FLORENCE CITY COUNCIL MEETING

DATE: August 11, 2025

AGENDA ITEM: An Ordinance to annex and zone Neighborhood Conservation-15 (NC-15) the parcel located at 2507 West Andover Road, TMN 01221-01-090.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex the parcel located at 2507 West Andover Road, with Tax Map Number 01221-01-090, into the City of Florence and assign it the zoning designation of Neighborhood Conservation-15 (NC-15). The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

On July 8, 2025, the City of Florence Planning Commission held a public hearing on this matter, and voted unanimously, 9-0, to recommend the zoning designation of Neighborhood Conservation-15 (NC-15).

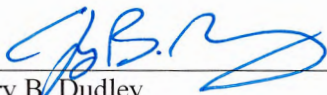
III. POINTS TO CONSIDER:


- (1) City water and sewer services are currently available, with no cost to extend utilities.
- (2) A Public Hearing for zoning was held at the July 8, 2025 Planning Commission meeting.
- (3) City staff recommends annexation and concurs with Planning Commission's recommendation to approve the request to zone the property Neighborhood Conservation-15 (NC-15).

IV. PERSONAL NOTES:

V. ATTACHMENTS:

- (1) Ordinance
- (2) Vicinity Map
- (3) Annexation Petition


Jerry B. Dudley
Planning Director


Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

**AN ORDINANCE TO ANNEX AND ZONE NEIGHBORHOOD CONSERVATION-15 (NC-15)
THE LOT AT 2507 WEST ANDOVER ROAD, TMN 01221-01-090.**

WHEREAS, a Public Hearing was held in the Council Chambers on July 8, 2025 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;

WHEREAS, application by Nileshkumar S. Patel, owner of TMN 01221-01-090, was presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid property be incorporated into the City limits of the City of Florence under the provisions of Section 5-3-150(3) of the 1976 Code of Laws of South Carolina and given the zoning district classification of NC-15:

The property requesting annexation is shown more specifically on Florence County Tax Map 01221, block 01, parcel 090 (0.580881 acre).

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

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

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

1. That an Ordinance is hereby adopted annexing into the City Limits of the City of Florence the aforesaid property and amending the Zoning Atlas to the aforesaid zoning classifications.
2. That this Ordinance shall become effective in 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 _____, 2025

Approved as to form:

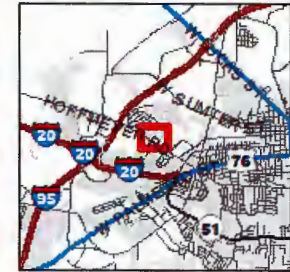
City Attorney

Lethonia Barnes,
Mayor

Attest:

Casey C. Moore,
Municipal Clerk

PC 2025-30
Vicinity Map - 2507 West Andover Road



Legend

- City Limits
- Parcels



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60 30 0 60 Feet

Date: 6/25/2025

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION

COUNTY OF FLORENCE)

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

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

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

Florence County Tax Map

01221-01-0910

3. Annexation is being sought for the following purposes:

City Services

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

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

Total Residents
Race
Total 18 and Over
Total Registered to Vote

9
Asian
6
1

Date 06/02/25


Petitioner

Date _____

Petitioner

Certification as to ownership on the date of petition:

FOR OFFICIAL USE ONLY

Date 6/2/25

93

FLORENCE CITY COUNCIL MEETING

DATE: August 11, 2025

AGENDA ITEM: Ordinance to Rezone from CA to NC-6.3 two parcels located at 235 East Howe Springs Road, TMN 00152-01-127 and 00152-01-017.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An ordinance to rezone from CA to NC-6.3 two parcels located at 235 East Howe Springs Road, said property being specifically designated in the Florence County Tax Records as Tax Map Parcels 00152-01-127 and 00152-01-017. The request is being made by the property owner.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

1. On July 8, 2025, Planning Commission held a public hearing on this matter and voted unanimously (9-0) to recommend that the parcels be rezoned from CA to NC-6.3.
2. The owner intends to combine the parcels and build six townhouses.

