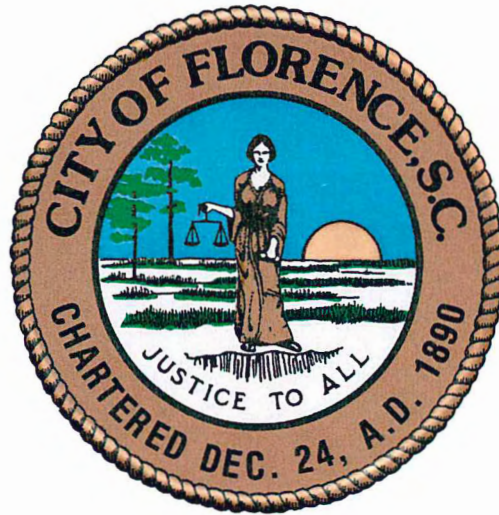


REGULAR MEETING
OF
FLORENCE CITY COUNCIL



COUNCIL CHAMBERS
324 W. EVANS STREET
FLORENCE, SOUTH CAROLINA

MONDAY
FEBRUARY 10, 2014
1:00 P.M.

REGULAR MEETING OF FLORENCE CITY COUNCIL

MONDAY, FEBRUARY 10, 2014 - 1:00 P.M.

CITY CENTER – COUNCIL CHAMBERS

324 W. EVANS STREET

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance

III. APPROVAL OF MINUTES

January 13, 2014 – Regular Meeting

January 31, 2014 – Special Meeting

IV. HONORS AND RECOGNITIONS

Service Recognitions

Tony Judkins – 20 years – Police

Patrick Green – 20 years – Fire

Kurt Poston – 10 years – Fire

Teresa Eaton – 10 years – Finance

V. PUBLIC HEARING

A public hearing to receive comments from the public regarding redistricting

VI. APPEARANCE BEFORE COUNCIL

- a. Mr. Dan Brown – Would like to ask Council to reconsider their vote regarding the “Ban the Box” Ordinance that was presented to Council at the January 13, 2014 City Council meeting.***

VII. ORDINANCES IN POSITION

- a. Bill No. 2014-01 – Second Reading**
An Ordinance to abandon a portion of right-of-way between Poplar Street and Spruce Street.
- b. Bill No. 2014-02 – Second Reading**
An Ordinance to annex and zone property owned by Audrey Kirven, Betty Sellers and Frances Diggs.
- c. Bill No. 2014-03 – Second Reading**
An Ordinance adopting a Redistricting Plan for the three single member districts of the City of Florence, South Carolina in accordance with the Federal Decennial Census of 2010.

VIII. INTRODUCTION OF ORDINANCES

- a. Bill No. 2014-04 – First Reading**
An Ordinance to annex and zone property owned by SF-Florence-I, LTD.
- b. Bill No. 2014-05 – First Reading**
An Ordinance to amend the General Fund Budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

IX. INTRODUCTION OF RESOLUTIONS

- a. Resolution No. 2014-01**
A Resolution amending Section III of the City of Florence, SC Purchasing and Contracting Procedures Manual establishing a Local and Minority Business Enterprise Vendor Preference Program.
- b. Resolution No. 2014-02**
A Resolution of the City of Florence, South Carolina agreeing to the responsibilities and requirements of the United States Department of Agriculture, Rural Development Form RD 1940-1 "Request For Obligation of Funds" and RUS Bulletin 1780-12, "Water and Waste System Grant Agreement", and authorizing the Mayor and Clerk to execute these forms and affirming the executed forms RD 400-1, "Equal Opportunity Agreement", and RD 400-4, "Assurance Agreement".

X. REPORT TO COUNCIL

a. Appointments to Boards and Commissions

b. A report to declare as surplus property, land totaling 1.7 acres located on the corner of Francis Marion Road and Cox Road.

XI. ADJOURN

**REGULAR MEETING OF FLORENCE CITY COUNCIL
MONDAY, JANUARY 13, 2014 – 1:00 P.M.
CITY CENTER, COUNCIL CHAMBERS
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Stephen J. Wukela called the regular meeting to order at 1:00 p.m. with the following members present: Mayor Pro tem Frank J. Brand, II; Councilwoman Teresa Myers Ervin; Councilman Ed Robinson; Councilwoman Octavia Williams-Blake; and Councilman Glynn F. Willis.

MEMBERS ABSENT: Councilman Robby L. Hill.

ALSO PRESENT: Mrs. Dianne M. Rowan, Municipal Clerk; Mr. James W. Peterson, Jr., City Attorney; Mr. Phillip Lookadoo, Director of Planning, Research and Development; Interim Police Chief Allen Heidler, Florence Police Department; Mr. Scotty Davis, Director of General Services; Mr. Chuck Pope, Director of Public Works; Mr. Michael Hemingway, Director of Utilities; Mr. Thomas Chandler, Director of Finance; Chief Randy Osterman, Florence Fire Department; and Mr. Ray Reich, Downtown Development Manager.

Notices of this regularly scheduled meeting were sent to the media informing them of the date, time and location of the meeting.

Mr. Gavin Jackson of the Morning News; Mr. Curtis Graham of WBTW TV-13; Mr. Ken Baker of WMBF TV-32; and Ms. Tonya Brown of WPDE-TV 15 were present for the meeting.

INVOCATION

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

LESTER ELEMENTARY SCHOOL STUDENT COUNCIL

Mayor Wukela recognized and welcomed Ms. Susie Brown, Advisor and the Lester Elementary School Student Council to the City Council meeting.

APPROVAL OF MINUTES

Mayor Pro tem Brand made a motion to adopt the minutes of the December 9, 2013 Regular Meeting and the minutes of the December 20, 2013 Special Meeting. Councilman Willis seconded the motion, which carried unanimously.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
JANUARY 13, 2014 – PAGE 2**

HONORS AND RECOGNITIONS

Educational Recognition

Terry McFadden received an educational recognition for obtaining his “D” Water Distribution Operator Certification.

Service Recognition

Mayor Wukela presented a service recognition certificate to the following:
Linda Maleckar for 20 years of service
Wes Miller for 20 years of service
Lanier Henneghan-Rowell for 10 years of service

ORDINANCES IN POSITION

BILL NO. 2013-27 – SECOND READING

AN ORDINANCE TO DECLARE AS SURPLUS A PARCEL CONTAINING APPROXIMATELY 0.13 ACRES AND DESIGNATED AS TAX MAP NUMBER 90055-07-002 IN THE RECORDS OF THE FLORENCE COUNTY TAX ASSESSOR.

An Ordinance to declare as surplus a parcel containing approximately 0.13 acres and designated as Tax Map Number 90055-07-002 in the records of the Florence County Tax Assessor was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2013-27 on second reading. Councilwoman Williams-Blake seconded the motion, which carried unanimously. (Councilman Hill was not present).

BILL NO. 2013-28 – SECOND READING

AN ORDINANCE TO AMEND PLANNED DEVELOPMENT DISTRICT ORDINANCE 2008-02 PERMITTED USES AND SITE PLAN.

An Ordinance to amend Planned Development District Ordinance 2008-02 Permitted Uses and Site Plan was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2013-28 on second reading. Councilman Willis seconded the motion, which carried unanimously. (Councilman Hill was not present).

BILL NO. 2013-29 – SECOND READING

AN ORDINANCE TO AMEND THE BUDGET FOR THE CITY OF FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, AND ENDING JUNE 30, 2014.

An Ordinance to amend the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2013, and ending June 30, 2014 was adopted on second reading.

Mayor Pro tem Brand made a motion to adopt Bill No. 2013-29 on second reading. Councilwoman Williams-Blake seconded the motion, which carried unanimously. (Councilman Hill was not present).

INTRODUCTION OF ORDINANCES

BILL NO. 2013-20 – FIRST READING

AN ORDINANCE TO REGULATE BUSINESSES BY ENACTING A NEW CHAPTER IN THE CITY OF FLORENCE CODE OF ORDINANCES TO ESTABLISH PROVISION AND REQUIREMENTS FOR THE SCREENING OF CRIMINAL RECORDS BY EMPLOYERS WITHIN THE CITY OF FLORENCE.

An Ordinance to regulate businesses by enacting a new chapter in the City of Florence Code of Ordinances to establish provisions and requirements for the screening of criminal records by employers within the City of Florence was denied.

Councilman Robinson made a motion to pass Bill No. 2013-20 on first reading. Councilwoman Ervin seconded the motion.

Councilman Robinson reported that this Ordinance basically asks that when a potential employee is applying for a job the potential employer will not be allowed to ask the potential employee if he has a criminal record during the application process. The law doesn't ask that this be totally disregarded; instead the question can be asked and explained, if necessary, by the potential employee during the interview process. This gives the potential employee a chance to explain what may have happened many years ago.

Councilwoman Williams-Blake asked for clarification if the mandate would be for all businesses within the City of Florence or just for those who submit an application for employment with the City of Florence.

Councilman Robinson responded that the City has already made this change and this Ordinance would be for all employers within the City.

Councilwoman Ervin stated she would like for the City to look at what the NAACP is doing and work with them on this issue. In addition, Councilwoman Ervin stated she supports this Ordinance as it would give people an opportunity to explain if they had a criminal history.

In response to a question from Councilwoman Williams-Blake, Councilman Robinson stated that if a business did not comply with the new mandate, their business license could be revoked. Also, Councilman Robinson stated that he had tried several times to contact the NAACP regarding "Ban the Box" and was unsuccessful in being able to talk with someone or having anyone return his calls.

Mayor Wukela stated this item has been on the agenda for six months or more and feels it is incumbent upon Council to act on it. Mayor Wukela added that he agrees with Councilman Robinson in that an unfair stigma has been placed on some people who have paid their debt to society but have not been able to shed the stigma and are unable to move forward with their lives. Mayor Wukela expressed concerns as to whether Council has the legal authority to pass this or is this more in the sphere of the legislature and also whether City Council has the administrative ability to enforce this once it is passed. Mayor Wukela stated he did not feel the City had the capability to ban this city-wide.

Councilwoman Ervin stated she would like for Councilman Robinson to work with staff to start communicating with the legislators to see what can be done to bring about a change.

Voting in favor of Bill No. 2013-20 was Councilman Robinson and Councilwoman Ervin.

Voting in opposition of Bill No. 2013-20 was Mayor Wukela, Mayor Pro tem Brand, Councilman Willis and Councilwoman Williams-Blake. (Councilman Hill was not present).

**REGULAR MEETING OF FLORENCE CITY COUNCIL
JANUARY 13, 2014 – PAGE 4**

BILL NO. 2014-01 – FIRST READING

AN ORDINANCE TO ABANDON A PORTION OF RIGHT-OF-WAY ON POPLAR STREET.

An Ordinance to abandon a portion of right-of-way on Poplar Street passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2014-01 on first reading. Councilwoman Ervin seconded the motion.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported to Council that the abandonment would be on the right-of way between Spruce Street and Poplar Street. Notifications were sent out concerning this abandonment. It was sent out to all property owners as well as residents in each dwelling unit. Notice was given in the Morning News on December 23, 24 and 25, 2013 as required by the Code. The Fire, Police, Public Works, Utilities, Engineering, Planning, Research and Development Departments of the City were contacted to see if there was any reason why the City should not abandon its interest in the property. This right-of-way is of no use to the City.

Councilman Willis made a motion to amend Bill No. 2014-01 and to adopt it as recommended by the Planning Commission, in particular to abandon the portion of the right-of-way between Poplar Street and Spruce Street. A request has been made for the City to abandon its interest in a portion of the 10' right-of-way connecting the 400 block of Poplar Street with the 400 block of Spruce Street; more specifically the portion perpendicular to and connecting to Poplar Street and the portion running parallel to Poplar and Spruce Streets as shown in the attachment.

Councilwoman Ervin seconded the motion, which carried unanimously. (Councilman Hill was not present).

BILL NO. 2014-02 – FIRST READING

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY AUDREY KIRVEN, BETTY SELLERS AND FRANCES DIGGS.

An Ordinance to annex and zone property owned by Audrey Kirven, Betty Sellers and Frances Diggs passed on first reading.

Mayor Pro tem Brand made a motion to pass Bill No. 2014-02 on first reading. Councilwoman Ervin seconded the motion.

Mr. Phillip Lookadoo, Director of Planning, Research and Development reported to Council that this is a request for zoning and annexation that was submitted by the property owners for property more specifically shown on Tax Map 90096-05-006, 90113-01-049, and 90096-03-007. The properties are adjacent to the existing city boundaries and water and sewer are currently available at no cost to extend the utilities. The Planning Commission at their meeting of December 10, 2013 voted unanimously, 8-0 to recommend the zoning to R-3.

The motion passed unanimously. (Councilman Hill was not present).

REPORT TO COUNCIL

APPOINTMENTS TO BOARDS AND COMMISSIONS

This item was deferred.

**REGULAR MEETING OF FLORENCE CITY COUNCIL
JANUARY 13, 2014 – PAGE 5**

ADJOURN

Councilman Willis made a motion to adjourn. Without objection, the meeting was adjourned at 1:50 p.m.

Dated this 10th day of February, 2014.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

**SPECIAL MEETING OF FLORENCE CITY COUNCIL
FRIDAY, JANUARY 31, 2014 - 9:00 A.M.
CITY CENTER, COUNCIL CHAMBERS
FLORENCE, SOUTH CAROLINA**

MEMBERS PRESENT: Mayor Wukela called the special meeting to order at 9:00 a.m. with the following members present: Councilman Robby L. Hill; Councilman Edward Robinson, Mayor Pro tem Buddy Brand; Councilwoman Octavia Williams-Blake; Councilwoman Teresa Ervin and Councilman Glynn F. Willis.

ALSO PRESENT: Mr. Drew Griffin, City Manager; Mrs. Dianne M. Rowan, Municipal Clerk; and Mr. Jim Peterson, City Attorney; Mr. Scotty Davis, Director of General Services; and Mr. Phillip Lookadoo, Director of Planning, Research and Development.

MEDIA PRESENT: Notices of this special meeting were sent to the media. Mr. Gavin Jackson of the Morning News and Mr. Ken Baker of WMBF TV-32 were present for the meeting.

INVOCATION

Councilwoman Ervin gave the invocation which was followed by the Pledge of Allegiance to the American Flag.

INTRODUCTION OF ORDINANCES

BILL NO. 2014-03 – FIRST READING
AN ORDINANCE ADOPTING A REDISTRICTING PLAN FOR THE THREE SINGLE
MEMBER DISTRICTS OF THE CITY OF FLORENCE, SOUTH CAROLINA IN
ACCORDANCE WITH THE FEDERAL DECENNIAL CENSUS OF 2010.

An Ordinance adopting a Redistricting Plan for the three single member districts of the City of Florence, South Carolina in accordance with the Federal Decennial Census of 2010 was passed on first reading.

Councilman Willis made a motion to pass Bill No. 2014-03 on first reading. Councilman Hill seconded the motion, which carried unanimously.

Mr. Jim Peterson, City Attorney explained that after each Census, the City is required by state law, federal law and the City's Ordinances, to look at the Census data and to analyze what the new Census data indicates with respect to the single member districts. After reviewing the data from the 2010 Census, staff discovered there was growth in all three single member districts, with the most growth occurring in District 3. One of the issues that was reviewed was the overall population in each of the districts and how the three districts compared to each other. The City looks at the deviation or the difference between those district population totals. The deviation based on the 2010 Census exceeded what the City looks for, what the Justice Department looks for and what is called for under the Voting Rights Act. When this occurs, the City is required to see how it can adjust the boundaries to bring that deviation back into line. The standard deviation is to not exceed 10% from the smallest district to the largest district. In order to bring the deviation back into line the boundaries of the districts required adjustment.

Mr. Drew Griffin, City Manager explained that the current district map (without adjustment) was sent to the state office of Research and Statistics and they created a plan for the City of Florence. Staff took that plan and backed it into the available data to verify that the City's data was consistent with the

State's data. There were three plans created: a state plan and two alternative plans. The plans were presented to the public through a public meeting that was held in each district along with six community meetings that were presented to the neighborhood groups, principally in Districts 1 and 2. The second plan corrected for the population deviation and provided for the demographic mix that has historically been in the city's plan. Staff feels the third plan is the most consistent plan with the principals that the City follows associated with redistricting and brought the deviation to a little more than 4%.

Councilman Robinson asked what the racial make-up would be for the new districts.

In District 1 the percentage of non-Hispanic Black is 60.25%; in District 2 the percentage of non-Hispanic Black is 60.93%; and in District 3 the percentage of non-Hispanic Black is 17.33%.

Mr. Jim Peterson added that the Justice Department likes to see in a minority district the percentage to be between 57% and no more than 64%. The City has always strived to keep the percentage between 60% and 62% and the third plan accomplishes this goal. This will be submitted to the Justice Department for review.

Councilwoman Ervin would like to see a plan to get more of the areas annexed into the City that are surrounded by the city, but are not in the city. Councilwoman Ervin stated she feels that some of these areas have not annexed because of the lack of information on how an annexation would affect the residents living in these areas. Mr. Drew Griffin stated that the biggest impediment to annexation is current state law. State law hampers the City in every effort and in every direction. It is anti-annexation and anti-municipal government.

The motion to pass Bill No. 2014-03 was passed unanimously.

ADJOURN

Councilman Willis made a motion to adjourn the meeting. Councilwoman Ervin seconded the motion, which carried unanimously.

The meeting was adjourned at 9:21 a.m.

Dated this 10th day of February, 2014.

Dianne M. Rowan, Municipal Clerk

Stephen J. Wukela, Mayor

CITY OF FLORENCE COUNCIL MEETING

DATE: February 10, 2014

AGENDA ITEM: Ordinance
Second Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

The applicant requests the City of Florence abandon its interest in a ten foot right-of-way originally serving as an alley connecting the 400 block of Poplar Street with the 400 block of Spruce Street, more specifically the portion perpendicular to and connecting to Poplar Street and the portion running parallel to Poplar and Spruce Streets (See Attachment 1).

II. POINTS TO CONSIDER:

- (1) Notifications, which included information regarding the consideration of abandonment as well as location maps of the right-of-way, were sent to each of the property owners as well as the current residents of each dwelling unit adjacent to the alley.
- (2) Notice was given in the Morning News on December 23, 24, and 25, 2013 as required by Section 2-28 of the City of Florence Code of Ordinances.
- (3) The following City of Florence departments were contacted regarding the abandonment of the right-of-way: Fire; Police; Public Works; Utilities; Engineering; and Planning, Research, and Development. None of the aforementioned departments found any reason to maintain the City's interest in this alley.
- (4) During staff's investigation, it was found that the property owner of 416 Spruce Street uses the right-of-way as access to the rear of their property (Attachment 2)
- (5) It was also found that the portion of the right-of-way running behind the houses on Spruce and Poplar Streets (alley running parallel to Spruce and Poplar Streets) is cluttered with various fences, buildings, and vegetation, making it impassible.
- (6) The portion of the right-of-way leading off of Poplar Street is obstructed by trees and other vegetation (Attachment 3).
- (7) Based on an actual road-course simulating the 90 degree turn on the 10 ft right-of-way, it is not feasible to navigate a modern vehicle through the entirety of the alley (Attachment 4).
- (8) Planning Commission unanimously recommended abandonment of a portion of the aforementioned right-of-way (See Attachment 5 identifying recommended abandonment.)

- (9) If City Council approves the abandonment of interest in this right-of-way, homeowners adjacent to the right-of-way may, through the completion of a the plat approval process and recording of a quitclaim deed, add an additional five feet of the adjacent right-of way, running the distance of their property boundaries, onto their property (Attachment 5).

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

Planning Commission held a public hearing on November 12, 2013 regarding this matter. The Planning Commission voted unanimously to recommend abandonment of a portion of the 10 foot right-of-way that runs between Poplar Street and Spruce Street (See Attachment 5). Since 416 Spruce Street continues to utilize the alley for access to the rear of their property, Planning Commission recommended that the City not abandon its interest in the portion leading perpendicularly off of Spruce Street which runs to the rear of tax map parcel 90076-02-017 (416 Spruce St.). (See Attachment 5 identifying recommended abandonment.)

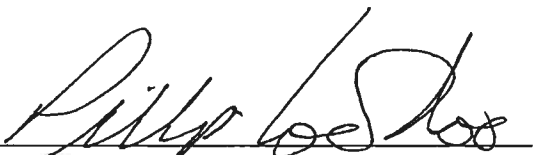
IV. OPTIONS

City Council may:

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

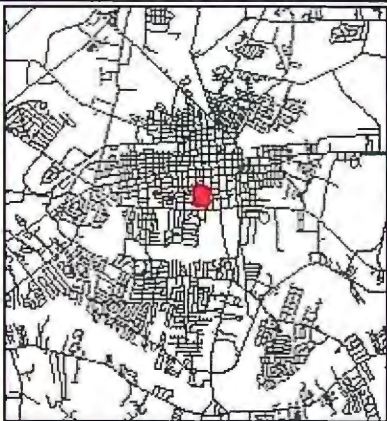
V. ATTACHMENTS:

- (1) Map showing the location of the property (Attachment 1)
- (2) Photographs (Attachments 2-5)