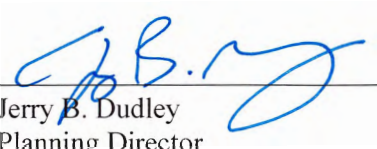
III. POINTS TO CONSIDER:

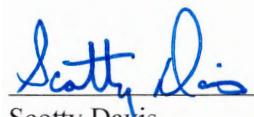
1. This request is being considered for first reading.
2. City water and sewer are available to the parcels.
3. The lots are currently zoned CA Campus District. This zoning district only allows commercial and institutional uses.
4. The requested zoning of NC-6.3 allows single-family detached housing, townhomes, and multi-family development only.

IV. PERSONAL NOTES:

V. ATTACHMENTS:

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


Jerry B. Dudley
Planning Director


Scotty Davis
City Manager

ORDINANCE NO. 2025-_____

AN ORDINANCE TO REZONE PROPERTY IDENTIFIED AS 235 EAST HOWE SPRINGS ROAD, TAX MAP NUMBERS 00152-01-127 AND 00152-01-017, FROM CAMPUS ZONING DISTRICT TO NEIGHBORHOOD CONSERVATION-6.3 ZONING DISTRICT:

WHEREAS, a Public Hearing was held in City Council Chambers on July 8, 2025 at 6:00 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, Neil Patel made application to rezone from CA Campus District to NC-6.3 Neighborhood Conservation-6.3 District;

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

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

1. That an Ordinance is hereby adopted by amending the Zoning Atlas of the City of Florence for the aforesaid property to NC-6.3;
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 _____, 2025

Approved as to form:

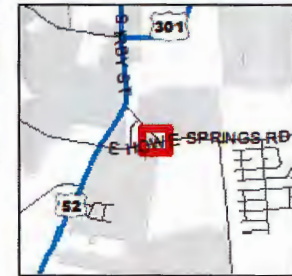
City Attorney

Lethonia Barnes
Mayor

Attest:

Casey C. Moore
Municipal Clerk

PC 2025-28 Location Map 235 East Howe Springs Road



Legend

- City Limits
- Parcels
- Proposed Parcel

FULL LIFE. FULL FORWARD.
FLORENCE
SOUTH CAROLINA

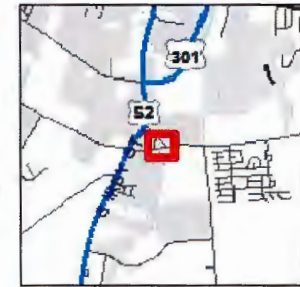
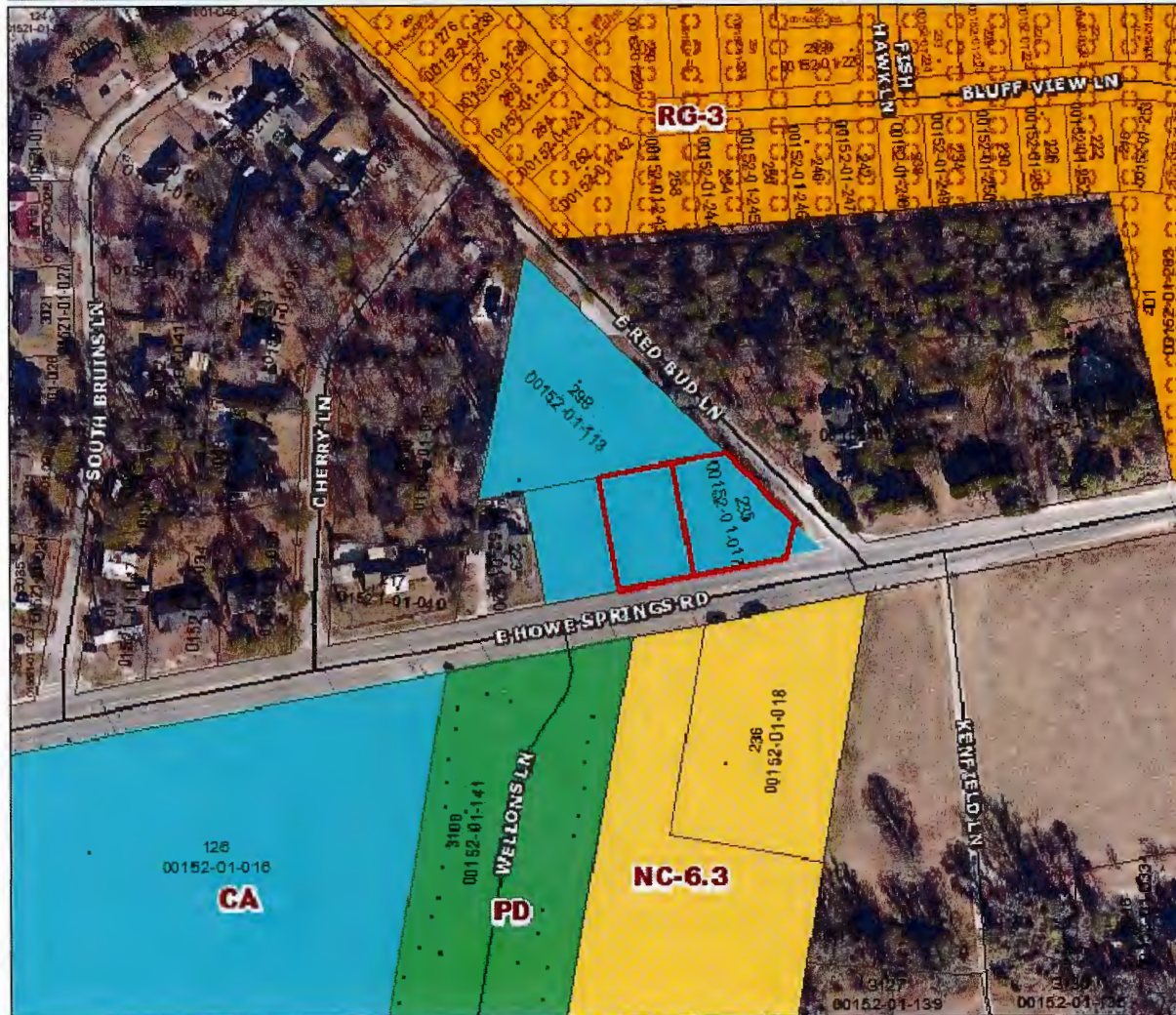
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50 25 0 50 Feet