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director


Andrew H. Griffin
City Manager

Location Map



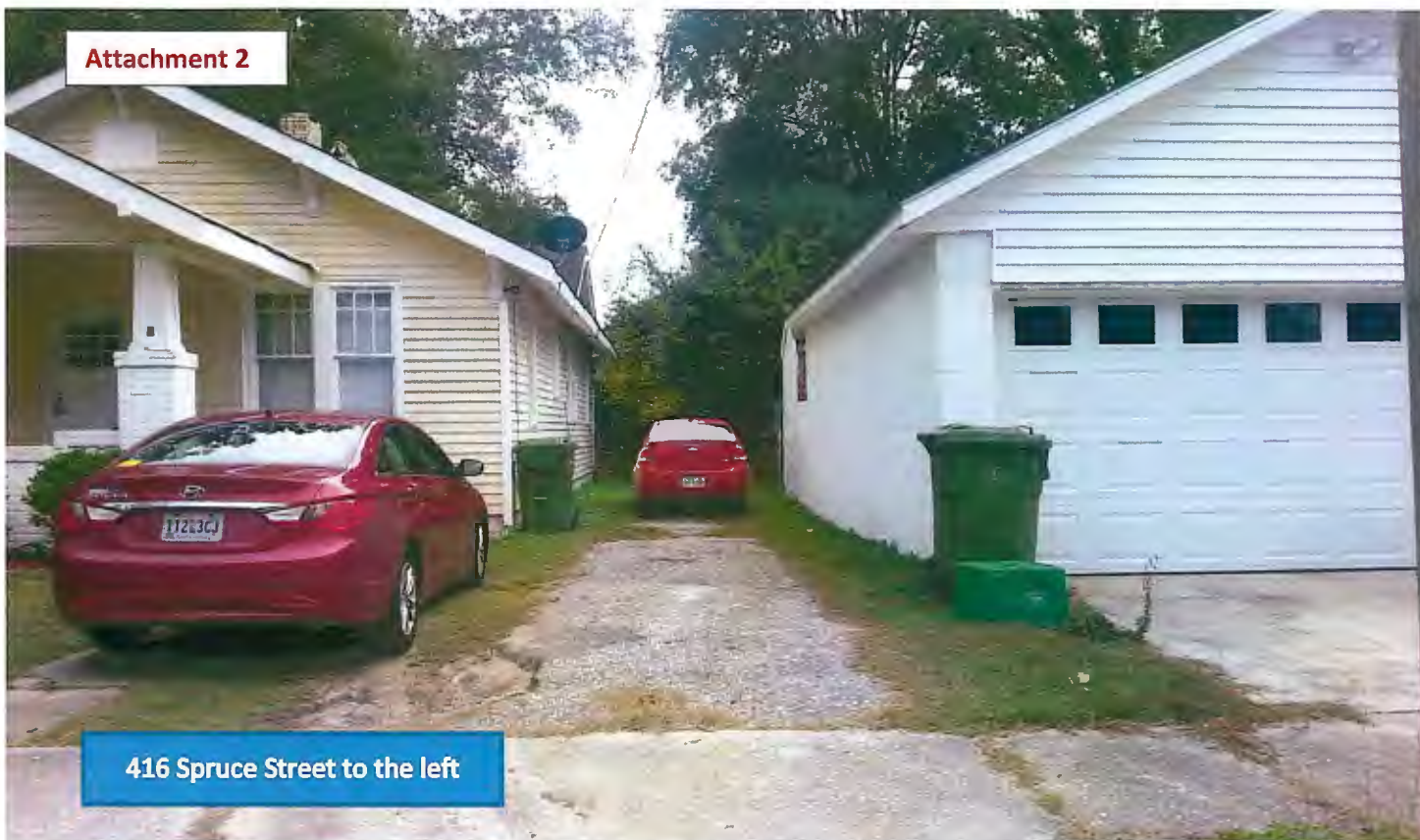
Legend

- Parcels
- RoadSegment



DISCLAIMER:
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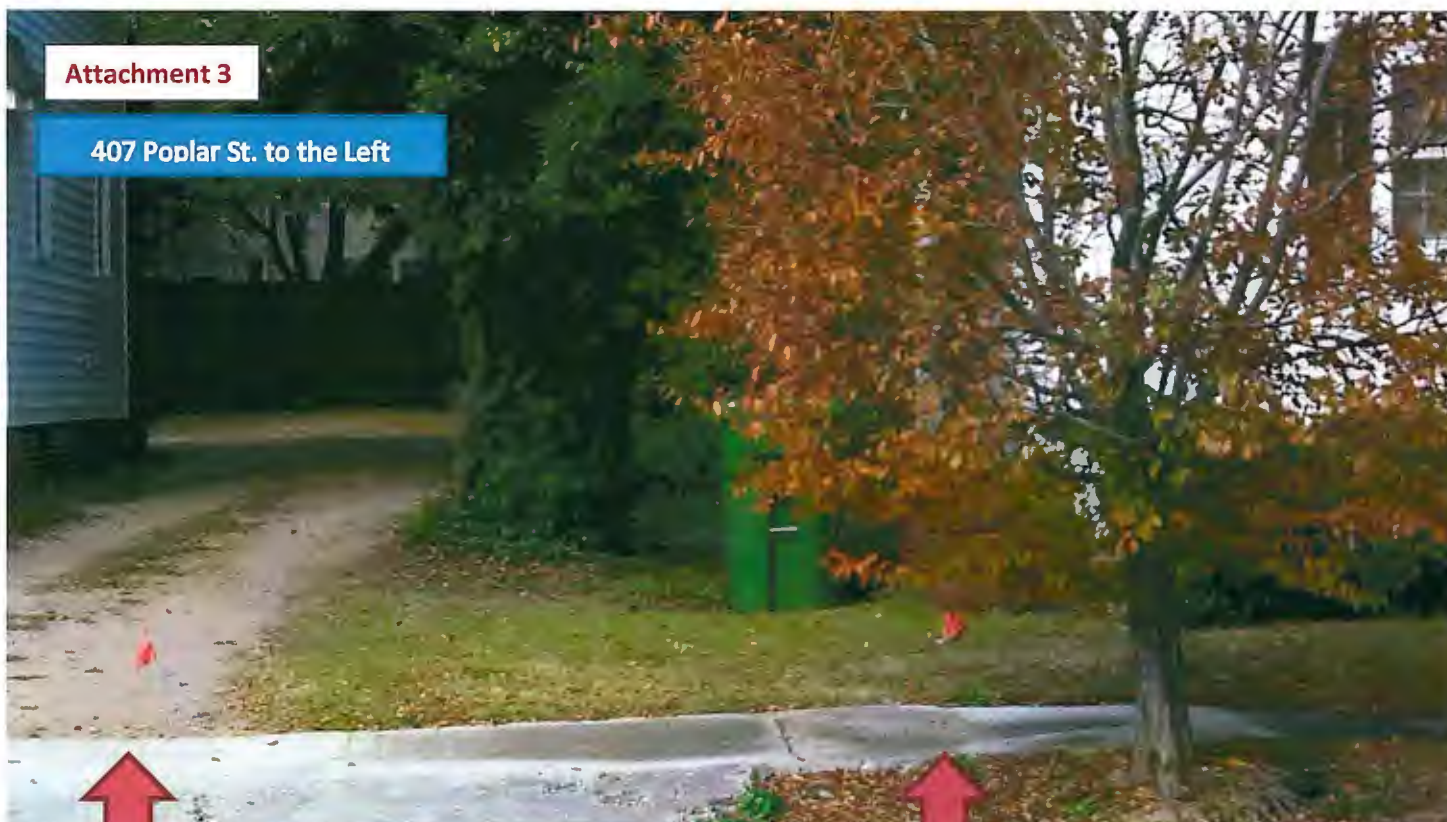
Attachment 2



416 Spruce Street to the left

Attachment 3

407 Poplar St. to the Left



Flags marking entrance to right-of-way off of Poplar Street

Attachment 4

Simulation of 90 degree
turn in 10 foot alley



Attachment 5

Recommended not
to abandon

Recommended for
abandonment



ORDINANCE NO. 2014_____

**AN ORDINANCE TO ABANDON A PORTION OF RIGHT-OF-WAY BETWEEN
POPLAR STREET AND SPRUCE STREET**

WHEREAS, a request has been made for the City to abandon its interest in a portion of the 10 foot right-of-way connecting the 400 block of Poplar Street with the 400 block of Spruce Street, more specifically the portion perpendicular to and connecting to Poplar Street and the portion running parallel to Poplar and Spruce Streets (see Attachment A), and;

WHEREAS, a public notice was published three times in the Morning News prior to the January 13, 2014 City Council meeting as required by City Code Section 2-28(b) and adjacent property owners and utility providers were notified.

**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 City of Florence abandons its interest a portion of the right-of-way which will then revert to the abutting property owners after the necessary legal documents have been completed.
2. That this Ordinance shall become effective seven days upon its approval and adoption by the City Council of the City of Florence.

ADOPTED THIS _____ DAY OF _____, 2014

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela, Mayor

Attest:

Dianne Rowan
Municipal Clerk

VII. b.
Bill No. 2014-02
Second Reading

CITY OF FLORENCE COUNCIL MEETING

DATE: January 13, 2014

AGENDA ITEM: Ordinance
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex three properties located in the Spaulding Heights Subdivision (Tax Map Numbers 90096-05-006, 90113-01-049, and 90096-03-007) into the City of Florence and zone said properties R-3, Single-Family Residential District. The request is being made by the property owners, Audrey Kirven, Betty Sellers, and Frances Diggs.

II. POINTS TO CONSIDER:

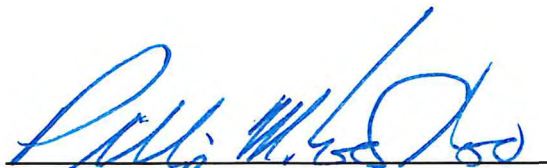
- (1) This request is being considered for first reading.
- (2) City water and sewer services are currently available; there is no cost to extend utility services.
- (3) A Public Hearing for zoning was held at the December 10, 2013 Planning Commission meeting. No one was present to voice concerns or support the request.
- (4) Planning Commission members voted 8-0 to recommend the zoning request of R-3, Single-Family Residential District.
- (5) City Staff recommends annexation, as it is in compliance with the comprehensive plan, and concurs with Planning Commission's recommendation to zone the property R-3, Single-Family Residential District, upon annexation.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

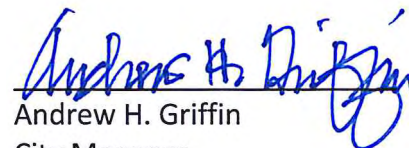
- (1) No previous action has been taken by City Council on this request.

IV. ATTACHMENTS:

- (1) Ordinance and map showing the location of the property.

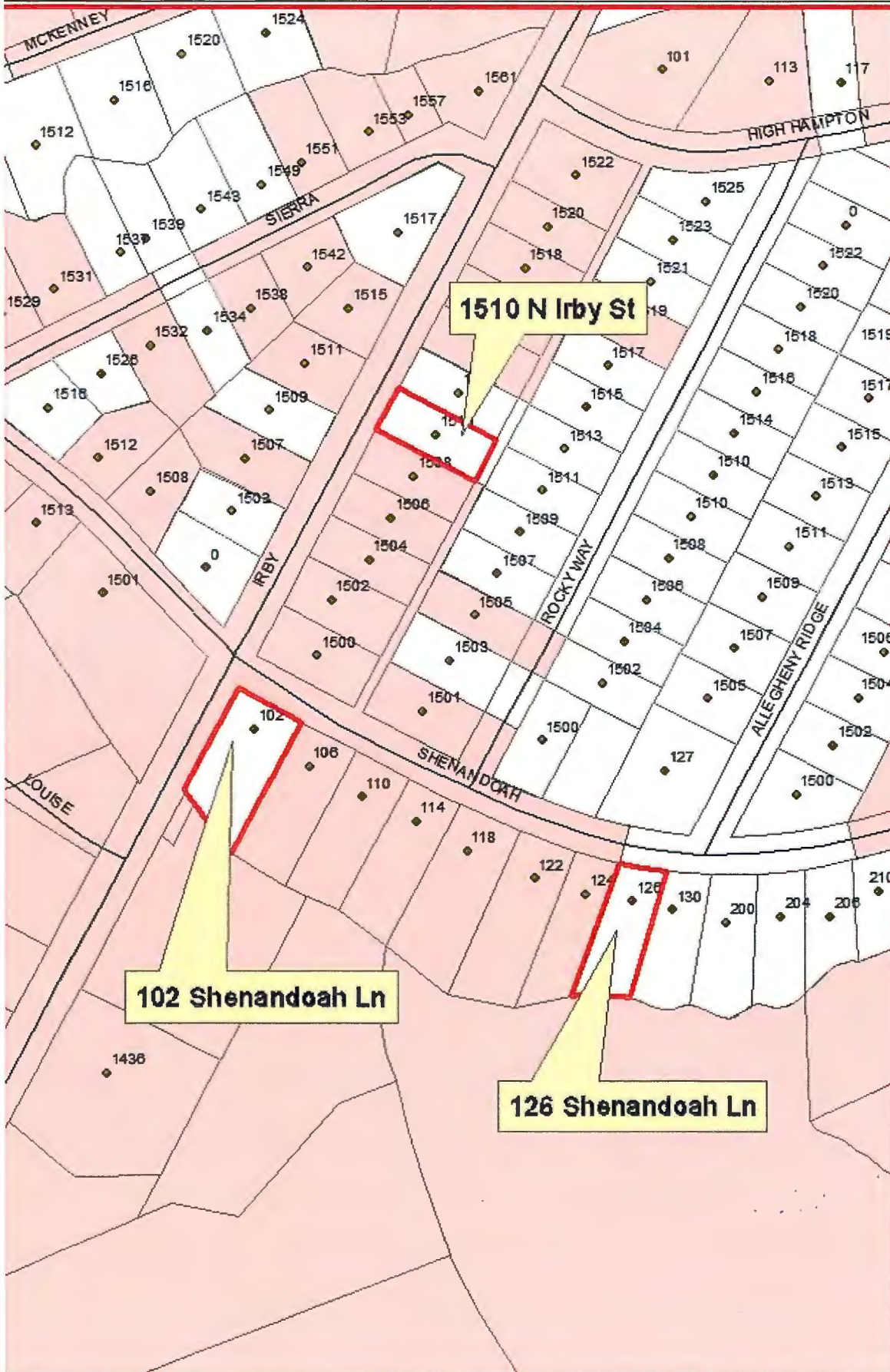
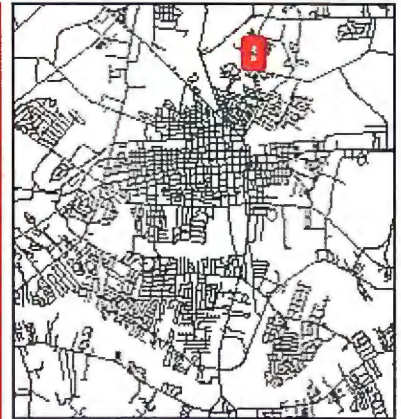


Phillip M. Lookadoo, AICP
Planning, Research, & Development Director



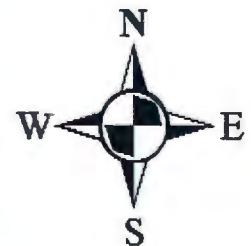
Andrew H. Griffin
City Manager

Attachment A Location Map



Legend

- Parcels
- RoadSegment
- Address
- City Limits



DISCLAIMER:
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ORDINANCE NO. 2014_____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY AUDREY KIRVEN, BETTY SELLERS, AND FRANCES DIGGS.

WHEREAS, a Public Hearing was held in the Council Chambers on December 10, 2013 at 6:30 P.M. before the City of Florence Planning Commission and notice of said hearing was duly given;

WHEREAS, applications by Audrey Kirven, owner of TMN 90096-05-006; Betty Sellers, owner of TMN 90113-01-049; and Frances Diggs, owner of TMN 90096-03-007 were presented requesting an amendment to the City of Florence Zoning Atlas that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina** and adding the zoning district classification of R-3, Single-Family Residential District:

The properties requesting annexation are shown more specifically on Florence County Tax Map 90096, block 05, parcel 006. (0.54 Acres); Florence County Tax Map 90113, block 01, parcel 049. (0.40 Acres); and Florence County Tax Map 90096, block 03, parcel 007. (0.30 Acres).

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

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

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

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

ADOPTED THIS _____ DAY OF _____, 2014

Ordinance No. 2014 - _____

Page 2 – January, 2014

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

CITY OF FLORENCE COUNCIL MEETING

DATE: January 31, 2014

AGENDA ITEM: Ordinance No. 2014-____: An ordinance adopting a redistricting plan for the three single member districts of City of Florence, South Carolina in accordance with the Federal Decennial Census of 2010.

DEPARTMENT/DIVISION: City Manager and City Attorney

I. ISSUE UNDER CONSIDERATION:

An ordinance adopting a redistricting plan for the three single member districts of City of Florence, South Carolina in accordance with the Federal Decennial Census of 2010.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

(a) The City of Florence, since 1977, has been governed by a City Council composed of seven members, one of whom is the mayor, with the mayor and three council members elected at large, and three council members elected from single member districts.

(b) The most recent change to the district lines occurred by the passage of Ordinance No. 2004-51 in order to realign the districts in accordance with the data from the 2000 Census.

(c) The U.S. Constitution, the South Carolina Code of Laws, §2-20 of the Florence Code of Ordinances, and the Voting Rights Act of 1965 all require that the city make sure that its three districts continue to comply with the Voting Rights Act of 1965 upon receipt and study of the new census data.

(d) The data from the 2010 Census indicates that the growth trends in the three districts since the 2000 Census have resulted in population deviation between the districts that exceeds the standards allowed. To bring the districts back into compliance with all standards, the boundaries of the districts require adjustment.

(e) City Staff has analyzed the Census data and, with the help of the state office of Research and Statistics, has developed several plans for review with council and the public. Numerous neighborhood meetings have been held throughout each of the districts in order to discuss plans and receive public input.

(f) Based upon input from council members and the public, the redistricting plan set forth in this ordinance has been chosen for submission to Council for first reading on January 31, 2014. This plan brings the population deviation among the districts into full compliance and remains in full compliance with all other standards set forth in the Voting Rights Act and other applicable laws.

(g) Notice has been given that, prior to second reading, Council will hold a Public Hearing on February 10, 2014 in order to receive any additional input or comments from the public on the proposed plan.

III. POINTS TO CONSIDER:

(a) This Ordinance would adopt changes to the boundaries of the districts to bring them into full compliance with the applicable laws and standards.

(b) Time is of the essence since the required notice of the election scheduled for November, 2014 will be accomplished by March 1, 2014.

IV. OPTIONS:

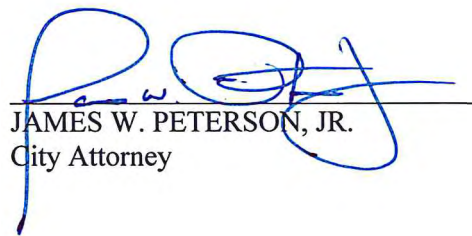
City Council may (1) adopt the Ordinance on first reading as presented based on information submitted; (2) amend the Ordinance and accomplish first reading; (3) defer action should additional information be needed; or (4) suggest other alternatives.

V. RECOMMENDATION:

City Manager and City Attorney recommend adoption of the Ordinance.

VI. ATTACHMENTS:

The Proposed Ordinance No.-____ with exhibits.



JAMES W. PETERSON, JR.
City Attorney

ORDINANCE NO. 2014-_____

AN ORDINANCE ADOPTING A REDISTRICTING PLAN FOR THE THREE SINGLE MEMBER DISTRICTS OF CITY OF FLORENCE, SOUTH CAROLINA IN ACCORDANCE WITH THE FEDERAL DECENNIAL CENSUS OF 2010.

WHEREAS, in compliance with the United States Constitution, the South Carolina Code of Laws, 1976, as amended, §2-20 of the Code of Ordinances of the City of Florence, South Carolina, and the United States Voting Rights Act of 1965, as amended, the City Council of Florence, South Carolina, has determined to realign the three (3) electoral districts for the election of three (3) members of City Council in accordance with the Federal Decennial Census of 2010;

WHEREAS, there presently exists three (3) single-member districts for the election of City Council members for Florence, South Carolina;

WHEREAS, this Ordinance is for the purpose of re-defining the boundaries of the three (3) single-member districts based upon the 2010 census data in order that the population of such districts shall comply with the requirements set forth in the Voting Rights Act of 1965;

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

1. The pertinent demographic data in reference to the proposed districts is attached to this Ordinance as Exhibit "A" and is incorporated herein by reference as if fully set forth herein verbatim.

2. The three (3) single-member election districts for the election of City Council members for Florence, South Carolina, are hereby redistricted to be as depicted on the map of the City of Florence which is attached to this Ordinance as Exhibit "B" and incorporated herein by

reference as if fully set forth herein verbatim. In addition, the areas annexed since the 2010 Census have been placed in the districts as shown on the document entitled "Annexations by District for Proposed Plan" which is attached hereto as a portion of Exhibit "A" and incorporated herein by reference as if fully set forth herein verbatim.

3. The City Manager is hereby authorized and directed to take such administrative actions as might be necessary to promulgate and execute such procedures and policies as may be necessary or desirable to carry into effect and implement the redistricted single-member election districts provided for in this Ordinance in accordance with any directions, suggestions, or objections from the Civil Rights Division, U. S. Department of Justice, after submittal of this Ordinance to the Department of Justice.

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

ADOPTED THIS _____ DAY OF _____, 2014.

Approved as to form:

JAMES W. PETERSON, JR.
City Attorney

STEPHEN J. WUKELA
Mayor

Attest:

DIANNE M. ROWAN
Municipal Clerk

EXHIBIT A
City of Florence - Proposed Plan

Proposed Plan As Of 2010 Census

District #	Persons	Dev.	% Dev.	Non-Hispanic White	% Non-Hispanic White	Non-Hispanic Black	% Non-Hispanic Black	All Other	% All Other	*VAP	%*VAP	Non-Hispanic White *VAP	% Non-Hispanic White *VAP	Non-Hispanic Black *VAP	% Non-Hispanic Black *VAP	All Other *VAP	% All Other *VAP
1	12048	-304	-2.46	4228	35.09	7262	60.28	558	4.63	9085	75.41	3371	37.11	5336	58.73	378	4.16
2	12658	306	2.48	4497	35.53	7715	60.95	446	3.52	9330	73.71	3607	38.66	5441	58.32	282	3.02
3	12350	-2	-0.02	9570	77.49	2141	17.34	639	5.17	9550	77.33	7633	79.93	1485	15.55	432	4.52

Annexations Since 2010 Census

District #	Persons	Dev.	Non-Hispanic White	% Non-Hispanic White	Non-Hispanic Black	% Non-Hispanic Black	All Other	% All Other	*VAP	%*VAP	Non-Hispanic White *VAP	% Non-Hispanic White *VAP	Non-Hispanic Black *VAP	% Non-Hispanic Black *VAP	All Other *VAP	% All Other *VAP
1	10	42.86	7	70	3	30	0	0.00	8	80.00	5	62.50	3	37.50	0	0.00
2	9	28.57	6	66.67	3	33.33	0	0.00	8	88.89	5	62.50	3	37.50	0	0.00
3	3	-57.14	3	100	0	0	0	0.00	3	100.00	3	100.00	0	0.00	0	0.00

Data With Annexations Added

District #	Persons		Dev.	Non-Hispanic White	% Non-Hispanic White	Non-Hispanic Black	% Non-Hispanic Black	All Other	% All Other	*VAP	%*VAP	Non-Hispanic White *VAP	% Non-Hispanic White *VAP	Non-Hispanic Black *VAP	% Non-Hispanic Black *VAP	All Other *VAP	% All Other *VAP
1	12058	-301	-2.44	4235	35.12	7265	60.25	558	4.63	9093	75.34	3376	37.13	5339	58.72	378	4.16
2	12667	308	2.49	4503	35.55	7718	60.93	446	3.52	9338	73.66	3612	38.68	5444	58.30	282	3.02
3	12353	-6	-0.05	9573	77.5	2141	17.33	639	5.17	9553	77.31	7636	79.93	1485	15.54	432	4.52

*Voting age population

EXHIBIT A

Annexations by District

District	Population	Non-Hispanic White	Non-Hispanic Black	Non-Hispanic White *VAP	Non-Hispanic Black *VAP	Ordinance
D1	0	0	0	0	0	2010-09
D1	0	0	0	0	0	2011-22
D1	2	2	0	2	0	2010-15
D1	0	0	0	0	0	2010-16
D1	1	0	1	0	1	2012-17
D1	0	0	0	0	0	2012-23
D1	5	5	0	3	0	2012-07
D1	2	0	2	0	2	2012-05
D1	0	0	0	0	0	2013-08
D1	0	0	0	0	0	2013-09
D1	0	0	0	0	0	2012-08
D1	0	0	0	0	0	2012-08
D1	0	0	0	0	0	2012-08
D1	0	0	0	0	0	2012-08
D1	0	0	0	0	0	2012-08
D1 Totals	10	7	3	5	3	
D2	1	0	1	0	1	2012-30
D2	2	2	0	2	0	2013-01
D2	2	0	2	0	2	2013-16
D2	4	4	0	3	0	2012-06
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2	0	0	0	0	0	2012-08
D2 Totals	9	6	3	5	3	
D3	3	3	0	3	0	2013-02
D3 Totals	3	3	0	3	0	
All District Total	22	16	6	13	6	

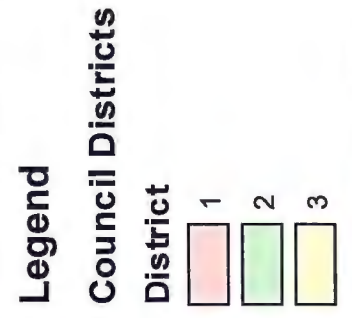
*Voting age population

City of Florence
Proposed Plan
Exhibit "B"

Legend
Council Districts
District

1	2	3
[Pink]	[Green]	[Yellow]

The map displays the city of Florence, South Carolina, divided into three council districts. District 1 is shaded pink, District 2 is shaded green, and District 3 is shaded yellow. Major roads shown include US Highway 76, US Highway 52, and US Highway 95. Numerous streets are labeled, including Wildcat, Regent, Kings, Estate, Missile, Third, Range, Stockade, Gailard, Pine, McLeod, Hill Side, Rutledge, Clarendon, Wawing, Doric, East, Andy, Maria, Discus, Wisdom, Sage, Ed-James, Stonewall, Rucker, Fawn, Bert, Spring Hill, Watts, Three, and Nowlin. The map also shows the locations of various schools and parks, such as the Florence School of the Arts and the Florence School of the Sciences.