Date: 6/3/2025

PC 2025-28 Zoning Map

235 East Howe Springs Road



Legend

Parcels

Zoning District

Residential Districts

RG-3

PD

Neighborhood Conservation Sub-Districts

NC-6.3

Business and Commercial Districts

CA

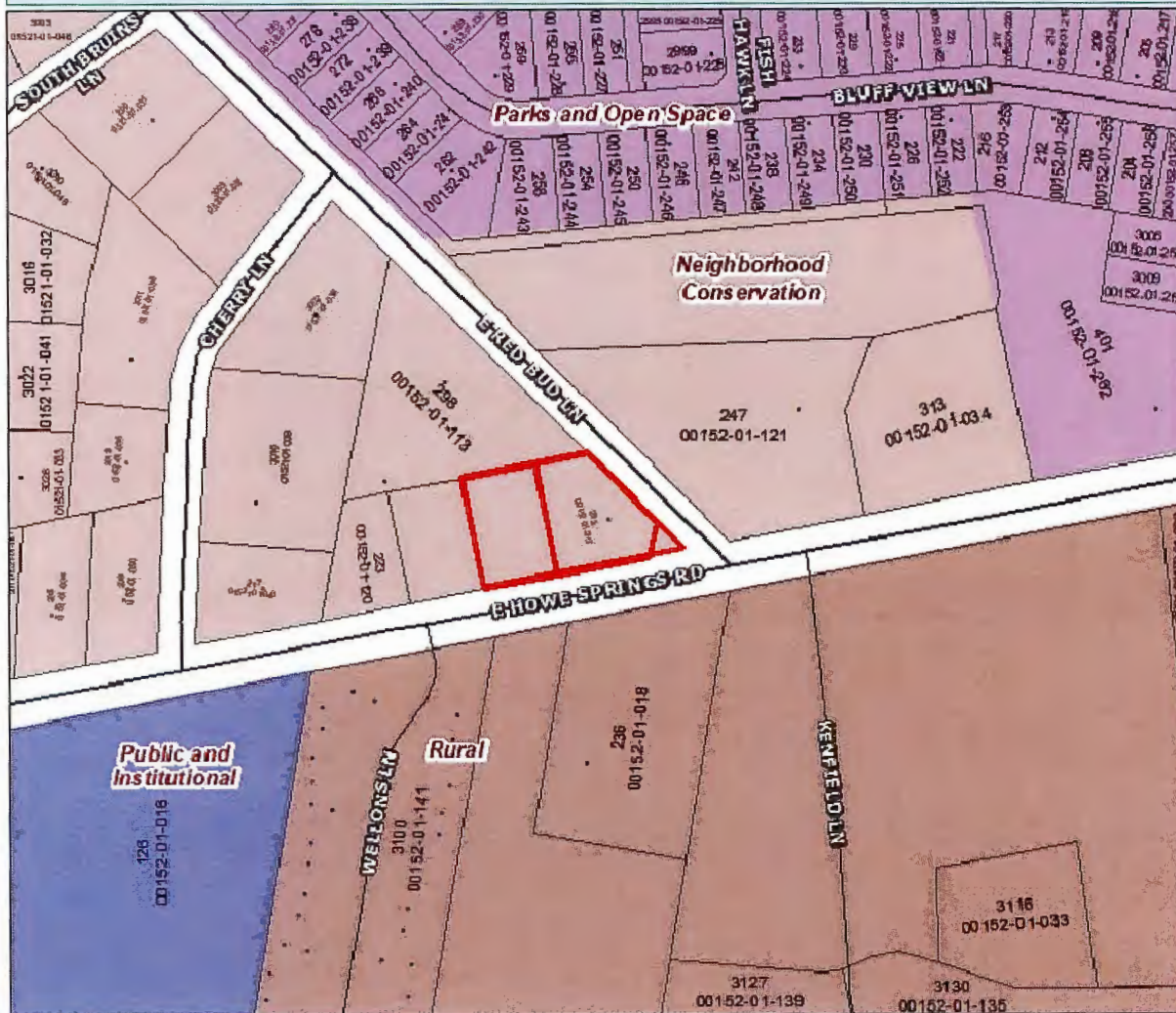
FULL LIFE. FULL FORWARD.
FLORENCE
SOUTH CAROLINA

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50 25 0 50 Feet

Date: 5/29/2025

PC 2025-28 Future Land Use



Legend

Parcels

Future Land Use 2010

Future Land Use

- Neighborhood Conservation
- Parks and Open Space
- Public and Institutional
- Rural



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50 25 0 50 Feet

Date: 5/28/2025

FLORENCE CITY COUNCIL MEETING

DATE: August 11, 2025

AGENDA ITEM: An Ordinance to amend Tables 1-2.7.2-A and 1-2.7.2-B and Sections 1-2.8.2, 1-2.10.1-B, and 7-25.2 of the *Unified Development Ordinance* regarding accessory dwelling units.

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

An amendment of the Unified Development Ordinance to provide regulations and standards for permitting accessory dwelling units (ADUs) in residentially zoned districts.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

- (1) On June 10, 2025, the City of Florence Planning Commission held a public hearing on the proposed amendment to the Unified Development Ordinance regarding detached ADUs and voted unanimously (8-0) to defer a vote in order to provide time to review the amendment proposal in depth.
- (2) On July 8, 2025, the City of Florence Planning Commission held a public hearing on this matter and voted unanimously (9-0) to recommend that the Unified Development Ordinance be amended to permit detached accessory dwelling units (ADUs) in residentially zoned districts.