VIII. a.
Bill No. 2014-04
First Reading

CITY OF FLORENCE COUNCIL MEETING

DATE: February 10, 2014

AGENDA ITEM: Ordinance
First Reading

DEPARTMENT/DIVISION: Department of Planning, Research & Development

I. ISSUE UNDER CONSIDERATION:

Request to annex two properties located on David H. McLeod Boulevard (Tax Map Numbers 00099-01-041 and 00123-01-033) into the City of Florence. The request is being made by the owner, SF-Florence-I, Ltd.

II. POINTS TO CONSIDER:

- (1) Request is being considered for first reading.
- (2) City water and sewer services are currently available; there is no cost to extend utility services.
- (3) By action of Council, consideration for zoning of these properties will be deferred to the Planning Commission for review and recommendation at their regularly scheduled March meeting.
- (4) The property is currently being developed and was permitted according to standards for development of unzoned properties Section 3-111 of the Florence County Zoning Ordinance which is the equivalent of Section 3.21 of the City of Florence Zoning Code.
- (5) City Staff recommends annexation.

III. CURRENT STATUS/PREVIOUS ACTION TAKEN:

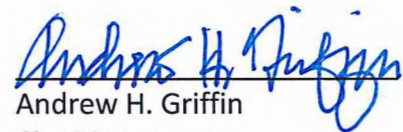
- (1) No previous action has been taken by City Council on this request.

IV. ATTACHMENTS:

- (1) Ordinance and map showing the location of the property.



Phillip M. Lookadoo, AICP
Planning, Research, & Development Director



Andrew H. Griffin
City Manager

Location Map

TMN's: 00099-01-041 and 00123-01-033



Legend

- Parcels
- RoadSegment
- City Limits



DISCLAIMER:

The City of Florence Urban Planning and Development Department 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.

ORDINANCE NO. 2014_____

AN ORDINANCE TO ANNEX AND ZONE PROPERTY OWNED BY SF-FLORENCE-I, LTD

WHEREAS, An application by SF-Florence-I, Ltd., the owner of TMN's 00099-01-041 and 00123-01-033, was presented requesting that the aforesaid properties be incorporated in the city limits of the City of Florence under the provisions of **Section 5-3-150(3) of the 1976 Code of Laws of South Carolina**:

The properties requesting annexation are shown more specifically on Florence County Tax Map 00099, block 01, parcel 041 (12.38 Acres); and Florence County Tax Map 00123, block 01, parcel 033 (1.09 Acres).

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

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

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

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

ADOPTED THIS _____ DAY OF _____, 2014

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela,
Mayor

Attest:

Dianne Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: February 10, 2014
AGENDA ITEM: Ordinance – First Reading
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

Amendment to the FY 2013-14 City of Florence General Fund Budget.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

Based on a midyear review of projections in the General Fund for FY 2013-14, budget reductions are proposed in the revenues and expenditures to ensure that the City maintains a realistic and balanced budget wherein revenues and expenditures are appropriately aligned.

III. POINTS TO CONSIDER

The objective of the proposed ordinance is to more closely align budgeted amounts with actual revenues and expenditures thereby eliminating or reducing significant variances between budgeted and actual amounts in both revenue and expenditure categories.

IV. STAFF RECOMMENDATION

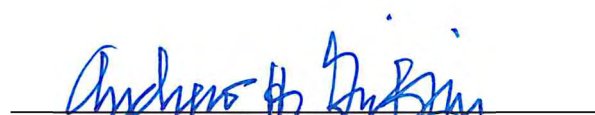
Approval and adoption of the proposed ordinance.

VI. ATTACHMENTS

A copy of the proposed ordinance and a summary of recommended revenue budget reductions by category and expenditure budget reductions by department.



Thomas W. Chandler
Finance Director



Andrew H. Griffin
City Manager

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET FOR THE CITY OF
FLORENCE, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING
JULY 1, 2013 AND ENDING JUNE 30, 2014.**

BE IT ORDAINED by the City Council of the City of Florence, South Carolina, in a meeting duly assembled and by the authority thereof that the budget for the City of Florence, South Carolina, for the fiscal year beginning July 1, 2013 and ending June 30, 2014, is hereby amended as follows:

Section 1. That the revenues of the General Fund in said budget is hereby amended by revising line item appropriations in all categories for a net reduction in total General Fund revenues of \$181,000.

Section 2. That the expenditures of the General Fund in said budget is hereby amended by revising departmental and non-departmental expenditures for a net reduction in total General Fund expenditures of \$181,000.

A summary of recommended revenue budget reductions by category and expenditure budget reductions by department is attached hereto and is incorporated by reference as a permanent part of this Ordinance.

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

ADOPTED THIS _____ DAY OF _____, 2014.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Diane Rowan
Municipal Clerk

MID-YEAR REVIEW SUMMARY				
FISCAL YEAR 2013-14				
100 GENERAL FUND				
REVENUES				
CATEGORY	CODE	CURRENT BUDGET	INCREASE/ (DECREASE)	ADJUSTED BUDGET
Property Taxes	100100	\$9,219,600	(\$100,000)	\$9,119,600
Licenses and Fees	100110	\$11,051,000	(\$255,000)	\$10,796,000
Governmental Reimbursements	100120	\$3,019,600	\$18,500	\$3,038,100
Charges for Services	100130	\$1,901,800	(\$6,500)	\$1,895,300
Fines and Forfeitures	100140	\$700,000	(\$37,000)	\$663,000
Investment Earnings	100300	\$21,000	\$3,000	\$24,000
Miscellaneous Revenues	100325	\$363,000	(\$49,000)	\$314,000
Other Funding Sources	100375	\$1,692,700	\$320,000	\$2,012,700
Transfers	100390	\$4,258,000	(\$75,000)	\$4,183,000
TOTAL REVENUES		\$32,226,700	(\$181,000)	\$32,045,700
EXPENDITURES				
DEPARTMENT	CODE	CURRENT BUDGET	INCREASE/ (DECREASE)	ADJUSTED BUDGET
City Council	41000	\$268,750	(\$9,310)	\$259,440
City Court	41200	\$554,460	(\$15,160)	\$539,300
City Manager	41300	\$378,420	(\$1,180)	\$377,240
Finance and Accounting	41501	\$792,180	\$39,410	\$831,590
HR/Risk Management	41600	\$453,860	\$46,590	\$500,450
Community Services	41900	\$454,650	(\$112,840)	\$341,810
Police	42100	\$9,542,870	(\$73,130)	\$9,469,740
Fire	42200	\$5,474,360	(\$106,980)	\$5,367,380
Beautification and Facilities	43020	\$2,572,330	(\$84,810)	\$2,487,520
Sanitation	43022	\$3,097,250	(\$52,790)	\$3,044,460
Equipment Maintenance	43023	\$427,720	\$7,300	\$435,020
Recreation Programs	43024	\$1,270,410	\$36,400	\$1,306,810
Athletic Programs	43025	\$1,302,990	(\$10,740)	\$1,292,250
Planning, Research and Development	46300	\$356,680	\$44,440	\$401,120
Other Employee Benefits	49000	\$507,570	\$13,000	\$520,570
General Insurance/Claims	49100	\$397,000	\$30,000	\$427,000
Community Programs	49200	\$241,000	\$0	\$241,000
Nondepartmental	49300	\$4,134,200	\$68,800	\$4,203,000
TOTAL EXPENDITURES		\$32,226,700	(\$181,000)	\$32,045,700
EXCESS REVENUES/(EXPENDITURES)		\$0	\$0	\$0

IX. a.
Resolution
No. 2014-01

FLORENCE CITY COUNCIL MEETING

DATE: February 10, 2014
AGENDA ITEM: Resolution
SPONSORED BY: Council Member Robby Hill
DEPARTMENT/DIVISION: Finance

I. ISSUE UNDER CONSIDERATION

A resolution amending Section III of the City of Florence, SC Purchasing and Contracting Procedures Manual to establish a vendor preference for local and minority business enterprises.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

A. A number of municipalities and counties in South Carolina have adopted a policy allowing for preference of local and minority business enterprise vendors when formal bids are received in the Invitation to Bid process.

B. Local businesses are usually defined as persons, firms, contractors, corporations, or other business entities which have a physical business address within the City or County limits and are authorized to engage in business by having a valid City of Florence business license.

C. A minority business enterprise (MBE) is defined as an MBE that is certified in accordance with South Carolina Code of Regulations § 19-445.2160, as authorized by §11-35-5270 the Code of Laws of South Carolina, as amended.

III. POINTS TO CONSIDER

A. There are a number of options and policy variations that may be considered for local and MBE preference. However, the approach that best provides preference while maintaining good stewardship of public funds is one that allows the local or MBE bidder to match the lowest bid if that local or MBE bidder submitted a bid within an established percentage of the lowest bid received when lowest bid is the principal determining factor in the selection process.

B. The local/MBE preference policy would help ensure that City funding is used to stimulate the local economy. The policy would also serve to forge partnerships with local and MBE businesses resulting in long term benefits. Additionally, the use of local vendors may result in other benefits such as lower shipping and delivery costs as well as swift, responsive customer service.

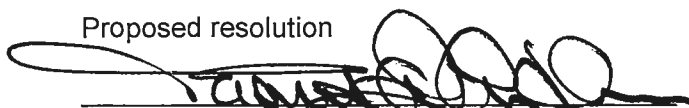
C. If a procurement is to be bid pursuant to state funding requirements, federal funding requirements, bond covenants, or other outside funding source requirements which prohibit or restrict local or MBE preference, then no local or MBE preference consideration will be given.