III. POINTS TO CONSIDER:

- (1) The purpose of the *Unified Development Ordinance* is to implement the Comprehensive Plan adopted June 12, 2023, guide development in accordance with existing and future needs, and promote the public health, safety, convenience, order, appearance, prosperity, and general welfare, as well as providing for the orderly development of land within the territorial jurisdiction of the City of Florence.
- (2) According to Section 6-21.4.1 E of the *Unified Development Ordinance*, petitions for amendments to the text are to be made by or to the Planning Director. City Council may also initiate an amendment by motion.
- (3) There is a critical need for more affordable housing throughout the City of Florence.
- (4) Section 1-2.10.1 B of the *Unified Development Ordinance* currently permits integrated ADUs only in certain zoning districts and with strict restrictions. This section is proposed to be removed from the *Unified Development Ordinance* and has been combined with the proposed addition of Section 1-2.8.2-A, the conditional requirements for accessory dwelling units. Additionally, ADUs are added to the use tables (1-2.7.2-A, 1-2.7.2-B) as a conditional use and a definition is added to Section 7-25.2.
- (5) The purpose of the amendment is to assist in the utilization of existing housing stock, and to provide reasonable standards for new construction in residential neighborhoods. The proposed amendment incorporates site standards and limits the use to owner occupied properties.