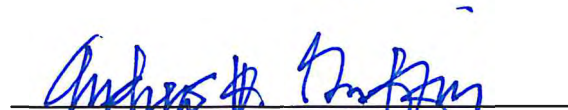
IV. STAFF RECOMMENDATION

Approval and adoption of the proposed resolution

V. ATTACHMENTS

Proposed resolution


Thomas W. Chandler
Finance Director


Andrew H. Griffin
City Manager

RESOLUTION NO. 2014-_____

A RESOLUTION AMENDING SECTION III OF THE CITY OF FLORENCE, SC PURCHASING AND CONTRACTING PROCEDURES MANUAL ESTABLISHING A LOCAL AND MINORITY BUSINESS ENTERPRISE VENDOR PREFERENCE PROGRAM

WHEREAS, the City Council of the City of Florence, SC has the authority to adopt and amend policies and procedures that embody sound principles of appropriately competitive procurement as provided in §11-35-50 of the South Carolina Code of Laws, as amended ; and

WHEREAS, policies that encourage the use of local businesses serve to enable local hiring and strengthen the local economy. Additionally, policies that encourage the use of minority business enterprises foster the success of these businesses; and

WHEREAS, the City Council of the City of Florence deems it appropriate and valid to support local and minority business enterprises when possible; and

WHEREAS, City Council has determined that it is in the best interest of the City of Florence to adopt policies and practices that serve to strengthen the local economy and promote minority business enterprises, and

WHEREAS, City Council desires to amend the City's Purchasing and Contracting Procedures Manual to include a Local and Minority Business Enterprise Preference Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Florence, South Carolina that Section III of the City of Florence Purchasing and Contracting Procedures Manual be amended by adding Subsection 19 to read as follows:

19. LOCAL AND MINORITY BUSINESS ENTERPRISE PURCHASING PROGRAM

When lowest bid is the principal determining factor in a bid selection process it is the intent of the City of Florence to provide preference first to local businesses within the City or County of Florence; however, if no local business is eligible or able to participate, preference shall then be provided by the City to minority business enterprises based on the following guidelines:

- A. For purposes of this policy, a "local business" is defined as a person, firm, contractor, corporation, or other business entity offering the services and/or products being bid by the City that maintain a place of business and have a physical business address located and operating within the City or County of Florence. The business must have been established for not less than one year within the City or County of Florence and have a valid City of Florence Business License for a minimum of 12 months prior to the bid date.
- B. For purposes of this policy, a minority business enterprise (MBE) is defined as an MBE that is certified in accordance with South Carolina Regulations § 19-445.2160, as authorized by §11-35-5270 the South Carolina Code of Laws, as amended.
- C. When lowest bid is the principal determining factor in the selection process any "local business" as defined in Subsection A above that submits a responsible and responsive bid within 5% (if the business is located within the City of Florence) or 3% (if the business is located within Florence County) of the non-local bidder who submitted the

lowest bid may match the bid submitted by the non-local bidder. A "local business" that is within the percentage guidelines of the lowest bid received shall then be eligible for award of the contract.

- D. If the lowest bid is not a "local business" and a "local business" is within the percentage guidelines of the lowest bid received, the "local business", subject to the provision of Subsection H below, shall be awarded the contract if it is willing to provide goods or services at the same price of the lowest bid received.
- E. If conditions of Subsections C above are met and the qualified "local business" declines or is unable to match the lowest bid, then the option to do so moves to the next qualified "local business", if such business' bid is within the percentage guideline of the lowest bid, and is similarly responsible and responsive.
- F. In the event there is no "local business" eligible or willing to match the lowest bid, the lowest responsible and responsive bid submitted by an MBE, if any, would be allowed the opportunity to match the bid submitted by the non-local bidder and thereby be awarded the contract when lowest bid is the primary determining factor in the bid selection process.
- G. If a procurement is to be made pursuant to state funding requirements, federal funding requirements, bond covenants, or other outside funding source requirements which prohibit or restrict local or MBE preference, then no local or MBE preference consideration will be given.
- H. The provisions for a local or MBE preference does not prohibit the right of the City to compare quality of materials proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, contractors, corporations, or other business entities submitting bids. Accordingly, the local or MBE preference for a particular procurement may be waived by the City Manager upon written justification and recommendation by the Department Director.

This resolution shall become effective immediately upon adoption.

ADOPTED THIS _____ DAY OF _____, 2014.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne Rowan
Municipal Clerk

FLORENCE CITY COUNCIL MEETING

DATE: February 10, 2014

AGENDA ITEM: Resolution

DEPARTMENT/DIVISION: Finance

IX. b. Resolution No. 2014-02

I. ISSUE UNDER CONSIDERATION

A resolution agreeing to responsibilities and requirements established by the United States Department of Agriculture, Rural Development for the City of Florence to receive three grants through the Emergency Community Water Assistance Grant (ECWAG) program. Each of these grants will be used to provide for infrastructure upgrades to the Town of Timmonsville water system.

II. PREVIOUS ACTION TAKEN/CURRENT STATUS

A. After working for many months with the Town of Timmonsville, USEPA, and SCDHEC regarding the City's acquisition of the Timmonsville Water and Sewer System to provide water and wastewater services to the Timmonsville service area, the Timmonsville System was conveyed to the City of Florence on January 9, 2014.

B. Several grants, totaling approximately \$4.5 million, were identified by the City as part of the financial plan developed for the acquisition of the Timmonsville System to offset the \$18 million estimated total system repair and upgrade cost.

III. POINTS TO CONSIDER

A. Included in these identified grants are three ECWAG grants from Rural Development totaling \$800,000 that are available to the City of Florence to assist in providing Timmonsville water system improvements.

B. The ECWAG grants represent a portion of the essential grant funding sources needed to ensure the feasibility of the Timmonsville water and sewer system acquisition. The other grant sources for the Timmonsville water and sewer system upgrades include an EDA grant, a Community Development Block Grant through the Community Infrastructure Program, and SRF Loan Principal Forgiveness funds.

C. To obtain ECWAG grant funding, Rural Development requires the adoption of a resolution agreeing to responsibilities and requirements established by the United States Department of Agriculture, Rural Development for the City of Florence to receive these three grants.

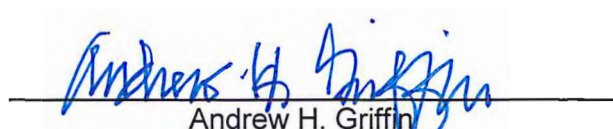
IV. STAFF RECOMMENDATION

Approval and adoption of the proposed resolution.

V. ATTACHMENTS

Proposed resolution and related Exhibits 1, 2, 3, and 4.


Thomas W. Chandler
Finance Director


Andrew H. Griffin
City Manager

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE CITY OF FLORENCE, SOUTH CAROLINA AGREEING TO THE RESPONSIBILITIES AND REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT FORM RD 1940-1 "REQUEST FOR OBLIGATION OF FUNDS" AND RUS BULLETIN 1780-12, "WATER AND WASTE SYSTEM GRANT AGREEMENT", AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THESE FORMS AND AFFIRMING THE EXECUTED FORMS RD 400-1, "EQUAL OPPORTUNITY AGREEMENT, AND RD 400-4, "ASSURANCE AGREEMENT"

WHEREAS, the Timmonsville Water and Sewer System ("the System") was conveyed to the City of Florence ("the City") on January 9, 2014; and

WHEREAS, prior to conveyance, the City developed a financing plan to ensure the financial feasibility of ownership, upgrade, and operation of the System that incorporated the use of numerous grants and state revolving fund loans to finance required System improvements at an estimated cost of \$12.5 million; and

WHEREAS, the City is eligible to receive three grants from the United States Department of Agriculture, Rural Development Emergency Community Water Assistance Grant (ECWAG) program; and

WHEREAS, these three grants, in the amounts of \$150,000, \$500,000 and \$150,000, for a cumulative total of \$800,000, will be used to provide a variety of water infrastructure improvements to the System; and

WHEREAS, the City must adopt a resolution agreeing to certain responsibilities and requirements to receive these three grants from Rural Development.

NOW THEREFORE BE IT RESOLVED, by the City Council of Florence, South Carolina, duly assembled this 10th day of February 2014, that for each of the three ECWAG grants, the City

- a) agrees to the responsibilities and requirements of Form RD 1940-1, "Request for Obligation of Funds," and RUS Bulletin 1780-12, "Water or Waste System Grant Agreement," and
- b) authorizes the Mayor and Clerk to execute these forms and affirm the executed Form RD 400-1, "Equal Opportunity Agreement," and Form 400-4, "Assurance Agreement."

The Rural Development forms identified in a) and b) above are attached hereto as Exhibits 1, 2, 3, and 4, and are incorporated by reference as a permanent part of this Resolution.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED () Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.			
1. CASE NUMBER ST CO BORROWER ID		LOAN NUMBER	FISCAL YEAR
2. BORROWER NAME		3. NUMBER NAME FIELDS (1, 2, or 3 from Item 2)	
		4. STATE NAME	
		5. COUNTY NAME	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 - WHITE 4 - HISPANIC 2 - BLACK 5 - A/PI 3 - AI/AN		7. TYPE OF APPLICANT 1 - INDIVIDUAL 6 - ORG. OF FARMERS 2 - PARTNERSHIP 7 - NONPROFIT-SECULAR 3 - CORPORATION 8 - NONPROFIT-FAITH BASED 4 - PUBLIC BODY 9 - INDIAN TRIBE 5 - ASSOC. OF FARMERS 10-PUBLIC COLLEGE/UNIVERSITY 11-OTHER	
		8. COLLATERAL CODE 1- REAL ESTATE 4 - MACHINERY ONLY SECURED 5 - LIVESTOCK ONLY 2-REAL ESTATE 6 - CROPS ONLY AND CHATTEL 7 - SECURED BY 3 - NOTE ONLY OR BONDS CHATTEL ONLY 8 - RLF ACCT	
		9. EMPLOYEE RELATIONSHIP CODE 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC.	
10. SEX CODE 1 - MALE 3 - FAMILY UNIT 2 - FEMALE 4 - ORGAN. MALE OWNED 5 - ORGAN FEMALE OWNED 6 - PUBLIC BODY		11. MARITAL STATUS 1 - MARRIED 3 - UNMARRIED (INCLUDES 2 - SEPARATED WIDOWED/DIVORCED)	
		12. VETERAN CODE 1 - YES 2 - NO	
		13. CREDIT REPORT 1 - YES 2 - NO	
14. DIRECT PAYMENT (See FMI)		15. TYPE OF PAYMENT 1 - MONTHLY 3 - SEMI-ANNUALLY 2 - ANNUALLY 4 - QUARTERLY	
		16. FEE INSPECTION 1 - YES 2 - NO	
17. COMMUNITY SIZE 1 - 10,000 OR LESS (FOR SFH AND 2 - OVER 10,000 HPG ONLY)		18. USE OF FUNDS CODE (See FMI)	
COMPLETE FOR OBLIGATION OF FUNDS			
19. TYPE OF ASSISTANCE (See FMI)		20. PURPOSE CODE	
		21. SOURCE OF FUNDS	
		22. TYPE OF ACTION 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION	
23. TYPE OF SUBMISSION 1 - INITIAL 2 - SUBSEQUENT		24. AMOUNT OF LOAN	
		25. AMOUNT OF GRANT	
26. AMOUNT OF IMMEDIATE ADVANCE		27. DATE OF APPROVAL MO DAY YR	
		28. INTEREST RATE %	
		29. REPAYMENT TERMS	
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
30. PROFIT TYPE 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT			
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE-ASSUMPTION	
31. DISASTER DESIGNATION NUMBER (See FMI)		32. TYPE OF SALE 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN	
FINANCE OFFICE USE ONLY		COMPLETE FOR FP LOANS ONLY	
33. OBLIGATION DATE MO DA YR		34. BEGINNING FARMER/RANCHER (See FMI)	

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder

COPY 1 - Finance Office

COPY 2 - Applicant/Lender

COPY 3 - State Office

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0062. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Exhibit 1

CERTIFICATION APPROVAL

For All Farmers Programs

EM, OL, FO, and SW Loans

This loan is approved subject to the availability of funds. If this loan does not close for any reason within 90 days from the date of approval on this document, the approval official will request updated eligibility information. The undersigned loan applicant agrees that the approval official will have 14 working days to review any updated information prior to submitting this document for obligation of funds. If there have been significant changes that may affect eligibility, a decision as to eligibility and feasibility will be made within 30 days from the time the applicant provides the necessary information.

If this is a loan approval for which a lien and/or title search is necessary, the undersigned applicant agrees that the 15-working-day loan closing requirement may be exceeded for the purposes of the applicant's legal representative completing title work and completing loan closing.

35. COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL

36. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use the sum specified herein, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of such sum. I agree to report to USDA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of the sum specified herein has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 28 of this form. _____ YES _____ NO

WARNING: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

Date _____, 20 _____
(Signature of Applicant)

Date _____, 20 _____
(Signature of Co-Applicant)

37. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purpose of and subject to the availability prescribed by regulations applicable to this type of assistance.

(Signature of Approving Official)

Typed or Printed Name: _____

Date Approved: _____ Title: _____

38. TO THE APPLICANT: As of this date _____, this is notice that your application for financial assistance from the USDA has been approved, as indicated above, subject to the availability of funds and other conditions required by the USDA. If you have any questions contact the appropriate USDA Servicing Office.

Exhibit 1

Water and Waste System Grant Agreement

United States Department of Agriculture

Rural Utilities Service

THIS AGREEMENT dated _____, _____, between

a public corporation organized and operating under

(Authorizing Statute)

herein called "Grantee," and the United States of America acting through the Rural Utilities Service, Department of Agriculture, herein called "Grantor," WITNESSETH:

WHEREAS

Grantee has determined to undertake a project of acquisition, construction, enlargement, or capital improvement of a (water) (waste) system to serve the area under its jurisdiction at an estimated cost of \$ _____ and has duly authorized the undertaking of such project.

Grantee is able to finance not more than \$ _____ of the development costs through revenues, charges, taxes or assessments, or funds otherwise available to Grantee resulting in a reasonable user charge.

Said sum of \$ _____ has been committed to and by Grantee for such project development costs.

Grantor has agreed to grant the Grantee a sum not to exceed \$ _____ or _____ percent of said project development costs, whichever is the lesser, subject to the terms and conditions established by the Grantor. Provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the Conditions of the grant.

As a condition of this grant agreement, the Grantee assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive orders and other generally applicable requirements, including those set out in 7 CFR 3015.205(b), which hereby are incorporated into this agreement by reference, and such other statutory provisions as are specifically set forth herein.

NOW, THEREFORE, In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306(a) of The Consolidated Farm and Rural Development Act for the purpose only of defraying a part not to exceed _____ percent of the project development costs, as defined by applicable Rural Utilities Service instructions.

Grantee Agrees That Grantee Will:

A. Cause said project to be constructed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any modifications thereof prepared by Grantee and approved by Grantor.

B. Permit periodic inspection of the construction by a representative of Grantor during construction.

C. Manage, operate and maintain the system, including this project if less than the whole of said system, continuously in an efficient and economical manner.

D. Make the services of said system available within its capacity to all persons in Grantee's service area without discrimination as to race, color, religion, sex, national origin, age, marital status, or physical or mental handicap (possess capacity to enter into legal contract for services) at reasonable charges, including assessments, taxes, or fees in accordance with a schedule of such charges, whether for one or more classes of service, adopted by resolution dated _____, _____, as may be modified from time to time by Grantee. The initial rate schedule must be approved by Grantor. Thereafter, Grantee may make such modifications to the rate system as long as the rate schedule remains reasonable and nondiscriminatory.

E. Adjust its operating costs and service charges from time to time to provide for adequate operation and maintenance, emergency repair reserves, obsolescence reserves, debt service and debt service reserves.

F. Expand its system from time to time to meet reasonably anticipated growth or service requirements in the area within its jurisdiction.

G. Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a representative of the Grantor.

H. To execute any agreements required by Grantor which Grantee is legally authorized to execute. If any such agreement has been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this grant, another agreement of the same type need not be executed in connection with this grant.

I. Upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will repay to Grantor forthwith the original principal amount of the grant stated herein above with the interest at the rate of 5 percentum per annum from the date of the default. Default by the Grantee will constitute termination of the grant thereby causing cancellation of Federal assistance under the grant. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

J. Return immediately to Grantor, as required by the regulations of Grantor, any grant funds actually advanced and not needed by Grantee for approved purposes.

K. Use the real property including land, land improvements, structures, and appurtenances thereto, for authorized purposes of the grant as long as needed.

1. Title to real property shall vest in the recipient subject to the condition that the Grantee shall use the real property for the authorized purpose of the original grant as long as needed.

2. The Grantee shall obtain approval by the Grantor agency for the use of the real property in other projects when the Grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs or programs that have purposes consistent with those authorized for support by the Grantor.

3. When the real property is no longer needed as provided in 1 and 2 above, the Grantee shall request disposition instructions from the Grantor agency or its successor Federal agency. The Grantor agency shall observe the following rules in the disposition instructions:

(a) The Grantee may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the fair market value of the property.

(b) The Grantee may be directed to sell the property under guidelines provided by the Grantor agency. When the Grantee is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.

[Revision 1, 04/17/1998]

(c) The Grantee may be directed to transfer title to the property to the Federal Government provided that in such cases the Grantee shall be entitled to compensation computed by applying the Grantee's percentage of participation in the cost of the program or project to the current fair market value of the property.

This Grant Agreement covers the following described real property (use continuation sheets as necessary).

L. Abide by the following conditions pertaining to equipment which is furnished by the Grantor or acquired wholly or in part with grant funds. Equipment means tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above.

[Revision 1, 04/17/1998]

1. Use of equipment.

(a) The Grantee shall use the equipment in the project for which it was acquired as long as needed. When no longer needed for the original project, the Grantee shall use the equipment in connection with its other Federally sponsored activities, if any, in the following order of priority:

(1) Activities sponsored by the Grantor.

(2) Activities sponsored by other Federal agencies.

(b) During the time that equipment is held for use on the property for which it was acquired, the Grantee shall make it available for use on other projects if such other use will not interfere with the work on the project for which the equipment was originally acquired. First preference for such other use shall be given to Grantor sponsored projects. Second preference will be given to other Federally sponsored projects.

2. Disposition of equipment. When the Grantee no longer needs the equipment as provided in paragraph (a) above, the equipment may be used for other activities in accordance with the following standards:

- (a) Equipment with a current per unit fair market value of less than \$5,000. The Grantee may use the equipment for other activities without reimbursement to the Federal Government or sell the equipment and retain the proceeds.
- (b) Equipment with a current per unit fair market value of \$5,000 or more. The Grantee may retain the equipment for other uses provided that compensation is made to the original Grantor agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value or proceeds from sale of the equipment. If the Grantee has no need for the equipment and the equipment has further use value, the Grantee shall request disposition instructions from the original Grantor agency.

The Grantor agency shall determine whether the equipment can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the equipment shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by the Grantor agency to determine whether a requirement for the equipment exists in other Federal agencies. The Grantor agency shall issue instructions to the Grantee no later than 120 days after the Grantee requests and the following procedures shall govern:

- (1) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the equipment and reimburse the Grantor agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share ten percent of the proceeds for Grantee's selling and handling expenses.
- (2) If the Grantee is instructed to ship the equipment elsewhere the Grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the equipment, plus any reasonable shipping or interim storage costs incurred.
- (3) If the Grantee is instructed to otherwise dispose of the equipment, the Grantee shall be reimbursed by the Grantor agency for such costs incurred in its disposition.

3. The Grantee's property management standards for equipment shall also include:

- (a) Records which accurately provide for: a description of the equipment; manufacturer's serial number or other identification number; acquisition date and cost; source of the equipment; percentage (at the end of budget year) of Federal participation in the cost of the project for which the equipment was acquired; location, use and condition of the equipment and the date the information was reported; and ultimate disposition data including sales price or the method used to determine current fair market value if the Grantee reimburses the Grantor for its share.
- (b) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years to verify the existence, current utilization, and continued need for the equipment.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented.

(d) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

(e) Proper sales procedures shall be established for unneeded equipment which would provide for competition to the extent practicable and result in the highest possible return.

This Grant Agreement covers the following described equipment(use continuation sheets as necessary).

M. Provide Financial Management Systems which will include:

1. Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis.
2. Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.
3. Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
4. Accounting records supported by source documentation.

N. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm or photo copies or similar methods may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee's government which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts and transcripts.

O. Provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

P. Provide an audit report prepared in accordance with Grantor regulations to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations and this Agreement.

Q. Agree to account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes when the Grantee is a unit of local government. States and agencies or instrumentality's of states shall not be held accountable for interest earned on grant funds pending their disbursement.

R. Not encumber, transfer or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in item K above.

S. To include in all contracts for construction or repair a provision for compliance with the Copeland ``Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). The Grantee shall report all suspected or reported violations to the Grantor.

T. To include in all contracts in excess of \$100,000 a provision that the contractor agrees to comply with all the requirements of the Clean Air Act (42 U.S.C. §7414) and Section 308 of the Water Pollution Control Act (33 U.S.C. §1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. In so doing the Contractor further agrees:

[Revision 1, 11/20/1997]

1. As a condition for the award of contract, to notify the Owner of the receipt of any communication from the Environmental Protection Agency (EPA) indicating that a facility to be utilized in the performance of the contract is under consideration to be listed on the EPA list of Violating Facilities. Prompt notification is required prior to contract award.

2. To certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA list of Violating Facilities pursuant to 40 CFR Part 32 as of the date of contract award.

[Revision 1, 11/20/1997]

3. To include or cause to be included the above criteria and the requirements in every nonexempt subcontract and that the Contractor will take such action as the Government may direct as a means of enforcing such provisions.

As used in these paragraphs the term ``facility" means any building, plan, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a Grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement, contract, subgrant, or subcontract. Where a location or site of operation contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are co-located in one geographical area.

Grantor Agrees That It:

A. Will make available to Grantee for the purpose of this Agreement not to exceed \$_____ which it will advance to Grantee to meet not to exceed _____ percent of the project development costs of the project in accordance with the actual needs of Grantee as determined by Grantor.

B. Will assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans for sewer and water and with any State or area plans for the area in which the project is located.

C. At its sole discretion and at any time may give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (1) advisable to further the purpose of the grant or to protect Grantor's financial interest therein and (2) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Termination of This Agreement

This Agreement may be terminated for cause in the event of default on the part of the Grantee as provided in paragraph I above or for convenience of the Grantor and Grantee prior to the date of completion of the grant purpose. Termination for convenience will occur when both the Grantee and Grantor agree that the continuation of the project will not produce beneficial results commensurate with the further expenditure of funds.

In witness whereof Grantee on the date first above written has caused these presence to be executed by its duly authorized

attested and its corporate seal affixed by its duly authorized

Attest:

By _____

(Title) _____

By _____

(Title) _____

UNITED STATES OF AMERICA

RURAL UTILITIES SERVICE

By _____
(Title)

EQUAL OPPORTUNITY AGREEMENT

This agreement, dated _____ between _____

(herein called "Recipient" whether one or more) and United States Department of Agriculture (USDA), pursuant to the rules and regulations of the Secretary of Labor (herein called the 'Secretary') issued under the authority of Executive Order 11246 as amended, witnesseth:

In consideration of financial assistance (whether by a loan, grant, loan guaranty, or other form of financial assistance) made or to be made by the USDA to Recipient, Recipient hereby agrees, if the cash cost of construction work performed by Recipient or a construction contract financed with such financial assistance exceeds \$10,000 - unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965.

1. To incorporate or cause to be incorporated into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the USDA setting forth the provisions of this nondiscrimination clause.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the USDA, advising the said labor union or workers' representative of the contractor's commitments under this agreement and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of all rules, regulations and relevant orders of the Secretary of Labor.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the USDA Civil Rights Office, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by Law.
- (g) The contractor will include the provisions of paragraph 1 and paragraph (a) through (g) in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the USDA may direct as a means of enforcing such provisions, including sanctions for noncompliance: ~~Provided, however,~~ that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the USDA, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collections is 0575-0018. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

2. To be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the organization so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.
3. To notify all prospective contractors to file the required 'Compliance Statement', Form RD 400-6, with their bids.
4. Form AD-425, Instructions to Contractors, will accompany the notice of award of the contract. Bid conditions for all nonexempt federal and federally assisted construction contracts require inclusion of the appropriate "Hometown" or "Imposed" plan affirmative action and equal employment opportunity requirements. All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award.
5. To assist and cooperate actively with USDA and the Secretary in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary, that will furnish USDA and the Secretary such information such as , but not limited to, Form AD-560, Certification of Nonsegregated Facilities, to submit the Monthly Employment Utilization Report, Form CC-257, as they may require for the supervision of such compliance, and that it will otherwise assist USDA in the discharge of USDA's primary responsibility for securing compliance.
6. To refrain from entering into any contract or contract modification subject to such Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by USDA or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order.
7. That if the recipient fails or refuses to comply with these undertakings, the USDA may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the organization under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such organization; and refer the case to the Department of Justice for appropriate legal proceedings.