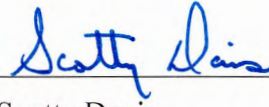
IV. PERSONAL NOTES:

V. ATTACHMENTS:

A) Ordinance



Jerry B. Dudley
Planning Director



Scotty Davis
City Manager

ORDINANCE NO. 2025 - _____

**AN ORDINANCE TO AMEND SECTIONS 1-2.7.2-A, 1-2.7.2-B, 1-2.8.2, 1-2.10.1-B, and 7-25.2
OF THE CITY OF FLORENCE UNIFIED DEVELOPMENT ORDINANCE TO PERMIT
AND REGULATE ACCESSORY DWELLING UNITS.**

- WHEREAS,** a Public Hearing was held in Council Chambers on July 8, 2025 at 6:00 P.M. before the City of Florence Planning Commission, and notice of said hearing was duly given;
- WHEREAS,** the purpose of the Unified Development Ordinance is to implement the Comprehensive Plan adopted June 12, 2023, guide development in accordance with existing and future needs, and promote the public health, safety, convenience, order, appearance, prosperity, and general welfare, as well as provide for the orderly development of land within the territorial jurisdiction of the City of Florence;
- WHEREAS,** the Planning Commission and City Staff recommend the amendment of the Unified Development Ordinance in order to permit and regulate accessory dwelling units in all residential neighborhoods;
- WHEREAS,** Florence City Council concurs in the aforesaid application, findings, and recommendations:

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

- 1. That the provisions of the Unified Development Ordinance applicable to the City of Florence be, and the same are hereby amended: Tables 1-2.7.2-A and 1-2.7.2-B and Sections 1-2.8.2-A, 1-2.10.1-B, and 7-25.2 which will read in whole as follows:**

Table 1-2.7.2A

Table 1-2.7.2-A Residential and Commercial Uses of the Home																
Land Use	Zoning Districts															
	Residential					Business Commercial			Mixed- Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC ³	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Residential Uses																
Single Family Detached	P	P	P	P	³	P	-	-	-	-	-	-	-	-	-	P
Lot Line Home	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	-
Patio Home ²	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	-
Townhome	-	PB	PB	PB	³	-	-	PB	PB	PB	-	-	-	-	-	-
Cottage	-	C	C	-	³	-	-	-	-	-	-	-	-	-	-	-
Duplex	-	-	PB	PB	³	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home ^{1,2}	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	PB	PB	³	PB	-	-	PB	-	PB	-	-	-	-	-
Multifamily ²	-	-	C	C	³	-	-	C	C	C	C	-	-	-	-	-
Live - Work Units	-	-	-	-	³	C	-	-	P	C	P	C	-	-	-	-
Accessory Dwelling Unit	C	C	C	C	³	C	-	-	-	-	-	-	-	-	-	C
Residential Neighborhoods																
Single Family Cluster	P	P	P	-	³	-	-	-	-	-	-	-	-	-	-	P
Mixed Housing Cluster	-	P	P	P	³	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	-
Commercial Use of the Home																
Bed and Breakfast Inn	C	C	-	-	³	C	-	-	C	C	C	-	-	-	-	C
Child Care Services	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	-
Group Home	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	-
Home Occupation	C	C	C	C	³	C	-	-	C	C	-	-	-	-	-	-
Short Term Rental	SE	SE	SE	SE	³	P	P	P	P	P	P	-	-	-	-	-