Signed by the Recipient on the date first written above.

_____	_____
Recipient	Recipient
 (CORPORATE SEAL)	_____
	Name of Corporate Recipient
Attest:	
_____	By _____
Secretary	President

USDA
Form RD 400-4
(Rev. 06-10)

ASSURANCE AGREEMENT
(Under Title VI, Civil Rights Act of 1964)

FORM APPROVED
OMB No. 0575-0018
OMB No. 0570-0062

The _____
(name of recipient)

(address)

("Recipient" herein) hereby assures the U. S. Department of Agriculture that Recipient is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et. seq.), 7 CFR Part 15, and Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Risk Management Agency, or the Farm Service Agency, (hereafter known as the "Agency") regulations promulgated thereunder, 7 C.F.R. § 1901.202. In accordance with that Act and the regulations referred to above, Recipient agrees that in connection with any program or activity for which Recipient receives Federal financial assistance (as such term is defined in 7 C.F.R. § 15.2) no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

1. Recipient agrees that any transfer of any aided facility, other than personal property, by sale, lease or other conveyance of contract, shall be, and shall be made expressly, subject to the obligations of this agreement and transferee's assumption thereof.
2. Recipient shall:
 - (a) Keep such records and submit to the Government such timely, complete, and accurate information as the Government may determine to be necessary to ascertain our/my compliance with this agreement and the regulations.
 - (b) Permit access by authorized employees of the Agency or the U.S. Department of Agriculture during normal business hours to such books, records, accounts and other sources of information and its facilities as may be pertinent to ascertaining such compliance.
 - (c) Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Agency or the U. S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.
3. The obligations of this agreement shall continue:
 - (a) As to any real property, including any structure, acquired or improved with the aid of the Federal financial assistance, so long as such real property is used for the purpose for which the Federal financial assistance is made or for another purpose which affords similar services or benefits, or for as long as the Recipient retains ownership or possession of the property, whichever is longer.
 - (b) As to any personal property acquired or improved with the aid of the Federal financial assistance, so long as Recipient retains ownership or possession of the property.
 - (c) As to any other aided facility or activity, until the last advance of funds under the loan or grant has been made.
4. Upon any breach or violation this agreement the Government may, at its option:
 - (a) Terminate or refuse to render or continue financial assistance for the aid of the property, facility, project, service or activity.
 - (b) Enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

Rights and remedies provided for under this agreement shall be cumulative.

In witness whereof, _____ on this
(name of recipient)

date has caused this agreement to be executed by its duly authorized officers and its seal affixed hereto, or, if a natural person, has hereunto executed this agreement.

(S E A L)

Recipient

Date

Attest: _____
Title

Title

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0018 and 0570-0062. The time required to complete this information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Exhibit 4

X. a
Appointments
Boards/Commissions

FLORENCE CITY COUNCIL MEETING

DATE: February 10, 2014

AGENDA ITEM: Report To Council / Boards & Commissions

DEPARTMENT/DIVISION: City Council

I. ISSUE UNDER CONSIDERATION:

Council will consider nominations for City Boards and/or Commissions.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN:

There is one Board/Commission that has an expired term.

III. ATTACHMENTS

Spreadsheet of Council Nominations to Boards and Commissions
Applications received to date



Andrew H. Griffin
City Manager

SCHEDULE OF COUNCIL NOMINATIONS TO BOARDS AND COMMISSIONS

Note: Schedule of appointments start with last appointment made.	District 1	District 2	District 3	At-Large 1	At-Large 2	At-Large 3	Mayor	Would like to be
	Ervin	Robinson	Brand	Willis	Wms-Blake	Hill	Wukela	reappointed
Accommodations Tax Advisory Committee								
City-County Agriculture Commission								
City of Florence Planning Commission								
City of Florence Zoning Board of Appeals								
City of Florence Design Review Board								
Historical Commission								
Housing Authority								
Parks & Beautification Commission - 1							X	Mr. John Jebaily - yes
Pee Dee Regional Transportation Authority								



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <i>Parks, Beautification and Leisure Services Commission</i>			
Your Name (Last, First, Middle) <i>Miller, John W</i>		County <i>Florence</i>	Council District <i>1 (one)</i>
Residential Address <i>1501 N. Carnaby Circle</i>		City <i>Florence</i>	State <i>South Carolina</i>
Mailing Address <i>1501 N. Carnaby Circle</i>		City <i>Florence</i>	Zip Code <i>29506</i>
Your Occupation - Title <i>Retired Grants Administrator</i>		Business Phone <i>N/A</i>	Residence Phone <i>843 669-6006</i>
Employer Name <i>SC Employment Commission</i>		E-Mail Address <i>jmillr70@sc.rr.com</i>	
Employer Address <i>1550 Gadsden St.</i>		City <i>Columbia</i>	State <i>South Carolina</i>
			Zip Code <i>29202</i>

General Qualifications

Are you a resident of the City? ☒ Yes ☐ No How Long? *67 yrs.*

Why would you like to serve? *See attached sheet*

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

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

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

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

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

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

Signature _____

Date _____

RETURN COMPLETED FORM TO:

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

FOR OFFICE USE ONLY

Received:	<i>8-6-2013</i>
Appointed to:	
Date:	

APPLICATION FOR BOARDS AND COMMISSIONS

John W. Miller

Why would you like to serve?

It can be said that a city is judged by its appearance and the quality of recreation it provides for its citizens. As a lifelong resident of the City Florence it has always been my goal to contribute to my community in every positive way that I can to enhance the lives of all citizens of this great city.

Do you presently serve on any Commissions/County/State?

Presently I serve as Vice-President of the Senior Citizens Association.

Have you formerly served on any Commissions/Boards of the City/County/State?

I am a past Chairman of the Florence County Senior Center Commission (2007-2009), and served on the Senior Center Commission from 2005 to 2010

Former President of the Florence Athletic Hall of Fame Board of Directors

Former member of the Boys and Girls Club of the Pee Dee Board of Directors

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence?

The Senior Citizens' Association

Are you involved in Community Activities?

Wilson High School Alumni Association

North Vista Elementary School Advisory Committee

Greater Wilson Heights Neighborhood Crime Watch

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

It is my intent to:(a) provide input in the ongoing gateway beautification effort presently underway;(b) advocate for more and improved recreational facilities; and (c) ensure that the services provided to our citizens are of comparable quality to services provided anywhere in the state.

X. b.
Surplus Property

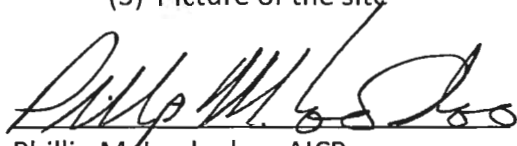
CITY OF FLORENCE COUNCIL MEETING

DATE: February 10, 2014

AGENDA ITEM: Report to Council

DEPARTMENT/DIVISION: Department of Planning, Research & Development

- I. ISSUE UNDER CONSIDERATION:** To declare as surplus property, land totaling 1.7 acres located on the corner of Francis Marion Road and Cox Road. The Town of Pamplico has determined a need to utilize the well as part of their water utility system.
- II. CURRENT STATUS/PREVIOUS ACTION TAKEN:**
- (1) The land currently has an underdeveloped well located on the site that the City acquired at time of purchase of the Florence County utility system.
 - (2) The City has no intention to produce water from the well and use the water as part of the city's water supply.
- III. POINTS TO CONSIDER:**
- (1) The well is located at 7342 Francis Marion Road.
 - (2) The total area of the property is approximately 1.7 acres.
 - (3) The property is located on the very southern edge of the City's franchise area.
 - (4) The site consists of the undeveloped well, the well casing (pipe protruding from the ground of approximately 3 feet) and 6 foot chain link fence surrounding the well casing.
 - (5) This well is of limited if any value to the City because hydraulically we are unable, without significant capital investment, to tie this water supply into the City's distribution.
 - (6) The Town of Pamplico has officially requested that the well and land be transferred to their ownership to facilitate the expansion of their water system from Hyman, SC to the Evergreen Area.
- IV. STAFF RECOMMENDATION:**
- Staff recommends that City Council declare the property surplus such that the property can be conveyed to the Town of Pamplico.
- V. ATTACHMENTS:**
- (1) Location map
 - (2) Letter from the Town of Pamplico requesting conveyance of the property
 - (3) Picture of the site



Phillip M. Lookadoo, AICP

Director

Department of Planning, Research, and Development



Andrew H. Griffin

City Manager

Location Map

Francis Marion Road Well



Legend

□ Parcels

— RoadSegment



**PLANNING, RESEARCH
& DEVELOPMENT**

DISCLAIMER:
The City of Florence Urban Planning and Development Department 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.

TOWN OF PAMPLICO

Mayor

Gene R. Gainey

Mayor Protempore

Lucius B. Eaddy

Clerk-Treasurer

Anne B. Miles

P.O Box 296 – 180 E. Main Street

Pamplico, SC 29583

(843) 493-5551 TEL

(843) 493-5013 FAX

pamplico-townclerk@sc.twcabc.com EMAIL

www.townofpamplico.com WEB

Council Members

Bruce M. Bennett

Robert Bostick

Ivan M. Coleman, Jr.

Harriet C. Cox

Lucius B. Eaddy

D. Marshall Munn

October 14, 2013

The Honorable Stephen Wukela

Mayor, City of Florence

PO Box 13057

Florence, SC 29504

Re: Cox and FMC Roads – Well

Dear Mayor Wukela:

On April 10, 2013, Engineer Mike Hanna and I met with you and your City Manager, Mr. Drew Griffin to discuss the possibility of donating your inactive Francis Marion Road Well to the Town of Pamplico.

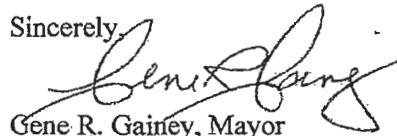
The Town of Pamplico currently owns and operates a water system that serves 619 customers and has two wells and one elevated water storage tank. One of our wells is approaching fifty (50) years old in age and produces excellent water quality and the other well at Hyman, SC is only ten (10) years old and produces very good water. We are not connected with any other water system and do not have a backup supply of water should we experience a catastrophic mechanical failure.

We are requesting that the City of Florence donate and transfer the inactive non used Francis Marion Road Well to the Town of Pamplico which will give us the opportunity to work towards long range plans of expanding our water system from our well at Hyman, SC to the Evergreen Area. The estimated cost to reactivate and bring the Francis Marion Road Well to active use is \$468,600.

We understand that the well was installed by Florence County several years ago as part of the Florence County Water System but that the City of Florence acquired the well when they took over the county system and that you have no plans to utilize it. If the City of Florence agrees to transfer this asset to the Town of Pamplico then we will begin immediately to work on the finances to connect the Hyman and Francis Marion Road Wells together.

We appreciate your consideration and reply in this matter.

Sincerely,



Gene R. Gainey, Mayor

Cc: Bruce Bennett, Council Member Water & Sewer, Drew Griffin, Florence City Manager,
Mike Hanna, PE, Hanna Engineering, Glenn Lane, Town Administrator, Town Council Members.