Table 1-2.7.2-B

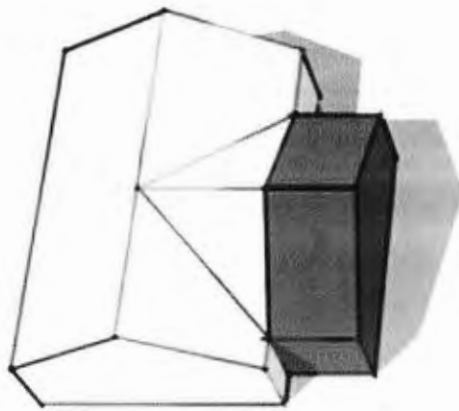
Table 1-2.7.2-B Neighborhood Conservation Residential Uses of the Home						
Land Use	Zoning Districts					
	Residential					
	NC-15	NC-10	NC-6.1	NC-6.2	NC-6.3	NC-4
Residential Uses						
Single Family Detached	P	P	P	P	P	P
Lot Line Home	-	-	-	C	C	-
Patio Home ²	-	-	-	C	C	-
Townhome	-	-	-	-	PB	-
Cottage	-	-	-	-	-	-
Duplex	-	-	-	PB	PB	PB
Manufactured Home ^{1,2}	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	-	-	PB	-
Multifamily ²	-	-	-	-	C	-
Live - Work Units	-	-	-	-	-	-
Accessory Dwelling Unit	C	C	C	C	C	C
Residential Neighborhoods						
Single Family Cluster	-	-	-	-	-	-
Mixed Housing Cluster	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	-	-
Commercial Use of the Home						
Bed and Breakfast Inn	-	-	C	C	C	-
Child Care Services	C	C	C	C	C	C
Group Home	-	-	-	-	C	-
Home Occupation	C	C	C	C	C	C
Short Term Rental	SE	SE	SE	SE	SE	SE

Section 1-2.8.2 Residential and Commercial Use of the Home Standards

A. Accessory Dwelling Units (ADU)

ADU Types. For the purposes of this Unified Development Ordinance, integrated and detached ADUs shall be permitted. Integrated Units are units that are created within an existing building or attached to an existing building such that they appear to be an integrated part of it (see Figure 1-2.8.2, Integrated ADU Type). A detached ADU is a separate structure containing facilities for cooking and bathing that is located on the same lot of record as the principal structure.

Figure 1-2.8.2



INTEGRATED ADU

An ADU is allowed only as accessory to and on the same lot as a single family detached dwelling unit, subject to the following standards and conditions:

1. An ADU counts towards the total number of accessory structures permitted for the zoning district.
2. The property owner must obtain a Conditional Use Zoning Certificate by complying with these conditions before renting an existing ADU.
3. The property owner must obtain a City of Florence Business License and Rental Permit prior to renting the ADU.
4. The construction of a new ADU or the modification of an existing ADU requires a Conditional Use Zoning Certificate before a building permit can be issued.
5. The construction of a new ADU or the modification of an existing ADU in an overlay district requires a Conditional Use Zoning Certificate and a Certificate of Appropriateness issued by the Design Review Board with public notice procedures before a building permit can be issued.
6. Either the principal dwelling unit or the ADU must be occupied by the owner and full-time resident of the property. For the purposes of this ordinance, the "owner and full-time resident" shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver's license, and the subject property must be assessed at the four percent homeowner's assessment rate according to the records of the Florence County Assessor's Office.
7. Only one ADU, whether attached or detached, is permitted per lot of record.
8. If attached, the ADU must be physically attached to the principal dwelling unit.
9. A distance of at least ten feet shall separate a detached ADU from the principal dwelling unit.
10. New construction may only be built on lots with single family detached houses.
11. A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an ADU.
12. An ADU, whether attached or detached, shall:
 - a. Have the same street address as the principal dwelling;
 - b. Not be subdivided or otherwise segregated in ownership from the principal dwelling;
 - c. Use the same water, sewer, gas, and electric utilities as the principal dwelling;

- d. If new construction, it shall maintain the architectural design, style, appearance, and character of the principal dwelling by incorporating design elements such as compatible materials, similar façade treatment, colors, window style, and roof design and pitch;
 - e. Meet the standards of the building code in effect for single family dwellings.
- 13. Maximum detached ADU size is limited to 50% of the footprint of the principal structure, or 800 square feet, whichever is less. An attached ADU is limited to 35% of the total floor area of the principal structure or 800 square feet, whichever is less.
 - 14. An ADU shall not cover more than 30% of the established rear yard.
 - 15. The ADU shall be no taller than the principal building.
 - 16. New construction ADUs shall be located in the rear yard and must comply with all district standards including principle building setbacks, height, massing, and building coverage. In addition, the ADU must not be located any closer to the side property lines than the principal dwelling unit regardless of the setback for the zoning district.
 - 17. The ADU shall provide one improved parking space in addition to the required parking for the principal structure.
 - 18. The ADU shall not be served by a driveway separate from that serving the principal structure unless it is a detached building located on a corner lot or alleyway, in which case a separate driveway may be provided from the side street or alley, whichever applies.
 - 19. An ADU shall not be leased or rented for less than 30 days.
 - 20. An ADU may not be used solely for a home occupation.
 - 21. The City will not issue a Conditional Use Zoning Certificate or Building Permit for an ADU if it has received notice of a restrictive covenant applicable to the lot prohibiting such use.

~~Section 1-2.10.1 B—Integrated ADUs~~

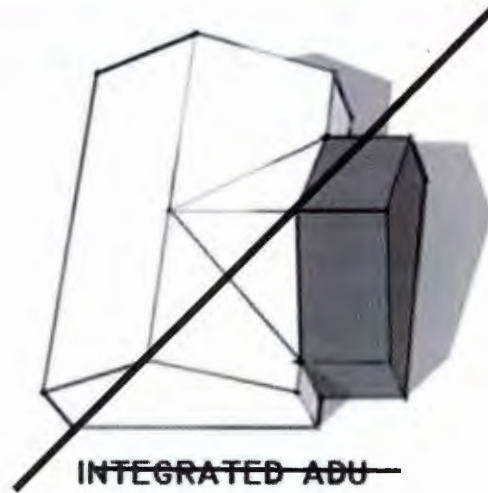
(current code to be combined with proposed amendment to Section 1-2.8.2 and removed from UDO)

~~B. Accessory Dwelling Units (ADU).~~

- ~~1. Generally. Accessory dwelling units are permitted only according to the standards of this Section.~~
- ~~2. ADU Types. For the purposes of this Unified Development Ordinance, only integrated ADUs shall be permitted. Integrated Units are units that are created within an existing building or attached to an existing building such that they appear to be an integrated part of it (see Figure 1-2.10.1, Illustrative ADU Type). Any detached ADU shall not be permitted within any zoning district.~~

~~Figure 1-2.10.1~~

**Figure 1-2.10.1
Integrated ADU**



3. ~~Permitted Locations. Integrated accessory dwelling units are allowed as provided in Table 1-2.10.1, Districts and ADU Types. ADUs are not allowed in districts that are not listed in the table. ADUs are only allowed as an accessory to owner-occupied, single-family detached principal buildings.~~

Table 1-2.10.1 Districts and ADU Types		
District	Subdistrict	Integrated Unit
AR	N/A	Allowed
RE	N/A	Allowed
RS	N/A	Allowed
RG	N/A	Allowed
RU	N/A	Allowed
NC	NC-15	Allowed subject to Subsection 7 below.
	NC-10	Allowed subject to Subsection 7 below.
	NC-6 1	Not Allowed
	NC-6 2	Not Allowed
	NC-6 3	Not Allowed
	NC-4	Not Allowed
CR	N/A	Allowed

~~4. Number of ADUs. No lot shall contain more than one ADU (Accessory Dwelling Units).~~

~~5. Bulk and Design Standards.~~

~~a. Integrated Units.~~

~~1. Integrated units shall not occupy more than 25 percent of the total floor area of the principal building.~~

~~2. Integrated units shall not involve design modifications to the exterior of the principal building that make their presence obvious. Where the principal building is expanded to accommodate the integrated unit, the expansion shall be designed, clad, painted, and roofed in a manner that is comparable to the principal building.~~

~~3. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a single family building.~~

~~4. Setbacks for integrated units are the same as for the principal building.~~

~~6. Parking.~~

~~a. In addition to the parking requirements for the principal building, one off-street parking space per bedroom shall be provided for the ADU.~~

~~b. Use of tandem parking to meet this requirement is allowed; however, only one tandem space is allowed per lot.~~

~~7. Required Outdoor Area. Lots that are developed with ADUs shall include a usable outdoor area of at least 1,100 sf., located behind the principal dwelling unit.~~

~~8. Additional Requirements in the NC (Neighborhood Conservation) districts.~~

~~a. Integrated units shall demonstrate the following:~~

~~1. There is either adequate parking already on-site or sufficient room on-site to accommodate two additional vehicles without encroaching into the required yards;~~

~~2. There will be no parking within the front or corner side yards other than on a driveway with a maximum width of 14 feet; and~~

~~3. There will be a single address and utility meter.~~

~~9. Utilities. ADUs shall not be provided with utilities that are metered or billed separately from the principal building~~

Add Accessory Dwelling Units to Definitions in Division 7-25.2.A

Division 7-25.2. A Definitions:

Accessory Dwelling Unit means a self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area; that is located on the same lot as a larger single family dwelling that serves as the principal use of the lot; and whose use is subordinate and incidental to the larger single family dwelling.

ADOPTED THIS _____ DAY OF _____, 2025

Approved as to form:

City Attorney

**Lethonia Barnes,
Mayor**

Attest:

**Casey C. Moore,
Municipal Clerk**

FLORENCE CITY COUNCIL MEETING

DATE: August 11, 2025
AGENDA ITEM: Resolution
DEPARTMENT/DIVISION: Department of Planning, Research and Development

I. ISSUE UNDER CONSIDERATION:

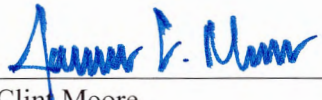
A Resolution committing the City of Florence to providing a local match for a Municipal Association of South Carolina Big Idea Grant and following its procurement policy when securing services and products with grant funds.

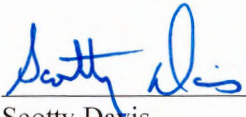
II. POINTS TO CONSIDER:

1. The Municipal Association of South Carolina launched the IMPACT Fund (Innovative Municipal Projects for Advancing Change and Transformation) in 2025 to support bold, *forward-thinking projects that improve quality of life in South Carolina cities and towns.*
2. The City of Florence intends to apply for a Big Idea Grant, which awards up to \$100,000 for bold, creative and forward-thinking ideas that results in a long-term impact.
3. To be eligible, applicants must provide a 5% local match and submit a resolution of support from City Council.
4. Award notifications will be made by October 31, 2025.
5. Evaluation criteria for the grant include:
 - Creativity and Innovation (30%)
 - Community Impact (20%)
 - Strategic Value (20%)
 - Project Readiness (20%)
 - Replicability (10%)

III. ATTACHMENTS:

1. Proposed Resolution


Clint Moore
Assistant City Manager


Scotty Davis
City Manager

(STATE OF SOUTH CAROLINA)
()
(CITY OF FLORENCE)

RESOLUTION NO. 2025-25

A RESOLUTION COMMITTING THE CITY OF FLORENCE TO PROVIDING A LOCAL MATCH FOR A MUNICIPAL ASSOCIATION OF SOUTH CAROLINA BIG IDEA GRANT AND FOLLOWING ITS PROCUREMENT POLICY WHEN SECURING SERVICES AND PRODUCTS WITH GRANT FUNDS.

BE IT RESOLVED, by the City Council of the City of Florence, South Carolina, here assembled on this 11th day of August 2025, that the City of Florence hereby commits to provide a local match of at least \$5000.00, which equals the minimum 5% local match required by the Municipal Association of South Carolina, to support the City's application for the Big Idea Grant in the amount of \$100,000.00. These grant and local matching funds will be used for an East Palmetto Street Gateway Project.

BE IT FURTHER RESOLVED that the Council will follow its procurement policy adopted in accordance with SC Code of Laws Section 11-35-50 when securing all services and products purchased with funds awarded from the Big Idea Grant.

This resolution is made in regard to the submission of an application for the Big Idea Grant funds to the Municipal Association of South Carolina on or before the application deadline of September 26, 2025.

AND IT IS SO RESOLVED, this 11th day of August 2025.

APPROVED AS TO FORM:

HAYNSWORTH SINKLER BOYD, P.A.
CITY ATTORNEY

LETHONIA BARNES
MAYOR, CITY OF FLORENCE, SC

ATTEST:

CASEY C. MOORE
MUNICIPAL CLERK, CITY OF FLORENCE, SC